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LAKESIDE COUNTY WATER & SEWER DISTRICT

ORDINANCE NO. 1

WASTEWATER SERVICE CHARGES

An Ordinance establishing the procedure for determining equitable service charges to be levied on all users which discharge wastewater to the wastewater system operated by the Lakeside County Water & Sewer District in the County of Flathead, State of Montana.

Be it ordained by the Board of Directors of the Lakeside County Water & Sewer District, State of Montana, as follows:

ARTICLE I Purpose

Section 1

The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs related to the construction, operation and maintenance of the complete wastewater system and repayment of debt obligations. The costs associated with maintenance and operation of the wastewater system shall be distributed to all users in proportion to each user's contribution to the total loading of the treatment system, and other costs shall be distributed to all residents of the District. Factors such as strength (BOD and SS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user.

Rev. Ord. 6 12/6/88

ARTICLE II Total Annual Cost of Operation And Maintenance

Section 1

The Lakeside County Water & Sewer District, or its agent, shall determine the costs and their allocation which are associated with construction or replacement of the wastewater system and service of the indebtedness of the District. It shall also annually determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

Rev. Ord. 6 12/6/88

ARTICLE III Wastewater Contribution Percentage

Section 1

The Lakeside County Water & Sewer District, or its agent, shall determine each user's average volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine each user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.

Section 2

The Lakeside County Water & Sewer District, or its agent, shall determine each user's average daily poundage of five-day, 20-degree Centigrade Biochemical Oxygen Demand (BOD) which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine each user's BOD Contribution Percentage.

Section 3

The Lakeside County Water & Sewer District, or its agent, shall determine each user's average Suspended Solids (SS), poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all Suspended Solids discharged to the wastewater system to determine the user's Suspended Solids Contribution Percentage.

Section 4

Each user's Volume Contribution Percentage, BOD Contribution Percentage and Suspended Solids Contribution Percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day, 20-degree Centigrade BOD and of the Suspended Solids, respectively.

ARTICLE IV Surcharge For Excess BOD and SS

Section 1

The Lakeside County Water & Sewer District, or its agent, will determine the average Suspended Solids (SS) and Biochemical Oxygen Demand (BOD) daily loadings for the average residential user. The Lakeside County Water & Sewer District, or its agent, will assess a surcharge rate for all nonresidential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 200 p.p.m. SS. The surcharge rate structure for such above normal strength waste discharges is attached (*Appendix A*).

ARTICLE V Determining Each User's Wastewater Service Charge

Section 1

USER CLASSES: Each nonresidential user's wastewater treatment cost contributions as determined in *Article III and IV* shall be combined to determine such user's annual wastewater service charge. Residential users may be considered to be one class of a user and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other nonresidential establishments into user classes provided that the wastes from these establishments are reasonably equivalent to the wastes from other user within the class with respect to volume, suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule (*Appendix B*).

Rev. Ord. #8 8/8/1992; #8-0695 6/7/1995; #19 6/12/1996; #24 12/10/1997; #99-2 8/11/1999; #03-2 5/14/2003 & Res. #24 7/7/1993

Section 2

NUMBER OF BILLING ENTITIES: Every separate structure used as a dwelling by one family or individual, or used for the conduct of one commercial enterprise, together with the lot or parcel on which it stands and any auxiliary building or buildings on such lot or parcel, shall be considered a single premises for the purpose of determining billing entities. For any premises intended as a dwelling place by two or more families, or separated into two or more dwelling units, or used for the conduct of two or more commercial enterprises, the number of minimum billing entities shall be determined by counting the number of families, dwelling units or commercial enterprises, except as allowed by *Section 3 of this*

Article. Commercial enterprises within the same structure, such as apartments, may be combined into a single billing entity. For multiple ownership, such as with condominiums, one minimum billing entity per unit will be employed. For Multi Use/Function facilities within the same structure, separate billing entities will be established for each class of service.

Rev. Ord. 13 5/11/94

Section 3

SINGLE OWNER/TWO STRUCTURES:

(a) Up to two (2) structures on a single parcel owned by a single or joint owner may be combined under a single metered billing entity. This is to say that one (1) base rate charge shall be rendered monthly plus the rate per one thousand (1,000) gallon charge shall apply to all gallonage above the single base rate allocation. Gallonage shall be determined as that registered per month on the water meter or meters for the combined structures.

