

**TITLE 8**  
**WATER AND SEWER**

Subject	Chapter
Water Regulations .....	1
Water Fee Policy .....	2
Sewer Regulations .....	3
Sewer Rates And Charges .....	4
Sewer Fee Policy .....	5



CHAPTER 1  
**WATER REGULATIONS**

Amended  
 ORD # 144  
 11/27/2007

**SECTION:**

- 8-1- 1:       Definitions
- 8-1- 2:       Application For Water Service
- 8-1- 3:       Tapping
- 8-1- 4:       Authorized Person To Turn On
- 8-1- 5:       One Connection For Two Or More Buildings
- 8-1- 6:       Owner Responsibility
- 8-1- 7:       Other Applications For Sale Of Water
- 8-1- 8:       Meter Regulations
- 8-1- 9:       Access To Buildings
- 8-1-10:      Separate Curb Stop Required
- 8-1-11:      Shutoff For Repairs
- 8-1-12:      Wastewater
- 8-1-13:      Sprinkling Hours
- 8-1-14:      Temporary Discontinuance Amended ORD#144 11/27/2007
- 8-1-15:      Fire Hydrants
- 8-1-16:      Water Emergency
- 8-1-17:      Private Wells
- 8-1-18:      Penalty

8-1-1:        **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**BUILDING LOT:**           A parcel of ground which meets the minimum requirements for construction under the zoning regulations of the town.

**CAPACITY UNIT:**        Three-fourths inch ( $\frac{3}{4}$ " ) service line or larger.

**DEBT SERVICE:**         A fixed monthly charge to property owners to cover financing and maintaining the system.

Amended  
 ORD# 144  
 12/11/2007

Amended  
ORD# 144  
12/2007

- DEPARTMENT:** The town of Darby.
- METERED CHARGES:** A charge of six dollars ninety cents (\$6.90) for residential, thirteen dollars eighty cents (\$13.80) for commercial for the first three thousand (3,000) gallons of water used and \$0.00076 per gallon over the three thousand (3,000) gallons per month.
- NONMETERED CHARGES:** A fixed monthly charge for water when gallons are not metered and user fee of eleven dollars twenty cents (\$11.20) for residential, twenty seven dollars sixty cents (\$27.60) for commercial.
- OWNER:** The owner of record of a property or his agent designated on the application for water service.
- USER:** The person, whether renter or owner, who actually uses the water. (Ord. 4.01, 12-14-1994)

**8-1-2: APPLICATION FOR WATER SERVICE:**

- A. Application: All owners who want water service shall make application at the department office located in the Darby town hall. The application shall:
1. Set forth all purposes for which the water will be used.
  2. Be signed by the property owner.
- B. Change In Ownership: Any change in ownership of the premises will require a new application for water service. (Ord. 4.01, 12-14-1994)

**8-1-3: TAPPING:**

- A. Tapping For New Service: When an application for new water service has been granted, the department will tap the main and furnish corporation cock, and clamp when necessary, and any other material used or labor furnished in connection with the tapping of the main. Actual tapping of the water main will be made by certified department personnel or a licensed plumber under department

Amended  
ORD # 144  
12/2007

supervision. The charges to the applicant will be two hundred fifty dollars (\$250.00) or cost plus ten percent (10%), whichever is greater.

- B. **Construction Accident/Breakage Costs:** All construction accident/breakage costs will be covered by a bonded construction operator. Disputed bills will be reviewed by the council upon petition of the contractor.
- C. **Meter Required:** All new constructions are required to have meters installed.
- D. **Permit Inspection And Connection Fee:** A fee to cover the permit inspection, and the connection shall be paid to the town at the time the permit is issued. The fee structure is two hundred fifty dollars (\$250.00) or cost plus ten percent (10%), whichever is greater.
- E. **Notice; Coordination Of Activities:** The contractor shall notify the department seven (7) working days before a tap will be made and coordinate all activities in this regard. Tapping of the main shall be performed only during a regularly scheduled workday. (Ord. 4.01, 12-14-1994)

Amended  
ORD# 144  
12/2007

**8-1-4: AUTHORIZED PERSON TO TURN ON:** Water shall be turned on at the curb stop only by an authorized employee of the town. (Ord. 4.01, 12-14-1994)

**8-1-5: ONE CONNECTION FOR TWO OR MORE BUILDINGS:** It shall be unlawful for any owner, agent or tenant to supply or permit to be supplied any water to two (2) or more residents or commercial buildings through one and the same connection, except with written permission of the town council. (Ord. 4.01, 12-14-1994)

**8-1-6: OWNER RESPONSIBILITY:**

- A. **Service Pipes:** All service pipes from the curb box to and within the premises are the responsibility of the owner, who will protect them from freezing, keep them repaired, and be responsible for damages resulting from leaks and breaks.

