

RAE Water and Sewer District

Ordinance No. O-180620

An Ordinance pertaining to the use of the Public Wastewater System, RAE Water and Sewer District

Purpose and Intent: The purpose and intent of this Ordinance is to clarify the uses of the public wastewater system. This includes the type of wastewater, amount of flow, and the responsibilities of the various parties for maintaining lines.

ARTICLE 1: USE OF THE PUBLIC SEWER SYSTEM

Section 1.1: DISTRICT BOUNDARIES-SERVICE AREA. The public system serves the residential and commercial users located within the boundaries of the District as established by the Board pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA. The Board may by contractual agreement provide service to property located outside of the District boundary as allowed by law.

Section 1.2: PROHIBITIONS & LIMITATIONS

- A. Except as provided in this ordinance, a person is prohibited from discharging or causing to be discharged any of the following wastes or substances to the public system:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 2. Any stormwater, rainwater, floodwater or water originating from a sump pump or seepage pit, basement drainage water, or discharge from foundation drains;
 3. Any water from a swimming pool drain. Pools are not to be discharged to the wastewater system. Particularly when draining them. The chlorine overwhelms the treatment bacteria, and the large load puts stress on the entire treatment process.
 4. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility;
 5. Any substance, which if disposed of in any other method than to the public system, would be classified or defined as a hazardous waste under 40 CFR, Part 261.

ARTICLE 2: PUBLIC SYSTEM RATE, FEE AND CHARGE METHODS

Section 2.1: POLICY. It is the policy of the District to obtain sufficient revenues to pay all costs of the operation, maintenance & replacement (OM&R), and debt service for the public system through a system of user fees as defined in this Article.

Section 2.2: USER FEE METHOD. The user fee method will assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of facilities.

A. Allocation of Costs to Public System Users

1. Public System Users. The costs for OM&R for the public system will be based on total wastewater flow, and normal domestic strength parameters for Biological Oxygen Demand (BOD) and Suspended Solids (SS), using metered water as the basis for charges.

The fixed and variable costs for the public system OM&R will be allocated to all residential and commercial users of the sewer system on the basis of metered water. In the event that a meter is not available then single family equivalent (SFE) will be used as the basis for billing.

2. Surcharges for Strength. Users whose wastewater exceeds normal strength wastewater will pay a surcharge. Normal domestic strength wastewater is defined as follows:

Waste Category

Biological Oxygen Demand (BOD): 200 mg/l.

Suspended Solids (SS): 240 mg/l.

Surcharge rates will be charged at the same unit costs per pound computed for normal strength wastewater. The concentration of wastewater used for computing surcharges will be established by wastewater sampling. Such sampling will be done as often as necessary by the District and will be binding as a basis for surcharge.

3. Surcharges for Flow. Connections to the public system that exceed normal flow will be charged at a rate equal to 1.5 times the base rate charge per SFE for the amount of flow that is demonstrated to exceed a daily average of 250 gallons per SFE. The surcharge will be applied for the period of time that flow exceeds a daily average of 250 gallons per SFE.

Section 2.3: ESTABLISHING RATES, FEES AND CHARGES. Rates, fees and charges for the public system will be set by the Board by separate Ordinance following a properly noticed public hearing if fees are established or changed. The rates, fees and charges will be reviewed as part of the annual budget process.

Section 2.4: CHARGE FOR INDUSTRIAL POLLUTANTS. Any person discharging industrial pollutants which cause an increase in the cost of treating the effluent or sludge from the District's wastewater treatment facility will pay for such.

Section 2.5: BILLING PRACTICE, COLLECTION & PENALTIES. Public system user fees will be billed monthly to the owner or occupant of the property served.

Section 2.6: PAYMENT OF USER FEES. User fees are due and payable when billed and become delinquent thirty one (30) days after the billing date.

Section 2.7: LATE PENALTY. The District will apply the Montana-allowable late payment penalty per month to all bills for public system services that have not been paid prior to the delinquent date.

Section 2.8: LIENS. Delinquent public system user fees will constitute a lien upon the property served by the public system. Liens will be executed against accounts that are ninety (90) days overdue pursuant to Montana law, 7-13-2301, MCA.

ARTICLE 3: SEWER CONSTRUCTION & LATERAL CONNECTIONS

Section 3.1: CONNECTION INSPECTIONS. Owners, renters, contractors, and any person must have permission from the District to alter, disturb, tamper, or make connections to the public system.

The person or contractor making a connection to the public system will have the site prepared safe for inspection and must give the District at least two (2) business days advance notice when the sewer lateral, and/or sewer lateral stub is ready for inspection and connection to the public sewer. The connection will be inspected, tested if required by the District, and approved by a person authorized by the District prior to backfilling. No connection inspections will be performed on Friday afternoons, weekends, or holidays.

Section 3.2: MATERIALS & METHODS OF CONSTRUCTION. Sewer laterals and lateral stubs are to be constructed and laid in accordance with the Montana Public Works Standard Specifications, or other applicable rules and regulations of the District. In the absence of code provisions, the materials and procedures set forth in applicable sections of the ASTM and WPCF Manual of Practice No. 9 will apply.

