

THIRD READING DRAFT

ORDINANCE NO. 97-1001

**BIG SKY COUNTY WATER
&
SEWER DISTRICT NO. 363**

WASTEWATER USE ORDINANCE

Originally Approved:	July 15, 1997
Amended:	January 19, 1999
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Amended:	April 18, 2000
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WASTEWATER USE ORDINANCE

Originally Approved July 15, 1997; Amended January 19, 1999;
Amended July 20, 1999; Amended April 18, 2000; Amended June 18, 2002

Be it ordained by the Board of Directors of the Big Sky County Water & Sewer District No. 363 pursuant to the authority granted under section 7-13-2218(9), MCA, that it adopts an ordinance regulating the public system, individual wastewater treatment systems, the installation and connection of sewer laterals, and the discharge of waters and wastes into the sewage system.

Be it ordained and enacted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana as follows:

ARTICLE 1 DEFINITIONS

Section 1.1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance are as follows:

"BEDROOM" means any room or living space that can be used for the purpose of sleeping ~~that includes a doorway and closet.~~

"BOARD" means the Board of Directors of the Big Sky County Water & Sewer District No. 363.

"BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

"BUILDING DRAIN" means that part of the lowest horizontal piping of a drain 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 lateral beginning outside of the building wall.

"CHANGE IN USE" means to change the use of any existing structure so as to cause the SFEs to increase or decrease.

"DEPARTMENT" means the Department of Environmental Quality provided for in 2-15-3501, MCA.

"DISTRICT" means the Big Sky County Water & Sewer District No. 363 created pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA.

"GENERAL MANAGER" means the manager of the sewage system and wastewater treatment facilities

of the District, or his authorized representative.

"EASEMENT" means an acquired legal right for the specified use of land owned by others.

"EFFLUENT" means the outflow of treated sewage from the wastewater treatment facilities.

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

"GARBAGE" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"INCOMPATIBLE POLLUTANTS" means wastewater containing pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

"INDIVIDUAL WASTEWATER TREATMENT SYSTEM" means any privy, privy vault, septic tank, drain field, cesspool, or other individual facility for the treatment or disposal of wastewater.

"INDUSTRIAL WASTE" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

"LATERAL STUB" means a part of the public system which begins as a service "T" from the sewer main line and ends at the lot line of the property being serviced.

"LESSEE" means one who holds real property through a lease agreement with the owner for a term that exceeds two (2) years.

"LEGAL OBLIGATION" means subdivisions and or developments within the District that are recognized by the District as having a privilege to connect to the public system as identified in the Long Term Compliance Work plan and attached as Exhibit A.

"MASTER PLUMBER" means a person who is a holder of a master plumber license issued pursuant to Section 37-69-305, MCA.

"MAY" is permissive (see "shall").

"MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES) PERMIT" means a document issued by the State of Montana which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

"NATURAL OUTLET" means any outlet, including foundation drains, storm sewers or storm sewer overflows, into a water course, pond, ditch, lake or other body of surface water or ground water.

"NORMAL DOMESTIC STRENGTH WASTEWATER" means wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 240 mg/l, phosphorus no greater than 10 mg/l and TKN (Total Kjeldahl Nitrogen) no greater than 27 mg/l.

"OPERATION, MAINTENANCE & REPLACEMENT COSTS (OM&R)" shall include all costs associated with the operation and maintenance of the wastewater treatment facilities including administration, and expenditures for obtaining and replacing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance of the public system. OM&R shall be determined from time to time by the Board.

"OTHER WASTES" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials solid waste, and all other substances that may pollute state waters.

"PARAMETER" means a physical, biological, or chemical property of water as a determinant of the quality of the water.

"PERMIT" means a public system connection permit issued by the District

"PERSON" means the state, a political subdivision of the state, institution, firm, corporations, partnership, individual, lessee, or other entity.

"pH" means the negative logarithm to the base 10 of the hydrogen-ion concentration. The concentration is expressed in moles 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} .

"PRIVILEGE TO CONNECT" means those subdivisions or developments recognized by the District as having a legal obligation for future sewer service and meets all of the applicable requirements of this Ordinance.

"POLLUTION" means the discharge, seepage, drainage, infiltration, inflow, or flow of liquid, gaseous, solid, radioactive or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

"PUBLIC SYSTEM" means a treatment works controlled by the District including any devices and systems used in the collection, conducting, storage, treatment, disposal of sewage and industrial waste. The systems include sewage systems, pipes and equipment used to convey sewage and treated sewage to and from the wastewater treatment facility.