(b) In the event such single parcels become separated (subdivided) each structure shall have separate billing entities established on their respective parcels. Each structure shall also have its own building sewer connection to the LCWSD sewer main line.

(c) Sewer Service Restrictions shall be recorded with the Flathead County Clerk and Recorder specifying *Section 3 b.* above, for all parcels adopting the scenario described herein.

Rev. Ord. 17 12/13/95

Section 4

METERING MULTIPLE UNIT STRUCTURES: In the cases of mobile home parks, trailer courts, RV parks, apartment houses, town houses, condominiums, time share units, rooming houses, motels, emporium shops, malls, dormitories, or the like, where individual metering is not practical and a single owner or association of owners is primarily responsible for the payment of sewer system usage, the District may require only one water meter to determine sewage flows for all units and will render only one bill for the complex. For multiple ownership, such as with condominiums, one minimum billing entity per unit will be employed.

Rev. Ord. 11 6/8/94

Section 5

Minimum Base Rate (metered)

An equivalent User, Base Rate average will be established for each metered account for minimum monthly billing purposes.

Example:

13,200 gallons per month average = 2 Equivalent Users = Minimum Monthly bill of \$ 70.00

19,800 Gallons per month average = 3 Equivalent Users = Minimum Monthly bill of \$105.00

Rev. Ord. 19 6/12/96 (See Appendix "B" For Current Rates)

Section 6

Water Meter Size Assignment

In the event, for whatever reason, if individual water meters are not installed, or multiple meters are used to capture total water consumption on individual services, the General Manager or other District Representative will determine the most equitable method for determining an "assigned" water meter size for billing and fee setting purposes.

Rev. Ord. #99-2 8/11/1999

ARTICLE VI
Payment of Wastewater Service Charge And Penalties

Section 1

The Lakeside County Water & Sewer District shall submit a monthly statement to residents for assessed charges. The District shall add a penalty of one and one-half percent (1.5%) per month if payment is not received by it within thirty days following mailing of the statement. Should any user fail to pay the assessed charge and penalty within three months of the due date, the District may stop wastewater service to the non-paying property and may file a lien in the office of the Clerk and Recorder, Flathead County, Montana, setting forth the amount of the unpaid and continuing assessments, which may be enforced by the District in accordance with applicable Montana law.

Rev. Ord. 6 12/6/88

ARTICLE VII
Review of Each User's Wastewater Service Charge

Section 1

The Lakeside County Water & Sewer District shall review the total annual cost of operation and maintenance as well as each user's Wastewater contribution percentage not less often than every two years and will revise the user charge system as necessary to assure equitable cost distribution established herein and to ensure that sufficient funds are received to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user's waste water contribution percentage, the user can present at a regularly scheduled meeting the factual information and the Lakeside County Water & Sewer District shall then determine if the user wastewater percentage is to be changed. The Lakeside County Water & Sewer District shall notify the user of its findings as soon as possible.

ARTICLE VIII
Notification

Section 1

Each user, both In and Out of District, will be notified at least annually in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

Rev Ord 8, 8/8/92

ARTICLE IX
Wastewater Replacement Fund

Section 1

Creation of a replacement fund: A reserve fund called Wastewater Facilities Replacement Fund is hereby established for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.

Rev. Ord. 2 1/6/87

Section 2

Funding: The reserve fund called the Wastewater Facilities Replacement Fund shall be an interest bearing account funded by the deposit of an amount of money each year from the revenues of the District determined sufficient to obtain and install equipment, accessories, appurtenances necessary to maintain the capacity and performance of the wastewater facilities during their useful life.

Rev. Ord. 2 1/6/87

ARTICLE X
Out-of-District User Charges

Section 1

The purpose of this ordinance is to establish a more equitable rate for those Users Out of District Boundaries. A rate of One Hundred Twenty-five Percent (125%) shall be charged to Out-of-District users to conform with rates already being assessed on users within the District boundaries. The rate of 125% is based on industry standards now implemented in other utility services.

