TITLE 4 - SEWER AND WATER

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Chapter 4.02 - REGULATION OF SEWER USE

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4.02.010 Definitions:

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

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

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside walls of the buildings and conveys it to the building sewer, beginning five feet (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 the house connection.

"City" shall mean the city of White Sulphur Springs, Montana.

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

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

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

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

"Industrial wastes" shall mean the wastewater from industrial processes, trades, or businesses as distinct from domestic or sanitary wastes.

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

"May" is permissive.

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

"pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration.

The concentration weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of IQ~7.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

"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.

"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.

"Shall" is mandatory.

"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 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

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

"Superintendent" shall mean the superintendent of the wastewater facilities of the city, or his authorized deputy, agent, or representative.

"Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"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 dispose of the effluent.

"Wastewater treatment works" shall mean an arrangement of devices and structures for testing waste-water, 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.

"Hearing board" shall mean that the board appointed according to provisions of Section 4.02.070.

"Individual Dwelling Unit" means a dwelling or portion of a dwelling used by one household for residential purposes.
(Amd. Res. 514; 1-7-08)

"Household" means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship.

Not more than four unrelated people, including persons enrolled in an institution of higher learning.

Two unrelated people and any children relate to either of them; or

Not more than four people who are:

Residents of a "Community Residential Facility" as defined in §76-2-411 et seq., MCA, and this title or

"Handicapped" as defined in the Fair Housing Act, 42 USC §3602(h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 USC §802(6).
(Amd. Res. 514; 1-7-08)

"Household" does not include:

Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, cooperative housing, or like organization;

Any group of individuals whose association is temporary or seasonal in nature; or

Any group of individuals who are in a group living arrangement as a result of criminal offenses.

"Commercial or multiple use facility" means a business establishment open to the public which may or may not provide multiple water and sewer facilities for use by more than one customer. A multiple use facility includes, but shall not be limited to campgrounds, hotels/motels, and hospitals and any facility included in (31) above.
(Amd. Res. 514; 1-7-08)

4.02.020 Use of Public Sewers Required.

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 city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

The owner(s) of all houses, buildings, mobile home parks or courts, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer is hereby required at the owner's expense to install suitable toilet facilities therein for each commercial or multiple use facility and for individual dwelling unit and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 30 days after the date of official notice to do so, provided that said public sewer is within 150 feet of the property line. (Amd. Res. 514; 1-7-08)

4.02.030 Private Wastewater Disposal.

Where a public sanitary and combined sewer is not available under the provisions of Section 4.02.020 (4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the superintendent. A permit and inspection fee of $60.00 shall be paid to the city clerk at the time the application is filed.

A permit for a private wastewater disposal system shall no become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for the final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of receipt of the notification by the superintendent.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health of the State of Montana. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than

2,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 4.02.030 (4), as direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

4.02.040 Sanitary Sewers, Building Sewers and Connections.

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

There shall be two classes of building sewer permits:

For residential and commercial service; and
For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of $60.00 for a residential or commercial building sewer permit and $60.00 for an industrial building sewer permit shall be paid to the city clerk at the time the application is filed.

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

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, 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 city does not and will no assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of suitable code provisions, the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff, or groundwater to 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.

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

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

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

4.02.050 Use of Public Sewers.

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which

storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent.

Storm water, other than that exempted under Section 4.02.050 (1), 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, combined sewer, or natural outlet.

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

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

Any waters containing toxic or poisonous solids, liquids, gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in, or have an adverse effect on the waters receiving any discharge from the treatment works.

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.

Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

The following described substances, materials, waters, or wastes shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will no otherwise endanger lives, limbs, 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 sewer, materials of construction of the sewers, 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:

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

Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

Wastewater from industrial plants containing floatable oils, fats, or grease.

Any garbage that has not been properly shredded (see Section 4.02.010 (13)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the on the premises or when served by caterers.

Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.

Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.

Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

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.

Any water or wasted 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.

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 4.02.050 (4), 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:

Reject the wastes;

Require pretreatment to an acceptable condition for discharge to the public sewers;

Require control over the quantities and rates of discharge, and/or

Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 4.02.050 (10).

When considering the above alternatives, 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.

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 4.02.050 (4)(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated 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 the owner's personnel must be performed by currently licensed waste disposal firms.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operations by the owner at his expense.

When required by the superintendent, the owner of any property serviced by the 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 measurements 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.

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

Wastewaters discharge peak rate and volume over a specified time period.

Chemical analyses of wastewaters.

Information on raw materials, processes and products affecting wastewater volume and quality.

Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

Details of wastewater pretreatment facilities.

Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

All measurements, testes and analyses of the characteristics of water and wastes to which reference is made in this chapter 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, locations, time, durations and frequencies are to be determined on an individual basis subject to approval by the superintendent.

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

4.02.060 Disorderly Conduct.

It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating the provisions of this chapter shall be subject to immediate arrest under a charge of disorderly conduct.

4.02.070 Powers and Authority of Inspectors.

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

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 may establish that the revelation to the public of the information in question might result in an advantage to competitors.

While performing the necessary work on private properties referred to in Section 4.02.070 (1), the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall beheld harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 4.02.050 (8).

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

4.02.080 Hearing Board.

A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the superintendent. The cost of the arbitration will be divided equally between the city and the sewer user.

One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this chapter.

4.02.090 Penalties.

Any person found to be violating any provision of this chapter, except Section 4.02.060, shall be served by the city 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.

Any person who shall continue any violation beyond the time limit provided for in Section 4.02.090 (1) shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the amount no exceeding $300.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

(Ord. 322; 12-18-79)

Chapter 4.06 - WASTEWATER SYSTEM SERVICE CHARGES

Sections:

4.06.010 Purpose

4.06.020 Determining Total Annual Costs of Operation and Maintenance

4.06.030 Determining Each User's Wastewater Contribution Percentage

4.06.040 Determining Surcharge System for Users with Excess BOD & SS

4.06.050 Determining Each User's Wastewater Service Charge

4.06.060 Payment of User's Wastewater Service Charge and Penalties

4.06.070 Review of Each User's Wastewater Service Charge

4.06.080 Notification

4.06.090 Wastes Prohibited from Being Discharged to the Wastewater

4.06.110 Proper Design and Construction of New Sewers and Connections

4.06.010 Purpose

The purpose of this chapter is to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and SS), volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user class.

4.06.020 Determining Total Annual Costs of Operation and Maintenance

The city or its city engineer shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and reasonable contingency fund.

4.06.030 Determining Each User's Wastewater Contribution Percentage

The city or its city engineer shall determine each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then

be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The city or its city engineer shall determine each user's average daily poundage of five-day 20 degree Centigrade Biochemical Oxygen Demand (BOD), which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine each user's BOD Contribution Percentage.

The city or its engineer shall determine each user's average Suspended Solids (SS) poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all Suspended Solids discharged to the wastewater system to determine the user's Suspended Solids Percentage. Each user's Volume Contribution Percentage, BOD Contribution Percentage and Suspended Solids Contribution Percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow of the total five-day 20 degree Centigrade BOD and of the Suspended Solids, respectively.

4.06.040 Determining Surcharge System for Users with Excess BOD & SS

The city or its city engineer will determine the average Suspended Solids (SS) and Biochemical Oxygen Demand (BOD) daily loadings for the average residential user. The city or its city engineer will assess a surcharge rate for all nonresidential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users' above-normal strength wastes. Normal strength wastes are considered to be p.p.m. BOD and p.p.m. SS. The surcharge rate structure for such above-normal strength waste dischargers is as shown on file in the office of the city clerk.

4.06.050 Determining Each User's Wastewater Service Charge

Each nonresidential user's wastewater treatment cost contributions as determined in Section 4.06.030 and 4.06.040 shall be added together to determine such user's annual wastewater service charges. Residential users may be considered to be one class of 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 as a residential user; provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule on file in the office of the city clerk.

4.06.060 Payment of User's Wastewater Service Charge and Penalties

The city shall submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The city shall add a penalty of percent per month if the payment is not received by the city within 15 days. Should any user fail to pay the user wastewater service charge and penalty within three months of the due date, the city may stop the wastewater service to the property.

4.06.070 Review of Each User's Wastewater Service Charge

The city shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry has completed in-plant modifications which would change that user's Wastewater Contribution Percentage, the user can present at regularly scheduled meeting of the governing body, such factual information and the city shall then determine if the user's Wastewater Contribution Percentage is to be changed. The city shall notify the user of its findings as soon as possible.

4.06.080 Notification

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

4.06.090 Wastes Prohibited from Being Discharged to the Wastewater Treatment System

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.

4.06.100 Prohibition of Clear Water Connections

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

4.06.110 Proper Design and Construction of New Sewers and Connections

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing coded or other applicable rules and regulations of the city and the state of Montana. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 323; 12-18-79)

Chapter 4.08 - WATER REGULATIONS

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4.08.260	Additional Charge
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4.08.280 Apartments, Mobile Homes and Commercial or Multiple Use Facilities

4.08.290 Mayor May Enact Regulations

4.08.300 Enactment and Notification of Regulations

4.08.310 Penalty

4.08.010 Rules Established

The following rules and regulations are hereby established for the management, control and protection of the city waterworks. Said rules shall be considered a part of the contract with every person who takes water supplied by the city from the city waterworks, and every person taking water shall be considered as having expressed consent to be bound thereby.