"PUBLIC SYSTEM USER FEE" means a charge levied on users of the public system for payment of: operation, maintenance, and replacement costs (OM&R), and other expenses or obligations of said facilities.

"REMODEL" means to add on to by means of construction, or reconfigure any existing structure so as to increase or decrease the SFEs of the structure.

"SEWAGE" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals together with ground water infiltration and surface water inflow (I&I).

"SEWAGE SYSTEM" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate treatment or disposal point.

"SEWER LATERAL" means a public system which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public system at the lateral stub, generally located at the lot line of the property being serviced.

"SEWER MAIN" means a sewer collector that is designed to convey sewage from more than one structure and has a diameter that is eight (8) inches or more in diameter.

"SINGLE FAMILY EQUIVALENT (SFE)" means the average characteristics of the single-family in residences within the District's sewer service area. One SFE means a common characteristic of flow from a 2 bedroom, 2 bathroom residence (Refer to the schedule of SFE's attached as **Exhibit B**). ~~Other characteristics of the SFE are:~~

~~_____ \$ Average occupancy = 2.0 people~~

~~_____ \$ Average daily sewage flow per SFE = 86 gallons per day[†]~~

"SHALL" is mandatory (see "May").

"SLUG" means 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 of flows during normal operation and/or adversely affects the public system.

[†]~~Long Term Compliance Work Plan for Wastewater Treatment and Disposal, September 1998, MSE-HKM, p. 95.~~

"STANDARD METHODS" means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

"STORM SEWER" means a drain or pipe for conveying water, ground water, subsurface water from any source.

"SUBSTANTIAL COMPLETION" weather tight means construction progress which includes a completed foundation, structural framing, exterior wall sheeting and weather tight siding, and the roof sheeting in place.

"SUSPENDED SOLIDS" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

"UNITS OF GOVERNMENT" means local, county, state or federal governmental entities.

"UNPOLLUTED WATER" is water whose quality is equal to or better than the effluent criteria in effect or water quality that would not cause violation of receiving water quality standards and would not be benefited by discharge to the public system.

"WARRANTY PERIOD" means a two (2) year period of time as it applies to new sewer extensions, or longer if required in the conveyance agreement.

"WASTEWATER" means the spent water of a community or person, and includes sewage, septage, holding tank waste (including RV holding tank waste) and privy waste. Wastewater includes a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water and surface water that may be present.

"WASTEWATER TREATMENT FACILITY" means an arrangement of devices and structures for treating wastewater and sludge, which includes the outfall pipe line and structures. Also referred to as wastewater treatment plant or publicly owned treatment works.

ARTICLE 2 USE OF THE PUBLIC SEWER SYSTEM

Section 2.1 DISTRICT BOUNDARIES-SERVICE AREA. The public system may only serve the residential, commercial, and industrial users located within the boundaries of the District as established by the Board pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA.

~~—The Board may by contractual agreement provide service to property located outside of the District boundary as allowed by law.~~

Section 2.2 PROHIBITIONS & LIMITATIONS

- A. Except as provided in this ordinance, a person is prohibited from discharging or causing to be discharged any of the following wastes or substances to the public system:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 2. Any stormwater, rainwater, floodwater or water originating from a sump pump or seepage pit, basement drainage water, or discharge from foundation drains;
 3. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility;
 4. Any substance, which if disposed of in any other method than to the public system, would be classified or defined as a hazardous waste under 40 CFR, Part 261;

5. Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities;
 6. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the public system or other interference with the proper operation of the wastewater treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage disposals;
- B. Except as provided in this ordinance, a person is prohibited from discharging or causing to be discharged wastes or substances to the public system in amounts that exceed the following limitations:
1. Wastewater having a temperature higher than 180°F (82°C).
 2. Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
 3. Wastewater from industrial plants, restaurants, or other commercial establishments, containing more than 25 mg/l of floatable oils, fat or grease.
 4. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and non-conventional pollutants in concentrations exceeding levels specified by federal, state and local authorities.
 5. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District or limits established by any federal or state statute, rule or regulation.
 6. Any water or wastes which, by interaction with other water or wastes in the public system, release obnoxious gases, form suspended solids or create a condition deleterious to structures and treatment processes.
 7. Materials which exert or cause:
 - a). Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;
 - b). Unusual volume of flow or concentration of wastes constituting slugs;
 - c). Unusual concentrations of inert suspended solids or of dissolved solids; or
 - d). Excessive discoloration; or
 8. Any discharge which would cause a violation of any MPDES permit, or discharge permit issued to the District.

