

**ORDINANCE # 11-2**

***A COMPLETE REVISION OF RULES AND REGULATIONS  
OF THE  
LAKESIDE COUNTY WATER AND SEWER DISTRICT***

**MONTANA CODE ANNOTATED REFERENCES:**

- **TITLE 7 - LOCAL GOVERNMENT**
- **CHAPTER 13 – UTILITY SERVICES**
- **PART 22 AND PART 23**

<b>AUTHORIZATION OF WATER AND SEWER DISTRICTS</b>	<b>7-13-2203</b>
<b>CONDUCT OF BUSINESS:</b>	
<b>OPEN MEETING LAWS</b>	<b>7-13-2274</b>
<b>ORDINANCES AND RESOLUTIONS</b>	<b>7-13-2274</b>
<b>PROCEDURES RELATING TO ORDINANCES AND RESOLUTIONS</b>	<b>7-13-2275</b>
<b>ESTABLISHMENT OF CHARGES FOR SERVICE</b>	<b>7-13-2301</b>

**Adopted by the  
Board of Directors  
Of  
The Lakeside County Water and Sewer District**

**Effective July 19, 2011**

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## ARTICLE I – Definitions

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

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

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

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

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

**Applicant** – Customer, Developer or their authorized representative.

**"Base Rate"** - The monthly minimum fee based upon water meter size for each service.

**"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.

**"Board"** shall mean the Board of Directors of the Lakeside County Water & Sewer District.

**"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.

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

**"Class of Service"** – Differences of service such as: Residential, Commercial, or Industrial.

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

**"Curb Box, Curb Stop or Valve Box"** - A metal or plastic pipe with cap connecting to the underground control valve for purpose of inserting a wrench for the purpose of turning water or sewer service on or off.

**"Customer" or "Consumer"** shall mean an entity, 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.

**“D.E.Q.”** – Montana Department of Environmental Quality

**“Deduct Meter”** - A water meter that measures water flow that does not go into the sewer system, generally irrigation water, that may be deducted from the total flow of a main meter.

**"Developer"** means any person, firm, corporation or other entity who causes improvements to be made upon land owned by him, or in rights-of-way, or easements which requires water or sewer service.

**"District"** shall mean the Lakeside County Water and Sewer District.

**D.N.R.C.** – Montana Department of Natural Resources and Conservation

**"Easement"** shall mean an acquired legal right of the specific use of land owned by others (See ~~Right of Way~~).

**"Employee"** is anyone hired by the District to perform labor or services under the direction of the General Manager (Including the General Manager).

**"Engineer"** means person or firm hired by the District to provide professional expertise in design, operation, or alteration of the system.

**"Equivalent User"** - Often used as the equivalent of an average single family dwelling (residential customer).

**"Excess Capacity"** refers to sewer or water system capacity greater than needed to meet the needs of the current district, See §7-13-2341 (5) M.C.A.

**"Expanded Capacity"** refers to sewer system capacity requirements greater than one (1) Equivalent User per half acre within the boundaries of the original Sewer District and all Out-of-District requirements. Applies to all In-District parcels with service requirements exceeding the capacity allocated in Resolution No. 33, dated December 7, 1994, as well as new service to Out-of-District parcels.

**"Extension Agreement"** means an Agreement between the District and a Developer which allows the Developer to connect his water or sewer service facilities onto a main line owned by the District, to obtain water or sewer service. The Agreement shall set forth the value of the extended main and the charges which customers connected to the main must pay to the Developer or the District. Every Extension Agreement must be approved by the Board and signed by the Chairman and Secretary of the District and the Developer.

**"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. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**“Gallonge”**, Usage, Volume, may be used interchangeably as the variable element of periodic water or sewer fees based on the flow readings from an installed water meter.

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

**"General Manager"** shall mean the person employed by the District to operate and oversee the District's facilities and carry out the policies of the Board of Directors; often referred to in Ordinance language as %Superintendent+without regard to any other job title of the District of similar designation.

**"General Obligation Bonds"** - Bonds issued by the District whereby the payment for such obligations are collected from the property owners, within the District, that ultimately benefit from the water and sewer system improvements.

**"Hearing Board"** shall mean that Board appointed according to provision of Article II, Sec. 20.

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

**"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.

**"Latecomer"** shall mean the entity connecting into the District's water or sewer main who did not share in the funding of the initial cost of the water or sewer main.

**"LCWSD"** - Lakeside County Water & Sewer District.

**"Meter"** shall mean a device for registering water flow and any appurtenances thereto . such as a remote read-out or electronic transmitter and may include a meter box or pit.

**"Main"** means a water, sewer, or storm water pipe owned, operated and maintained by the District, which is used for the purpose of water distribution, or wastewater collection and/or conveyance, and to which service connections are attached.

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

**"MCA"** Montana Code Annotated

**"MPWSS"** Montana Public Works Standard Specifications

**"Multi- Entity"** - Multi-entity services include, but are not limited to: condominiums, trailer parks, campgrounds, RV parks, apartments, office buildings, etc.

**"Multi- Family"** - A residential dwelling intended for occupancy greater than a typical single family.

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

**"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.

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

**"Owner"** shall mean any person, firm, corporation or other entity owning land in the District. A purchaser under a contract for deed shall be considered the owner of the land.

**"Over-Density"** as applied to Sewer Plant Investment Fees; connections serving more than one equivalent single family dwelling per ½ acre (2 per acre).

**"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.

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

**"pH"** shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, 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.

**"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 water or sewer system. The LCWSD's PIF consists of two components: 1) Latecomer's Fee, and 2) System Development Charge (SDC). The Latecomer's component applies to all new water or sewer connections and the SDC component, in addition, applies to new Out-of-District sewer connections and/or Over-density, In-District sewer connections.

**"Point of Delivery"** shall mean the point at which the customer's service pipe connects with the District main.

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

**"Private Water System"** shall mean any water source system which is not connected to the District water distribution system or not owned by the District.

**"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.

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

**"Reserved Capacity"** is sewer system capacity reserved for the land parcels within the boundaries of the original Sewer District, as placed in service in 1988. 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). Applies to all parcels within the bounds of the original Sewer District per capacity allocation in Resolution No. 33, dated December 7, 1994.

**“Revenue Bonds”** – Bonds issued by the District whereby the payments for such obligations are collected from the users of the water and sewer systems in the rates and fees charged.

**“Right-of-Way”** - The right to pass over property owned by another party. The path or thoroughfare on which such passage is made. For purposes of this Ordinance, the strip or parcel of land over which water and/or sewer facilities are built.

