

**ORDINANCE NO. 51**

**AN ORDINANCE ESTABLISHING THE REGULATION AND OPERATION OF THE SYSTEM OF WASTEWATER OWNED BY THE TOWN.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLEVNA, MONTANA:**

**Section 1. Definitions:** Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

**BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 m) outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal, also called house connection.

**COMBINED SEWER:** A sewer intended to receive both wastewater and stormwater or surface water.

**EASEMENT:** An acquired legal right for the specific use of land owned by others.

**FLOATABLE OIL:** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE:** The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**INDUSTRIAL WASTES:** The wastewater from industrial processes, trade, or business, as distinct from domestic or sanitary wastes.

**MAY:** Is permissive (see definition of Shall).

**NATURAL OUTLET:** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**PERSON:** Any individual, firm, company, association, or group.

**pH:** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of the hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7, and a hydrogen ion concentration of  $10^{-7}$ .

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ( $\frac{1}{2}$ " (1.27 cm) in any dimension.

**PUBLIC SEWER:** A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER:** A sewer that carries liquid or water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

**SEWAGE:** The spent water of a community. The preferred term is "wastewater" as defined herein.

**SEWER:** A pipe or conduit that carries wastewater or drainage water.

**SEWER LATERAL:** The portion of the sanitary sewer which connects the interior waste water lines to the main sewer lines. The sewer lateral is usually buried in several feet of soil and runs from the house to the sewer line.

**SHALL:** Is mandatory (see definition of May).

**SLUG:** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration flows during normal operation and shall adversely affect the collection system and/or

performance of the wastewater treatment works.

STORM DRAIN (Sometimes Termed STORM SEWER): A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES: The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER OPERATOR: Person employed by the Town of Plevna who performs a variety of skilled tasks in the operation and maintenance of the Town of Plevna wastewater system; and performs other related duties as required.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge, sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.

## **Section 2. Use of Public Sewers Required:**

A. *Depositing Of Objectionable Waste:* It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

B. *Discharging To Natural Outlets:* It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

C. *Privies And Septic Tanks:* It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the town; and any existing privy, privy vault, septic tank, cesspool, or other individual means of sewage disposal shall be discontinued from use and removed, filled and covered as the situation requires to prevent a nuisance or hazard.

D. *Connection To Public Sewer Required:* The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein directly with the proper public sewer in accordance with the provisions of this article, within fourteen (14) days after date of official notice to do so.

## **Section 3. Building Sewers and Connections:**

A. *Connection Permit Required:* No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Town of Plevna Council. Application must be made at the office of the town clerk on a printed form furnished for that purpose along with a plan drawn in ink to scale which shall show the whole course of the drain from the

connection with the sewer to its connection within the building line. Each new connection to a sewer mainline will be accessed a two hundred dollar (\$200.00) fee which must be submitted along with the application. This connection fee may be changed by Resolution at the discretion of the governing body. At the discretion of the town council, the fee may be increased for commercial and industrial customers.

*B. Costs Borne By Property Owner:* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owners. The owners shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

*C. Separate Building Connections; Nonliability Of Town:* A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

*D. Use Of Old Building Sewers:* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the wastewater operator, to meet all requirements of this article.

*E. Materials And Procedures For Construction:* The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town. In the absence of suitable code provisions or in the application thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF "Manual Of Practice No. 9" shall apply.

*F. Elevation Of Building Drain:* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

*G. Surface Runoff Or Groundwater:* No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the wastewater operator for purposes of disposal of polluted surface drainage.

*H. Building Sewer Connections; Compliance With Regulations:* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual Of Practice No. 9". All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the wastewater operator before installation.

*I. Connection and Testing Under Supervision of Wastewater Operator:* The applicant for the building sewer permit shall notify the wastewater operator when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the wastewater operator or his representative.

*J. Excavations Guarded With Barricades And Lights:* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks,



parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town and approved in writing by the Town of Plevna Council.