Section 2.3 EXCEPTIONS. Nothing in this Ordinance shall be construed as prohibiting any special agreement between the District and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense by the person; and further provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

Section 2.4 AUTHORIZATION OF WORK. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb the public system without first obtaining a permit or written permission from the District.

ARTICLE 3 CONNECTION PERMITTING AND REALLOCATION PROCEDURE

Section 3.1 LEGAL OBLIGATION AS BASIS FOR ISSUING CONNECTION PERMITS. The District will only issue connection permits for the legal obligations as identified in Table 3.0-1 (pages 11-14) of the Long Term Compliance Work Plan submitted to the Department on August 21, 1998 (attached as **EXHIBIT A**), ~~or as provided in Section 3.1.~~

- A. Amendments. The District Board, at its discretion for good cause shown, may amend Table 3.0-1 (EXHIBIT A) for corrections or omissions.

Section 3.2 ALLOCATION OF CAPACITY. The District, in consultation with engineers will conduct ~~periodic reviews an ongoing monitoring program~~ to estimate the maximum facility treatment capacity (maximum capacity) for the public system. Based upon the maximum capacity, the Board will release SFEs for permits, determine from time to time a safe operating capacity (operating capacity). ~~The operating capacity of the public system will always be lower than the maximum capacity to provide a margin of safety to insure that public health and the environment are protected. Until the current flows reach the operating capacity as determined by the Board, there will be available capacity for connecting legal obligations. Permits to connection~~ to the public system will be issued on a first come first served basis. Remodeling of existing structures will also be permitted to connect to the public system if capacity is available.

Section 3.3 CONNECTION TO THE PUBLIC SYSTEM. The owner or lessee of any residential, commercial, industrial, condominium, recreational, apartment, or other development that generates wastewater and is located within the District is required to connect to the public system. The connection must be made within **180 days** after date of official notice to do so provided that the public system is accessible and is located within **500 feet** of any point of the property line, and capacity is available as determined by the Board. The cost of connecting to the public system shall be at the expense of the owner or lessee and shall be done in accordance with the provisions of this Ordinance.

Section 3.4 CONNECTION PERMIT. No person may connect to the public system, remodel, or change the use so as to increase the number of SFE's in an existing structure without first obtaining a written connection permit from the District that has been approved by the District.

Section 3.5 APPLICATION FOR A CONNECTION PERMIT (NEW CONSTRUCTION). Any person who wishes to obtain a connection permit must submit a completed application on a form provided by the District. All permit applications shall be supplemented by the following information:

- A. Buildable blue print plans in 11 x 17 inch format with the square footage of each floor clearly identified for review;
- B. Written architectural approval, if the property being developed is located within the Big Sky Owner's Association, Spanish Peaks Resort, or the Town Center and is subject to an architectural review;
- C. Review of District billing records to determine if the applicant has any unpaid charges or fees; and
- C. Estimated construction schedule showing the projected start and completion date;
- D. Applicable permits from units of government including but not limited to state or local building permits; and
- E. Any other plans, specifications, or information considered pertinent by the General Manager.

Section 3.6 APPLICATION FOR A CONNECTION PERMIT (REMODELING). Any person who wishes to remodel an existing structure where the remodeling could result in a change in the SFE allocation must also obtain a connection permit by submitting a completed application on a form provided by the District. Remodeling permits are not required for remodel projects on garages or on employee housing where the SFEs are not changed.

~~Existing residential, commercial, industrial, condominium, recreational, apartment, or other developments may expand the number of SFE's by remodeling or a change in use by:~~

- ~~A. Single Family Residential and Condominium Units. May increase SFEs up to 1.0 SFEs.~~

~~B. Commercial and Multi-Family Developments. May increase SFEs up to 5.0 SFEs.~~

~~All increases must be approved by the District through its permitting process. Projects proposing to increase the SFEs more than these amounts may be reviewed and approved by the Board on a case by case basis.~~

Section 3.7 APPLICATION FOR A CONNECTION PERMIT (CHANGE OF USE). Any person who wishes to change the use of an existing structure must also obtain a connection permit by submitting a completed application on a form provided by the District. All increases must be approved by the District through its permitting process.