4.08.020 Application and Fee for Taps to Mains

Applications for the use of water must be made to the office of the superintendent or the city clerk on printed forms furnished for that purpose. The application must be made by the agent or owner of the property to be benefitted, describing the lot, block and street where water is desired, and shall state fully all the purposes for which the water may be required; and the applicant or his duly authorized agent, upon making the application, shall pay to the city treasurer or city clerk a minimum fee of $1000.00 plus the cost of a city approved water flow meter and shall pay the expense of the city in making connection with the main. In cases where the applicant desires a larger line than three-quarters of an inch, the applicant shall firs obtain city approval of line size and shall agree in said contract to pay to the city, upon demand, the difference in cost to the city between the three-quarter inch line and the large line requested by the applicant, in addition to the minimum $1000.00 fee set forth above. No taps will be made to the mains until the applicant for whom such connection is to be made has signed the contract mentioned herein, a plumber's permit has been issued authorizing the plumber to lay such pipes and make such connections as will conform to the application, and the applicant has paid all required fees. (Ord. 340; 5-4-87, Amd. Ord. 342; no date, Amd. Res. 517; 8-4-08, Amd. Res. 551; 8-6-12)

4.08.030 Size and Furnishing of Materials

The city shall provide the mains saddle and corporation stop, and may provide, at cost, the service line to the curb stop, and curb box and water meter, in addition to the minimum $1000.00 fee provided for in 4.08.020. All other materials are to be furnished by the applicant. The size and service lines, valves, meters and other fittings fixtures, or appurtenances necessary shall be determined by the city. If contractor provided, the curb stop, curb stop box, meter pit, if any, and meter shall

conform, in respect to design and materials, to city standards. (Ord. 340; 5-4-87, Amd. Ord. 342; no date, Amd. Res. 551; 8-6-12)

4.08.040 Discontinuance; Notice Filed

Should it be desired to discontinue the use of water, or if any residence or commercial property to which City water is supplied shall be vacant of a period of 60 days or more, written notice thereof shall be filed in the office of the city clerk by the property owner and all arrears paid, and rates shall be charged until such notice is given. Within 72 hours of receipt of such notice, the city superintendent shall shut off water service to the residence or commercial property for which there is a fee of $50.00. (Ord. 340; 5-4-87, Amd. Ord. 342; no date, Amd. Res. 516; 9-2-08)

4.08.050 Rates Paid Monthly; Delinquencies

Water bills must be paid monthly either at the office of the city clerk or by electronic means such as through a bill pay service with a bank. Payments are due on the first day of each month for water services provided in the preceding month. When paying in person, the customer shall present to the city clerk, together with the correct payment, a current bill indicating the amount of water used and the balance due. If a water bill is not paid by the 10th of the month for services provided in the preceding month, then it becomes delinquent, and shall result in a $10.00 late charge for each month past due and the city clerk will then give 3 days' written notice to the customer that on the 14th of the month (or the business day closest to the 14th) his or her water shall be turned off unless the entire outstanding balance is paid in full before the 14th of the month. A turn on fee of $50.00 shall be assessed against a delinquent customer and this fee, as well as any unpaid amount or balance due for water service must be paid in full before resumption of service.

Should the occupant of the premises turn on the water, or suffer or cause the water to be turned on, after it has been shut off at the curb stop, it may be turned off at the main and a charge equal to that of establishing a new service in addition to any delinquent charges shall be assessed and paid before the resumption of water service. Further, the city may pursue redress under the state laws pertaining to "theft of services" if water is used without payment therefor. The landowner of the property to which service is provided is ultimately responsible for all charges for service provided, including those incurred by a tenant or lessee of the property. If a customer whose water has been shut off either at the curb stop or the main requests that it be turned on again during an evening or weekend, then any charge set forth in this section shall be double the standard fee. (Ord. 340; 5-4-87, Amd. Ord. 342; no date, Amd. Res. 459; 1-6-97, Amd. Res. 551; 8-6-12, Amd. Res. 556; 12-3-12)

4.08.060 Separate Line Required

(Repealed in its entirety. Amd. Res. 514; 1-7-08)

4.08.070 Stop and Waste Cock Required

Every service pipe must be furnished with a stop and waste cock placed within one foot after the pipe enters the cellar wall. Said stop must have a handle or wrench attached to turn same and should be turned off and on at least once a month to keep same in working order so that water can be readily shut off and drained from pipes, and for the protection of the premises in case of leaks.

4.08.080 Location of Stop Boxes and Cutoffs

All stop boxes and cut-offs for controlling the supply of water to consumers shall be placed within the street line in the location described by the city superintendent. The top of all stop boxes shall conform to the surface of the sidewalk and shall not be covered with any substance. (Ord. 340; 5-4-87; Amd. Ord. 342; no date)

4.08.090 Copper Pipe Required

Consumers shall be required to use, in making connections with the city water mains within the street lines, K-copper pipe only, of the best quality. (Ord. 340; 5-4-87, Amd. Ord. 342; no date)

4.08.100 Public Hydrant Requirements

No private hydrants shall be located on the sidewalk or any place of easy access to the public unless metered and then only by special permit.

4.08.110 City Not Responsible

The city shall not be responsible for pipes, appurtenances, and fixtures. All owners, at their expense, must keep service pipes from city mains and all their apparatus, their appurtenances, and fixtures in good working order and properly protected from frost and other dangers. No claim shall be made against the city on account of any freezing, breaking of or other environmental damage to any service pipe, water meter or other apparatus, or for accidental failure to supply water. No reduction from the regular rates shall be made for any time that service pipes, water meters or fixtures may be frozen. (Ord. 340; 5-4-87, Amd. Ord. 342; no date; Amd. Res. 551; 8-6-12)

4.08.120 Fire Restrictions

During all alarms of fire, the use of hoses, yard fountains, hydraulic motors, elevators and all outlets where a constant flow of water is maintained is positively forbidden. This rule will be enforced and if violated will subject the offender to the punishment prescribed by this code.

4.08.130 Accessibility

All property owners shall, when acquiring water service, ensure that the curb stop, water meter and shut offs on both sides of the water meter and accessible to city

water personnel, and that they are maintained in a condition that access does not endanger the health or safety of city employees. In cases where accessibility is considered not feasible or reasonable, an external meter pit, of appropriate design, shall be installed and maintained by the owner. (Ord. 340; 5-4-87, New Res. 551; 8-6-12)

4.08.140 City May Make Repairs

The city reserves the right at any time to shut off its mains for the purpose of making repairs or extensions or any other purpose, and no claim shall be made against the city by reason of the breaking of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying of mains, hydrants, or other connections.

4.08.150 Contractors or Builders Desiring Water

Contractors, builders, or others desiring water for building purposes must make application to the superintendent of the waterworks, who will issue a permit therefor. The amount to be paid shall be based upon the actual cost to the city for providing water service. (Ord. 340; 5-4-87, Amd. Ord. 342; no date)

4.08.160 Charge for Turning Water On

A fee of $50.00 shall be charged for turning on water, except in cases where water has been turned off because of a break in the service connection or pipes, or if for a first time connection to a new residence or commercial property in which case the fee is set forth in 4.08.020, or if the water has been shut off as a result of delinquency in paying the water bill in which case the fee(s) are set forth in 4.08.050, or if the water was turned off at the owner's request for a regular seasonal absence, and with a city water loan in effect; the charge shall be $50.00 plus any due water loan payments. The owner or his/her authorized agent shall be present when the water is turned on. If a customer whose water has been shut off requests that it be turned again during an evening or weekend, turned on again during and evening or weekend, then any charge set forth in this section shall be double the standard fee. (Ord. 340; 5-4-87, Amd. Ord. 342; no date, Amd. Res. 516; 9-2-08, Amd. Res. 551; 8-6-12)

4.08.170 Unlawful Acts

Whoever shall by himself or by any other person acting under his authority use or take water from any part of the waterworks aforesaid without a license or a permit, or who shall without authority from said water department open, dig out, curb over, or remove any fire plug or hydrant, stop, cock, valve, valve box, water meter, or any other fixture appertaining to said waterworks, or shall let on or shut off water into or from any water pipe wherever situated, shall be deemed guilty of a violation of this chapter. (Ord. 340; 5-4-87, Amd. Ord. 342; no date)

4.08.180 Water Rates Charged to Owner

The water rates shall be charged the owner of the property and, if from any cause, any sums owing therefor become delinquent, the water shall be shut off and in no case shall it be turned on to the same property until the said delinquencies and any turn on or other fee have been paid in full, provided that the city may establish by ordinance or resolution. (Ord. 340; 5-4-87, Amd. Ord. 342; no date)

4.08.190 Taps Prohibited

No person except an authorized employee of the waterworks department shall make any tap or connection with any main or distributing pipe of the waterworks system.

4.08.200 (Amended) Inspection Authorized

The superintendent of the city waterworks or other officer or employee of the waterworks shall be permitted at all times to enter the premises or buildings of consumers to examine the water pipes, water meters and fixtures and the manner in which the water is used. (Amd. 342; no date, Ord. 340; 5-4-87)**

4.08.210 (Amended) Persons Permitted to do Work

No person except a regularly licensed plumber will be permitted to do any work on any pipes or connection made with the mains of water supply of the city waterworks. Plumbers failing to perform their work according to the established rules and regulations therefor or executing it unskillfully or to the detriment of the waterworks may be debarred from making connections with the city mains. The city, n its discretion, may appoint or authorize other qualified persons to install meters in the water system. (Amd. 342; no date, Ord. 340; 5-4-87)**

4.08.220 Monthly Water Rates

Water rates will be charged at the rates established from time to time and on file in the office of the city clerk.

4.08.230 Water Mains and Sewer Lines in Special Improvement District

All persons or property owners residing without the limits of any special improvement district heretofore created, or which may be hereafter created, for the installation of water mains or sewer lines, who shall desire to connect their property or improvements with the water mains or sewer lines existing in said special improvement district shall make application to the city clerk for permission to do so.

4.08.240 Application; Necessary Fees

The application for permission to make such connection shall require the applicant to pay to the city the necessary fees therefor, which shall be determined by the clerk, who shall figure the area of the property owned by the applicant and use the

assessment levied against the property of said special improvement district to which connection is desired upon the same basis as used to assess property within the district at the time of its creation, and this amount must be paid at the time of such application.

4.08.250 Amount Paid Credited to Special Improvement District Fund

In the event that the permit shall be issued by the clerk, the amount paid shall be credited to the special improvement district fund to which the connection is to be made until all indebtedness of such district shall have been paid and thereafter all such amounts shall be credited to the general fund.

4.08.260 Additional Charge

The amount above set forth shall be in addition to all existing charges made by the city for connection to the lines or mains as required by existing laws now in effect.

4.08.270 Payable in Installments; Approval

Any property owner, whether his property be within or without a special improvement district, may apply to make connections as aforesaid, and in case his property shall be subject to special taxes levied against it by the city, and he shall desire to pay such special taxes and the sum required to make connections as aforesaid in installments, he shall submit to the council for approval an application to do so. Upon approval by the council of such application, a contract in writing shall be made between a taxpayer and the council, fixing the amount to be paid, amounts of installments, dates of payment, rate of interest upon deferred payments and manner of payment of interest. No such contract shall extend the time for payment over a period in excess of ten years. Upon its execution, such contract shall constitute a lien upon the real property therein described until paid.

4.08.280 Apartments, Mobile Homes and Commercial or Multiple Use Facilities

Each individual dwelling unit and each commercial or multiple use facility connected with city sewer and water shall have an appropriate water meter and service lines and shall conform in all respects to the ordinances established for other residence or similar commercial facilities.