Amended  
ORD#144  
12/2007

- B. **Claims Against Town:** No claims shall be made against the town because of breaks in any service pipe or apparatus, or for failure in supply of water.
- C. **Leak In Street:** In the event of a leak in the street, the department shall excavate to determine the origin of the leak. If the leak is in the main or curb box, the department shall repair the break. If the leak is on the service pipe, the owner or his agent will be notified and shall take charge of the excavation, repair the leak, replace the street, and assume the cost of all damages that result, including reimbursement of the department for labor and machinery costs of determining the origin of the leak.
- D. **Repairs:** The owner or agent must make repairs within a time stated by the department or service will be terminated until completed. (Ord. 4.01, 12-14-1994)

**8-1-7: OTHER APPLICATIONS FOR SALE OF WATER:**  
Contractors, builders or others desiring water must make application to the department prior to using water, and the amount to be paid shall be based upon prevailing rates. (Ord. 4.01, 12-14-1994)

**8-1-8: METER REGULATIONS:**

- A. **Responsibility Of Town:** The department shall own, maintain, and operate all equipment necessary for the regulation and measurement of water.
- B. **Cost Of Meters:** The department shall pay the cost of meters, including a readout, and couplings.
- C. **User To Allow Installation Or Replacement:** Users shall allow meter installation or replacement when deemed proper by the department. Water service shall be terminated if user refuses to cooperate in installation of meters.
- D. **Size:** The department shall determine the size meter to be installed.
- E. **Installation; Location:** The user shall have a certified plumber install the meter where it is easily accessible for reading and repair.

Amended  
ORD#100  
6/25/1996

- F. **Pit Meters:** Pit meters shall be installed where an owner prefers a meter outside the residence or where a regular meter cannot be installed, at the owner's expense.
1. Meter must be on service line before any outlet.
  2. The owner shall dig and backfill the pit and provide the meter with a readout, barrel, plumbing labor, and meter pit cradle. (Ord. 4.01, 12-14-1994)
  3. Pit meters shall be installed on any hookup having an outlet (frost free hydrant, etc.) prior to entering the structure or between the meter installed in the structure and the town's main water line, at the landowner's expense. (Ord. 102, 7-23-1996)
- G. **Separate Meters:** The department shall meter each house separately, regardless of whether two (2) or more are owned by the same owner.
- H. **Protection From Frost Or Other Damage; Maintenance:** The owner shall protect meters from frost damage. If necessary, he shall, at his expense, install a standard form of meter box. The user will have a certified plumber connect the meter and maintain it in good condition.
- I. **Tampering With Meters:**
1. **Broken Seal:** Owners and users may not tamper with meters. If the meter seal is broken, working parts have been tampered with, or the meter damaged, the owner shall be charged with repairing the meter.
  2. **Billing For Current Month:** The department will render a bill for the current month based on an average of the previous two (2) months. The department may refuse to furnish water until all charges are paid in full.
- J. **Reading Meters:** The department shall normally read meters each month. In no instance, shall a meter be read less often than once in a two (2) month period.
- K. **Request For Accuracy Testing; Cost:** An owner may request the meter removed and tested for accuracy in his presence. If the meter is found to be recording within two percent (2%) accuracy or in favor of the user, the cost of removal, testing, and replacing shall be borne

by the owner. If the meter is found to be recording incorrectly (greater than 2 percent error) against the user, the cost of removal, testing, and replacing shall be borne by the department.

- L. **Failure To Register:** When a meter fails to register water usage for any period, the department shall average amounts for the periods immediately preceding and following the period when the meter was found defective to determine the amount of water used during that time.
- M. **Annual Sample Testing:** Each year the department shall test a sample of five percent (5%) of the meters in service for accuracy of registration. If any meter is found to have an average error of more than two percent (2%), the department shall refund the overcharge based on the corrected reading for one-half ( $1/2$ ) the time since the last test. If attributable to a cause for which a date can be determined, the overcharge shall be computed back to but not beyond such date. (Ord. 4.01, 12-14-1994)

8-1-9: **ACCESS TO BUILDINGS:** The department shall have access at all reasonable times to remove the meters from the premises for examination and tests when necessary. (Ord. 4.01, 12-14-1994)

8-1-10: **SEPARATE CURB STOP REQUIRED:** A separate curb stop to control the water supply for each separate house or premises shall be placed at a point designated by the department. The owner of the house or premises shall be responsible for all bills and uses of the water passing through this curb stop. (Ord. 4.01, 12-14-1994)

8-1-11: **SHUTOFF FOR REPAIRS:** When possible, users shall be given notice if water is to be shut off for repairs, extensions, or other necessary causes. In case of emergency, the department may shut off the mains without notice. No claims may be made against the department for breakage of any service pipe or other damage resulting from shutting off the water. (Ord. 4.01, 12-14-1994)

8-1-12: **WASTEWATER:** Any new connection to the sewer system will be assessed two hundred fifty dollars (\$250.00). Hookup



is to be inspected by the town maintenance person or town representative.  
(Ord. 4.01, 12-14-1994)

Amended  
ORD# 141  
7/10/2007

8-1-13: **SPRINKLING HOURS:** Metered or nonmetered customer hours are:

6:00 A.M. - 10:00 A.M.      NO HOURS  
5:00 P.M. - 10:00 P.M.