Section 3.3: SEWER LATERAL GRADE. Sewer laterals will be brought to the building at an elevation below the basement floor to provide a gravity flow connection to the sewer main wherever possible. In all buildings in which any building drain is too low to permit gravity flow to the public system, sewage will be lifted by an owner-provided and District-approved method and discharged to

the sewer lateral. All maintenance of wastewater lift stations or grinder pumps will be provided by the owner or an owner's association unless otherwise agreed upon in writing by the District, and maintained by the owner at the owner's expense.

Section 3.4: RESPONSIBILITY FOR REPAIR & MAINTENANCE. District is responsible for repair and maintenance of sewer mainlines. Customers are responsible for repair and maintenance of sewer laterals from building to mainline.

Section 3.5: STORM & GROUND WATER DRAINS. No person will connect roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or ground water to the public system. A building drain will be considered as an exception that must be approved by the District prior to connection to the public system. All storm and ground water drains as defined in this section that are connected to the public system will be disconnected at the owners expense within sixty (60) days of written notice from the District.

Section 3.6: SEPARATE CONNECTIONS. A separate and independent sewer lateral will be installed for every building that is connecting to the public sewer system. The District will review on a case-by-case basis and may approve a multiple-connection to a sewer lateral if it is not feasible to install an additional lateral, installing the lateral is cost prohibitive, or if the owner demonstrates that the lateral is sized large enough to accommodate projected flows from the property being served. In no case will multiple connections to a sewer lateral be permitted across property lines without the prior written consent of the District.

Section 3.7: GARBAGE DISPOSALS. Garbage grinders and garbage disposals are allowed to be connected to the public system from homes, institutions, restaurants, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

Section 3.8: GREASE, OIL & SAND INTERCEPTORS. Grease, oil and sand interceptors will be provided in accordance with applicable unit of government and state plumbing code requirements and when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Ordinance, or any flammable wastes, sand or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All interceptors will be of the type and capacity approved by the District, and will be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner will be responsible for the proper removal and disposal by appropriate means of the captured material and will maintain accurate records of the dates, type of material, means of disposal, and location of disposal. Such records will be readily available for review by the

District.

Section 3.9: DISTRICT APPROVAL. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities will be submitted for review and approval of the District prior to the start of their construction if the effluent from such facilities is to be discharged into the public system and the District requests plans to review. No construction of such facilities will commence until said approval has been granted.

ARTICLE 4: VIOLATIONS & PENALTIES

Section 4.1: ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the public system which causes damage to the wastewater treatment facility, or incidents of unreported industrial discharges to the system will be subject to Section 4.5.

Section 4.2: LIABILITY TO DISTRICT FOR LOSSES. Any person violating any provision of this Ordinance will, in addition to any penalty or fine which may be assessed against him, become liable to the District for any expense, loss or damage occasioned by reason of such violation which the District may suffer as a result thereof.

Section 4.3: VANDALISM AND NEGLIGENCE. No person will maliciously, willfully, or negligently break, damage, destroy, uncover, bury, deface, or tamper with any structure, appurtenance or equipment which is part of the public system.

Section 4.4: INJUNCTION. The District may seek an injunction against any person violating any provision of this Ordinance.

Section 4.5: FINES & PENALTIES FOR VIOLATION. The District may seek a fine against any person violating any provision of this Ordinance. The amount of a fine will be determined by the damage and liability that has been or potentially might be incurred by the District.

Minor Fines & Penalties For Violation. The district may seek a FINE NOT TO EXCEED five hundred dollars (\$500) or six months imprisonment, or both, against any person violating any provision of this Ordinance.

Major Fines & Penalties For Violation. The District may seek a penalty not to exceed \$1,000 per day for each violation, or six months imprisonment or both for the violation of any provision of this Ordinance relating to local or federal wastewater pretreatment standards implemented in the Federal Water Pollution Control Act, 33 USC1251 through 1387.

ARTICLE 5 ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION

Section 5.1: RIGHT OF ENTRY. The General Manager or other duly authorized employees of the District, bearing proper credentials and identification, and in accordance with the provisions of this Ordinance shall be permitted to enter all properties connected to the public system and easements for the purpose of inspecting, observing, testing, or auditing for the purpose of billing. The General Manager or other duly authorized employees are authorized to obtain information concerning processes which have been determined to have a direct bearing on the kind and source of discharge to the public system.

Section 5.2: HOLD HARMLESS. The owner or the occupant shall be held harmless for injury or death of District employees, and the District shall indemnify the owner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the owner, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

ARTICLE 6: VALIDITY

Section 6.1: INVALIDATION CLAUSE. Invalidity of any section, clause, sentence or provision in the Ordinance will not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

Section 6.2: AMENDMENT. The District, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

ARTICLE 7: EFFECTIVE DATE

Section 7.1: DATE OF EFFECT. This Ordinance will become effective on the date that the Board adopts the Ordinance.

===== END =====

Be it ordained by the Board of Directors of the RAE Water and Sewer District that the following Wastewater Ordinance be adopted as written.

Dated this 20th day of June 2018

BOARD OF DIRECTORS OF
RAE WATER & SEWER DISTRICT

THIS ORDINANCE was moved by

Perry Hofferber, President

and seconded by

_____.

Rhonda Newman, Vice President

Paul Nelson, Member

A quorum being present, a voice
vote was taken. Of the board
members present

Erin Groth, Member

___ voted in favor,

___ voted against and

___ abstained.

ATTEST:

Valerie Nolan, Secretary

The resolution was therefore passed
and adopted.