Section 3.8 CONNECTION PERMIT APPROVAL. Complete connection permit applications and supplements required under Section Section 3.5305 must be filed with the General Manager. The General Manager, or designated District staff shall then have the authority to approve applications for sewer connections for projects up to five (5.0)twenty five (25) SFEs that meet the criteria set forth in this Article. For projects that exceed five (5.0)twenty five (25) SFEs, the General Manager shall then recommend approval or denial of the application for a connection permit to the Board at the next regularly scheduled meeting. The Board must either approve or deny the application within sixty (60) days. District consideration of a sewer connection permit application is as follows:

A. Conditional Approval. After receiving a completed permit application, the District shall notify the applicant in writing that the application is conditionally approved. The Conditional Approval letter shall list or include the following:

1. Any deficiencies for permit issuance such as, architectural approval letter or payment of outstanding charges or fees;
2. Summary of the SFEs;
3. Total permit fees; and
4. Copy of the permit application

~~If final architectural committee approval or approval from applicable unit of government have not been issued, the connection permit approval shall be conditional until the applicant obtains final architectural review committee (or applicable unit of government) approval and supplies written evidence of such approval to the District.~~

~~The owner shall have sixty days (60) days to submit all applicable approvals required from the date of written notice for conditional approval. If the applicable documents are not received within sixty (60) days, the application shall become null and void and the General Manager shall return the application to the owner; or~~

~~C. Preliminary Approval. If the application is approved by the Board, or by the General Manager, the General Manager shall notify the owner in writing that the application has been approved and the amount of fees due to the District. Final approval and permit issuance is conditioned on payment of applicable fees by the owner, and where applicable, written evidence that architectural approval has been granted, and a building permit has been obtained from the State of Montana.~~

The owner shall have sixty days (60) days from the date of the Conditional Approval letter to submit all required documents and to pay the applicable fees from the date of written notice for preliminary approval. If the fees are not received within sixty (60) days, the application shall become null and void, and the General Manager shall return the application to the owner. If the permit application becomes null and void under this section without just cause demonstrated by the applicant, the permit application may not be re-submitted for at least one hundred and eighty (180) days.

~~C.B.~~ Final Approval and Permit Issuance. If an application has preliminary approval and all applicable fees have been paid in full, and all requirements of this Article have been are met by the applicant, the General Manager is authorized to notify the owner in writing of final approval and issue a sewer connection permit prior to the start of construction. ~~of~~

Section 3.9 CONNECTION PERMIT DENIAL. The Board, or General Manager may reject any application for a connection permit where such connection does not meet the requirements of this Ordinance. If an application is denied, it must be returned to the applicant with the reasons for denial clearly stated. A permit may be denied by the Board, or the General Manager for any of one the following reasons:

A. Applicant's property is not within the District's boundaries;

B. Applicant's proposal is not a legal obligation;

~~C. Applicant has delinquent fees or charges that have not been paid in full;~~

~~C-D.~~ Public system has reached allowable allocation of capacity as defined in Section 3.2 ~~section 302;~~

~~D-E.~~ Proposed connection fails to comply with regulations of other units of government; or

~~E-F.~~ Any other information considered pertinent by the Board, or General Manager.

Section 3.10 CONNECTION PERMIT TERM & EXPIRATION. Upon approval by the Board, or the General Manager, the connection permit shall be issued for a period of one (1) year for residential, small commercial, or small condominium projects (less than or equal to 15.0 SFE's), and two (2) years for larger commercial and condominium projects (greater than 15.0 SFE's). The Board, at its discretion, will consider longer permit terms for very large projects that are clearly shown to take longer than two years to construct. The applicant then has ~~permit term one year for residential or small commercial projects, and two years for large commercial projects from the date of receiving a valid connection permit to connect to the public system, and receive final inspection approval from the District.~~ The applicant may request a permit extension by providing a written explanation of the reason for delay, projected timeline for the project, and the term of the requested extension to the District. An extension will only be granted ~~by the District~~ for good cause shown. If construction has not commenced within one year from the date of permit issuance, the permit shall become null and void.

~~The applicant must request an extension in writing explaining why an extension is needed. Once the written request has been received by the District, the Board has 60 days to either approve or deny the written request for good cause shown on a case by case basis. The permit shall remain in effect until the Board makes a decision.~~

~~Section 3.14~~ Section 3.11 COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the sewer lateral shall be paid by the owner, or the person making the connection. That person shall indemnify the District from any loss or damage that may directly or indirectly be caused by the installation of the sewer lateral. Such person shall be responsible for the cost of the sewer lateral from the building drain to the lateral stub at the property line. If no lateral stub has been installed to the lot line, then the owner shall be responsible for the entire cost of labor and materials of installing a lateral stub.