**"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.

**"Septage"** - Domestic Septage means liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar storage or treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar facility that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease interceptor, grease trap, or other appurtenance used to retain grease or other fatty substances contained in restaurant waste.

**"Service Agreement"** shall mean the Agreement or Contract between the District and the customer pursuant to which water or sewer service is supplied and taken. It can also be the mechanism, by which the necessary capacity can be added, by a Developer or Customer, to the water or sewer systems in order to achieve the necessary capacity required to accommodate an annexation petition.

**"Service Area"** shall mean the area defined by boundaries as shown on the attached map (or description) titled Exhibit "A" within which the District will furnish water or sewer service in accordance with the provisions of this Ordinance and as amended from time to time.

**"Service Connection"** shall mean the connection at the main which connects the customer's service pipe to the public water or sewer main line.

**"Service Pipe or Service Line"** shall mean the pipe running from the water or sewer main to the customer's premises.

**"Service Standards"** of the District is a separate document originally adopted as Ordinance #23, May, 1997, and is updated periodically. It is the main reference for assisting customers and their representatives in understanding the necessary requirements for obtaining water and sewer services from the District.

**"Sewage"** is the spent water of a community. The preferred term is "wastewater."

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



**"Sewer Service Restriction"** is a document recorded with the Flathead County Clerk and Recorder that describes certain exceptional conditions that exist when service is established and if changed, require certain new conditions to be met for those changed conditions (per District Ordinance).

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

**"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.

**"Snowbirds"** refers to seasonal residents that leave the area during the winter months.

**"Special Assessments"** - In lieu of imposing rates and charges to pay the capital costs of any water or sewer system improvement, the District may levy special assessments to defray the costs against property within the district and benefited by the improvement.

**"Standards"** as defined by the current edition of the STANDARD METHODS OF EXAMINATION OF WATER AND WASTEWATER published by the American Public Water Association, American Water Works Federation, and Water Pollution Control Federation.

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

**"Sub-District"** - Sub-Districts may be created for funding improvements per §7-13-2349 M.C.A., limiting the debt obligation to just those land parcels directly benefiting from a specific improvement, without obligating other non-benefiting land parcels within the District.

**"Sub-metering"** - Extra water meters installed to measure usage downstream from a main meter used for billing purposes. Examples would be trailer parks, RV camps, apartment houses, malls, etc. Sub-meters would generally not be the purview of the LCWSD unless a special contract for services was to be entered into between the Customer and the District.

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

**"System Development Charges"** - SDCs are alternatively called Impact Fees, Plant Investment Fees, and various other names. In this Ordinance, SDCs are intended to be the component of the LCWSD's Plant Investment Fee that is over and above a typical Latecomer's Fee that is levied upon all new connections to the sewer system. The fee is intended to cover the cost of ultimately expanding the sewer system (generally at some future time) for the new capacity requirements that Reserved capacity properties should not be required to fund.

**"Total Suspended Solids" (TSS)** 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.

**"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.

**"Usage"**, Gallonage, Volume, may be used interchangeably as the variable element of periodic water or sewer fees based on the flow readings from an installed water meter.

**"User Equivalency"** - Rates and fees are based on a User Equivalency factor for those customers exceeding one average household user. The procedures established for the Lakeside water and sewer systems users will utilize the Volume Ratio Unit (VRU), as described in the Montana Rural Water Systems training guide, as the user equivalency factor in the determination of rates and fees established herein. Exhibit "C" displays a table of VRU's based on the size of the water meter.

**"Volume"**, Usage, Gallonage, may be used interchangeably as the variable element of periodic water or sewer fees based on the flow readings from an installed water meter.

**"Volume Ratio Unit" (VRU)** - A unit of measurement based on the amount of water that can pass through a pipe of a certain size. For purposes of rate making and billing, the VRU of a service connection becomes a multiplier from the reference size (minimum service available from the District) of a ¾ inch water line. Exhibit 6+ portrays the various water service sizes and the corresponding multiplier. VRU development is explained in the Montana Rural Water Systems 7+ Training Guide Fair and Equitable Rate Structuring+.

**"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.

**"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.

**"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."

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

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

## ARTICLE II – General Provisions, Water and Sewer

### Section 1 – Purpose:

In addition to Title 7, Chapter 13, Parts 22 & 23 Montana Code Annotated, this Ordinance is the guiding document for the Lakeside County Water and Sewer District Board of Directors, Employees, and Customers of the District applicable to all water, sewer, and storm drain facilities owned and operated by the District.

#### A. **SERVICE CHARGES** (also see Article III)

1. The Lakeside County Water & Sewer District may commence assessing or charging residential or commercial structures within the boundaries of the District in accordance with its Ordinances following issuance to the owners of an official notice that water and/or sewer services are available. The District may commence assessing or charging a minimum Base Rate fee to owners who are not connected to the water or sewer systems in accordance with its Ordinances following such notice.
2. The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs related to the construction, operation and continued maintenance of the complete water and wastewater systems and repayment of debt obligations, as well as any other factors the District may deem pertinent in setting a fair and equitable rate.
3. The District shall determine the total annual costs of operation and maintenance and debt retirement of the water and wastewater systems which are necessary to maintain the capacity and performance of the respective systems. 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.
4. The costs associated with maintenance and operation of the respective water and sewer systems shall be distributed to all users in proportion to each user's contribution to the total loading of the treatment system, and/or to the total consumption of the water delivered to the property as measured by water meters installed in water service lines. Factors such as strength (BOD and SS), volume, and delivery flow rate shall be considered and included as the basis for the user's contribution or consumption to ensure a proportional distribution of operation and maintenance costs to each user.
5. **Classes of Use – Wastewater** - 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 users within the class with respect to volume, suspended solids, and BOD.