Rev. Ord. 7, 12/4/91

ARTICLE XI
Ordinance in Force

Section 1

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Rev. Ord. 7 12/4/91

Section 2

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Passed and adopted by the Board of Directors of the Lakeside County Water & Sewer District, State of Montana, on the 6th date of May, **1986**, by the following vote:

Rev. Ord. 2 1/6/87

Ayes: Ralph Ashbridge, A.V. Swanberg, Henry Cash, Robert Balding

Nays: None

Signed: Noel Bartlett
President

Attested: Betty Stevens
Secretary

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LAKESIDE COUNTY WATER & SEWER DISTRICT

ORDINANCE NO. 3

REGULATION OF SEWER USE

An Ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof in the Lakeside County Water & Sewer District, the County of Flathead, State of Montana.

Be it ordained and enacted by the Board of Directors of the Lakeside County Water & Sewer District, State of Montana, as follows:

ARTICLE I Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 1

"**Biochemical Oxygen Demand (BOD)**" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

Section 2

"**Building Drain**" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5'), (1.5 meters) outside the inner face of the building wall.

Section 3

"**Building Sewer**" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 4

"**Combined Sewer**" shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 5

"**Easement**" shall mean an acquired legal right of the specific use of land owned by others.

Section 6

"**Floatable Oil**" is 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.

Section 7

"**Garbage**" shall mean the animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods.

Section 8

"**Industrial Wastes**" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 9

"**Industrial User**" shall mean any user that produces more than 25,000 gallons of normal strength wastewater or its equivalent amount of higher strength wastewater.

Section 10

"**Natural Outlet**" shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface or groundwater.

Section 11

"**May**" is permissive, (see "*shall*," *Section 19*).

Section 12

"**Person**" shall mean any individual, firm, company, association, society, corporation or group.

Section 13

"**pH**" shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogenions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogenion concentration of 0.0000001 milligrams per liter.

Section 14

"**Properly Shredded Garbage**" shall mean the wastes from the preparation, cooking and dispensing of food that has 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 (1/2"), (1.27 centimeters) in any dimension.

Section 15

"**Public Sewer**" shall mean a common sewer controlled by a governmental agency or public utility.

Section 16

"**Sanitary Sewer**" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Section 17

"**Sewage**" is the spent water of a community. The preferred term is "wastewater," (*Section 25*)

Section 18

"**Sewer**" shall mean a pipe or conduit that carries wastewater or drainage water.

Section 19

"**Shall**" is mandatory (see "*may*," *Section 11*).

Section 20

"**Slug**" shall mean 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 or flows during normal operations and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 21

"**Storm Drain**" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 22

"**Superintendent**" shall mean the person in charge of wastewater facilities, and/or of wastewater treatment works and/or of water pollution control of the Lakeside County Water & Sewer District or his authorized deputy, agency, or representative.

Section 23

"**Suspended Solids**" shall mean 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 non-filterable residue.

Section 24

"**Unpolluted Water**" is 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.

Section 25

"**Wastewater**" shall mean 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 storm water that may be present.

Section 26

"**Wastewater Facilities**" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and disposal of the effluent.

Section 27

"**Wastewater Treatment Works**" shall mean 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."

Section 28

"**Watercourse**" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 29

"**Hearing Board**" shall mean that Board appointed according to provision of *Article VIII*.
Rev. Ord. 5 11/17/87

Section 30

"**A.S.T.M.**" refers to the American Society for Testing and Materials.

Section 31

"**A.S.A.**" refers to the American Standards Association.

Section 32

"**A.W.W.A.**" refers to the American Water Works Association.

Section 33

"**A.A.S.H.T.O.**" refers to the American Association of State Highway and Transportation Officials.

Section 34

"**O.S.H.A.**" refers to the Occupational Safety Health Administration.

Section 35

"**W.P.C.F.**" refers to the Water Pollution Control Federation.

Section 36

"**Owner Occupied Building**" shall mean any habitation building located on one property parcel exclusively used by the Owner for habitation without monetary compensation. Rental properties, motels and other commercial use buildings are specifically excluded by this definition.