(Ord. 4.01, 12-14-1994)

Amended  
ORD# 144  
12/2007

8-1-14: **TEMPORARY DISCONTINUANCE:** If an owner wants to temporarily discontinue the water service, the owner shall follow the same procedure as permanent discontinuance. The department shall assess a reconnection fee of twenty five dollars (\$25.00). (Ord. 4.01, 12-14-1994)

8-1-15: **FIRE HYDRANTS:** All repositioning, replacement or new installation of fire hydrants within the boundaries of the incorporated town shall be regulated by the following:

- A. **Brand:** All hydrants shall be of a brand name consistent with the quality of the majority of hydrants already in use (5/1996 Mueller).
- B. **Minimum Hookup Requirements:** A minimum requirement of each hydrant allowing for one four and one-half inch ( $4\frac{1}{2}$ " ) hose hookup and two (2) two and one-half inch ( $2\frac{1}{2}$ " ) hose hookups, with the four and one-half inch ( $4\frac{1}{2}$ " ) hookup facing the street.
- C. **Height:** Be placed in height so that the bury line (approximately  $1\frac{5}{8}$  inch below mounting bolts) is level with either the surrounding ground level or sidewalk level, whichever applies.
- D. **Placement:** Each hydrant should be placed so that it sits on the area adjacent to the sidewalk but on the property owner's side of the sidewalk.
- E. **Density:** The density of the hydrants within an area are to be placed as per uniform fire codes, 10.401; appendix III A, section 5; and appendix III B, section 5, table A3, B1.

- F. Color: All fire hydrants shall be red in color.
- G. Inspection; Approval: The town maintenance personnel and the head of the local fire department shall inspect and approve all hydrants, to assure that they will be in compliance with this section before the completion of installation or repair of such hydrants.
- H. Original Costs Of Installation: Original costs of installation will be borne by the developing party with maintenance cost after installation to be borne by the town.
- I. Noncompliance: Each hydrant found not in compliance with this section or any part thereof shall be considered a violation.
- J. Penalty: Maximum penalty for each violation of this section or any subsection thereof, shall not exceed five hundred dollars (\$500.00) per violation. (Ord. 4.01.165, 6-25-1996)

8-1-16: **WATER EMERGENCY:** In the event of a water emergency, every water user of the water system shall close all water outlets used for irrigation purposes until the emergency is over. (Ord. 4.01, 12-14-1994)

8-1-17: **PRIVATE WELLS:**

- A. Grandfather Clause: Any well in operation prior to April 1, 1983, to provide water to an existing building or for irrigation purposes shall be allowed to continue to operate under a grandfather clause; providing:
  1. It is not cross connected with the town water system.
  2. If used for human consumption, it meets the rules and regulations of the state water quality bureau.

An owner operating a well under the grandfather clause shall be exempt from the water user fee and/or irrigation fee.
- B. New Or Improved Wells: Any person proposing to drill a new well or improve an existing well within the town limits on or after June 1, 1990, must receive permission from the town council before proceeding with any work. (Ord. 4.01, 12-14-1994)

8-1-18: **PENALTY:** Any person or business violating a provision of this chapter not covered by penalty shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (Ord. 4.01, 12-14-1994)



## CHAPTER 2

**WATER FEE POLICY**

## SECTION:

- 8-2-1: General Water Fee Policy  
 8-2-2: Residential Water Fee Policy  
 8-2-3: Commercial Water Fee Policy

8-2-1: **GENERAL WATER FEE POLICY:**

- A. **Deadline For Installing Meters:** The town has a set deadline of October 1, 1996, for all water hookups to be metered. Any water hookup not metered after that date will be sent a letter telling the owner of record that the water will be shut off after November 1, 1996 until the meter is in place.
- B. **Rates:** The town will continue to charge a minimum rate and a metered rate for water. The minimum rate recognizes that the town has a legal obligation to furnish potable water within the corporate limits on demand. The minimum rate will be applied to each unit even if more than one unit is on a single meter. Vacant units will be charged the minimum rate if the water is left turned on at the curb stop. (Ord. 4.01.001, 6-25-1996)

8-2-2: **RESIDENTIAL WATER FEE POLICY:**

- A. **Residential Units:** The town considers the following situations to be residential units:

Apartment or apartments within a commercial building	1 unit
Apartments	1 unit per each living unit
Duplexes	2 units

Fourplex	4 units
Mobile homes	1 unit
Recreational vehicles used as living quarters	1 unit
Single-family residences	1 unit
Other similar situations	1 unit

- B. **Minimum Rate:** The residential minimum rate (up to 3,000 gallons) will be credited to each residential unit. When more than one residential unit is on the same meter, each unit will receive credit for three thousand (3,000) gallons with the minimum rate. Example: A fourplex that has one meter and uses sixteen thousand (16,000) gallons of water in one month would be billed as four (4) minimum rates plus one thousand (1,000 gallons) of water for each unit.
- C. **Living Unit On Meter With Commercial Unit:** A living unit that is on a meter with a commercial unit will be billed as a residential unit with credit for three thousand (3,000) gallons of water. Water usage over three thousand (3,000) gallons will be billed to the commercial portion of the hookup. (Ord. 4.01.001, 6-25-1996)

**8-2-3: COMMERCIAL WATER FEE POLICY:**

- A. **Each Business One Unit:** The town considers each separate business to be a single commercial unit if it has a separate bathroom, sink, etc., even though several businesses may be on the same water meter. If living quarters and a commercial business are within the same building and on the same water meter, it will be considered as a residential unit for billing purposes.
- B. **Businesses Given Three Thousand Gallon Residential Credit:** The commercial minimum rate (up to 3,000 gallons) will be credited to each commercial unit. When more than one commercial unit is on the same meter, or a mix of commercial and residential is on the same meter, each unit will receive credit for three thousand (3,000) gallons with the respective rates.