6. The Board of Directors shall fix all water and sewer rates and shall, through the General Manager, collect the sewer charges and the charges for the sale and distribution of water to all users. The Board, in furnishing water, sewer service, other services, and facilities, shall review, at least once every year, and set, as required, the rate, fee, toll, rent, tax, or other charge for the services, facilities, and benefits directly afforded by the facilities, taking into account services provided and direct benefits received. Taking into account the collections of any special assessments levied pursuant to §7-13-2280 MCA through §7-13-2290 MCA and any property taxes (assessments) that will be levied to pay debt service on general obligation bonds authorized pursuant to §7-13-2331 MCA, the amount to be collected and appropriated must be sufficient in each year to provide income and revenue adequate for the:
  - a. Payment of the reasonable expense of operation and maintenance of the facilities;
  - b. Administration of the District;
  - c. Payment of principal and interest on any bonded or other indebtedness of the District; and establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Board of Directors or as covenanted in the Ordinance or Resolution authorizing the outstanding bonds of the District.
7. Other costs, such as funded by General Obligation Bonds or Special Assessments, shall be distributed to property owners of the District benefiting from the system improvements.
8. Each customer's monthly service charge shall be a combination of a base charge for fixed costs including the repayment of existing debt and reserves plus a per thousand usage (gallage) charge for operation and maintenance: See Table of Rates and Fees, Exhibit D
9. Owners of property shall be responsible for payment of water or sewer services provided to that property regardless of occupancy or residency.
10. New structure(s) under construction shall begin paying the applicable monthly user charge immediately following connection to the main line and the obtaining of the water meter from the District office or other District personnel.

**B. PLANT INVESTMENT FEES** (also see Article III)

1. All persons, firms, corporations or others requesting connection to the District water and/or sewer systems shall be assessed a plant investment fee to cover their proportionate share of the capital costs of the existing system(s) as determined by the District. A variable Latecomers Fee based upon an applicant's potential wastewater

contribution to the total loading of the treatment system, and/or to the total consumption of the water delivered to the property shall be paid at the time of application for connection to the respective water or sewer systems. 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 or consumption of delivered water to the property.

2. In addition to a Latecomer's Fee, Out-of-District Properties annexing into the District and any Over-density projects within the District will have an additional System Development Charge (SDC) component added to the normal Plant Investment Fee for new Sewer connections (See Table of rates and Fees - Exhibit D and Definitions).
3. The Volume Ratio Unit (VRU) method of determining user "equivalency" potential wastewater contribution or water consumption as portrayed in Exhibit "C" will be used for the establishment of plant investment fees. Plant investment fees will be applied per Volume Ratio Unit as determined by the size of the water meter size.

**C. Permit and Inspection Fees** (also see Article III)

1. A permit and inspection fee for each water and sewer service shall be paid to the District at the time an application for service is filed with the District office in order to cover administrative costs of setting up the account and/or to make inspection of the installation of service lines and/or mains.

**D. Special Assessments/Bonding** (also see Article III)

1. In lieu of imposing rates and charges to pay the capital costs of any water or sewer system improvement, the District may levy special assessments to defray the costs against property within the District and benefited by the improvement. The costs of the improvement may include the costs of issuance of any bonds issued to finance the improvement and any reserve securing payment of the bonds. Sub-Districts may be created for funding improvements per §7-13-2349 M.C.A., limiting the debt obligation to just those land parcels directly benefiting from a specific improvement.

**E. Septage Fee** (also see Article III)

1. The District will charge a fee for receiving septage waste, which fee shall include the actual costs of operating the Septage Receiving Facility, plus any reasonable cost of doing business as defined by common accounting practices as used to determine the cost of treating wastewater.

## Section 2 - Regulation of Use:

A. Water and Sewer, **Use of Public Systems Required** - If an approved municipal or other publicly owned water system or sewage collection and treatment system is readily available within a distance of two hundred feet (**200'**) of the property line for connection to a new potable water source or of a source for wastewater disposal, or as a replacement for a failed treatment system, and the LCWSD approves the connection, the candidate parcel must connect to the public system. A connection is considered as not readily available if:

1. The cost of the connection, as concurred with by the District and/or the Flathead County Health Department, is greater than three times the cost of the installation of an onsite water source or wastewater treatment system that could be approved for the site, or
2. Connection to the public system is physically impractical, or
3. Necessary easements cannot be obtained.

### B. Suitable Toilet Facilities:

1. 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 located, or may in the future be located, a public sanitary or combined sewer of the District, is required at the owner(s) expense to install suitable toilet facilities therein, 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. (\*Note: 200 feet for existing parcels, 500 feet for parcels to be subdivided).
2. 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 the LCWSD when public facilities are available as defined in this Ordinance.

### C. Septage:

1. The Wastewater Facility shall only receive septage waste from a licensed septage waste hauler using a licensed septage waste vehicle. Each septage receiving station operator must also be registered and bonded with the State of Montana and/or Flathead County. Each septage waste hauler disposing of septage waste in the Septage Receiving Facility shall post a surety, in the form of cash in an escrow account or a performance bond. The Facility may receive categories of septage waste which include domestic septage and non-processed commercial wastewater with wastewater characteristics that are similar to domestic septage.
2. The District will receive septage waste generated outside the service area, provided that adequate capacity is available to collect septage wastes generated within the District. Septage waste generated within the LCWSD shall have first priority for capacity should peak demand exceed system capacity.

### Section 3 - Permit Required:

- A. No unauthorized persons shall uncover, make any connections with or opening into, or disturb any public water or sewer appurtenance thereof without first obtaining a written permit from the Superintendent, on forms furnished by the District.
- B. Only the owner of record of the property or his legal representative may make application for water or sewer services. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
- C. The applicant for water or sewer permits shall notify the Superintendent when the building sewer and/or water line is ready for inspection and connection to the public system(s). The connection and testing as required shall be made under the supervision of the Superintendent or his representative.
- D. A permit and review fee (see Table of rates and Fees - Exhibit ~~D~~) shall be paid to the District at the time the application is filed with the Superintendent. Any additional costs incurred and documented by the District in reviewing the application shall be paid by the applicant after the review is completed.
- E. Applications which have been approved in writing by the Superintendent, or his authorized representative, for water or sewer service shall constitute a right to the customer to receive services for the purposes specified in the permit, subject to any conditions made by the District and subject to the Rules and Regulations of the District.
- F. In addition to any Montana State Plumbing Permit which may be required, there shall be three (3) classes of building sewer permits:
  - (1) For residential service
  - (2) Commercial service
  - (3) For service to establishments producing industrial wastes.

### Section 4 - Water Meter Required:

- A. **All new service requests** will be required to provide for the installation of a water meter before the application for water or sewer services will be approved. The monthly **meter reading** will be used as the basis for the ~~usage~~ portion of water or sewer service charges and the water **meter size** will be the basis for the monthly minimum Base Rate. (see Table of rates and Fees - Exhibit ~~D~~)
- B. **Conversion from Flat Rate to Metered Rate:** Some existing structures employ Flat Rate Billing left over from the days when the sewer system was first placed into service in the community. In order to position the District for 100% actual usage billing, a more equitable method of distributing costs from flat rate billing, those existing structures shall install water meters anytime an existing residence is added onto, or remodeled in any way that adds additional square footage to the structure.