Section 37

"Equivalent User" The average residential household generates 6,600 gallons of wastewater per month. This is based upon national averages of 2.42 people per household each contributing 90 gallons of wastewater per day. Such typical single family dwellings are considered to be one equivalent user. 6,600 gallons per month (one equivalent user) will be used for purposes of determining the number of billing entities and/or determining the appropriate Plant Investment Fee (hook-up fee).

Rev. Ord. 11 6/8/94

Section 38

"Plant Investment Fee" A variable fee (over time) intended to recover an equivalent user's pro rata share of the capital cost for the construction and provisioning of the sewer system.

Rev. Ord. 11 6/8/94

Section 39

"Multi Use/Function" Combined classes of sewer services within the same structure or building complex; example, Residential and Commercial.

Rev. Ord. 11 6/8/94

Section 40

"Private Sewer" A building sewer which receives the discharge from more than one (1) building drain and conveys it to a public sewer.

Rev. Ord. 11 6/8/94

Section 41

"Latecomer" shall mean the entity connecting to the extended sewer main who contributes sewage to the extended sewer main and who did not share in the initial cost of the extended sewer main.

Section 42

"Reserved Capacity" is sewer system capacity reserved for the land parcels within the boundaries of the original district. Small existing parcels are allocated one (1) Equivalent User per parcel. Sub-dividable parcels are allocated one (1) Equivalent User per half acre (2 per acre).

Section 43

"Expanded Capacity" refers to sewer system capacity requirements greater than one (1) Equivalent User per half acre within the boundaries of the original district and all out-of-district requirements.

Section 44

"Excess Capacity" refers to sewer system capacity greater than that required to meet the Secured needs of the District.

Rev. Ord 9 1/5/94

Section 45

"Customer" or "Consumer" shall mean an individual, partnership, association, firm, public or private corporation or government agency receiving water and/or sewer service from the District. In the case of a tenant/landlord relationship, the landlord is considered the customer or consumer. In further explanation of this sub-section, the legal owner of the property, being supplied service, is the obligated party for the ongoing, reoccurring service accounts. Delinquent service bills are the responsibility of the property "owner", not the tenant or renter.

Rev. Ord. #2001-1 2/14/2001

ARTICLE II
Use of Public Sewers Required

Section 1

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 Lakeside County Water & Sewer District, or in any area under the jurisdiction of said District, any human excrement, garbage or other objectionable waste.

Section 2

It shall be unlawful to discharge to any natural outlet within the Lakeside County Water & Sewer District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 3

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of wastewater within the service area of said District.

Section 4

The owner(s) of all houses, buildings or properties used for human occupancy: residence, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located in a public sanitary or combined sewer of the District is hereby required at the owner(s) expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within one hundred eighty (180) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the property line.

Section 5

The Lakeside County Water & Sewer District may commence assessing or charging users in accordance with its ordinances following issuance to the owners of an official notice that the wastewater system is available for connecting the users' sewage facilities directly with the proper public sewer of the District. The District may commence assessing or charging owners who are not users in accordance with its ordinances following completion of the treatment facility of the wastewater system.

Rev. Ord. 6 12/6/88

Section 6

Effective June 1, 1992, new structure(s) under construction shall pay the monthly user charge immediately following occupation of said structure(s). Occupation is defined as the structure deemed habitable.

Rev. Ord. 4, 5/20/92

ARTICLE III
Private Wastewater Disposal

Section 1

Where a public sanitary or combined sewer is not available under the provisions of *Article II, Section 4*, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 2

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the Flathead County Health Department. One copy of said permit shall be provided to the District before construction begins. The applicant shall supplement any plans, specifications and other information as are deemed necessary by the District.

Rev. Ord. 5 11/17/87

Section 3

The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

Rev. Ord. 5 11/17/87

Section 4

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the State of Montana and Flathead County. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Rev. Ord. 5 11/17/87

Section 5

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in *Article III, Section 4*, a direct connection shall be made to the public sewer within One Hundred Eighty (180) days in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material within 90 days after physical connection to the public sewer at the discretion of the Superintendent.

Rev. Ord. 5 11/17/87

Section 6

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District. Sludge removal from private disposal systems is to be performed by licensed operators and disposed of properly. (*See Article V, Section 3 (e)*).

Section 7

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State of Montana or Flathead County.