ARTICLE 4 SFE REALLOCATIONS

~~Section 3.14~~ Section 4.1 UNUSED SFEs. As land develops, ~~and~~ SFEs are allocated to parcels of land according to Section 3.1 ~~Exhibit A and~~ are used for permitting these developments, ~~any SFEs that are not used in the course of development at full build-out are forfeited back to the District. Once a project, or any portion of a project is permitted, the SFEs that are assigned to the parcel or development according to District records can not be reallocated to any other parcel of land or ownership interest. Any unused SFEs are forfeited back to the District.~~

~~Section 3.12~~ Section 4.2 NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT. Any person who owns land within the District and the land is a "legal obligation" of the District as defined in Section 3.1 ~~Article 1~~, may not assign, transfer, or in any other way convey his privilege to capacity and connection into the public system.

~~E-A.~~ Exceptions. The District board, at its discretion for good cause shown, may allow a land owner to forfeit SFEs back to the District. The District may then use forfeited SFEs for projects that

are associated with public health and safety, such as providing fire service, law enforcement, emergency life support services; or for community non-profit facilities.

~~Section 3.13~~ Section 4.3 REALLOCATION OF PRIVILEGE TO CONNECT. Any person who owns land within the "legal obligation" of the District as defined in Section 3.1 ~~Article I~~, may apply to for a reallocation of SFE's from one subdivision, parcel or tract, to another subdivision, parcel, or tract located within the District; ~~or may request pooling of those SFE's, only under the following conditions and in compliance with the following procedures:~~

A. For this Article a "person" shall mean an individual or a corporation only.

B. Boyne USA may request pooling of SFEs in accordance with the terms of Section VIII of the July 25, 1997 Settlement Agreement between the District and Boyne USA Inc.

Section 4.4 REALLOCATION CONDITIONS AND PROCEDURES. The following conditions and procedures apply to SFE reallocations:

G. Reallocation Conditions and Procedures.

1-A. Application for Reallocation. A person must complete an application form provided by the District requesting reallocation of SFE's from one subdivision, parcel, or tract, to another subdivision, parcel, or tract; or if applicable, into an individually-designated pool of SFE's. A completed application must be submitted which includes the following information:

- a)-1. A description of the subdivision, parcel, or tract, from which the SFE's will be reallocated From and To; and
2. A request to reallocate SFE's from one subdivision, parcel, or tract, to an individually-designated pool of SFE's which remain unallocated but available for future allocation by the applicant.

B. Qualified Applications

1. Applicant must have owned all of the land (From and To) for a minimum period term of one (1) year prior to the date of the SFE reallocation application. If requested by the District, the applicant must provide sufficient documentation of ownership to satisfy this requirement;
2. Applicant must be an individual or corporation. In the case of a corporation, the corporation must have been in existence for a minimum period of one (1) year from the date of the SFE reallocation application;
3. SFEs being reallocated from the Boyne Pool may be reallocated to land in the District that is in either Madison or Gallatin County; and
4. All fees and charges must be paid in full for all of the parcels of land affected by the application.

2-C. Board Action.

a)-1. If the General Manager of the District determines from the application that SFE's are available from a particular subdivision, parcel, or tract, for a new proposed subdivision, parcel or tract located within the boundaries of the District, he shall inform the board within 45 days from receipt of the application for reallocation. at the discretion of the ~~The~~ Board, the Board must approve or deny the request for reallocation within 60 days of being informed by the General Manager of the application at the discretion of the District.

b)-2. If the Board denies the application for reallocation, it shall provide a written explanation of its denial to the applicant within 30 days of taking such action.

~~e).-3.~~ If the Board approves the application for reallocation, it shall provide a written approval to the applicant within 30 days of taking such action.

~~d).-4.~~ The District will not issue a connection permit or consider the reallocation final until the reallocation application has been approved by the District Board and any applicable fees and charges have been paid in full.

~~3.-5.~~ If an application for reallocation of SFE's ~~to an individually-designated pool of SFE's~~ is approved by the Board, the General Manager shall maintain a written cumulative record of the approved SFE reallocations applicant's pooled SFE's available for future reallocation and adjust Exhibit A to reflect the current legal obligations of the District for sewer capacity. From time to time the Board may adopt the amended Exhibit A into this Ordinance.