Repealed  
ORD#138  
4/26/2006

C. Low Volume Commercial Users:

1. Identification: Low volume commercial users will be identified by the verification of less than one thousand (1,000) gallons of water used according to the town meter readings for the previous three (3) months, and verification of being charged the current monthly commercial base charge for each of the three (3) months reviewed. After verification of usage, the monthly base charge will be lowered to the monthly residential base charge. Should the usage of the identified low volume commercial user exceed three thousand (3,000) gallons in any month after the lowering of the base fee, a review of the six (6) months' previous meter readings will occur. Through this review, an average monthly usage of under one thousand (1,000) gallons must be found or the user shall return to the monthly commercial base charge until the qualifications of being a low volume user are met again.

2. Separate Meter Required: Low volume commercial users shall be required to have a meter for that unit, totally separate of any other commercial or residential living unit. In the event that a separate meter is installed where there is currently a combination of units metered through one meter, the expense of the installation and the meter shall be borne by the landowner. (Ord. 114, 6-24-1997)





**CHAPTER 3**  
**SEWER REGULATIONS**

**SECTION:**

- 8-3-1: Definitions
- 8-3-2: Use Of Public Sewers Required
- 8-3-3: Sanitary Sewers, Building Sewers And Connections
- 8-3-4: Use Restrictions; Prohibited Discharges
- 8-3-5: Tampering With Facilities
- 8-3-6: Powers And Authority Of Inspectors
- 8-3-7: Penalties

8-3-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- |                                         |                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BIOCHEMICAL OXYGEN DEMAND (BOD):</b> | The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.                                                                                     |
| <b>BUILDING DRAIN:</b>                  | That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (5') (1.5 meters) outside the inner face of the building wall. |
| <b>BUILDING SEWER:</b>                  | The extension from the building drain to the public sewer or other place of disposal, also called house connection.                                                                                                                                                                             |
| <b>COMBINED SEWER:</b>                  | A sewer intended to receive both wastewater and storm or surface water.                                                                                                                                                                                                                         |

<b>DIRECTOR OF PUBLIC WORKS:</b>	The director of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the town, or his authorized deputy, agent, or representative.
<b>EASEMENT:</b>	An acquired legal right for the specific use of land owned by others.
<b>FLOATABLE OIL:</b>	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.
<b>GARBAGE:</b>	The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
<b>INDUSTRIAL WASTES:</b>	The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
<b>MAY:</b>	Is permissive (see definition of Shall).
<b>NATURAL OUTLET:</b>	Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
<b>pH:</b>	The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the 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 $10^{-7}$ .
<b>PERSON:</b>	Any individual, firm, company, association, society, corporation, or group.
<b>PROPERLY SHREDDED GARBAGE:</b>	The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried

freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch ( $\frac{1}{2}$ " (1.21 centimeters) in any dimension.

- PUBLIC SEWER:** A common sewer controlled by a governmental agency or public utility.
- SANITARY SEWER:** 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:** The spent water of a community. The preferred term is "wastewater".
- SEWER:** A pipe or conduit that carries wastewater or drainage water.
- SHALL:** Is mandatory (see definition of May).
- SLUG:** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration 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"):** A drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
- SUSPENDED SOLIDS:** Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as nonfilterable residue.

- UNPOLLUTED WATER:** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- WASTEWATER:** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.
- WASTEWATER FACILITIES:** The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "waste water treatment plant" or "water pollution control plant".
- WATERCOURSE:** A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 6.04.010, 3-12-1979)

**8-3-2: USE OF PUBLIC SEWERS REQUIRED:**

- A. **Prohibited Deposits:** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.
- B. **Discharge Prohibited:** It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

- C. **Construction Of Privy, Septic Tank, Cesspool:** 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.
- D. **Connection Required:** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the town are hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided the town determines that a service line can reasonably be connected to the public sewer. (Ord. 6.04.010, 3-12-1979)

**8-3-3: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:**

- A. **Permit Required:** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director of public works.
- B. **Classes Of Permit; Fees:**
  - 1. **Classes:** There shall be two (2) classes of building sewer permits: a) for residential and commercial service, and b) for service to establishments producing industrial wastes.
  - 2. **Application; Form:** In either case, the owner or his agent shall make application on a special form furnished by the town.
  - 3. **Additional Information:** The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director of public works. (Ord. 6.04.010, 3-12-1979)
  - 4. **Permit And Inspection Fee:** A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty dollars (\$20.00) for an industrial building sewer permit shall be paid to the town at the time the application is filed. These

fees may be waived at the discretion of the town council or director of public works. (Ord. 6.04.010, 3-12-1979; amd. 2006 Code)

**C. Costs Of Installation And Connection; Indemnification:**

1. **Costs And Expenses:** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner.

2. **Indemnification:** The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 6.04.010, 3-12-1979)

**D. Separate Sewer Required; Exception:** 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Ord. 6.05.010, 3-12-1979; amd. 2006 Code)

**E. Old Building Sewers:** Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the director of public works, to meet all requirements of this chapter.