Rev. Ord. 5 11/17/87

Section 8

Where a public sanitary or combined sewer is available to a property but necessitates a lift station or pumping from the private residence or establishment, the owner may utilize an existing septic tank to serve as a holding basin for lift pumps. Lift pumps shall be either effluent (gray water) pumps or raw sewage (grinder) pumps. In the event the owner utilizes an effluent pumps, the owner(s) shall cause the sludge to be removed from said septic tank no less than biannually in conformance with *Article III, Section 6* as amended. Pumps, regardless of effluent or raw sewage type shall be equipped with no less than two (2) check valves within the holding basin located between the public sanitary sewer and the pump. The owner shall be responsible for the operation and maintenance of said installation from origination through the lift facility to the point the private building sewer intersects the right of way. The District does not and will not assume any obligation or responsibility for damage caused by or resulting from any installation aforementioned and including water damage after installation.

Rev. Ord. 5 11/17/87

**ARTICLE IV
Sanitary Sewers, Building Sewers and Connections**

Section 1

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 2

In addition to the Montana State Plumbing Permit, which is required for all work done by hire, there shall be three (3) classes of building sewer permits:

(a) for residential,

(b) commercial service and

(c) for service to establishments producing industrial wastes. In every case, the owner(s) or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Permit and Inspection Fee: A permit and inspection fee of One Hundred (\$100.00) shall be paid to the District at the time the application is filed.

Rev. Ord. #03-2 5/14/2003

Plant Investment Fees: A variable Plant Investment fee based upon an applicant's potential contribution of wastewater to the District shall be paid upon application for connection to the sewer system. Plant Investment Fees are applicable to all new connections as well as when an existing connection changes the nature of its use; i.e., residential to commercial, single family to multi family, expanded use, etc., which results in the probability of increased wastewater contribution to the system. "Multi-entity services include, but are not limited to: condominiums, trailer parks, campgrounds, RV parks, apartments, office buildings, etc.

Rev. Ord. 11 6/8/94; Rev. Ord. #06-4 11/15/06

Plant Investment Fee assessments for enlarged or expanded existing sewer service, without increasing the service line or water meter size, will be determined by a user provided wastewater forecast, expressed in gallons per day potential flow that reflects the increased capacity requirements needed by the unit addition(s). All fees are due and payable before the new or increased service(s) are available for use. A District permit must be issued by the District office prior to the new service(s) being placed in service.

Added Ord. #06-4 11-15-06

Commercial or multi-use/function structures will be evaluated for wastewater contribution according to industry standard engineering tables in order to determine the number of "equivalent users." A wastewater forecast may be submitted at the time of application, however, in either case, actual wastewater contributions will be monitored for a period of one (1) year following full occupancy in order to determine if an adjustment to the Plant Investment Fee is necessary.

Rev. Ord. 11 6/8/94

Plant Investment Fees for Residential structures will be based on water meter size as shown on Appendix "B" (Table of Rates and Fees). Plant Investment Fees for other structures will also be based on water meter size but if actual flows, within one year, exceed typical flows for that water meter size, the "Equivalent User" formula will be used to re-compute the initial Plant Investment Fee and also establish a "multiplier" for minimum monthly service billing purposes, as described in Ordinance 1, Article V, Section 5. The "multiplier" is the number used in the District's billing system to calculate the "Equivalent User" or equivalent dwelling unit, base rate minimum monthly charge.

Rev. Ord. #5 11/17/87; #10 1/5/1994; #12 5/11/1994; #12-0395 3/8/1995; #10-0495 4/4/1995; #18 6/12/1996; #99-2 8/11/1999; #2001-2, 11/14/2001; #03-2 5/14/2003 & Res. # 44 11/12/1997

Sub Section 2.a

Reserved Capacity: Applies to all parcels within the bounds of the original sewer district per capacity allocation in Resolution No. 33 dated December 7, 1994. Fees are subject to annual review.

Reserved Capacity Fees: See Appendix "B" (Table of Rates & Fees)

Rev. Ord. 18 6/12/96

Sub Section 2.b

Expanded Capacity: Applies to all In-District parcels with service requirements exceeding the capacity allocated in Resolution No. 33 as well as service to Out-of-District parcels. Fees are subject to annual review.