- C. **Meter Installation Costs:** The customer will pay for the meter, meter-pit, and curb stop whenever necessary, and the customer shall provide and maintain a location satisfactory to the District for installation thereof. Ownership of these items will become that of the District and installed under the direction of the Superintendent.
- D. **Type of Meters:** The District shall, in its sole judgment, determine the size, type and make of any meter installed and may require the replacement of any meter at such time as it may see fit.
- E. **Final installation** of the meter shall, in all cases be made, inspected, or approved by the District, or agents authorized by the District, i.e. the District has final disposition of all water meter installations.
- F. **Meters Sealed:** All meters will be sealed by the District. The breaking of seals by unauthorized persons or tampering with meters is prohibited, and may result in discontinuation of service.
- G. **Estimated Meter Readings:** Whenever a meter shall fail to register the consumption of water, the District will estimate the amount used by averaging the use during the two previous months, or the reading the same month of the previous year, whichever is less.
- H. If a meter is found to have been **tampered** with, consumption will be computed as under **%Estimated Meter Readings+**. A reconnect charge will be assessed along with any and all repair costs attributed to the tampering. Further tampering may result in discontinued service.
- I. **Customer's Responsibility:** The customer shall exercise reasonable care in protecting the District's meter and other District owned equipment. Only District employees or agents or person authorized by law are permitted to inspect or handle water meters owned by the District.
- J. **Irrigation Meters:** Meters installed for the sole use of irrigation and/or outside water use, not delivering to the wastewater system, will require a billing account separate from the regular water/sewer account for the parcel or structure. The irrigation meter may be considered a deduct meter on the regular account, if applicable.
- K. **Water used during the construction** of buildings, etc. shall be metered whenever possible. When the setting of a meter is impracticable, the amount of water used shall be estimated by the District and be billed at the rates specified in the Table of Rates and Fees, Exhibit D. Also see Art. III, Sec 1, **%+(Minimum 5,000 gallons per month)**

#### **Section 5 - Minimum Base Rate (metered):**

- A. A minimum base rate will be established for each new service. The meter size will be used as the basis for the monthly **%Base Rate+**portion of water or sewer service charges. (see Table of rates and Fees - Exhibit **%D+**)
- B. Minimum billing is based on continuing service availability at each service location. Disconnect and reconnect transactions shall not relieve the customer from minimum monthly charges.



### **Section 6 - Water Meter Size Assignment:**

- A. 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 Superintendent or other District Representative will determine the most equitable method for determining an "assigned" water meter size for billing and fee setting purposes.

### **Section 7 - Metering Multiple Unit Structures:**

- A. 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 water or sewer system usage, the District may require only one water meter to determine water consumption for all units and will render only one bill for the complex.
- B. **Extra Meters:** Except for condominiums, when a customer desires one or more secondary meters for various tenants in a single building or complex, the customer will be required to pay for, read and repair the secondary meter. The District will not render bills based on the readings of such secondary meters and all use from one service must be billed to and paid by one customer. Secondary meters as described herein are generally referred to as ~~%Sub-metering+~~.

### **Section 8 - Billing/Number of Billing Entities:**

- A. The District will normally read meters once each month. The day of the month for reading any meter will be determined by the District and shall, as closely as practicable, be the same each month. If the meter reader is unable to gain access on his regular meter reading trip, the District may estimate the meter reading and render a bill on the estimated reading.
- B. Monthly billing for domestic water and sewer shall be based on the volume of flow, as determined by water meter readings and the size of meter (see Table of rates and Fees - Exhibit ~~%D+~~).
- C. Opening and closing bills for water or sewer service rendered for a period of five days more or five days less than normal billing period will be computed in accordance with the rate applicable to the service, by amount of water used and minimum rate, on a non-prorated basis of the number of days in the normal billing period.
- D. All water and sewer bills are due and payable upon receipt. The District may add a penalty of 1.5 percent per month on the outstanding balance of the charges due if payment is not received in the District office before the 25<sup>th</sup> of the month following the service period. If a customer fails to pay the water or sewer bill and penalty, if any, as stated herein, the District may notify the customer in writing that the District will terminate the customer's water or sewer service. A written notice will be mailed to the customer at the address specified in the customer's

application for service or to such address as may subsequently be given by the customer to the District. The notice must inform the customer of the possibility of the termination of service and a procedure for challenging a disputed bill. If a customer is not able to pay the total amount of the bill, a suitable payment schedule may be made with the District; provided however, that no outstanding balance shall be permitted to exceed the equivalent of two (2) months average bill on the property. If payment is not received, or payment arrangements made by the due date in the notice, service to the customer may be discontinued. The property owner is responsible for water or sewer bills regardless of occupancy or residency.

- E. 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 special arrangement and in writing by the District. 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 may be employed. For Multi Use/Function facilities (i.e. malls) within the same structure, separate billing entities will be established for each class of service.

#### **Section 9 - 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. Gallonage shall be determined as that registered per month on the water meter or meters for the combined structures. This scenario is intended for a house & guest house arrangement and is not intended for the combination of two separate full time occupied single family dwellings.
- 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 water or sewer main line.
- C. Sewer Service Restrictions may be recorded with the Flathead County Clerk and Recorder specifying Article II, *Section 9 B.* above, for all parcels adopting the scenario described therein.

#### **Section 10 - Out-of-District User Charges:**

- A. The purpose of this ordinance is to establish a more equitable rate for those users outside of District boundaries. A rate of One Hundred Twenty-five Percent (125%) shall be charged to

Out-of-District users to conform with rates being assessed on users within the District boundaries that collect for General Obligation debt. The rate of 125% is based on industry standards now implemented in other utility services.

### **Section 11 - Discontinuation of Services:**

- A. The District may discontinue service, upon not less than 24 hours written notice, to any customer for violation of any provision of a service agreement, rate schedule or these Rules and Regulations, including failure to pay bills within the specified period.
- B. The District may discontinue service, without notice, to any customer when any evidence of tampering with the meter or interfering with the proper functioning thereof or any unauthorized use or diversion of service is found.
- C. Whenever service is discontinued under this rule, the District shall not be required to restore service until a settlement has been made. In cases where the meter seal is broken, or the working parts of the meter have been tampered with, or the meter damaged, the District may render a bill for the current month based on the average of the preceding two months use, together with full costs of repairing and replacing the meter; and may refuse to furnish further water service until the account is paid in full.
- D. A charge for reconnecting water service, disconnected for lack of payment, shall be \$50.00. For any seasonal or short term service termination/reconnection performed outside regular business hours (8:00 A.M. to 5:00 P.M. Monday through Friday, excluding holidays) a charge of \$35.00 per hour will be assessed, with a one hour minimum applicable.
- E. The District may require as a condition of restoring service that the customer make a deposit on account equal to the current costs of replacing a water service.