Existing mobile home parks shall, as each lot or park owned mobile home becomes vacant, refit the lot utilities (water and sewer) to the current standards and shall not re-let said lot or home until such refit is complete. The landowner of the property to which service is provided is ultimately responsible for all charges for services provided, including those incurred by a tenant or lessee of the property. (Amd. Res. 514; 1-7-08, Amd. Res. 551; 8-6-12)

4.08.290 Mayor May Enact Regulations

The mayor and the Superintendent of Public Works shall have the power to enact regulations or restrictions on the amount or purpose of water use by Municipal Water Users. This power shall include, but is not limited to, restrictions on time, place or amount of water use for lawn or other irrigation. The City Clerk shall be notified immediately of the enactment of any such regulations and/or restrictions. (Ord. 374; 9-8-87)

4.08.300 Enactment and Notification of Regulations

The mayor may enact regulations or restrictions on water use, when necessary for the public health, safety or welfare, without the approval of the city council and without the prior holding of a public hearing. The mayor shall also determine an appropriate means for informing water users of such regulations or restrictions which may include, but is not limited to, notification in a newspaper published in Meagher County. (Ord. 374; 9-8-87)

4.08.310 Penalty

A person violating any watering regulation or restriction enacted by the mayor is guilty of a misdemeanor and upon a first conviction shall be punished by a fine not exceeding $100.00. Upon a second or subsequent conviction, a person shall be punished by a fine of not less than $50.00, nor more than $250.00. (Ords. 121-148; 1-6-69, Ord. 340; 5-4-87, Ord. 374; 9-8-87)

Chapter 4.10 - WATER WELL REGULATIONS

Sections:

4.10.010	Definitions
4.10.020	Application, Investigation, and Permit
4.10.030	Responsibility for Permit
4.10.040	Permit Fee
4.10.050	Review
4.10.060	Control Valves
4.10.070	Marking and Inspection
4.10.080	Cross Connections
4.10.090	Penalty

4.10.010 Definitions

As used in this chapter, unless the context otherwise requires:

"Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

"Water well" or "well" shall mean any digging, drilling, or excavation, by hand or by the use of machinery or equipment, whereby water is obtained from under the surface of the ground to be used on or above the ground surface for any purpose.

"Cross connection" shall mean a physical arrangement whereby a public water supply system is connected with another water supply system, either public or private, or with any wastewater or sewer line, in such a manner that a flow of water into the public water supply system from such other source of water, waste, or sewage is possible. (Ord. 350; 1-4-88)

4.10.020 Application, Investigation, and Permit

Any person desiring to drill, dig, or excavate for a water well within the corporate limits of the city must first apply to the city superintendent for a permit therefor and must advise the city of the exact location of the proposed water well. The application for such permit must contain:

A plan whereby a reduced pressure backflow preventer will be installed on the applicant's distribution line (which must be the equivalent of a Watts 9-D backflow preventer);

An agreement by the permittee that he will submit a water sample to the State Department of Health and Environmental Sciences for the purpose of determining the potability of the water, and pay any applicable fee to the State of Montana for the test; That if the water is certified as not potable by the State Department of Health and Environmental Sciences, the permittee must post a sign at the well indicating that the water is not potable;

If water from the well is to be used for human consumption, an agreement by the permittee that he submit an annual water sample to the State Department of Health and Environmental Sciences and that he pay any applicable fee to the State of Montana for the test;

That the permittee must submit to inspection of the well by the city superintendent or other city employee at any reasonable time, upon prior notice, except that the provisions concerning time and notice are waived in the event of an emergency.

That before it is put into operation, the city superintendent will inspect the well to determine that the backflow preventer has been properly installed.

(Ord. 350; 1-4-88)

4.10.030 Responsibility for Permit

The permit required by this chapter must be obtained by either the person who is actually drilling the well or by the landowner on whose land the well is to be drilled. Both the landowner and the well driller are subject to the penalty set forth in this chapter for failure to obtain the required permit. (Ord. 350; 1-4-88)

4.10.040 Permit Fee

Upon the city superintendent's review and approval that the permit application conforms with the plans submitted and the requirements of this chapter, the applicant shall pay to the city a fee of $20.00 for the permit. (Ord. 350; 1-4-88)

4.10.050 Review

The refusal of the city superintendent to grant approval of any application or to issue a permit for a water well is subject to review by the city council. (Ord. 350; 1-4-88)

4.10.060 Control Valves

Any water well drilled, dug, or excavated pursuant to a permit granted under this chapter must be equipped with adequate shut-off valves or control valves for the purpose of controlling the flow of water from the water well and for the protection of the city water system in the event of pollution or other hazards. Any backflow preventer must meet the requirements set forth in this chapter. (Ord. 350; 1-4-88)

4.10.070 Marking and Inspection

The issuance of a water well permit may be conditioned on marking the water well in a manner to be designated by the city superintendent for the purposes of identification or location, or for inspection at such times as may be reasonably required. All water wells within the city may be inspected by the city superintendent or other city employee at any reasonable time, upon prior notice, except that the provisions concerning time and notice are waived in the event of an emergency. (Ord. 350; 1-4-88)

4.10.080 Cross Connections

No water well may be maintained within the city which has any cross connection with the public water supply system unless equipped with a reduced pressure backflow preventer which is in conformity with the requirements of this chapter. (Ord. 350; 1-4-88)

4.10.090 Penalty

Any person, whether as principal, agent, employee, or otherwise who violates any of the provisions of this chapter shall be subject to a fine not to exceed $500.00 and a term of imprisonment not to exceed six months. (Ord. 348; 1-4-88)

CHAPTER 4.12 - WASTEWATER HAULERS

Sections:

4.12.010 Wastewater License Required

4.12.020 Vehicle Must Be Capable of Hauling Wastewater

4.12.030 Authorized Deposit of Wastewater Loads at the City Wastewater Treatment Plan

4.12.040 Prohibited Wastewater Discharges

4.12.050 Wastewater Hauler to Identify Source and Content of Wastewater

4.12.060 Authority to Require Laboratory Analysis of Wastewater Prior to Discharge

4.12.070 Wastewater Discharge Equipment

4.12.080 Wastewater Hauler Discharge Fee Prior to Any Wastewater Discharge

4.12.090 Wastewater Hauler Liability Insurance

4.12.100 City Wastewater Superintendent or His Designee is Authorized to Permit City Wastewater Treatment to Accept Nondomestic Industrial Waste in Special Circumstances

4.12.110 Violation Penalty

Resolution #535 Intent to Increase Water Rates & Charges

Resolution #536 Resolve to Increase Water Rates & Charges

Resolution #527 Increase Water Rates

Resolution #528 Increase Sewer Rates

Resolution #549 Authorizing Water & Sewer Installation for Contractors

Miscellaneous Notes – Helena Code

4.12.010 Wastewater License Required

No person or entity shall engage in or conduct the business of wastewater hauling within the city for septic tank waste, carwash holding tanks, wastes collected from

print shops, laundries, dry cleaners or by the use of oil/sand interceptors at automotive shops and other facilities generating wastewater either within or outside of the City of White Sulphur Springs without an annual city business license issued by the city clerk's office as provided in Chapter 5.22 of this code, pursuant to license application forms provided by the city clerk's office in consultation with the wastewater division of the city public works department.

4.12.020 Vehicle Must Be Capable of Hauling Wastewater

No person or entity shall be allowed to utilize city streets or alleys or transport wastewater loads to city wastewater treatment facilities without first having furnished the superintendent of the city wastewater treatment facility or the superintendent's designee with satisfactory evidence that the vehicle to be utilized for hauling wastewater is satisfactorily capable of both hauling and unloading wastewater without leakage, spills or other public health concerns about transportation of wastewater in the vehicle.

4.12.030 Authorized Deposit of Wastewater Loads at the City Wastewater Treatment Plant

Any discharge or deposit of a wastewater load for treatment by the city wastewater treatment facility must be authorized by personnel of the city wastewater treatment plant prior to discharge and must be performed pursuant to the procedures and controls established by the city wastewater treatment facility administration.

The city wastewater treatment facility is not required to accept wastewater loads and the wastewater treatment facility has the authority to decline to accept wastewater loads if the city determines that the wastewater treatment facility is not able to adequately or properly treat the wastes or the wastewater load contains toxic or hazardous waste materials or substances, any other item that is potentially dangerous or potentially could adversely affect or be detrimental to the operation of the city wastewater treatment facility. The city wastewater treatment facility controls with respect to wastewater hauler loads brought to a city wastewater treatment facility may include but are not limited to controls such as limiting the day of delivery, time of day, source of the wastewater, content of the wastewater, and number and size of wastewater loads a hauler may discharge at the city facility in a specific time period.

The city wastewater treatment facility may refuse or decline to accept wastewater from any wastewater hauler it determines to have been or is operating in violation of the provisions of this chapter.

4.12.040 Prohibited Wastewater Discharges

No person or entity hauling wastewater shall discharge or cause to be discharged any wastewater described as follows:

Pollutants that will create a fire or explosion hazard;

Pollutants that will cause corrosive structural damage, but in no case discharges with a pH lower than 5.0;

Solid or viscous pollutants in amounts that will cause obstruction to flow except in the case of carwash facility pumpings with sand for which the city has room to deposit the discharge in wastewater treatment facility drying beds;

Oxygen demanding pollutants discharged at a concentration that will cause interference with city wastewater treatment facility operations;

Heat in amounts that will inhibit biological activity; in no case should discharge cause wastewater treatment facility effluent to fluctuate more than plus or minus five degrees Fahrenheit;

Any other type of was that may be untreatable by the wastewater treatment facility, or will interfere with the operation of the wastewater treatment facility;

Any wastewater that is not capable of being treated in accordance with federal, state or local pretreatment regulations.

4.12.050 Wastewater Hauler to Identify Source and Content of Wastewater

No person or entity transporting wastewater to the city wastewater treatment facility shall be allowed to discharge wastewater into the municipal sanitary sewer system or the city wastewater treatment facility without first identifying the source of the wastewater as well as the contents of the wastewater and receive permission to discharge prior to actually discharging wastewater. The city may require that a wastewater hauler certify that the sources of wastewater being transported are regulated by federal, state or city wastewater pretreatment standards.

4.12.060 Authority to Require Laboratory Analysis of Wastewater Prior to Discharge

Prior to granting wastewater discharge approval for a specific wastewater discharge, the city wastewater treatment facility superintendent or the superintendent's designee is empowered to require wastewater haulers to provide a laboratory analysis of the wastewater, which laboratory analysis shall be performed by a laboratory independent of the source of the wastewater and independent of the wastewater hauler, which laboratory must be acceptable to the city wastewater treatment facility superintendent. The cost of any laboratory analysis requested pursuant to this section shall be paid for by either the generator of the wastewater or the wastewater hauler. The city wastewater treatment facility staff may also take samples for laboratory test purposes either before or after the wastewater is discharged.

4.12.070 Wastewater Discharge Equipment

Any necessary equipment, mechanical devices, tube, pip, or hose connections required to unload or discharge a load of wastewater at the city wastewater facility shall be provided by the waste hauler. Each wastewater hauler must maintain the discharge unloading equipment and facilities in a clean, safe condition or else be prohibited from discharging wastewater at the city wastewater treatment facility.