Expanded Capacity Fees: See Appendix "B" (Table of Rates & Fees)

Rev. Ord. 18 6/12/96

Sub Section 2.c

Public Restroom Facilities: For each toilet/sink combination, 1/4 (.25) of one Equivalent User Plant Investment Fee will be assessed. The amount of the fee, whether Reserved or Expanded Capacity, will depend upon the location of the facility to be served.

Rev. Ord. 24 12/10/97

Section 3

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4

A separate and independent building sewer shall be provided for every building or group of owner occupied buildings except where one building stands at the rear of another or 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 District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Two and no more building sewers may be combined at the owner's request provided that a raw sewage (grinder) pump is utilized in compliance with Article III, Section 8 as amended.

Rev. Ord. 5 11/17/87

Up to two single family dwelling structures on a single parcel owned by a single or joint owner may be combined under the same conditions specified under Article V, Section 3 of Ordinance I. Plant Investment Fees will be assessed as a single dwelling as long as the single lot/single owner condition exists. If the single lot/single owner condition is not maintained, Ordinance I, Article V, Sections 3 b) will apply, each structure having its own service connection to the sewer main line. In addition, a Plant Investment Fee will be assessed for the structure requiring the new connection.

Rev. Ord. 2001-2, 11/14/2001

Section 5

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.

Section 6

A document titled the "Lakeside County Water & Sewer District Service Standards" will be used henceforth as the main reference for assisting customers and their representatives in understanding the necessary requirements for obtaining sewer service from the District.

Rev. Ord. 23 5/7/97

Section 7

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 at owner's expense by an approved means and discharged to the public sewer. The owner may utilize an existing septic tank as a holding basin per the requirements contained in Article III, Section 8 as amended of this Ordinance.

Rev. Ord. 5 11/17/87

Section 8

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, 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 Superintendent for purposes of disposal of polluted surface drainage.

Section 9

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 10

The applicant for building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing **as required** shall be made under the supervision of the Superintendent or his representative.

Rev. Ord. 5 11/17/87

Section 11

All excavations for building sewer installation 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 District.

Section 12

The Lakeside County Water & Sewer District will provide the service saddle and necessary service pipe from the centerline of the sewer pipe to the edge of the traveled way within roadways and may extend such service pipe to the edge of the right-of-way. All other material, labor and equipment shall be provided by the applicant. Commercial establishments shall install water meters on their public or private water systems for purposes of determining wastewater production.

Rev. Ord. 11 6/8/94

Section 13

Conversion from Flat Rate to Metered Rate: In order to position the District for future actual usage billing rather than flat rate billing, all new construction will be required to provide for the installation of a water meter before the application for sewer service will be approved. Existing structures may voluntarily install water meters.

Metering Multiple Unit Structures: In the cases of mobile home parks, trailer courts, RV parks, apartment houses, town houses, condominiums, time share units, rooming houses, motels, emporium shops, malls, dormitories, or the like where individual metering is not practical and a single owner or association of owners is primarily responsible for the payment of sewer system usage, the District may require only one water meter to determine sewage flows for all units and will render only one bill for the complex. For multiple ownership, such as with condominiums, one minimum billing entity per unit will be employed.

Rev. Ord. 11 6/8/94

Section 14

“Abandoned Sewers - Every abandoned sewer or part thereof shall be plugged or capped within five (5) days of abandonment in an approved manner within five feet of the property line and inspected by District personnel. If the abandonment is temporary, minimum monthly billing will be maintained and no Plant Investment Fee will be due when reactivated. If the abandonment is permanent, minimum monthly billing will be terminated but if the service is later reactivated, the following policy will be used to determine reconnection fees before service is re-established to the parcel: If the abandonment is six (6) months or less, payment of minimum billing amounts for the abandoned period will reinstate the account. If the abandonment is more than six (6) months, a current Plant Investment Fee will be due to the District”.

Ord. 03-3 1/14/2004

ARTICLE V
Use of the Public Sewers

Section 1

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage including sump pump discharge, or cooling water to any sewer, except storm water runoff from limited areas, which storm water maybe polluted at time, may be discharged to the sanitary sewer by permission of the Superintendent.