~~5. If the Board approves a reallocation from one subdivision, parcel or tract to another subdivision, parcel or tract, the District shall record the reallocation information against the effected parcels on a form provided by the District.~~

~~ARTICLE 4~~**ARTICLE 5** INDIVIDUAL WASTEWATER TREATMENT SYSTEMS

~~Section 4.1~~**Section 5.1** INDIVIDUAL WASTEWATER TREATMENT SYSTEMS

- A. Prohibition on Construction. A person shall not construct or maintain any individual wastewater treatment system within the boundaries of the District if the property is included as a legal obligation after the date of enactment of this Ordinance, except as provided for in paragraph-B. below ~~Section 401(B).~~
- B. Exceptions. A person may install a individual wastewater treatment system if a sewer main for the public system passes more than **500 feet** from the person's property line, and provided that it is installed pursuant to this section and must comply with all applicable regulations of units of government.
- C. Connection Requirement. Subject to written notice from the District, aAny person with an individual wastewater treatment system must connect to the public system within 180 days after a sewer main for the public system is constructed within **500 feet** of the person's property line and capacity is available, as determined by the Board.
- D. Variance for Hardship. A person may obtain a variance from the prohibition against the construction of an individual wastewater treatment system as described in this Article by submitting a written request to the General Manager requesting a variance showing that compliance with that provision will impose a hardship. The applicant must show that:
 1. The hardship is unique and peculiar to the applicant's land and is different from any hardship that the Ordinance may impose on all properties in the district;
 2. The hardship is caused by conditions beyond the applicant's control;
 3. The failure to grant the variance will result in a loss to the applicant of virtually all value for any of the uses to which the property could reasonably be put. Economic hardship, as characterized by a decrease in property value or other financial loss, will not, of itself, constitute hardship for the purpose of securing a variance under this section; grand
 4. The granting of the variance will not violate the spirit of this Ordinance and will not jeopardize the goals of water quality protection embodied in the Ordinance.
- E. Variance Procedure. The General Manager must present the variance request and his recommendation to the Board at its next regularly scheduled meeting after receiving a complete application for variance. The Board must either approve or deny the variance application within sixty (60) days of receiving the recommendation of the General Manager.

~~Section 4.2~~Section 5.2 **INSTALLATIONS.** The type, capacities, location, and layout of a individual wastewater treatment system shall comply with all requirements of the Department, Gallatin and/or Madison Counties, and all applicable plumbing code regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet. No statement contained in this section shall be construed to interfere with any requirement that may be imposed by applicable regulations of other units of government.

~~Section 4.3~~Section 5.3 **OPERATION & MAINTENANCE.** The owner shall operate and maintain the individual wastewater treatment system in a sanitary manner at all times, at no expense to the District. All pumping and cleaning of individual systems must be performed by licensed operators. All septic tank wastewater pumped from septic tanks within the District boundary must be taken to the District's wastewater treatment facility for treatment, unless the district allows septage to be hauled to out of the District.

ARTICLE 5ARTICLE 6 PUBLIC SYSTEM RATE, FEE AND CHARGE METHODS

~~Section 5.1~~Section 6.1 **POLICY.** It is the policy of the District to obtain sufficient revenues to pay all costs of the operation, maintenance & replacement (OM&R), ~~and debt service for~~ of the public system through a system of user fees as defined in this Article. ~~The method shall assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of facilities.~~

~~Section 5.2~~Section 6.2 **USER FEE METHOD.** The user fee method shall assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of facilities.~~The following method shall be used to calculate the OM&R charges for the treatment of all wastewater:-~~

~~A. All OM&R charges for the wastewater treatment shall be segregated into the following cost categories:~~

~~OM&R_A = Total annual administrative cost to operate the public system.~~

~~OM&R_{SC} = Total annual cost for the OM&R required for the sewer collection portion of the public system.~~

~~OM&R_{TP} = Total annual cost for the OM&R required for the wastewater treatment portion of the public system.~~

~~All costs for OM&R shall be paid on a unit cost per user basis. All unit costs shall be determined annually on the following basis:~~

$$\text{Unit Cost per SFE} = \frac{\text{OM\&R}_A + \text{OM\&R}_{SC} + \text{OM\&R}_{TP}}{\text{Total Number of SFE's in District Billing Database}}$$

B. A. Allocation Of Costs To Public System Users

1. Public System Users. The costs for OM&R for the public system shall be based on total wastewater flow, and normal domestic strength parameters for BOD and SS, using metered water as the basis for charges, the unit cost per SFE. The fixed and variable costs for the public system OM&R shall be allocated uniformly to all residential and commercial users of the sewer system on the basis of metered water. In the event that a meter is not available then SFE's shall be used as the basis for billing.
2. Surcharges for Strength. All users whose wastewater exceeds normal strength wastewater shall pay a surcharge. Normal domestic strength wastewater is defined as follows:

Waste Category	Concentration, mg/l	
	BOD	SS
Sewage	200	240

Holding Tank Waste	400	480
Septic Tank Waste	6,500	13,000

Surcharge rates shall be charged at the same unit costs per pound computed for normal strength wastewater. The concentration of wastewater used for computing surcharges shall be established by wastewater sampling. Such sampling shall be done as often as necessary by the District and shall be binding as a basis for surcharge.