4.12.080 Wastewater Hauler Discharge Fee Prior to Any Wastewater Discharge

Any wastewater hauler desiring to discharge wastewater at the city wastewater treatment facility shall pay a wastewater discharge fee of Twenty Dollars ($20.00) for a domestic wastewater discharge up to five hundred (500) gallons, and Forty Dollars ($40.00) for a domestic wastewater discharge in excess of five hundred (500) gallons, but less than one thousand (1,000) gallons, and Sixty Dollars ($60.00) for a domestic wastewater discharge in excess of one thousand (1,000) gallons and less than one thousand five hundred (1,500) gallons.

4.12.090 Wastewater Hauler Liability Insurance

A wastewater hauler shall have liability insurance for their vehicle and business operation in at least the amount of Three Hundred Thousand Dollars ($300,000.00) per occurrence. A wastewater hauler shall present proof of the existence of the required liability insurance to the city clerk prior to the city clerk issuing an annual business license.

4.12.100 City Wastewater Superintendent or His Designee is Authorized to Permit City Wastewater Treatment Facility to Accept Nondomestic Industrial Waste in Special Exceptional Circumstances

The wastewater superintendent or his designee may in special exceptional circumstances in the general public interest authorize acceptance of nondomestic waste if the superintendent finds that:

The industrial user is located in an area where proper treatment of its generated waste is not available or economically feasible;

Acceptance of the nondomestic waste is determined to be the best alternative to minimize or prevent an adverse impact on the surface or groundwater in the area; or

A situation arise where a one-time acceptance is needed in order to provide an adequate alternative for treatment of a nondomestic waste.

Acceptance of such nondomestic waste must comply with all federal, state and local pretreatment regulations and any guidelines set forth by the wastewater treatment facility.

4.12.110 Violation Penalty

The penalty for a violation of any provision of this chapter shall be a fine up to five hundred dollars or imprisonment up to six months or both for each offense. The city council may also revoke a wastewater hauler's annual city business license pursuant to Chapter 5.22 of this code.

RESOLUTION #535

RESOLUTION OF INTENTION OF THE CITY OF WHITE SULPHUR SPRINGS TO INCREASE RATES AND CHARGES FOR THE USERS OF THE CITY'S WATER SYSTEM AND TO CHANGE THE METHOD OF CHARGING FOR MONTHLY WATER USAGE.

RECITALS

WHEREAS, the White Sulphur Springs, in Meagher County, Montana (the "City") owns a water system (the "System") that is in need of improvement; and

WHEREAS, the City hired Great West Engineering to design and assist in constructing improvements to the System consisting of construction of a new 500,000 gallon concrete water storage tank, replacing the existing tank; and replacing certain transmission and water mains (the "Project"); and

WHEREAS, the City engineer estimates the improvements to the City's water system and the estimated cost of design, construction and financing of the Project is $2,073,000; and

WHEREAS, the City has received commitments for loans from Montana Department of Natural Resources and Conservation consisting of $2,073,000 of which $500,000 may be forgiven upon completion of program requirements and $1,573,000 for the Project payable over 20 years at 3.75%; and

WHEREAS, it is necessary to increase the rates and charges and change the method of charging for the services provided by the System in order to collect sufficient revenues to repay the loans, establish reserves and meet rate covenants and pay costs associated with the operation and maintenance of the System; and

WHEREAS, the City is required to provide notice and a public hearing prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing or increasing rates, fees, or charges for water services or facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City as follows:

Section 1. Reasons for Proposed Change and Increase in Water User Charges.

It is the intent of the City Council to implement a rate increase and other charges for users of the System as set forth herein. The reason for the proposed increase in rates and other charges is that the City will need to borrow $2,073,000 consisting of a $500,000 loan that may be forgiven upon completion of the program requirements and a $1,573,000 loan payable over 20 years at 3.75% for costs of the Project. The City has no existing Water System debt. The debt service coverage requirements for such loan is that net revenues (gross revenues minus operation and maintenance

costs) must be at least equal to the maximum annual debt service on the loan (estimated to at $112,950) times 1.25 which will be approximately $141,188 per year. The operation and maintenance costs of the System, not including any Project expenses, are estimated at $196,893 per year. Payment of the operation and maintenance expense plus the new load requirements will require an increase of water rates of $21.87 per month for each user of the System in addition to increasing the existing base rate of $15.25 to $16.00 and the waterline replacement charge of $5.00 plus a change in the use rate to a charge of $1.734 per 1,000 gallons per month used according to the user's meter (and if no meter is installed, then the flat monthly rate for such user will be $42.87,)

Section 2. Existing Monthly Charge.

The City currently imposes a base monthly rate on all connections to the System (the "Existing Monthly Rates" as follows:

The base rate, whether flat rate or metered, is $15.25 per month, plus a $5.00 per month charge for waterline replacement. The current base rate includes the firs 3,000 gallons used per month. The existing use rate is charged for users above 3,000 gallons per month at $1.50 per each additional 1,000 gallons per month used and prorated per 100 gallons on the amount used.

Section 3. Proposed New Rates.

The City hereby proposes to establish a new rate structure for the water users of the City based on the following:

The New Base Rate will be $42.87 per month ($21.87 for debt service and coverage requirements plus $16.00 for operation and maintenance and the $5.00 per month waterline replacement charge.)

The New Flat Rate charge for those without meters will be $42.87 per month.

Section 4. Effective Date of New Rates.

The proposed new rates would go into effect January 1, 2012. Subsequent adjustments to the rates will be made by resolution of the Council and duly adopted after a public hearing with notice thereof given as provided by law.

Section 5. Public Hearing.

A public hearing on the proposed rate increase will be held on December 5, 2011, commencing at 7 PM at the City Offices.

Section 6. Notice.

The Clerk is hereby authorized and directed to publish or cause to be published a notice of the passage of this resolution in the Meagher County News, a newspaper of general circulation in the City, on the dates of November 10, November 17 and November 24, 2011, in the form and manner prescribed by Section 69-7-1 11(3) MCA, and to mail or cause to be mailed a copy of said notice to all customers of the System at least 7 days and not more than 30 days prior to the public hearing.

Passed and approved this 7th day of November, 2011.
JULIAN THERIAULT, MAYOR
ATTEST: Michelle Stidham, City Clerk

RESOLUTION #536

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, PROVIDING FOR INCREASED RATES AND CHARGES FOR THE USERS OF THE CITY'S WATER SYSTEM.

WHEREAS, on November 7, 2011, the City of White Sulphur Springs (the "City") passed its Resolution No. 535 which was a Resolution on Intention to Increase Rates and Charges for the City's Water System (the "System") and called for a public hearing on December 6, 2011; and

WHEREAS, the City Clerk caused a notice to be published in the Meagher County News once a week for three weeks prior to the hearing; and

WHEREAS, a hearing was held at the City Office to consider the above mentioned increase on December 6, 2011; and

WHEREAS, the City Council considered all protests received concerning the proposed rate increase and has addressed the comments as indicated in the Minutes of the Public Hearing.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:

Section 1. The Base Rate. The new monthly Base Rate will be $42.87 per month ($21.87 for debt service and coverage requirements plus $16.00 for operation and maintenance and the $5.00 per month waterline replacement charge.)

Section 2. Use Rate. The new monthly Use Rate will be $1.734 per 1,000 gallons of water used per month. The New Use Rate will be charged for all water used (no water will be included in the New Base Rate).

Section 3. Flat Rate. The New Flat Rate charge for those without meters will be $42.87 per month.

Section 4. Effective Date of New Rate and Future Changes. The proposed new rates go into effect January 1, 2012. Subsequent adjustments to the rates will be made by resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

PASSED by the City Council and approved by the Mayor, this 6th day of December, 2011.

JULIAN TERIAULT, Mayor
ATTEST: Michelle Stidham, City Clerk

The Resolution was moved for passage by Council member Otto Olson seconded by members Sara Dreimeyer and Heith Stidham. The Council voted as follows:

FOR – Otto Olson, Sara Dreimeyer, Heith Stidham, George Kirkwood
AGAINST – (None)
ABSTAIN – (None)

RESOLUTION #527

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS INCREASING WATER AND SEWER RATES.

WHEREAS, the City Council of White Sulphur Springs finds it necessary to increase its water and sewer rates in order to pay for necessary on-going and future maintenance, replacement and improvements to its water and sewer infrastructure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of White Sulphur Springs, Montana resolves as follows:

That the White Sulphur Springs water and sewer rates are increased to reflect the following rate structure:

Sewer rates shall be increased by $5.00 per month per customer to a new rate of $12.00 per month.

The basic monthly water rate shall be increased $0.75 per month to a new rate of $15.25 per month for usage up to 3,000 gallons per month.

The incremental water rate shall be increased $0.25 per 1,000 gallons to a new rate of $1.50 per 1,000 gallons for usage over 3,000 gallons per month.

Repealer.

All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability.

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Effective Date.

The ordinance shall be in full force and effect on October 1, 2010.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on the first reading at a regular session thereof held on the 2nd day of August, 2010.

JULIAN THERIAULT, Mayor
ATTEST: Michelle Stidham, City Clerk

APPROVED AS TO FORM: Cindy E. Younkin, City Attorney

RESOLUTION #528

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS PROVIDING INCREASE IN SEWER RATES.

WHEREAS, the City of White Sulphur Springs, Montana, finds it necessary to amend its sewer rates as follows:

NOW, THERFORE, BE IT ORDAINED by the City Council of the White Sulphur Springs, Montana that this increase in sewer rates.

Monthly sewer rates shall be increased 71.4% for commercial users, which will go into effect on November 1, 2010, the first billing for which will be November 25, 2010. Note: Residential sewer rates were increased by the same percentage by Resolution #527, dated September 7, 2010.

These rates were agreed upon by the City Council of White Sulphur Springs at its regular council meeting on November 1, 2010, and at a special meeting on November 15th, 2010, after being public noticed in the Meagher County News.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session on November 1, 2010, and on a second reading at a special meeting thereof on November 15, 2010.

Dated this 15th day of November, 2010.
JULIAN THERIAULT, Mayor
ATTEST: MICHELLE STIDHAM, City Clerk
APPROVED AS T FORM: Cindy E. Younkin, City Attorney

RESOLUTION #549

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS AUTHORIZING

WHEREAS, the residents and property owners of the City of White Sulphur Springs, Montana, on occasion to install or replace various amenities related to water and sewer facilities to their properties; and

WHEREAS, the City Council of White Sulphur Springs finds it necessary to clarify and specify what the City requires of any property owner or contractor installing any water and sewer facilities to be connected to the City's water or sewer infrastructure; and

NOW, THEREFORE, BET IT ORDAINED by the City Council of the City of White Sulphur Springs, Montana resolves as follows:

Section 1.

Any property owner or contractor installing any water or sewer facilities within the City of White Sulphur Springs to be connected to the City's water or sewer infrastructure shall adhere to the standards and specifications attached hereto, which by this reference are fully incorporated herein.

Section 2. Repealer.

All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict are hereby repealed.

Section 3. Severability.

