

ORDINANCE NO. 94-1002**AN ORDINANCE REQUIRING THE INSTALLATION OF WATER CONSERVATION DEVICES ON FAUCETS, SHOWER HEADS, AND TOILETS IN ANY NEW CONSTRUCTION AND IN ANY REMODELING OF BUILDINGS IN THE BIG SKY COUNTY WATER AND SEWER DISTRICT # 363.**

BE IT ORDAINED by the Board of Directors of the Big Sky County Water and Sewer District No. 363 as follows:

1. **Purpose.** The purpose of this ordinance is to implement water conservation performance standards in the construction of new buildings requiring plumbing and plumbing fixtures and in the remodeling of existing buildings in which plumbing or plumbing fixtures are modified. The implementation of water conservation performance standards will both conserve water and reduce the load on the wastewater treatment plant operated by Sewer District No. 363.
2. **Definitions.**
 - (a) "Person" means any individual, corporation, partnership, firm, company, association, or local, state, or federal governmental agency.
 - (b) "Permit" means a permit to install plumbing or plumbing fixtures in a building within the district.
 - (c) "District" means the Big Sky County Water and Sewer District No. 363 or its authorized representatives.
 - (d) "Modification" means replacement of shower heads, faucets, or water closets which do not require or are a part of changes to the physical structure of the unit within which they have been originally installed.
3. **Application.** This ordinance applies to all new construction and all remodeling involving the replacement of plumbing fixtures in all residential, hotel, motel, industrial, or commercial use or in other occupancies which the Board of Directors determines to use significant quantities of water.

4. Water Efficiency Standards.

(a) The maximum water use allowed in gallons per flush (gpf) for any of the following water closets installed after the effective date of this ordinance is:

- (i) gravity tank-type toilets.....1.6 gpf
- (ii) flush-o-meter tank toilets.....1.6 gpf
- (iii) electromechanical hydraulic toilets.....1.6 gpf
- (iv) blowout toilets.....3.5 gpf
- (v) urinal.....1.0 gpf
- (vi) gravity tank-type 2-piece toilet which bears the label “commercial use only”.....3.5 gpf

(b) The maximum water use for showerheads installed after the effective date of this ordinance is 2.5 gallons per minute (gpm) which measures at a flowing water pressure of 80 pounds per square inch.

(c) The maximum water use allowed for any of the following faucets installed after the effective date of this ordinance is:

- (i) lavatory faucets.....2.5 gpm
- (ii) lavatory replacement aerators.....2.5 gpm
- (iii) kitchen faucets.....2.5 gpm
- (iv) kitchen replacement aerators.....2.5 gpm
- (v) metering faucets.....0.25 gpm

(d) No urinal or water closet that operates on a continuous flow or continuous flush basis is permitted.

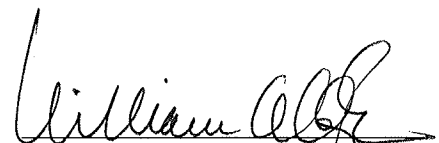
5. Public Restrooms. Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended.

6. Permits.

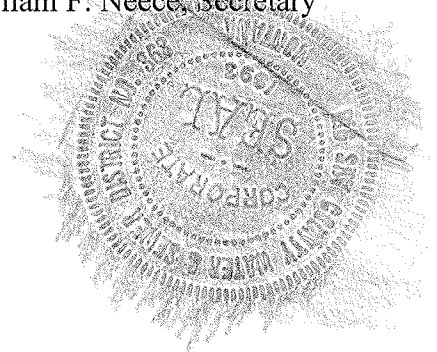
(a) No person may construct a new building requiring plumbing or plumbing fixtures without first obtaining a permit from the district. The application for a permit under this ordinance may be submitted on the application form required under section 4 of Ordinance No. 94-1001, relating to connection to the waste water treatment system. No variance is available from the water conservation performance standards described in this ordinance.

(b) No permit shall be required for the modification of existing plumbing fixtures. Any person proposing the modification of existing fixtures shall notify the district no later than five days before commencing the modification. The modification of fixtures must conform to the water conservation performance standards described in this ordinance.

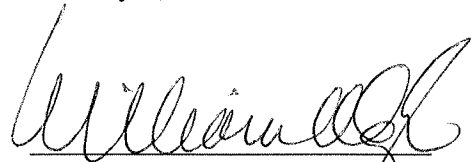
7. **Inspections.** Any person completing new construction or modifications to plumbing fixtures shall notify the district as soon as the new construction or modification is ready for inspection. The district may inspect the modification within 72 hours of notification.
8. **Penalty.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a criminal penalty of up to six months in jail and a fine of \$500.
9. **Effective Date.** The effective date of this ordinance is February 21, 1995.

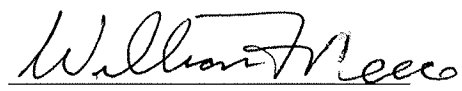

William A. Ogle, President


William F. Neece, Secretary



3. **Violations.** That it shall be unlawful for any person, entity, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any plumbing system, fixture, appurtenance, or appliance, or permit the same to be done in violation of the Uniform Plumbing Code.
4. **Penalties.** That any person, entity, firm, or corporation violating any provision of the Uniform Plumbing Code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a criminal penalty of up to six (6) months in jail and a fine of five hundred dollars (\$500). Each separate day or any portion thereof, during which any violation of the Uniform Plumbing Code occurs or continues, shall be deemed to constitute a separate offense.
5. **Validity of Ordinance.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. Water & Sewer District No. 363 hereby declares that it would have passed this ordinance, each section, subsection, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
6. **Effective Date.** The effective date of this ordinance is July 1, 1995.


William A. Ogle, President


William F. Neece, Secretary