**F. Construction Specifications:** 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 code or other applicable rules and regulations of the town. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice 9 shall apply.

**G. Elevation:** 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.

**H. Surface Runoff, Ground Water Prohibited:** No person shall make connection of roof downspouts, foundation drains, areaway drains, or

other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the director of public works for purposes of disposal of polluted surface drainage.

- I. **Connection:** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedure and material must be approved by the director of public works before installation.
- J. **Inspection:** The applicant for the building sewer permit shall notify the director of public works when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the director of public works or his representative.
- K. **Excavations:** All excavations for building sewer installation shall be adequately guarded with barricades<sup>1</sup> and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. 6.04.010, 3-12-1979)

**8-3-4: USE RESTRICTIONS; PROHIBITED DISCHARGES:**

- A. **Protection Of Sewage System:** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, 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 director of public works.
- B. **Unpolluted Drainage:** Storm water other than that exempted under subsection A of this section 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 director of public works and other regulatory agencies.

---

1. See section 6-4-1 of this code.

Unpolluted industrial cooling water or process waters may be discharged, on approval of the director of public works, to a storm sewer, combined sewer, or natural outlet.

- C. **Prohibited Discharges:** No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the town's system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.
  3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. **Harmful Materials/Substances:** The following described substances, materials, waters, or waste shall be limited in discharges to the town system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The director of public works 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 director of public works will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant,



degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the director of public works are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
2. Wastewater containing more than twenty five milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded (see definition in section 8-3-1 of this chapter). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the director of public works for such materials.
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the director of public works.
7. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the director of public works in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of

other agencies having jurisdiction over discharge to the receiving waters.

10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

- E. Authority To Reject, Require Pretreatment, Or Control Quantity: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the director of public works, 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 director of public works may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to public sewers;
3. Require control over the quantities and rates of discharge; and/or (Ord. 6.04.010, 3-12-1979)
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. (Ord. 6.04.010, 3-12-1979; amd. 2006 Code)

When considering the above alternative, the director of public works shall give consideration to the economic impact of each alternative on the discharger. If the director of public works permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the director of public works.

- F. Interceptors Required: Grease, oil, and sand interceptors shall be provided when, in the opinion of the director of public works, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection D2 of this section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director of public works, 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 director of public works. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

- G. **Maintenance; Owner's Expense:** Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. **Control Manhole Required:** When required by the director of public works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director of public works. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. **Information To Be Provided:** The director of public works may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
  - 1. Wastewaters discharge peak rate and volume over a specified time period.
  - 2. Chemical analyses of wastewaters.
  - 3. Information on raw materials, processes, and products affecting wastewater volume and quality.
  - 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - 5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  - 6. Details of wastewater pretreatment facilities.

7. Details of systems to prevent and control the loss of materials through spills to the town sewer.

- J. **Measurements, Tests And Analyses:** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this 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, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the director of public works.
- K. **Special Agreement Or Arrangement:** No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment. (Ord. 6.04.010, 3-12-1979)

**8-3-5: TAMPERING WITH FACILITIES:** No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 6.04.010, 3-12-1979)

**8-3-6: POWERS AND AUTHORITY OF INSPECTORS:**

- A. **Right Of Entry:** The director of public works and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
- B. **Protection Of Processing Trade Secrets:** The director of public works or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

- C. **Safety Rules Observed:** While performing the necessary work on private properties referred to in subsection B of this section, the director of public works or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town 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 8-3-4H of this chapter.
- D. **Easements, Right Of Entry:** The director of public works and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 6.04.010, 3-12-1979)

**8-3-7: PENALTIES:**

- A. **Notice Of Violation:** Any person found to be violating any provision of this chapter except section 8-3-6 of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 6.04.010, 3-12-1979)
- B. **Misdemeanor:** Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to penalty as provided in section 1-4-2 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 6.04.010, 3-12-1979; amd. 2006 Code)
- C. **Liability For Expense, Loss, Or Damage:** Any person violating any of the provisions of this chapter shall become liable to the town for any

expense, loss, or damage occasioned the town by reason of such violation. (Ord. 6.04.010, 3-12-1979)

## CHAPTER 4

**SEWER RATES AND CHARGES**

## SECTION:

- 8-4- 1: Purpose
- 8-4- 2: Total Annual Cost Of Operation And Maintenance
- 8-4- 3: Each User's Wastewater Contribution Percentage
- 8-4- 4: Surcharge System For Users Who Exceed BOD And SS
- 8-4- 5: Each User's Wastewater Service Charge
- 8-4- 6: Payment Of User's Wastewater Service Charge; Penalties
- 8-4- 7: Review Of Each User's Wastewater Service Charge
- 8-4- 8: Notification
- 8-4- 9: Prohibited Wastes
- 8-4-10: Clear Water Connections Prohibited
- 8-4-11: Proper Design And Construction Of New Sewers And Connections
- 8-4-12: Appendix A, Summary Of User Charge System For Operation And Maintenance Of Wastewater Treatment System

8-4-1: **PURPOSE:** The purpose of this chapter shall be 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 (or user class). (Ord. 6.04.020, 3-12-1979)