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 4. Effective Date.

This ordinance shall be in full force and effect on _____ 2012.

JULIAN THERIAULT, Mayor
ATTEST: Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council of the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 4th day of June, 2012.

JULIAN THERIAULT, Mayor
ATTEST: Michelle Stidham, City Clerk
APPROVED AS FORM: Cindy E. Younkin, City Attorney

WATER AND SEWER INSTALLATION FOR CONTRACTORS

All water and sewer lines must be bedded 3".

All water and sewer lines must have 1 foot of cover.

Cover and bedding material can be sand or small gravel 3/8" or less.

All sewer and water lines must be compacted every two feet.

Pit run may be used for fill after 1 foot of cover.

All water and sewer lines must be inspected by city before filling ditch.

Wet clay or material that cannot be compacted may not be used for fill.

All pipe, valves and parts must be approved by the city.

Building permits must be filled out and returned to the city office before it can be approved.

Construction may not start until approved.

Contacting Electric and Phone companies is up to the contractor.

All repair or new water and sewer lines in city streets must be completed before contractor moves to another job or takes time off.

Streets and alleys cannot be closed without city approval.

Sheriff's Office must be told or all street and alley closures.

Contractor is responsible for bedding an back-fill materials.

Contractor must clean up all spills.

Contractor must have its own traffic control equipment.

Fence all open or unsafe construction.

Follow all safety rules.

Pay for all asphalt removal.

Damage to any electric, phone, fiber optic, TV, sewer or water line is the responsibility of the contractor.

To get inspected by city employees is the contractor's responsibility.

Miscellaneous Notes – Helena Code

8-3-5 EXTENSION TO AREA NOT NOW SERVED: Upon application to extend sewers to areas not now served (other than SID), the Sewer Commissioner shall determine the size pipe to be used in the extension so as to most advantageously serve others as well as the applicant. The entire cost of the extension shall be borne by the applicant. The construction of the mains and services shall be under the direction of the Sewer Department. The costs of such construction, exclusive of service lines, shall be kept on record in the Treasurer's office, and a record kept in the Sewer Department on a map showing mains, services, length, kind an sizes of pipe, together with supporting data and date of completion. The City shall then own all mains of any extension and shall maintain them.

8-3-6 FORMULA FOR COMPUTATION: The following formula shall be used for arriving at the total consumer's cost to applicant for extension of main service:

The initial installation cost shall be borne by the initial applicant.

In addition to the fee under 8-3-2, subsequent applicants to use the extension for their service shall pay to the city a sum to be determined by the Sewer Commissioner with the approval of the City Council; which sum shall be an apportioned share of the original amount paid for the extension. The Sewer Commissioner shall conservatively determine the number of potential services which might use the extension, in determining the portion each shall pay. The city will refund to the original applicant the share so collected.

No user who paid for the original extension shall receive more total refund than his original cost.

After 10 years from the date of the original extension no refund will be made to any user who made the extension.

Refunds will be made only to the original owner in continuous ownership.

ORDINANCE NO. 357

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS REVISING §4.02 OF THE WHITE SULPHUR SPRINGS MUNICIPAL CODE REGARDING DEFINITIONS RELATED TO COMMERCIAL USERS AND THE CALCULATIONS FOR SEWER RATES IN CONFORMANCE WITH RESOLUTION 578.

WHEREAS, the residents of the City of White Sulphur Springs, Montana, have a significant investment in the City's sewer infrastructure which requires constant maintenance, repair, improvement and replacement of portions of the aging infrastructure; and

WHEREAS, the City Council of White Sulphur Springs passed Resolution No. 562, which was to establish §4.02.100 in the White Sulphur Springs Municipal Code for the purpose of establishing a water and sewer rate schedule; and

WHEREAS, the City hired ROBERT PECCIA AND ASSOCIATES of Helena (the "City Engineer") to design and assist in constructing improvements to the Wastewater Lagoons and corresponding infrastructure based on a surface water discharge permit from the Department of Environmental Quality (DEQ) which includes but is not limited to: draining the lagoons, disposal of existing biosolids, installation of new liners, and upgrade, replacement or repair of associated lines as necessary (the "Project"); and

WHEREAS, the City Council of White Sulphur Springs passed Resolution No. 578 approving a new sewer rate schedule with modifications to certain definitions to clarify commercial and other uses following a public hearing on June 6, 2016;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of White Sulphur Springs, Montana hereby amends Section 4.02 of the White Sulphur Springs Municipal Code as follows:

Section 1

4.02.010 Definitions:

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

32] "Commercial or multiple use facility" means a business establishment open to the public which may or may not provide multiple water and sewer facilities for use by more than one customer. *A commercial user shall include users operating a non-residential facility, such as restaurants/bars/casinos, car washes, hotels, motels, nursing homes or hospital/clinic facilities, recreational vehicle parks, butcher shops, breweries, or light manufacturing or other industries which have been identified by the Department of Environmental Quality (DEQ) as capable of discharging an industrial waste stream known to produce effluent containing substances which are not amenable to treatment or reduction by the lagoon process employed by the City or which cannot meet the requirements of the DEQ or another agency having jurisdiction over the receiving waters.* A multiple use facility includes, but shall not be limited to campgrounds, hotels/motels, and hospitals and any facility included in (31) above.

33] *Substances not amenable to treatment or reduction include but are not limited to: pollutants which create a fire or explosion hazard; toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the system; solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in the system; and petroleum oils, non-biodegradable oils or similar substances.*

Section 2

4.02.100(a) Except as otherwise provided in Section 4.02.100(c) and in Section 4.02.100(d)(3) and (4), sewer rates for all customers of the City of White Sulphur Springs shall be as follows:

~~Water Gallons used per month~~	~~Base Rate per month~~	~~Incremental rate~~	~~Total~~
~~300~~	~~$12.00~~	~~$0.58~~	~~$12.58~~
~~500~~	~~$12.00~~	~~$0.96~~	~~$12.96~~
~~700~~	~~$12.00~~	~~$1.35~~	~~$13.35~~
~~900~~	~~$12.00~~	~~$1.74~~	~~$13.74~~
~~1000~~	~~$12.00~~	~~$1.93~~	~~$13.93~~
~~2000~~	~~$12.00~~	~~$3.86~~	~~$15.86~~
~~3000~~	~~$12.00~~	~~$5.78~~	~~$17.78~~
~~4000~~	~~$12.00~~	~~$7.71~~	~~$19.71~~
~~5000~~	~~$12.00~~	~~$9.64~~	~~$21.64~~
~~6000~~	~~$12.00~~	~~$11.57~~	~~$23.57~~
~~7000~~	~~$12.00~~	~~$13.50~~	~~$25.50~~
~~7200~~	~~$12.00~~	~~$13.88~~	~~$25.88~~
~~7800~~	~~$12.00~~	~~$15.04~~	~~$27.04~~

~~8000~~	~~$12.00~~	~~$15.42~~	~~$27.42~~
~~9000~~	~~$12.00~~	~~$17.35~~	~~$29.35~~
~~10000~~	~~$12.00~~	~~$19.28~~	~~$31.28~~
~~20000~~	~~$12.00~~	~~$38.56~~	~~$50.56~~
~~30000~~	~~$12.00~~	~~$57.84~~	~~$69.84~~
~~40000~~	~~$12.00~~	~~$77.12~~	~~$89.12~~
~~50000~~	~~$12.00~~	~~$96.40~~	~~$108.40~~
~~60000~~	~~$12.00~~	~~$115.68~~	~~$127.68~~
~~70000~~	~~$12.00~~	~~$134.96~~	~~$146.96~~
~~80000~~	~~$12.00~~	~~$154.24~~	~~$166.24~~
~~90000~~	~~$12.00~~	~~$173.52~~	~~$185.52~~
~~100000~~	~~$12.00~~	~~$192.80~~	~~$204.80~~

(1) The Sewer Base Rate (Operation and Maintenance) will be based on the annual operation and maintenance budget divided by the total number of connections within the City, currently $15.43 per month or as may be subsequently set by Resolution of the City Council following a rate hearing as required.

(2) The Local Sewer Reserve will be $4.00 per month per user, or as may be subsequently set by Resolution of the City Council following a rate hearing as required.

(3) The User Rate will be determined by the monthly principal, interest and excess coverage payments required on the outstanding loans divided by the number of sewer users, then assessing 70% of this as a flat rate per user; and, assessing the remaining 30% of the loan amount at the new volumetric rate (currently $3.43/1000 gallons) per user. The method for calculation of the volumetric rate remains determined by the average monthly non-irrigation usage for each customer under 4.02.100(c). This rate is subject to adjustment by Resolution of the City Council following a rate hearing as required and shall cease upon satisfaction of loans serviced by this rate.

Section 3

4.02.100(b) ~~Solely for purpose of the City's software provider, proceeds from the incremental rates set forth in Section 1 above shall be apportioned as follows:~~

~~58.5% shall be applied to loan repayment~~

~~41.5% shall be applied to a sewer reserve account.~~

A Local Sewer Reserve account will be established to address depreciation of the system, pipe replacement and other maintenance issues and shortfalls.

Section 4

4.02.100(c) A baseline for irrigation water usage shall be established for each customer to determine an average monthly non-irrigation usage. This average shall be computed by using the metered water use for the months of October, November, December, January, February and March divided by the number of active months (i.e. months in which there is a significant amount of water used), then adding 20% to that average for increased summer personal use. This will then be the customer's baseline and it can be considered that water delivered in excess of that amount is irrigation water and not subject to charge as sewer rates. For customers with no history, a baseline consisting of 3000 gallons per resident per month as personal water use and not as irrigation water shall be used for that season, until the customer has sufficient history to calculate the baseline.

Section 5

4.02.100(d)

1. The rates set forth in Section 1 shall apply to each individual dwelling unit as defined in WSS ORD 4.02.010, and shall also apply to all commercial users (except as described in Subsection 3 and 4 hereof).
2. All customers of City water whether or not such customer is in residence and uses the sewer system, shall be liable for the ~~base rate~~ *sewer base rate and the local sewer reserve.*
3. For purposes of Section 4.02.100(c) above, commercial users which operate hotels, motels, the hospital, or recreational vehicle parks shall have no more than 5% of their metered water considered as irrigation water. All other metered water shall be considered as contributing to the sewer system and be charged as described in Section 4.02.100(a).
4. Recreational vehicle parks with a dump station for sewage shall pay the above noted *sewer* base rate plus the rate for 5000 gallons of sewage during all months they are in operation.

Section 6

Repealer. All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 7

Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 8

EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second

reading and final adoption as provided by law.

Section 9

CODIFICATION. Upon Final Passage and Adoption, the City Clerk is authorized to publish the foregoing ordinance, making amendments as to referenced code sections, notations, and grammar as well as style to be consistent with the ordinance as passed and shall insert this ordinance and shall remove the prior provisions inconsistent with the current ordinance, as passed and adopted, in any official publication or on-line version of the White Sulphur Springs Municipal Code.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 1st day of August, 2016.