#### **Section 4. Building Sewer Repair and Maintenance:**

The Town of Plevna maintains all public sanitary sewer mains within the town limits. Each home or commercial building has a separate connection to the public sanitary sewer main called a sewer lateral. It is the property owner's responsibility to maintain and repair their own sewer lateral from the house up to the point of connection with the public sanitary sewer main. This includes both the portion on private property and the portion located beneath the town right of way up to the point where the lateral connects to the public main. A written permit must be obtained from the Town of Plevna Council before repair work is initiated on any portion of the sewer lateral.

#### **Section 5. Monthly Sewage Assessment:**

A. *Sewer Fee:* All residences and business establishments of the town which are connected with the town sewage system, shall pay a monthly sewer fee for the use of said town sewage facilities which shall be used to defray the cost of maintaining the public sewage system of the town.

B. *Assessment to Accompany Water Bill:* Sewage maintenance assessment shall be made each month along with the water statements (and garbage fee) and shall be collected by the town clerk office along with the water bills. Said sums so collected shall be deposited with the town clerk in a fund which shall be designated as a Sewer fund. The fund may then be drawn upon by the town for maintenance of the town public sewer disposal system.

#### **Section 6. Monthly Sewer Rates:**

A. *Rates set by Resolution:* Every customer shall pay water and sewer rates and other water service charges according to the schedule established by resolution of the Town of Plevna Council, as provided in Montana Code Annotated title 69, chapter 7, part 1; provided, that said resolution shall not have an effective date until ten (10) days after the date of adoption.

B. *Delinquent Charges:* All bills for sewer service shall become due and payable at the office of the town clerk on the last day of the month following the month of service, and such bill shall become delinquent if not paid within 30 days. When such bill becomes delinquent, the Town of Plevna shall shut off water service and it shall become necessary for such user to pay the amount of such delinquent bill and a fee of twenty-five dollars (\$25.00) for services in reopening the water connection to such delinquent user. This fee may be changed by resolution at the discretion of the Town of Plevna Council.

C. *Summer Rates:* The sewer fee for the months of April, May, June, July, August and September shall be the average of the sewer fee for the months of October, November, December, January, February and March.

#### **Section 7. Use of Public Sewers:**

A. *Stormwater Discharged To Sewer:* No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer; except, stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the wastewater operator.

B. *Stormwater Discharged To Combined Or Storm Sewers:* Stormwater, other than exempted under subsection A of this section, may be discharged to such sewers as are specifically designated as combined sewers or storm sewers

or to a natural outlet approved by the wastewater operator or other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the wastewater operator, to a storm sewer, combined sewer, or natural outlet.

C. *Certain Waters Or Wastes Prohibited:* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gas in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. *Limitations On Materials Or Characteristics Of Waste:* The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The wastewater operator may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the wastewater operator will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the wastewater operator are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
2. Wastewater containing more than twenty five milligrams (25 mg/l) per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded (see definition of "properly shredded garbage" in section one (1) of this article). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, 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.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the wastewater operator for such materials.

6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the wastewater operator.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the wastewater operator in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both, which constitute a "slug" as defined in section one (1) of this article.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of any other agencies having jurisdiction over discharge to the receiving waters.
10. Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases from suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

*E. Consideration Of Alternatives:*

1. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the wastewater operator, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the wastewater operator may:
  - a. Reject the wastes;
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - c. Require control over the quantities and rates of discharge; and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection J of this section.
2. When considering the above alternatives, the wastewater operator shall give consideration to the economic impact of each alternative on the discharger. If the wastewater operator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the wastewater operator.

*F. Grease, Oil And Sand Interceptors:* Grease, oil and sand interceptors shall be provided when, in the opinion of the wastewater operator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection D3 of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the wastewater operator, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated materials and shall maintain records of the dates, and means of disposal which are subject to review by the wastewater operator. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

G. *Pretreatment or Flow Equalizing Facilities:* Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. *Structure And Appurtenances:* When required by the wastewater operator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the wastewater operator. The structure shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. *Required Information:* The wastewater operator may require a user of sewer service to provide information needed to determine compliance with this article. These requirements may include:

1. Wastewater discharge peak rate and volume over a specified time period.
2. Chemical analysis of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the loss of materials through spills to the municipal sewer.