### **Section 12 - Declination of Services:**

- A. The District may **decline to serve** an applicant or user:
  - 1. If the applicant or user has failed to comply with these Rules and Regulations governing water or sewer service, or
  - 2. If, in the judgment of the Superintendent, the applicant's or user's installation of piping, equipment or appurtenance is regarded as a potential health hazard, or
  - 3. If the applicant's or user's system could cause harmful effects to the water system or to the District's ability to satisfactorily operate its facilities.
  - 4. For lack of ability to provide service (no water or sewer facilities nearby).

- B. The District may refuse service to any delinquent customer owing the District for service, until such past balance plus a \$50.00 reconnect fee has been paid or satisfactory arrangements have been made by delinquent customer with the District for paying the account. These same provisions shall apply and the District may refuse service to any other member of the same household or firm when application by this member, in the opinion of District, may be a means for evading payment of the delinquent service bill.

### **Section 13 - Abandoned Services:**

- A. **Sewers Lines** - 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.
- B. **Water Lines** - Every abandoned water line shall be turned off by the District personnel at the curb stop and reserved for future use unless the probability of reuse is nil. If reuse is not likely long term, the service tap shall be excavated and the mainline tap plugged in an approved manner 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.

### **Section 14 - Annexation (Addition of Land to the District):**

- A. All properties serviced by the District must be annexed into the District before water or sewer connections are made as provided in Section §7-13-2341 M.C.A.
- B. If the Board of Directors determines that the District has a water facility or a sewer facility with a capacity greater than required to meet the needs of the current district, it may by Ordinance, upon petition of contiguous property owners and with the written consent of all property owners to whom the service is to be extended, expand the District to include land, to the extent of excess capacity; See §7-13-2341 (5) M.C.A.

- C. The property owner(s) of land(s) contiguous with the District 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.
- D. 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 into the revised boundaries of the Lakeside County Water & Sewer District pursuant to Section §7-13-2341 (5) M.C.A.
- E. In the event a statement of excess capacity is not possible in order to accommodate an annexation petition, a Service Agreement is the means to providing the necessary water or sewer system capacity. The District's Service Standards document is the main reference for assisting customers and their representatives in that endeavor.
- F. In the case of drinking water service, water rights and the current standing with the Montana Department of Natural Resources and Conservation (DNRC), in that regard, will be a consideration of accepting applications for annexation of land parcels into the District.

#### **Section 15 - Powers and Authority of Inspectors:**

- A. 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 water or 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.
- B. 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.
- C. Access to Premises: The duly authorized employees and agents of District shall have access at all reasonable hours to the premises of the customer for the purpose of reading or testing of meter, installing, removing or replacing District property, and other purposes incident to the supplying of service.
- D. The Superintendent shall be allowed to inspect the work at any stage of construction; and 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.

### **Section 16 – Violations:**

- A. 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 District's facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. No person(s) shall make any connection or extension on water or sewer service lines for the purpose of supplying water or sewer service to any other building or parcel of land. Each separate standing residence will have individual water and sewer service lines, i.e. connections to the water or sewer mains.

### **Section 17 – Penalties:**

- A. Any person found to be violating any provision of this Ordinance, 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.
- B. Any person who fails to cease and desist the continuation of any violation following notification of such, shall be guilty of a misdemeanor, and on conviction thereof, shall be assessed an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. 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. This remedy is in addition to any other remedies that may be available to the District.

### **Section 18 - Proof of Insurance:**

- A. Any person or contractor working on facilities owned by the District must furnish the District with a certificate of proof of Workers Compensation or a waiver of insurance from the State Compensation Division Office and proof of Commercial General Liability coverage written with a limit of liability not less than \$750,000 for each claim and \$1,500,000.00 for each occurrence. The certificates shall become a part of the application for service for water or sewer. See Standards Document+ (Article V) for full description of applicable insurance requirements.

### **Section 19 – Disputes:**

- A. The customer, at his request, may be instructed on how to read the water meter when the meter is furnished by the District. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Board within five days of receipt of the billings in question.

- B. If the customer disputes the accuracy of the meter, the District may, at the customer's expense, determine its accuracy. If the meter is found to be inaccurate over two (2) percent, the District shall make the necessary repairs, at the District's expense, to bring the meter into tolerance or replace the meter. Billing adjustments shall be made for inaccurate meters in the same manner and in accordance with Article II, Section 4 ~~%~~+~~%~~Estimated Meter Readings+.
- C. If an error in billing has been made, the District may recover any under billing for a period of six months preceding the date the error is determined. Refund of an over collection will be made as soon as practical after determining an error has been made for the same maximum period as under billing.
- D. Each user wishing to dispute the amount shown as due on the monthly statement may do so by writing the District General Manager, at 253 Bierney Creek Rd., Lakeside, Montana 59922, or by presenting a complaint in writing to the Board of Directors at any regularly scheduled meeting.

#### **Section 20 - Hearing Board:**

- A. A **Hearing Board** shall be appointed as needed for arbitration of differences between the Superintendent and customers 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 customer.
- B. One member of the **Hearing 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.

#### **Section 21 – Easements:**

- A. If necessary, an easement for the purposes of construction, inspection, observation, measurement, sampling, repair, and maintenance of any portion of water, sewer, or storm drain facilities shall be provided to the District, at no cost to the District, by owners at the time the application for the water service permit is filed.
- B. Customers/Property Owners must not build structures on or over any District owned lines; and in the event of any structure on or over said line, the District will have the right to remove said structures at LANDOWNER'S cost and the District has no obligation to repair or replace said structures.