3. Surcharges for Flow. Connections to the public system that exceed normal flow shall be charged at a rate equal to 1.5 times the base rate charge per SFE for the amount of flow that is demonstrated to exceed a daily average of 250 gallons per SFE. The surcharge shall be applied for the period of time that flow exceeds a daily average of 250 gallons per SFE.

Section 5.3Section 6.3 ESTABLISHING RATES, FEES AND CHARGES. All rates, fees and charges for the public system shall be set by the Board by separate Ordinance following a properly noticed public hearing if fees are established or changed. The rates, fees and charges shall be reviewed as part of the annual budget process.

Section 5.4Section 6.4 CHARGE FOR INDUSTRIAL POLLUTANTS. Any person discharging industrial pollutants which cause an increase in the cost of treating the effluent or sludge from the District's wastewater treatment facility shall pay for such increased costs, as determined by the District.

Section 5.5Section 6.5 BILLING PRACTICE, COLLECTION & PENALTIES. Public system user fees shall be billed quarterly to the owner or occupant of the property served on the last day of each calendar quarter.

Section 5.6Section 6.6 PAYMENT OF USER FEES. User fees are due and payable thirty (~~30~~45) days after the billing date and become delinquent thirty one (~~31~~45) days after the billing date.

Section 5.7Section 6.7 LATE PENALTY. The District shall apply the maximum allowable late payment penalty per month and shall be applied to all bills for public system services that, according to District records have not been paid prior to the delinquent date.

Section 5.8Section 6.8 LIENS. Delinquent public system user fees under this Ordinance shall be a lien upon the property served by the public system. Liens shall be executed against all accounts that are ninety (90) overdue pursuant to Montana law, 7-13-2301, MCA.

ARTICLE 6ARTICLE 7 SEWER CONSTRUCTION & LATERAL CONNECTIONS

Section 6.1Section 7.1 CONNECTION INSPECTIONS. No person shall uncover, alter, disturb, tamper, or make any connections to the public system without authorization from the District. The person or contractor making a connection to the public system shall have the site prepared safe for inspection and must give the District at least ~~one~~two (~~1~~2) business days advance notice when the sewer lateral, and/or sewer lateral stub is ready for inspection and connection to the public sewer. The connection shall be inspected, tested if required by the District, and approved by a person authorized by the District prior to backfilling. No connection inspections shall be performed on Friday afternoons, weekends, or holidays.

Section 6.2Section 7.2 USE OF OLD SEWER LATERALS. Old sewer laterals may be used in connection with new buildings only when approved by the District ~~after examination~~. Approval shall be in the form of a written letter from the District to the owner or contractor.

Section 6.3Section 7.3 MATERIALS & METHODS OF CONSTRUCTION. All sewer laterals and sewer lateral stubs shall be constructed and laid in accordance with the Montana Public Works Standard Specifications, or other applicable rules and regulations of the District. In the absence of code provisions, the materials and procedures set forth in applicable sections of the ASTM and WPCF Manual of Practice No. 9 shall apply.

~~Section 6.4~~Section 7.4 SEWER LATERAL GRADE. Sewer laterals shall be brought to the building at an elevation below the basement floor to provide a gravity flow connection to the sewer main wherever possible. In all buildings in which any building drain is too low to permit gravity flow to the public system, sewage shall be lifted by an owner provided and District approved method and discharged to the sewer lateral. All maintenance of wastewater lift stations or grinder pumps will be provided by the owner or an owner's association unless otherwise agreed upon in writing by the District.

~~Section 6.5~~Section 7.5 SEWER LATERAL RELOCATIONS. If the owner or contractor installs a new sewer lateral stub to accomplish a gravity flow connection or for any other reason, the sewer lateral stub shall be exposed and abandoned if one has been provided to the property if the District so requires in writing. Abandonment shall include cutting and capping the lateral. The abandonment must also be inspected by the District. All costs for sewer lateral abandonment and/or sewer lateral stub relocation shall be paid by the owner.