J. *Measurements, Tests And Analyses:* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the wastewater operator.

K. *Special Agreements:* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment.

#### **Section 8. Tampering with Structures or Equipment:**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (M.C.A. 45-8-101)

#### **Section 9. Powers and Authority of Inspectors:**

A. *Right Of Entry:* The wastewater operator and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation,



measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

*B. Authority To Obtain Information; Exception:* The wastewater operator or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

*C. Town Observation Of Safety Rules; Nonliability Of Company:* While performing the necessary work in private properties referred to in subsection A of this section, the wastewater operator or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury to or death of town employees.

*D. Access To Easements:* The wastewater operator and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

#### **Section 10. Extensions of Public Sewers:**

*A. Compliance With Local, State And Federal Regulations:* Any person desiring to extend the public sewer, and who must run a line parallel to, and within the boundary of, any street, avenue or alley to accomplish the same, and upon making proper application therefor, and obtaining approval of the same, shall be required to install said public sewer line extension in accordance with all federal, state, and local rules, regulations and specifications.

*B. Application For Extending Public Sewer:* Any person desirous of extending a public sewer must make application to the Town of Plevna Council, and any application must be accompanied by plans and specifications prepared by a professional engineer and be approved by all federal, state and local agencies or regulatory bodies.

*C. Extension Becomes Property of Town:* Any extension of the public sewer system shall become the property of the town and be dedicated for use as a public sewer. Upon completion of the extension and upon final inspection and approval by the wastewater operator, the town will accept said extension and thereafter perform normal maintenance and repairs thereto.

*D. Town Compensation for Larger Sewer Line:* Should the town require a larger public sewer line extension than would normally be necessary to serve the property for which said application is made, the town will compensate the applicant for the difference in cost of larger pipe as opposed to requirements of applicant.

*E. Manholes:* All manholes necessary in relation to a public sewer line extension shall be placed not to exceed three hundred eighty feet (380') apart and/or wherever there is a change of flow direction, grade and/or pipe size. Said required manholes shall be cast concrete not less than four feet (4') in diameter at the bottom, and not less than two feet (2') in diameter at the top opening.

*F. Cleanout Risers:* Cleanout risers in relation to this section brought to the surface of streets, avenues, and alleys may be allowed where the public sewer line is not more than three hundred eighty feet (380') and/or does not meet any of the requirements in subsection E of this section.



G. *Costs Borne By Owner*: All costs for extensions of the public sewer must be borne by the applicant and/or owner of property in the area that receives benefit from said public sewer line extension. In the event the town extends the line at the request of the applicant, then and in that event, payment for said work done by the town may be made in cash prior to construction and/or special improvement district bonds.

**Section 11. Penalties:**

A. *Notice Of Violation*: Any person found to be violating any provisions of this article, except section five (5), shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. *Liability Of Violator*: Any person violating any of the provisions of this article shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

**Section 12. Service Outside Town Limits:**

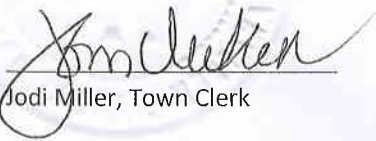
Users of the town sewage system shall pay the same rates as town users. All users located outside the town shall pay all costs of extending their sewer to connect to the town sewer. No user outside of the town shall connect to the town sewer without written authorization by the Plevna Town Council.

**FIRST passed and approved** by the Council of the Town of Plevna, Montana on this 10<sup>th</sup> day of August, 2015.



William E. Benner, Mayor

Attest:



Jodi Miller, Town Clerk

**FINALLY passed and approved** by the Council of the Town of Plevna, Montana on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
William E. Benner, Mayor

Attest:

\_\_\_\_\_  
Jodi Miller, Town Clerk

Aldermen:

T.C. Shelhamer \_\_\_\_\_

Roscoe Gray \_\_\_\_\_

Shawn Sander \_\_\_\_\_

Gary Thielen \_\_\_\_\_