## Section 22 – Demarcation:

- A. Operation and maintenance of the water or sewer service line connected to the District's main line shall be the **responsibility of the property owner/customer**, and shall include routine inspection, maintenance, and rehabilitation.
- B. The **District's** responsibility includes maintenance and repairs of the service saddle and necessary service pipe from the center of the main line pipe to the edge of the traveled way within roadways; and in the case of sewer service pipe, to the edge of the right-of-way. In the case of water service, the curb stop is the demarcation point between the Customer and District facilities with the curb stop being the District's responsibility.
- C. The DISTRICT will have the authority to determine the location and design of any service line connected to its water distribution system or its wastewater collection system.
- D. All costs and expense incurred to install and connect the **building service** to the public water or sewer systems shall be paid by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the connection of the building service to the main.
- E. The owner shall be responsible for the installation and maintenance of all piping, plumbing, and equipment connected, or to be connected to the District's main line facilities. The District shall not be liable for any loss or damage of any nature whatsoever caused by, or arising from, the operation of the customer's piping or equipment or from any defect in the customer's piping or in the customer's equipment upon the premises of the customer. The District does not assume the duty of inspecting the customer's line, plumbing, and equipment and shall not be responsible therefore; but the customer shall grant permission for duly authorized employees or agents of the District to make investigation, at reasonable times, of the use of water or discharge of wastewater in any premises served.

## Section 23 - Delinquent Accounts:

- A. The District shall submit a monthly statement to residents for assessed charges. The District shall add a late fee penalty of one and one-half percent (1.5%) per month if payment is not received in the District office before the 25<sup>th</sup> of the month following the service period.
- B. Should any user fail to pay the assessed charge and any late fee penalty within two months of the due date, the District may stop 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. See §7-13-2283 M.C.A.



- C. In the event of foreclosures or other reasons for changes in ownership, unpaid delinquencies, together with interest, costs, and reasonable attorney fees, shall remain a continuing lien upon the property against which each such assessment is made. If service has been stopped per Article II, Section 23, ~~%B+~~, service will not be restored to said property until all delinquencies have been resolved to the satisfaction of the District.

### **ARTICLE III – Fees and Service Charges**

(See Table of rates and Fees - Exhibit ~~%B+~~)

#### **Section 1- Monthly Fees/Base Rate:**

- A. The **purpose** of this Article is to generate sufficient revenue to pay all costs for the operation, maintenance and debt retirement of the complete water or sewer system of the District. Factors such as volume and delivery flow rate shall be considered and included as the basis for each user's service charge. The purpose of these scheduled charges is to ensure a proportional distribution of operation and maintenance costs to each user, as well as any other factors the District may deem pertinent in setting a fair and equitable rate. The Volume Ratio Unit (VRU) method of determining user "equivalency" as portrayed in Exhibit "C" will be used for the establishment of rates and fees. Rates and fees will be applied per Volume Ratio Unit as determined by the size of the water meter size.
- B. **Public Fire Protection** - Water service for public fire protection service shall be free of charge in exchange for the exercising of the hydrant and hydrant valves by the Somers Volunteer Fire Department under the supervision of the Superintendent. Additionally water service to the Lakeside fire hall will only be metered for domestic consumption (filling of fire trucks will not be billed) and billed as a standard 3/4 inch service. This sub-section is for hydrants located in the service area for hydrants installed at locations where District owned water mains of adequate capacity are in service. Water taken under this agreement is to be used only for the extinguishment of fires and cleaning of streets, unless otherwise specified by the Superintendent. The District is to be notified in all instances and temporary hydrant meters utilized whenever possible.
- C. **Bulk Water Sales** - The minimum charge for selling bulk quantities of potable water will be \$25.00; or if sold in large amounts will be \$6.00 per 1,000 gallons, whichever is the larger.
- D. **Septage Receiving Fee** - The fee is \$.03 per gallon, as measured at a metered discharge point into the sewer conveyance line, and at the rate portrayed in the ~~%Table of Rates and Fees+~~, Exhibit ~~%B+~~
- E. **Private Fire Protection** - Charges for water service for private fire protection service shall be \$5.00 per month. Water taken under this section is to be used only for the extinguishment of fires and the flushing necessary for the proper maintenance of the fire protection equipment. Water used for any other purpose shall be estimated, or a meter installed, and the water used shall be billed at regular meter rates. All additions of water

mains and facilities on public rights-of-way necessitated by requests for private fire protection shall be made in accordance with the Article on ~~Extensions of Service~~. Water service required for private fire protection purposes and all hydrants required on private property shall be installed and maintained at the expense of the customer. The customer shall at the District's request furnish, install, own and maintain a back flow protector and a detector check device acceptable to the District.

- F. **Owners** of property shall be responsible for payment of water or sewer services provided to that property regardless of occupancy or residency.
- G. Each customer's **monthly service charge** shall be a combination of a base charge for the repayment of existing debt and reserves, and a per thousand usage charge for operation and maintenance as stated in the Table of Rates & Fees (Exhibit ~~D~~).
- H. The **Volume Ratio Unit** (VRU) method of determining user "equivalency" as described in Exhibit "C" will be used for the establishment of rates and fees. Rates and fees will be applied per Volume Ratio Unit as determined by the size of the water meter installed.
- I. If a service is **un-metered** it will be billed for 5,000 gallons per month for each water and sewer service until a meter is installed.
- J. **Averaging for Summertime sewer usage** – During the ~~Summer~~ months of April . October, sewer usage, for each sewer account that uses the same water meter to measure all water consumption including irrigation, will be determined by the average of the recorded ~~Winter~~ months of November . March water consumption. In the event of zero or unrealistically low wintertime average usage being established (i.e. ~~snowbirds~~), actual usage or no more than 5,000 gallons will be used as the basis for the summer months ~~usage~~ usage component of residential sewer monthly billing.

**Section 2 - Plant Investment Fees:**  
(See Table of rates and Fees - Exhibit ~~D~~)

- A. Plant Investment Fees will be based upon water meter size.
- B. A Plant Investment Fee shall be paid before service is rendered. If a larger capacity service is required on an existing service, only the difference of capacity shall be charged. Likewise, if a building on a piece of property which has been connected to the water or sewer systems is demolished and a new building is constructed, the plant investment fee shall only be applied to the difference of capacity (See Exhibits "C" and ~~D~~).
- C. Plant Investment Fee assessments for enlarged or expanded existing sewer service, without increasing the service line or 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.

- D. Public Restroom Facilities:** For each toilet/sink combination, 1/4 (.25) of one 3/4" 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.

### **Section 3 – Permit and Inspection Fee:**

**Permit and Inspection Fee:** A permit and inspection fee for each water and sewer service shall be paid to the District at the time an application for service is filed with the District office. See Exhibit ~~10~~, Table of Rates and Fees for current fee amount.