Julian Theriault, Mayor

ATTEST:

Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 16th day of August, 2016.

Julian Theriault, Mayor

ATTEST:

Michelle Stidham, City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 562

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WHITE SULPHUR SPRINGS OF ITS
INTENT TO INCREASE RATES AND CHARGES FOR SEWER SERVICE.

WHEREAS, the residents of the City of White Sulphur Springs, Montana, have a significant investment in the City's water and sewer infrastructure which requires constant maintenance, repair, improvement and replacement of portions of the aging infrastructure; and

WHEREAS, the City Council of White Sulphur Springs finds it necessary to increase rates for sewer service in order to pay for the necessary maintenance, repair, improvement and replacement of its sewer infrastructure, in order to

a) maintain viability,

b) pay for the Montana Department of Environmental Quality mandates and engineering,

c) reorganize the sewer rate structure to one that is more fair and equitable, and

d) build a sewer fund reserve which is at least at the rate the city expends it sewer service.

WHEREAS, the City Council of White Sulphur Springs further finds it necessary to increase rates for sewer service in order to be in line with state averages for similarly situated municipalities which is necessary in order to qualify for governmental grants, loans and other funding.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of White Sulphur Springs, Montana resolves to add the following as new Section 4.02.100 of the White Sulphur Springs Municipal Code:

Section 1

4.02.100(a) Except as otherwise provided in Section 4.02.100(c) and in Section 4.02.100(d)(3) and (4), sewer rates for all customers of the City of White Sulphur Springs shall be as follows:

Water Gallons used per month	Base Rate per month	Incremental rate	Total
300	$12.00	$0.58	$12.58
500	$12.00	$0.96	$12.96

700	$12.00	$1.35	$13.35
900	$12.00	$1.74	$13.74
1000	$12.00	$1.93	$13.93
2000	$12.00	$3.86	$15.86
3000	$12.00	$5.78	$17.78
4000	$12.00	$7.71	$19.71
5000	$12.00	$9.64	$21.64
6000	$12.00	$11.57	$23.57
7000	$12.00	$13.50	$25.50
7200	$12.00	$13.88	$25.88
7800	$12.00	$15.04	$27.04
8000	$12.00	$15.42	$27.42
9000	$12.00	$17.35	$29.35
10000	$12.00	$19.28	$31.28
20000	$12.00	$38.56	$50.56
30000	$12.00	$57.84	$69.84
40000	$12.00	$77.12	$89.12
50000	$12.00	$96.40	$108.40
60000	$12.00	$115.68	$127.68
70000	$12.00	$134.96	$146.96
80000	$12.00	$154.24	$166.24
90000	$12.00	$173.52	$185.52
100000	$12.00	$192.80	$204.80

Section 2

4.02.100(b) Solely for purpose of the City's software provider, proceeds from the incremental rates set forth in Section 1 above shall be apportioned as follows:

58.5% shall be applied to loan repayment

41.5% shall be applied to a sewer reserve account.

Section 3

4.02.100(c) A baseline for irrigation water usage shall be established for each customer to determine an average monthly non-irrigation usage. This average shall be computed by using the metered water use for the months of October, November, December, January, February and March divided by the number of active months (i.e. months in which there is a significant amount of water used), then adding 20% to that average for increased summer personal use. This will then be the customer's baseline and it can be considered that water delivered in excess of that amount is irrigation water and not subject to charge as sewer rates. For customers with no history, a baseline consisting of 3000 gallons per resident per month as personal water use and not as irrigation water shall be used for that season, until the customer has sufficient history to calculate

the baseline.

Section 4

4.02.100(d)

1. The rates set forth in Section 1 shall apply to each individual dwelling unit as defined in WSS ORD 4.02.010, and shall also apply to all commercial users (except as described in Subsection 3 and 4 hereof).
2. All customers of City water whether or not such customer is in residence and uses the sewer system, shall be liable for the base rate.
3. For purposes of Section 4.02.100(c) above, commercial users which operate hotels, motels, the hospital, or recreational vehicle parks shall have no more than 5% of their metered water considered as irrigation water. All other metered water shall be considered as contributing to the sewer system and be charged as described in Section 4.02.100(a).
4. Recreational vehicle parks with a dump station for sewage shall pay the above noted base rate plus the rate for 5000 gallons of sewage during all months they are in operation.

Section 5

A public hearing on these rate changes shall be held on January 6, 2014, at City Hall at 7 p.m. and Notice thereof shall be published in the Meagher County News once a week for three weeks prior to the hearing. The Notice shall also be sent to each sewer customer at least seven days before the hearing and to the Montana Consumer Counsel at P.O. Box 201703, Helena, MT 59620.

Section 6

Repealer.

All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 7

Severability.

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this

ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 8

Effective Date.

The rates set forth in this resolution shall be effective on February 1, 2014.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 2nd day of December, 2013.

Julian A Theriault
Julian Theriault, Mayor

ATTEST:

Michelle Stidham
Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 6th day of January, 2014.

Julian A Theriault
Julian Theriault, Mayor

ATTEST:

Michelle Stidham
Michelle Stidham, City Clerk

APPROVED AS TO FORM:

12/5/13
City Attorney

RESOLUTION NO. 562 A

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, PROVIDING FOR INCREASED RATES AND CHARGES FOR THE USERS OF THE CITY'S WASTEWATER SYSTEM.

WHEREAS, on December 2, 2013, the City of White Sulphur Springs (the "City") passed its Resolution No. 562 which was a Resolution on Intention to Increase Rates and Charges for the City's Wastewater System (the "System") and called for a public hearing on January 6, 2014; and

WHEREAS, the City Clerk caused a notice to be published in the Meagher County News once a week for three weeks prior to the hearing; and

WHEREAS, a notice of said hearing was mailed first class postage prepaid to the Montana Consumer Council and sent to all customers of the System. The notice also contained an estimate of the amount the customer's average bill will increase; and

WHEREAS, a hearing was held at the City Office to consider the above mentioned increase on January 6, 2014; and

WHEREAS, the City Council considered all protests received concerning the proposed rate increase and has addressed the comments as indicated in the Minutes of the Public Hearing.

NOW, THEREFORE BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:

Section 1. There is a new Section 4.02.100 of the White Sulphur Springs Municipal Code which provides for new rates and charges for the City's wastewater system, effective February 1, 2014, as follows:

4.02.100(a) Except as otherwise provided in Section 4.02.100(c) and in Section 4.02.100(d)(3) and (4), sewer rates for all customers of the City of White Sulphur Springs shall be as follows:

Water Gallons used per month	Base Rate per month	Incremental rate	Total
300	$12.00	$0.58	$12.58
500	$12.00	$0.96	$12.96
700	$12.00	$1.35	$13.35
900	$12.00	$1.74	$13.74
1000	$12.00	$1.93	$13.93
2000	$12.00	$3.86	$15.86
3000	$12.00	$5.78	$17.78
4000	$12.00	$7.71	$19.71
5000	$12.00	$9.64	$21.64

Water Gallons used per month	Base Rate per month	Incremental rate	Total
6000	$12.00	$11.57	$23.57
7000	$12.00	$13.50	$25.50
7200	$12.00	$13.88	$25.88
7800	$12.00	$15.04	$27.04
8000	$12.00	$15.42	$27.42
9000	$12.00	$17.35	$29.35
10000	$12.00	$19.28	$31.28
20000	$12.00	$38.56	$50.56
30000	$12.00	$57.84	$69.84
40000	$12.00	$77.12	$89.12
50000	$12.00	$96.40	$108.40
60000	$12.00	$115.68	$127.68
70000	$12.00	$134.96	$146.96
80000	$12.00	$154.24	$166.24
90000	$12.00	$173.52	$185.52
100000	$12.00	$192.80	$204.80

4.02.100(b) Solely for purpose of the City's software provider, proceeds from the incremental rates set forth in Section 1 above shall be apportioned as follows:

58.5% shall be applied to loan repayment

41.5% shall be applied to a sewer reserve account.

4.02.100(c) A baseline for irrigation water usage shall be established for each customer to determine an average monthly non-irrigation usage. This average shall be computed by using the metered water use for the months of October, November, December, January, February and March divided by the number of active months (i.e. months in which there is a significant amount of water used), then adding 20% to that average for increased summer personal use. This will then be the customer's baseline and it can be considered that water delivered in excess of that amount is irrigation water and not subject to charge as sewer rates. For customers with no history, a baseline consisting of 3000 gallons per resident per month as personal water use and not as irrigation water shall be used for that season, until the customer has sufficient history to calculate the baseline.

4.02.100(d)

1. The rates set forth in Section 1 shall apply to each individual dwelling unit as defined in WSS ORD 4.02.010, and shall also apply to all commercial users (except as described in Section 4.02.100(c) and (d) hereof).

2. All customers of City water whether or not such customer is in residence and uses the sewer system, shall be liable for the base rate.

3. For purposes of Section 4.02.100(c) above, commercial users which operate

hotels, motels, the hospital, or recreational vehicle parks shall have no more than 5% of their metered water considered as irrigation water. All other metered water shall be considered as contributing to the sewer system and be charged as described in Section 4.02.100(a).

4. Recreational vehicle parks with a dump station for sewage shall pay the above noted base rate plus the rate for 5000 gallons of sewage during all months they are in operation.

Section 2. All resolutions, ordinances, and sections of White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 3. If any provisions of this Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions hereof which may be given without the invalid provision or application and, to this end, the provisions hereof are declared to be severable.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the ~~6th day of January, 2014.~~ 2nd day of December, 2013 MS

Julian Theriault, Mayor

ATTEST:

Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 6th day of January, 2014.