8-4-2: **TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE:** The town, or its director of public works, 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 a reasonable contingency fund. (Ord. 6.04.020, 3-12-1979)

**8-4-3: EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE:** The town, or its director of public works, 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. (Ord. 6.04.020, 3-12-1979)

**8-4-4: SURCHARGE SYSTEM FOR USERS WHO EXCEED BOD AND SS:** The town, or its director of public works, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The town or its director of public works, 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 two hundred (200) ppm BOD and two hundred fifty (250) ppm SS. The surcharge rate structure for such above normal strength waste discharges is found in subsection 8-4-12G of this chapter. (Ord. 6.04.020, 3-12-1979)

**8-4-5: EACH USER'S WASTEWATER SERVICE CHARGE:** Each nonresidential user's wastewater treatment cost contributions as determined in sections 8-4-3 and 8-4-4 of this chapter shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be a 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 council 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 attached rate schedule<sup>1</sup>. (Ord. 6.04.020, 3-12-1979)

---

1. See section 8-4-12 of this chapter.



8-4-6:       **PAYMENT OF USER'S WASTEWATER SERVICE CHARGE; PENALTIES:** The town shall submit an annual statement to the user for the user's annual wastewater service charge, or one-twelfth ( $\frac{1}{12}$ ) of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The town shall add a penalty of five percent (5%) per month if the payment is not received by the town within fifteen (15) days. Should any user fail to pay the user wastewater service charge and penalty within three (3) months of the due date, the town may stop the wastewater service to the property. (Ord. 6.04.020, 3-12-1979)

8-4-7:       **REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE:** The town 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 (2) 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 a regularly scheduled meeting of the council, such factual information and the town shall then determine if the user's wastewater contribution percentage is to be changed. The town shall notify the user of its findings as soon as possible. (Ord. 6.04.020, 3-12-1979)

8-4-8:       **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. (Ord. 6.04.020, 3-12-1979)

8-4-9:       **PROHIBITED WASTES<sup>1</sup>:** 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 the town system, 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. (Ord. 6.04.020, 3-12-1979)

---

1. See section 8-3-5 of this title for additional requirements covering the use of the town's public sewers.

8-4-10: **CLEAR WATER CONNECTIONS PROHIBITED:** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 6.04.020, 3-12-1979)

8-4-11: **PROPER DESIGN AND CONSTRUCTION OF NEW SEWERS AND CONNECTIONS<sup>1</sup>:** 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 codes or other applicable rules and regulations of the town and the state of Montana. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice 9 shall apply. (Ord. 6.04.020, 3-12-1979)

8-4-12: **APPENDIX A, SUMMARY OF USER CHARGE SYSTEM FOR OPERATION AND MAINTENANCE OF WASTEWATER TREATMENT SYSTEM:**

A. Revised Breakdown Of Budget For Operation And Maintenance:

Administrative (billing, etc.)	\$1,800.00
Labor (part time)	500.00
Power (lift station)	600.00
Sampling, monitoring, etc.	1,000.00
Equipment and materials	200.00
Contingencies	<u>300.00</u>
Total O&M budget	\$4,400.00/year

B. Current Average Flow Per User:

213 gal/cap/day, 79.6 gpm, 114,600 gal/day

3.5 cap/user x 213 gcd - 746 gal/day = 22,380 gal/month per user

R = 1 unit = 22,380 gal/month

---

1. Section 8-3-4 of this title contains additional requirements covering the proper design and construction of the town's sanitary sewers, building sewers, and connections.

School flow: Elementary	475 x 15 gal/cap =	7,125
High school	197 x 20 gal/cap =	<u>3,940</u>
		11,065 gal/day

$$11,065 \text{ gal/day} = 331,950 \text{ gal/mo} = 14.8 \text{ R} = 15 \text{ R}$$

C. Summary Of Flow From Other Users:

Cafe	=	44,760 gal/month =	2 R
Laundromat - car wash	=	134,280 gal/month =	6 R
Motel (10-15 rooms)	=	134,280 gal/month =	6 R
School	=	335,700 gal/month =	15 R
Service station	=	44,760 gal/month =	2 R

D. Determine Proportionate Costs:

Residential users (including apts.)	1 R x 172 =	172 R
Cafe	2 R x 3 =	6 R
Laundromat - car wash	6 R x 1 =	6 R
Motel (10-15 rooms)	6 R x 2 =	12 R
School	15 R x 1 =	15 R
Service station	2 R x 1 =	<u>2 R</u>
		213 R

E. Rate Schedule:

$$\$4,400/\text{year} = \$366.67/\text{month}$$

$$\frac{\$366.67/\text{month}}{213 \text{ R}} = \$1.72 = \text{R}, \text{ say } \$1.70 = \text{R}$$

Residential users (including apts.)	172 x \$ 1.70/month =	\$ 292.40/month
Cafe	3 x 3.40/month =	10.20/month
Laundromat - car wash	1 x 10.20/month =	10.20/month
Motel (10-15 rooms)	2 x 10.20/month =	20.40/month
School	1 x 25.50/month =	25.50/month
Service station	1 x 3.40/month =	3.40/month

$$\text{Total} = \$362.10/\text{month} = \$4,345.20/\text{year}$$

F. Summary Of Rate Schedules To Be Used For O&M:

Residential users	= \$ 1.70/month =	\$ 20.40/year
Cafe	= 3.40/month =	40.80/year
Laundromat - car wash	= 10.20/month =	122.40/year
Motel (10-15 rooms)	= 10.20/month =	122.40/year
School	= 25.50/month =	306.00/year
Service station	= 3.40/month =	40.80/year