### **Section 4 - Special Assessments/Bonds:**

See §7-13-2280 & 81 M.C.A. for Special Assessments and §7-13-2321 M.C.A. for Bonding Procedures

## **ARTICLE IV – Extension of Services**

### **Section 1**

- A. It will be a DEVELOPER's or property owner's responsibility to construct or establish pump stations, sewer systems, water systems, and rights-of-way in accordance to the Extension of Services Plan, described in the District's Service Standards document (Ordinance #23), the Montana Public Works Standard Specifications (MPWSS), and in compliance with the Montana DEQ Standards for Waterworks and Design Standards for Wastewater Facilities (DEQ Circulars DEQ 1 & 3 and DEQ 2).
- B. Developers or individuals shall pay the cost of all main line extensions.
- C. If the District requires the developer extending the water or sewer main improvements to install a larger size water or sewer main or improvement greater than required by District Standards or the Developer's requirements, the District may pay the difference in cost between the larger water or sewer main or improvements required by the District and the size of the water or sewer main or other improvements required by the standards.
- D. The District reserves the right to further extend the water or sewer main installed by a Developer or individual. The District also reserves the right to charge future Developers, beyond those areas outlined in the Extension Agreement, for their share of the District's cost for the over-sizing of water or sewer mains.
- E. The Developer is required to turn over all ownership rights of main line extensions to the District without compensation from the District. The Developer is also required to grant easements to these extensions without further compensation.

## **ARTICLE V – Service Standards**

A document titled the "Lakeside County Water & Sewer District Service Standards" will be used as the main reference for assisting customers and their representatives in understanding the necessary requirements for obtaining water and sewer services from the District. All design and materials requirements are included in this document. The Service Standards document was originally adopted as Ordinance #23, May, 1997, and is updated periodically.

## **ARTICLE VI – Water Specific Regulations**

### **Section 1 - Use of the Public Water System:**

- A. Water service will be supplied only under and pursuant to these Rules and Regulations and any modifications or additions made hereafter and under such applicable rate schedule as may from time to time be set by the Board.
- B. If a customer furnishes water to others without permission from the District, it shall be considered a violation of the water service Ordinances; and after written notice, water service may be discontinued by the District. Service will not be reestablished until the violation has been corrected and a reconnect fee of \$50.00 is paid.
- C. Wasting of water is prohibited and customers must keep their fixtures and service pipes in good order at their own expense. All waterways must be closed when not in use. Leaking fixtures must be repaired immediately without waiting for notice from the District.
- D. The customer shall be responsible for all damage to or loss of District's property located upon his premises including damage by hot water, unless occasioned by circumstances beyond his control or by negligence of District. The use of water upon the premises of the customers is at the risk of the customer, and the responsibility of the District shall cease at the point of connection with the customer's service. See Article II, Section 22 for more detail (Demarcation).
- E. **Source Water Protection** – Source Water Protection Plans have been developed by the District and are available in the District Office.
- F. **Backflow Prevention/Cross Connections** - A %Cross Connection Control Program and Plan of Operation+was originally adopted by the District in July of 2000, and is available in the District Office.

## ARTICLE VII – Sewer Specific Regulations

### Section 1 - Use of the Public Sewers:

- A. 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 the District, any human excrement, garbage or other objectionable waste.
- B. 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 the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

### Section 2 – Stormwater:

- A. 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 the time, may be discharged to the **sanitary sewer** by permission of the Superintendent.
- B. 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.
- C. **Storm water** other than that exempted under **Article VII, Section 1, “A” or “B”**, 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 - Sewer Pretreatment:

- A. 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:
  - 1. Reject the wastes.
  - 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
  - 3. Require control over the quantities and rates of discharge, and/or

- B. 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.
- C. 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.
- D. **Septage:** The Lakeside County Water and Sewer District may receive categories of septage waste which include domestic septage and non-processed commercial wastewater with wastewater characteristics that are similar to domestic septage and are compliant with the District's **Septage Receiving Facility Procedures Manual**.
- E. **Grease** - 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 captivated 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.
- F. **Industrial Wastes** - 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 4 - Disallowed Substances:**

- A. No person(s) shall discharge or cause to be discharged any of the following described water 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 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.
  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 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.
- B. 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.

#### **Section 5 - Allowed Substances Limitations:**

- A. 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 sewer, 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:
1. Wastewater having a temperature higher than 150 degrees Fahrenheit, 65 degrees Celsius.
  2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable 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 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.
5. 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 Plant exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the Superintendent.
7. 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.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
9. 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.
10. 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 6 – Additional Information Required:**

- A. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:
  1. Wastewater discharge peak rate and volume over a specified time period.
  2. Chemical analyses of wastewater.
  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 material 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 system to prevent and control the losses of materials through spills to the municipal sewer.

#### **Section 7 – Measurements:**

- A. 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.
- B. **Surcharge For Excess BOD and TSS** - The District, or its agent, will determine the average Total Suspended Solids (TSS) and five day Biochemical Oxygen Demand (BOD) daily loadings for the average residential user; or in lieu of such determination, will consider the average residential strength wastes to be 200 p.p.m. (mg/l) BOD and 200 p.p.m. (mg/l) TSS. The District, or its agent, will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS 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. The surcharge rate structure for such above normal strength waste discharges will be equal to 1.3% of the regular monthly charge for each 10 mg/l over 200 mg/l of BOD and .4% of the regular monthly charge for each 10 mg/l over 200 mg/l over 200 mg/l TSS.

#### **Section 8 - Building Sewers and Connections:**

- A. 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.
- B. Up to two single family dwelling structures on a single parcel owned by a single or joint owner may be combined under conditions specified under **Article II, Section 9 A**. 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, **Article II, Section 9 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.

- C. Existing **building sewers** may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this Ordinance.
- D. The 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.
- E. 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 9 - Private Wastewater Disposal:**

- A. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. 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.
- C. 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.
- D. 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.
- E. At such time as public sewer becomes available, within a distance of two hundred feet (**200'**) of the property line as a replacement for a failed treatment system, and the LCWSD approves the connection, the candidate parcel must connect to the public system in accordance with Article II, Section 2, ~~%A+~~.
- F. 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.

## **ARTICLE VIII – RESERVE ACCOUNTS**

- A. Reserve Accounts will be established for the purpose of providing sufficient funds for obtaining and installing equipment, accessories and appurtenances during the useful life of the water, wastewater, and storm drain facilities as applicable; necessary to maintain the capacity and performance for which such facilities are designed and constructed.
- B. A reserve account intended for the expansion of the wastewater system will be funded from the System Development Charges element of the Over-density and Expanded Capacity Plant Investment Fees collected by the District.
- C. Reserve accounts will be invested in interest bearing federally insured accounts and shall be funded by deposits of surplus funds as determined by the Board from time to time.