Julian Theriault, Mayor

ATTEST:

Michelle Stidham, City Clerk

APPROVED AS TO FORM:

Cindy Hankin 1/6/14

Cindy Hankin. Date

City Attorney

RESOLUTION NO. 563

SUPPLEMENTAL RESOLUTION RELATING TO $105,264 WATER SYSTEM REVENUE BOND (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), SERIES 2013; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF

WHEREAS, pursuant to the Drinking Water State Revolving Fund Act, Montana Code Annotated, Title 75, Chapter 6, Part 2, as amended (the "State Act"), the State of Montana (the "State") has established a revolving loan program (the "Program") to be administered by the Department of Natural Resources and Conservation of the State of Montana, an agency of the State (the "DNRC"), and by the Department of Environmental Quality of the State of Montana, an agency of the State (the "DEQ"), and has provided that a water pollution control state revolving fund (the "Revolving Fund") be created within the state treasury and all federal, state and other funds for use in the Program be deposited into the Revolving Fund, including, but not limited to, all federal grants for capitalization of a state water pollution control revolving fund under the federal Safe Drinking Water Act (the "Safe Drinking Water Act"), all repayments of assistance awarded from the Revolving Fund, interest on investments made on money in the Revolving Fund and payments of principal of and interest on loans made from the Revolving Fund; and

WHEREAS, the State Act provides that funds from the Program shall be disbursed and administered for the purposes set forth in the Safe Drinking Water Act and according to rules adopted by the DEQ and the DNRC; and

WHEREAS, the City of White Sulphur Springs, Meagher County, Montana (the "Borrower") applied to and received from the DNRC loans from the Revolving Fund to enable the Borrower to finance the costs of the Borrower's construction of a new 500,000 gallon concrete storage tank and water transmission line and water line replacement (the "Series 2013 Project"); and

WHEREAS, the Borrower, through its Resolution No. 554 (the "Original Resolution") established water system accounts and provided for the issuance of its $2,073,000 Series 2012 Water System Revenue Bond and provided a mechanism to issue additional bonds, under certain circumstances and under resolutions supplementing the Original Resolution; and

WHEREAS, the Borrower is in need of additional funds to pay costs of construction and the emergency rehabilitation of the sand filtration facility that was damaged by a tornado in 2012; and

WHEREAS, the Borrower is authorized under applicable laws, ordinances, regulations and the Original Resolution to adopt this Supplemental Resolution and to issue the Series 2013 Bond (as hereinafter defined) to evidence the 2013 Loan (as hereinafter defined) for the purposes set forth herein; and

WHEREAS, the DNRC will fund the 2013 Loan (as hereinafter defined) with recycled funds provided by the Program.

#568

Resolution
To Authorize Submission of a TSEP Technical Assistance Planning Grant Application

WHEREAS, the City of White Sulphur Springs is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) for Phase 2 Sewer Project PER ;

WHEREAS, the City of White Sulphur Springs has the legal jurisdiction and authority to construct, finance, operate, and maintain sewer;

WHEREAS, the City of White Sulphur Springs agrees to comply with all State laws and regulations and the requirements described in the TSEP Application Guidelines and those that will be described in the TSEP Project Administration Manual;

WHEREAS the City of White Sulphur Springs commits to provide the amount of matching funds as proposed in the TSEP application; and

That Mayor, Julian A. Theriault, is authorized to submit this application to the Montana Department of Commerce, on behalf of City of White Sulphur Springs, to act on its behalf and to provide such additional information as may be required.

Signed: Julian A Theriault

Name: Julian A. Theriault

Title: Mayor

Date: 3-3-2014

Attested: Michelle L. Stidham

MICHELLE L STIDHAM
NOTARY PUBLIC for the
State of Montana
Residing at
White Sulphur Springs, MT
Comm. Expires Nov 16, 2014

RESOLUTION ADOPTING ENVIRONMENTAL ASSESSMENT FOR
Phase 2 Sewer Project
City of White Sulphur Springs

Resolution No. 572

WHEREAS, the City of White Sulphur Springs has completed a draft Environmental Assessment (EA) to identify potential environmental impacts resulting from the Phase 2 Sewer Project, which EA was conducted by and the report prepared by Anderson-Montgomery Consulting Engineers, Inc., at the request of the City; and

WHEREAS, the draft EA was made available for public comment at the April 17, 2014 special meeting where the draft EA was presented, considered, and reviewed at a properly noticed public meeting where the public was afforded the opportunity to comment; and

WHEREAS, the City of White Sulphur Springs has determined that the Phase 2 Sewer Project, as proposed or with identified mitigation, will not significantly affect the quality of the human environment; and

NOW, THEREFORE, the Council hereby finds that an Environmental Impact Statement is not necessary for the Phase 2 Sewer Project and adopts the draft EA for the Phase 2 Sewer Project, with any modifications resulting from public comment, as the Final EA for the Phase 2 Sewer Project.

ADOPTED by the Council this 7th day of July, 2014.

Julian Theriault, Mayor ,

Attest

Michelle L. Stidham, City Clerk

Approved as to Form:

Cindy E. Younkin, City Attorney

RESOLUTION NO. 576

RESOLUTION TO APPROVE AMENDED PRELIMINARY ENGINEERING REPORT PREPARED BY ROBERT PECCIA AND ASSOCIATES AND ACCEPT PRELIMINARY ENGINEERING REPORT RECOMMENDATIONS FOR WHITE SULPHUR SPRINGS WASTEWATER IMPROVEMENTS

WHEREAS, the City of White Sulphur Springs commissioned Robert Peccia & Associates to prepare a 2015 Amended Preliminary Engineering Report (PER) regarding the White Sulphur Springs Wastewater Improvements project based on a PER originally prepared by Anderson-Montgomery Consulting Engineers; and

WHEREAS, the Amended PER has been presented to the City Council at its regularly scheduled public meetings on December 7, 2015 and December 15, 2015, where said Amended PER was presented, considered, and reviewed at a properly noticed public meeting where the public was afforded the opportunity to comment, including but not limited to the project description, the projected costs for the project, the project alternatives; the engineer's recommendations and anticipated dates for construction, and the Amended PER is and remains available for review at the City offices; and

WHEREAS, the City of White Sulphur Springs has the legal jurisdiction and authority to construct, finance, operate and maintain the Wastewater System Improvements as outlined in the Amended PER;

NOW THEREFORE, BE IT RESOLVED that the City Council of White Sulphur Springs hereby approves the 2015 Amended PER and accepts the engineer's recommendation for the project as contained in the Amended PER.

DATED this 15th day of December, 2015.

Julian Theirault
Mayor

ATTEST:

Michelle Strahem
City Clerk

APPROVED AS TO FORM:

Susan L. Wordal
YOUNKIN & WORDAL, PLLC
City Attorney

RESOLUTION # 577

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS TO INCREASE RATES AND CHARGES FOR THE USERS OF THE CITY'S SEWER SERVICE AND TO CHANGE THE METHOD OF CHARGING SUCH SERVICE.

WHEREAS, the City of White Sulphur Springs, Montana, owns a sewer system (the "System") which requires an upgrade to meet current needs and comply with state and other regulations; and

WHEREAS, the citizens of the City of White Sulphur Springs, Montana have a significant investment in the City's sewer infrastructure which requires constant maintenance, repair, improvement and replacement of portions of the aging infrastructure; and

WHEREAS, the City hired ROBERT PECCIA AND ASSOCIATES of Helena (the "City Engineer") to design and assist in constructing improvements to the Wastewater Lagoons and corresponding infrastructure based on a surface water discharge permit from the Department of Environmental Quality (DEQ) which includes but is not limited to: draining the lagoons, disposal of existing biosolids, installation of new liners, and upgrade, replacement or repair of associated lines as necessary (the "Project"); and

WHEREAS, the City Engineer estimates the improvements to the City's sewer system and the estimated costs of design, construction and financing of the Project is $3,384,000.00; and

WHEREAS, the City has received commitments for a RRGL grant from the Montana Department of Natural Resources and Conservation ("DNRC") for $125,000.00 and grant funding from Montana Department of Commerce Treasure State Endowment Program ("TSEP") of $750,000.00 and Water Resources Development Act grants through the U.S. Army Corps of Engineers for $509,000.00, and commitment for purchase of a City Wastewater System Revenue Bond from the DNRC Water Pollution Control State Revolving Loan Program in the principal amount of $2,000,000.00; and

WHEREAS, the members of the City Council of White Sulphur Springs participated in meetings regarding the sewer rates and the on-going needs of infrastructure improvements,

specifically the mandated improvements to the sewer treatment system, as well as the long-term viability of the system; and

WHEREAS, the City Council of White Sulphur Springs has studied the rate structure in existence, the costs to effectuate the improvements, and the impact on the citizens and businesses of White Sulphur Springs in terms of rate structure and finds it is necessary to increase the rates and charges and change the method of charging for the services provided by the System in order to collect sufficient revenues to repay the loans, establish reserves and meet rate covenants and pay costs associated with the operation and maintenance of the System for the long-term health of the infrastructure and equitable distribution of the cost among all users; and

WHEREAS, the City is required to provide notice and a public hearing prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing or increasing rates, fees, or charges for water services or facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Sulphur Springs, Montana as follows:

Section 1. Reasons for Proposed Change and Increase in Sewer User Charges. It is the intent of the City Council to implement a rate increase and other charges for users of the System as set forth herein. The reason for the proposed increase in rates and other charges is that the City will need to borrow $2,000,000.00 of the Project cost. The City has an existing Sewer System loan. The City has determined prior rate calculations have proven insufficient with annual debt service of $27,165.00, to adequately address the current debt service due to usage which is not as calculated under the existing flow rate scheme. The debt service coverage requirements for the old loan and the new loan is that net revenues (gross revenues minus operation and maintenance costs) must be at least equal to the maximum annual debt service on both loans (estimated at $154,851.00) times 1.10 which will be approximately $170,336.00 per year. The operation and maintenance costs of the System, not including any Project expenses, are estimated at $100,000.00 per year. Payment of the operation and maintenance expenses plus the new loan requirements will require an increase of sewer rates.

Section 2. Existing Monthly Charge. The City currently imposes a base monthly rate on all connections to the System (the "Existing Monthly Rates") by determining an average monthly non-irrigation usage for each customer, or a "baseline". This is computed by using the metered water use for the months of October,

November, December, January, February and March divided by the number of active months (i.e. months in which there is a significant amount of water used), then adding 20% to that average for increased summer personal use. This is the customer baseline and water delivered in excess of this amount is irrigation and not subject to charge as sewer rates. Customers with no history have a baseline of 3000 gallons as personal use until the customer has a sufficient history to calculate the baseline. This average usage established a Baseline to which the volumetric formula of $1.928 per 1,000 gallons of metered water is applied per month below the Baseline. The formula established the following chart for rates:

Water Gallons used per month	Base Rate per month	Incremental rate	Total
300	$12.00	$0.58	$12.58
500	$12.00	$0.96	$12.96
700	$12.00	$1.35	$13.35
900	$12.00	$1.74	$13.74
1000	$12.00	$1.93	$13.93
2000	$12.00	$3.86	$15.86
3000	$12.00	$5.78	$17.78
4000	$12.00	$7.71	$19.71
5000	$12.00	$9.64	$21.64
6000	$12.00	$11.57	$23.57
7000	$12.00	$13.50	$25.50
7200	$12.00	$13.88	$25.88
7800	$12.00	$15.04	$27.04
8000	$12.00	$15.42	$27.42
9000	$12.00	$17.35	$29.35
10000	$12.00	$19.28	$31.28
20000	$12.00	$38.56	$50.56
30000	$12.00	$57.84	$69.84
40000	$12.00	$77.12	$89.12
50000	$12.00	$96.40	$108.40
60000	$12.00	$115.68	$127.68
70000	$12.00	$134.96	$146.96
80000	$12.00	$154.24	$166.24
90000	$12.00	$173.52	$185.52
100000	$12.00	$192.80	$204.80

Proceeds from the incremental rate increase were then apportioned 58.5% to loan repayment and 41.5% to a sewer reserve account. All users were subject to the base rate.