G. Determination Of The BOD And SS Surge Rate For Above Normal Strength Wastes:

$$1 R = \$1.70/\text{month for } 22,380 \text{ gallon/month} = \$0.076/1000 \text{ gallon/month}$$

Estimated allocated costs for O&M:

Q	=	55% of the O&M costs
BOD	=	25% of the O&M costs
SS	=	20% of the O&M costs

Strength of average residential users' waste:

BOD	=	200 mg/l
SS	=	250 mg/l

1,000 gallons of such wastes would contain 1.67 pounds of BOD and 2.08 pounds of TSS. The cost of treating 1,000 gallons of such wastes is 7.6 cents. The 7.6 cents is broken down as follows:

Q	=	55% x 7.6 cents = 4.18 cents
BOD	=	25% x 7.6 cents = 1.90 cents
SS	=	20% x 7.6 cents = 1.52 cents

25 mg/l of BOD per 1,000 gallons is equivalent to 1.90 cents x  $\frac{25 \text{ mg/l}}{200 \text{ mg/l}}$   
 = 0.2 cents per 25 mg/l per 1,000 gal.

25 mg/l of SS per 1,000 gallons is equivalent to 1.52 cents x  $\frac{25 \text{ mg/l}}{250 \text{ mg/l}}$   
 = 0.2 cents per 25 mg/l per 1,000 gal.

Summary:

1. Nonresidential users with flows above 6,000 gallons/month would be assessed 7.6 cents for each additional 1,000 gallons.

2. Nonresidential users with strengths greater than the average residential wastes (200 mg/l BOD and 250 mg/l SS) would be charged as follows:

0.2 cents for each 25 mg/l of BOD above 200 mg/l  
 0.2 cents for each 25 mg/l of SS above 250 mg/l

(Ord. 6.04.020, 3-12-1979)

CHAPTER 5  
SEWER FEE POLICY

## SECTION:

- 8-5-1: General Sewer Fee Policy
- 8-5-2: Residential Sewer Fee Policy
- 8-5-3: Commercial Sewer Fee Policy
- 8-5-3-1: Cafes, Taverns, Retail Businesses, Banks, Repair Shops,  
Offices And Similar Enterprises
- 8-5-3-2: Motels/Hotels
- 8-5-3-3: RV Parks
- 8-5-3-4: RV Dump

8-5-1: **GENERAL SEWER FEE POLICY:**

- A. Flat Rate Sewer Fee: The town will continue to charge a flat rate sewer fee and a fee to retire the present sewer bond into the foreseeable future. The flat rate sewer fee recognizes that the town has the legal obligation to furnish sewer hookups within the corporate limits on demand, where feasible. The sewer bond will retire some years in the future.
- B. Charged To Each Separate Unit: The flat rate sewer fee and the fee to retire the bond will be charged to each separate unit even though the units may be on the same lot or within the same building on the same sewer line. (Ord. 6.01, 6-25-1996)

8-5-2: **RESIDENTIAL SEWER FEE POLICY:**

- A. Residential Units: The town considers the following situations to be residential units:

Apartment	1 unit per living unit
Apartment or apartments within a commercial building	1 unit

Duplex	2 units
Fourplex	4 units
Mobile home	1 unit
Recreational vehicle used as living quarters	1 unit
Single-family residence	1 unit
Other similar situations	1 unit

- B. Flat Rate Sewer Fee And Bond Fee: Each unit will be charged the flat rate sewer fee and bond fee.
- C. Commercial/Residential Mix: When there is a mix of commercial and residential within the same building, each will be charged its respective fees.
- D. Mobile Home Parks: In the case of mobile home parks each home will be considered a residential unit.
- E. Recreational Vehicles: Recreational vehicles being used as a living unit and hooked up to the sewer will be considered a mobile home and billed at the residential rate. (Ord. 6.01, 6-25-1996)

**8-5-3: COMMERCIAL SEWER FEE POLICY:**

**8-5-3-1: CAFES, TAVERNS, RETAIL BUSINESSES, BANKS, REPAIR SHOPS, OFFICES AND SIMILAR ENTERPRISES:**

- A. Mixed Units Charged Separately: The town considers each separate business to be a single commercial unit if it has a separate bathroom, sink, etc., even though several businesses may be on the same sewer hookup. If living quarters and a commercial business are within the same building and on the same sewer hookup they will be considered as a residential and a commercial unit for billing purposes.
- B. Each Unit With Shared Sewer Charged Separately: Each commercial unit will be charged the flat rate sewer fee and bond fee if it has a bathroom, even though several businesses are on the same sewer

hookup. In the case where there is a mix of commercial and residential in the same building, each will be charged its respective fees.