## **ARTICLE IX – MISCELLANEOUS**

- A. A copy of the Rules and Regulations of the District and any contracts and applications applicable to the District shall be maintained for full inspection by the public. District rates shall be explained to an owner upon written request.
- B. Persons working for the Lakeside County Water and Sewer District convicted of crimes involving the unlawful possession, use or distribution of illicit drugs or alcohol are subject to penalties under state law and all local ordinances. Employees needing help in dealing with drug/alcohol problems may contact Flathead County Health Services for referrals to education, treatment, and rehabilitation programs.
- C. In compliance with the Drug-Free Work place Act of 1988, employees are required to notify their superior of a criminal drug statute conviction for a violation occurring in the work place within five days of the conviction. If the employee is receiving federal funding, the appropriate contracting agency will be notified within 10 days of the conviction.
- D. Signatories of the District for any and all official business shall be those members of the District's financial committee. This committee shall be comprised of the District's bookkeeper, President, and one other member of the Board.
- E. The adoption of this Ordinance shall not preclude the Board from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion, or upon application of the Superintendent.

## **ARTICLE X - Validity/Severability**

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. All previous copies of Sewer Ordinances #1 & Ordinance #3, and Water Rules and Regulations are replaced in their entirety by this Ordinance.
- B. 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 XI - Ordinance in Force**

- A. This ordinance shall be in full force and effect from and after July 19, 2011. The rules and regulations contained herein shall govern the providing of water and sewer services by the District and taking of same by the customers of water and sewer services within the service area. These Rules and Regulations are subject to revision from time to time by the Board of Directors and supersede all regulations by whatever term designated which may heretofore have governed the supplying of water and sewer services by the District.
- B. These Regulations apply to the jurisdictional area of the Lakeside County Water and Sewer District. Where these regulations are in conflict with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply or those of a higher authority shall prevail.

## Exhibit "A"

### Description of District

The Lakeside County Water District and the Lakeside County Sewer District consolidated in 1997 and was chartered by the Secretary of State of Montana. The Water district was formed from a private system and expanded in 1978. Construction on the Sewer system was begun in 1987 and the new system was placed in service in 1988. The District boundaries generally encompass the residential and commercial tracts within the Town of Lakeside, south of Lakeside along the shores of Flathead Lake for a distance out onto Conrad Point; north along Flathead Lake to the northern boundary of the Mission View Terrace Subdivision. In addition, the District includes the Highway 93 right-of-way north to the junction of Highway 82 and Highway 93, plus a number of individual properties that have been annexed into the District since 1988 along that corridor.

A metes and bounds description of the highly irregular shape of the Lakeside County Water and Sewer District that extends along the west shore of Flathead Lake and extends northward along Highway 93 and occasionally along avenues of annexation (roadways and easements), would be an extremely long narrative and practically indecipherable by a layman reader. Therefore, for a better description of the District, and a better tool for locating property as it relates to the boundaries of the District, is to view it on the Flathead County GIS system.

The Flathead County **G**eographic **I**nformation **S**ystems Interactive Map Site (IMS) <http://maps.flathead.mt.gov/ims/Map.aspx> allows users to locate a large assortment of geographic information within Flathead County. Using this interactive tool, users can find information about a given parcel such as which districts (zoning, school, fire, **water/sewer**, voting, etc.) the parcel is in. Users can search for a particular parcel based on owner name, address or assessor number and view a map (with or without aerial photography) of the area. Alternatively, users can use **zoom+** tools to zoom in on a certain area of the map. Many different geographic datasets can be turned on & viewed here, such as FEMA floodplains, census information, hunting districts, community wildfire protection plan, but more specifically for the purposes of this Exhibit, the boundaries of the Lakeside County Water and Sewer District.

## Exhibit "C"

### Volume Ratio Unit, User Equivalency Table:

<u>Size of Connection/Water Meter</u>	<u>Number of VRU's (multiplier)</u>
3/4" (Typical single family)	1.0
1"	1.8
1 1/2 "	4.0
2"	7.1
2 1/2"	11.1
3"	16.0
4"	28.4

## EXHIBIT D – Table of Rates and Fees

LAKESIDE COUNTY WATER SEWER DISTRICT

### TABLE OF RATES AND FEES

Effective January 1, 2011

#### MONTHLY RATES:

("Sewer" Appendix "B") <u>SEWER</u>		<u>WATER</u> ("Water" Exhibit "B")
<b>Flat Rate</b>	\$40.00	Not Applicable
<b>Metered:</b>	<b>Base Rate</b>	<b>Base Rate</b>
Irrigation Rate	NA	\$5.00
(meter size)		
5/8 & 3/4"	\$26.00	\$20.75
1	\$46.80	\$37.35
1 1/2	\$104.00	\$83.00
2	\$184.60	\$147.33
2 1/2	\$288.60	\$230.33
3	\$416.00	\$332.00
4	\$738.40	\$589.30
Greater than 4", calculate as required		Greater than 4", calculate as required
<b>Usage Rate:</b>	<b>Rate:</b>	<b>Rate:</b>
\$ per 1,000 Gallons	\$2.00	\$1.79

#### PLANT INVESTMENT FEES:

<u>SEWER</u>		<u>WATER</u>
<b>Reserved Capacity</b>		
(within boundaries of original sewer district)		
<b>Meter Size</b>		
5/8 & 3/4"	\$1,799	\$1,993
1	\$3,238	\$3,587
1 1/2	\$7,196	\$7,972
2	\$12,773	\$14,150
2 1/2	\$19,969	\$22,122
3	\$28,784	\$31,888
4	\$51,092	\$56,601
Greater than 4", calculate as required		Greater than 4", calculate as required

<b>Expanded Capacity</b>		
(out-of-district & over density)		
<b>Meter Size</b>		<b>Not Applicable</b>
5/8 & 3/4"	\$3,597	
1	\$6,475	
1 1/2	\$14,388	
2	\$25,539	
3	\$57,552	
Greater than 3", calculate as required		

<u>Permit / Inspection Fee</u>	
<u>SEWER</u>	<u>WATER</u>
\$100.00	\$100.00

Appendix "A"-Ordinance #10-3

Server/Admin/LCWSD/2011 PDF Table of Rates Fees/2-10-11