Section 2

Storm water other than that exempted under Section 1, Article V and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

Section 3

No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters containing toxic or poisonous solids, liquids, or gases in any 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 any adverse effect on the waters receiving any discharge from the treatment works.

(c) 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.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or the 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, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) Any waters emanating from a private wastewater treatment system such as septic tanks, cesspools, or other private wastewater treatment systems.

Rev. Ord. 5 11/17/87

Section 4

The following described substances, materials, waters or waste 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 Superintendent 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 Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of 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 wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(a) Wastewater having a temperature higher than 150 degrees Fahrenheit, 65 degrees Celsius.

- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat or grease.
- (d) Any garbage that has not been properly shredded (see Article 1, Section 14). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishment or similarly places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any water 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 Superintendent for such materials.
- (f) Any waters or wastes containing odor producing substances exceeding limits which may be established by the Superintendent.
- (g) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 5

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 Section 4 of this Article, and which in the judgment of the Superintendent, 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 Superintendent 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. When considering the above alternative, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent 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 Superintendent.

Section 6

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4(c) of 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 Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 7

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(s) at his expense.

Section 8

When required by the Superintendent, the owner(s) 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 Superintendent. 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.

Section 9

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- (a) Wastewater discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of wastewater.
- (c) Information on raw materials, processes and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other material important to sewer use control.
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of system to prevent and control the losses of materials through spills to the municipal sewer.

Section 10

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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 Superintendent.

Section 11

Commercial establishments may choose to provide water metering on their individual water services.

Section 12

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

ARTICLE VI
Annexation of Out-of-District Properties Utilizing Excess Capacity

Section 1

Upon completion of the improvements needed to establish 41,700 gallons per day total "Excess Capacity," the Board of Directors shall determine that the District shall have a sewer facility with a capacity greater than required to meet the Secured needs of the District as provided in Section 7-13-2341 (5) M.C.A.

Section 2

The property owner(s) of land(s) contiguous shall submit petition(s) of Annexation to the Lakeside County Water & Sewer District for review of capacity requirements and availability of "Excess Capacity." Approval of service requests and subsequent annexation shall be limited to available "excess Capacity," determined by the Board of Directors at submittal.

Section 3

Upon completion of the review, approval, and statement of available "Excess Capacity" remaining at the time, the Board of Directors shall request the Secretary of State, State of Montana, and Flathead County to include all lands petitioned in *Exhibit A* to the revised boundaries of the Lakeside County Water & Sewer District pursuant to Section 7-13-2341 (5) M.C.A.

Added Ord. 9 1/5/94

ARTICLE VII
Violation

Section 1

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

Rev. Ord. 5 11/17/87

ARTICLE VIII
Powers and Authority of Inspectors

Section 1

The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this Ordinance.

Section 2

The Superintendent 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.

Section 3

While performing the necessary work on private properties referred to in *Article VII, Section 1* above, the Superintendent or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the District employees and the District shall indemnify the company 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 company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in *Article V, Section 8*.

Section 4

The superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District 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 the duly negotiated easement pertaining to the private property involved.

**ARTICLE IX
Hearing Board**

Section 1

A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning the interpretation and execution of the provisions of this Ordinance by the Superintendent. The cost of the arbitration will be divided equally between the Lakeside County Water & Sewer District and the sewer user.

Section 2

One member of the Board shall be a Registered Professional Engineer and a practicing Sanitary Engineer, one member shall be a representative of industry or manufacturing enterprise, one member shall be a lawyer, and two members shall be selected at large for their interest in accomplishing the objectives of this Ordinance.
[Rev. Ord 5 11/17/87](#)

**ARTICLE X
Penalties**

Section 1

Any person found to be violating any provision of this Ordinance, except Article VI, shall be served by the District 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.

Section 2

Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3

Any person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation.

**ARTICLE XI
Validity**

Section 1

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 2

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**ARTICLE XII
Ordinance in Force**

Section 1

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Section 2

Passed and adopted by the Board of Directors of the Lakeside County Water & Sewer District, State of Montana, on the 2nd day of June, 1987, by the following vote:

Ayes: Unanimous

Nays: None

Signed: Noel Bartlett
President

Attested: Betty Stevens
Secretary