Repealed

- C. **Low Volume Commercial Water Users:** Identified low volume commercial water users, as per section 8-2-3 of this title shall be charged the residential sewer rate and bond rate for the coinciding time period they are considered to be at the residential water rate. If a low volume user is found to no longer qualify for the lower rate for water, likewise the residential sewer rate will return to the commercial rate until such time as the qualifications for being a low volume user are met. (Ord. 115, 6-24-1997)

**8-5-3-2: MOTELS/HOTELS:**

- A. **Percentage Billing:** Each motel/hotel living unit will be charged a flat rate sewer and sewer bond fee. It is recognized that motel/hotel units are not always fully occupied and that in many cases the occupants only occupy the room for a few hours. In the absence of better information, the flat rate fees will be based on a percentage of the residential flat rate fees. The flat rate motel/hotel living unit fee will be thirty five percent (35%) of the residential living unit fee.
- B. **Application For Suspension:** In the event of major motel/hotel shutdowns or shutdowns for major remodeling, the sewer fees may be suspended. In order to qualify for a suspension, the agent for the motel/hotel must apply to the town council, at a regular town council meeting, before the shutdown is planned, and receive their approval for a suspension of sewer fees. In no case, will suspensions for less than one month be considered. (Ord. 6.01, 6-25-1996)

**8-5-3-3: RV PARKS:**

- A. **Adjustment For Transient And Seasonal Use:** Each recreational vehicle unit hookup will be charged a flat rate sewer fee. It is recognized that RV units have shorter seasons than motel/hotel units, that, similar to motels, travelers may only occupy the unit for overnight stays. In the absence of better information the flat rate fee will be based on a percentage of the residential flat rate fee. The flat rate RV park unit fee will be fifty percent (50%) of the residential fee for the months of May through October, yearly. The fee will be charged for each unit available for rent. (Ord. 6.01, 6-25-1996)

- B. **Special Over Winter Rates:** RV spaces being used as a place of residence and such use being reported to the town by the owner of the RV park, during the months of November through April shall be charged fifty percent (50%) of the water and sewer residential monthly base rate. (Ord. 124, 11-10-1998)

**8-5-3-4: RV DUMP:**

**A. Commercial Sewer Fee Policy:**

1. **Permit Required:** Installation of privately owned and operated recreational vehicle sewer dump stations shall require an approved public works permit prior to construction or operation.

2. **Plans And Specifications:** Plans and specifications for construction of an RV sewer dump station are required and shall meet town standards for construction of an RV sewer dump station. Plans and specifications shall be provided with the application for public works permit for review and approval of the director of public works.

3. **Independent Connections Required:** All RV sewer dump stations shall be required to be independently connected to the town wastewater (sewer) system.

4. **Connection Fee:** A standard connection fee in an amount applicable at the time of connection shall be paid by the property owner to connect an RV sewer dump station to the town wastewater (sewer) system.

5. **Infrastructure Fee:** An infrastructure fee in an amount applicable at the time of connection shall be paid by the property owner to connect an RV sewer dump station to the town wastewater (sewer) system.

6. **Monthly Sewer Charges:** Monthly sewer charges shall be applied to the sewer utility bill for the operation of an RV sewer dump station. The monthly charge shall be ongoing until such time as the RV sewer dump station is disconnected from the town wastewater system. The monthly commercial use fees shall apply. The monthly fee may be reviewed and adjusted by the town council from time to time.

7. **Operation And Maintenance:** Any RV sewer dump station shall be operated and maintained in a prudent, secure manner.



8. Right Of Access: The director of public works or his agent shall have the right to access the station at any time for the purpose of inspection for operation and maintenance.

9. Power To Order Closed: The director of public works shall order the station closed if any violations to this section are found.

10. Limited Use: Wastewater disposed of at the station shall only be of the type generated from recreational units only. No other types of units such as vacuum trucks, etc., shall be allowed to use the station.

**B. Construction Standards:**

1. Minimum Standards: RV sewer dump stations shall be constructed to the following minimum standards:

a. Floor; Containment Wall: Sewer disposal point shall have a forty eight inch by forty eight inch (48" x 48") concrete floor graded and sloping downward to the sewer riser. Sewer disposal point shall have concrete containment wall installed around the disposal point no less than six inches (6") in height.

b. Nonpotable Water Column: A standard RV sewer dump nonpotable water column shall be required. The water column shall include an approved backflow prevention device. The water hose shall not contact the sewer disposal point.

c. Curb Stop Valve; Fees: Water service connection for RV sewer dump station shall be installed with a curb stop valve or other appropriate shutoff valve for the station and shall be metered. The water connection shall be subject to a hookup, infrastructure and monthly commercial metered use fees.

d. Instruction Sign: A standard RV sewer dump instruction sign approved by the director of public works shall be posted at the station.

e. Location; Fence: Site shall be constructed in a secure location and shall be fenced in a manner so as to prevent random or unsolicited dumping material.

2. Permits: All appropriate permits shall be obtained prior to the start of the work.

- C. Existing RV Dump Stations: Any RV sewer dump station or facility acting as an RV sewer dump station at the time of the adoption hereof shall be required to conform to the new standards within one hundred eighty (180) days. No grandfathered operations shall be allowed to operate due to public safety and health concerns.
- D. Penalty: Any person violating this section shall be subject to penalty as provided in section 1-4-2 of this code. (Ord. 132, 1-14-2003; amd. 2006 Code)