Commercial users which operate hotels, motels, the hospital, or recreational vehicle parks shall have no more than 5% of their metered water considered as

irrigation water. All other metered water shall be considered as contributing to the sewer system and be charged the volumetric rate. Recreational vehicle parks with a dump station for sewage shall pay the above noted base rate plus the rate for 5000 gallons of sewage during all months they are in operation.

Section 3. Proposed New Rate Structure. The City hereby proposes to establish a new rate structure for sewer users of the City based on the following:

Modifying the current billing system by increasing the Base Rate to offset accounting errors in the old system to allow the Base Rate to meet the Operating and Maintenance Budget, establishing a set Local Sewer Reserve Rate rather than a percentage of the incremental reserve rate, and establishing a User Rate based on a flat rate structure and a new volumetric rate charge, to address the loan payment amounts and the required bond reserve amounts necessary to fund the construction.

More particularly, the User Rate will be established based on principal, interest and excess coverage required on the outstanding loans using a 70% "flat rate" and 30% "volumetric rate" cost share calculation. The method for calculation of the volumetric rate remains determined by the average monthly non-irrigation usage for each customer as described by Resolution 562 amending Title 4 Ch. 2, Part 100 of the White Sulphur Springs Municipal Code.

The definition of "commercial users" shall be modified to include those users operating a non-residential facility, such as restaurants/bars/casinos, car washes, hotels, motels, nursing homes or hospital/clinic facilities, recreational vehicle parks, butcher shops, breweries, or light manufacturing or other industries which have been identified by the Department of Environmental Quality (DEQ) as capable of discharging an industrial waste stream known to produce effluent containing substances which are not amenable to treatment or reduction by the lagoon process employed by the City or which cannot meet the requirements of the DEQ or another agency having jurisdiction over the receiving waters. Substances not amenable to treatment or reduction include but are not limited to: pollutants which create a fire or explosion hazard; toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the system; solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in the system; and petroleum oils, non-biodegradable oils or similar substances.

And a system for assessing penalties established for users who compromise the system or detrimentally impact the discharge from the system in violation of DEQ standards.

Section 4. Proposed New Rates. The City hereby proposes to establish a new rate for the sewer users of the City based on the following:

The Sewer Base Rate (Operation and Maintenance) will be $15.43 per month (based on the annual operation and maintenance budget divided by the total number of connections within the City).

The Local Sewer Reserve will be $4.00 per month per user for purposes of establishing a sewer reserve account to address depreciation of the system, pipe replacement and other maintenance issues and shortfalls.

The User Rate will be determined by the monthly principal, interest and excess coverage payments required on the outstanding loans ($14,196.42) divided by the number of sewer users (540), then assessing 70% of this as a flat rate per user ($18.40); and, assessing the remaining 30% of the loan amount at the new volumetric rate ($3.43/1000 gallons) per user.

Section 5. Effect of Rate Proposal on Consumers. The proposed rate increase is expected to have roughly the following effects depending on the user:

The average user of 2,300 g/p/m currently pays $18.28 per month. The proposed monthly rates for such user are $45.72

Section 6. Effective Date of New Rates. The proposed new rates would go into effect October 1, 2016. Subsequent adjustments to the rates will be made by resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

Section 5. Public Hearing. A public hearing on the proposed rate increase will be held on June 6, 2016, commencing at 6 PM at the City Offices.

Section 6. Notice. The Clerk is hereby authorized and directed to publish or cause to be published a notice of the passage of this resolution in the Meagher County News, a newspaper of general circulation in the City, on the dates of May 19, 2016, May 26, 2016, and June 2, 2016, in the form and manner prescribed by Section 69-7-111(3) MCA, and to mail or cause to be mailed a copy of said notice to all customers of the System at least 7 days and not more than 30 days prior to the public hearing.

Passed and approved this 16th day of May, 2016.

Julian Theriault, Mayor

Attest Michelle Stidham
Michelle Stidham, City Clerk

Approved as to Form:
Susan L. Wordal, City Attorney

RESOLUTION NO. 578

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, PROVIDING FOR INCREASED RATES AND CHARGES FOR THE USERS OF THE CITY'S WASTEWATER SYSTEM AND CHANGING THE METHOD OF CHARGING FOR WASTEWATER.

WHEREAS, on May 16, 2016, the City of White Sulphur Springs (the "City") passed its Resolution No. 577 which was a Resolution on Intention to Increase Rates and Charges for the City's Wastewater System (the "System") and called for a public hearing on June 6, 2016; and

WHEREAS, the City Clerk caused a notice to be published in the Meagher County News once a week for three weeks prior to the hearing; and

WHEREAS, a notice of said hearing was mailed first class postage prepaid to the Montana Consumer Council and sent to all customers of the System. The notice also contained an estimate of the amount the customer's average bill will increase; and

WHEREAS, a hearing was held at the City Office to consider the above mentioned increase on June 6, 2016; and

WHEREAS, the City Council considered all protests received concerning the proposed rate increase and has addressed the comments as indicated in the Minutes of the Public Hearing.

NOW, THEREFORE BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:

Section 1. New Rate Structure. The City hereby adopts the rate structure and method for charging for the City's wastewater system, effective October 1, 2016, as follows:

The User Rate is based on principal, interest and excess coverage required on the outstanding loans using a 70% flat rate and 30% volumetric rate cost share calculation. The method for the volumetric rate remains determined by the average monthly non-irrigation usage for each customer as described by Resolution 562 amending Title 4, Chapter 2, Part 100 of the White Sulphur Springs Municipal Code.

The definition of Commercial Users is modified to include those users operating a non-residential facility, such as restaurant/bar/casino, car washes, hotels, motels, nursing homes or hospital/clinic facilities, recreational vehicle parks, butcher shops, breweries, or light manufacturing or other industries which have been identified by the Department of Environmental Quality (DEQ) as capable of discharging as industrial waste stream known to produce effluent containing substances which are not amendable to treatment or reduction by the lagoon process employed by the City or which cannot meet the requirements of the DEQ or another agency having jurisdiction over the receiving waters. Substances not amenable to

treatment or reduction include but are not limited to: pollutants which create a fire or explosion hazard; toxic or poisonous solids, liquids of gasses in sufficient quantity, either single or by interaction with other wastes, to contaminate the sludge of the system; solid or viscous substances in quantities or of such size as to be capable of causing obstruction in quantities or of such size as to be capable of causing obstruction to the flow in the system; and petroleum oils; non-biodegradable oils or similar substances.

And authorizing the addition to the Municipal Code of a system for assessing penalties established for users who compromise the system or determinately impact the discharge from the system in violation of DEQ standards.

Section 2. New Rates. The City hereby adopts the rates for charging for the City's wastewater system, effective October 1, 2016, as follows:

The Sewer Base Rate will be $15.43 per connection per month (Based on the annual operation and maintenance budget divided by the total number of connections within the City).

The Local Sewer Reserve will be $4.00 per month per user for the purpose of establishing a sewer reserve account to address depreciation of the system, pipe replacement and other maintenance issues and shortfalls.

The User Rate will be determined by the monthly principal, interest and excess coverage payments required on the outstanding loans ($14,196.42) divided by the number of sewer users (540), then assessing 70% of this loan as a flat rate per user ($18.40); and, assessing the remaining 30% of the loan amount at the new volumetric rate ($3.43/1,000 gallons) per user.

Section 3. Effective Date of New Rate Charges and Method of Charging. The new rates and the method for charging such rates will go into effect October 1, 2016. These rates and any subsequent adjustments to the rates will be made by resolution of the Counsel duly adopted after a public hearing with notice thereof given as provided by law.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 6th day of June, 2016.

Julian Theriault, Mayor

ATTEST:

Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 6th day of January, 2014.

ATTEST:

Julian Theriault, Mayor

Michelle Stidham, City Clerk

APPROVED AS TO FORM:

Susan L. Wordal, City Attorney

RESOLUTION No. 590

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ESTABLISHING RESPONSIBILITY FOR COST OF WATER WHICH IS NOT ON A CITY WATER METER AND IS USED BY A CONTRACTOR OR BUILDER FOR CONSTRUCTION OR OTHER COMMERCIAL PURPOSE.

WHEREAS, the City of White Sulphur Springs has established water rates for its water service; and

WHEREAS, §4.08.150 of the Municipal Code establishes Contractors or Builders desiring water for building purposed must have a permit and such rate for water use shall be set by the City; and

WHEREAS, use of water results in a cost to the citizens of the City of White Sulphur Springs and those citizens should not have to pay for water which is not metered but is used by a contractor or other commercial enterprise; and

WHEREAS, when the water is not on a meter, the usage can be estimated by the identified volume of the tank in which it is to be removed from the city system; and

WHEREAS, based on the rates for usage on metered systems, $3.00 per 1000 gallons is deemed an appropriate rate for this usage.

NOW, THEREFORE, BE IT RESOLVED the City Council of White Sulphur Springs adopts the following policy is adopted as to water rates for Contractors, Builders or others using water for construction or another commercial purpose:

1. Upon issuance of a permit for water usage by a contractor, builder, or other individual for a commercial purpose, such as but not limited to construction, the rate to be paid for unmetered water shall be $3.00 per 1000 gallons.
2. The permit request shall include the name of the submitting the application as well as the name of the company or business name, a mailing and a physical address, and a valid phone number. A PO Box alone will not be accepted. Submitting the request and accepting the permit shall constitute the consent of the individual signing on behalf of the contractor, builder or other individual to be responsible, personally, for the water bill.
3. The contractor, builder or individual desiring short term unmetered water shall

take delivery from a designated fill point, use a backflow preventer or air gap to deliver water into a tank or tank truck, the volume of which is known and reported to the City.

4. The contractor, builder or individual making use of the unmetered water shall notify the City when the usage ceases and the number of times the tank or tank truck was filled in order to properly calculate the volume used and the final bill.
5. Any delay by the contractor, builder or other individual named on the permit shall not be the responsibility of the City and the volume shall be determined at the time notice is received by the City.
6. Failure to pay the fees upon billing shall result in a hold being placed on the contractor, builder or individual's water bill and shall become part of the business or individual's water bill, or the responsible person's water bill, until such time as the usage bill is paid in full.
7. A lien may be placed on any unpaid balance in conformance with the standards used by the City for metered water users.

This policy and procedure shall be effective upon passage.

PASSED AND ADOPTED by the City Council of the City of White Sulphur Springs, Montana, on this 4th day of December, 2017.

Julian Theirault
Mayor

ATTEST:

Michelle Stidham
City Clerk

APPROVED AS TO FORM:

Susan L. Wordal
WORDAL Law, PLLC
City Attorney