~~Section 6.6~~Section 7.6 STORM & GROUND WATER DRAINS. No person shall connect roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or ground water to the public system. A building drain shall be considered as an exception that must be approved by the District and the Department prior to connection to the public system. All storm and ground water drains as defined in this section that are connected to the public system shall be disconnected at the owners expense within sixty (60) days of written notice from the District.

Section 7.7 SEPARATE CONNECTIONS. A separate and independent sewer lateral shall be installed for every building that is connecting to the public sewer system. The District will review on a case by case basis and may approve a multiple connection to a sewer lateral if it is not feasible to install an additional lateral, installing the lateral is cost prohibitive, or if the owner demonstrates that the lateral is sized large enough to accommodate projected flows from the property being served. In no case shall multiple connections to a sewer lateral be permitted across property lines without the prior written consent of the District.

~~Section 6.8~~Section 7.8 GARBAGE DISPOSALS. Garbage grinders and garbage disposals shall be connected to the public system 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

~~Section 6.9~~Section 7.9 BARRICADES & RESTORATION.. All excavations related to the public system shall be adequately guarded with barricades and lights to as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

ARTICLE 7ARTICLE 8 WATER CONSERVATION

~~Section 7.1~~Section 8.1 WATER CONSERVATION. Water conserving plumbing fixtures shall be required in all new construction and remodeling. All plumbing fixtures must meet all District, state and federal plumbing code requirements.

ARTICLE 8ARTICLE 9 SEWER EXTENSIONS

~~Section 8.1~~Section 9.1 SEWER EXTENSIONS.

- A. SEWER EXTENSIONS. A person may not commence sewer extension work without prior approval of the District Board. A person shall make an application for a sewer extension on a form provided by the District. All costs of new sewer extensions including but not limited to construction and engineering costs are the responsibility of the owner or developer. A completed sewer extension application must be submitted to the General Manager ~~no later than 10 days before the next regularly scheduled Board meeting. The Board must either approve or deny the extension application within sixty (60) days. The General Manager shall then recommend approval or denial of the application for extension to the Board by the next regularly scheduled meeting.~~ The General

ManagerBoard must either approve or deny the application within sixty (60) days. The completed extension application shall be supplemented with the following:

1. Initial sewer construction plans and specifications which have been designed and stamped by a professional engineer in the State of Montana;
2. Final or preliminary plat, whichever is applicable showing the configuration of parceled land to be served by the sewer extension;
3. Plans must be complete and show all the proposed ~~location of~~ sewer mains, manholes, lift stations, and easements;

4. Engineering design report if applicable; and

4-5. Preliminary construction schedule and estimated cost of construction.

- B. Conditional Preliminary Approval. If the application is approved by the ~~Board, the~~ General Manager and staff, the Manager shall notify the owner in writing that the application for sewer extension has been granted ~~conditional preliminary~~ approval with the conditions listed. ~~Final approval is conditioned on plat and plan approval by the State of Montana, and other local units of government if applicable.~~
- C. Final Extension Approval. If an application has ~~conditional preliminary~~ approval from the District, and written evidence has been provided to the District that the State of Montana has approved the extension plans and specifications, the General Manager is authorized to notify the owner in writing of final extension approval as "Authorization to Proceed" prior to the start of construction and as notice to schedule a pre-construction meeting.
- D. Extension Application Denial. The General ManagerBoard may reject any application for a sewer extension where such extension does not meet the requirements of this Ordinance. If an application is denied, it must be returned to the applicant with the reasons for denial clearly stated.

Section 8.2Section 9.2 MATERIALS & METHODS OF CONSTRUCTION. All sewer extensions shall be constructed in accordance with the Montana Public Works Standard Specifications, or other applicable rules and regulations of the District. In the absence of code provisions, the materials and procedures set forth in the applicable sections of the ASTM and WPCF Manual of Practice No. 9 shall apply. All engineering and sewer extension costs shall be paid by the developer. If the contractor finds deficiencies in the public system during the course of construction~~s~~, he shall notify the District of the problem. The District may pay costs to correct the problem. The District requires a pre-construction meeting with the developer, design engineer, and contractor before any work commences.

Section 8.3Section 9.3 CONSTRUCTION INSPECTION. Full-time construction inspection is required by the District and shall be a condition of final acceptance by the District of the sewer extension. The District also requires a Professional Engineer responsible for the installation and inspection of the sewer extension, to certify in writing that the extension has been installed in accordance with the approved plans and specifications.

- A. The project inspector shall be responsible for inspecting all mainline work including but not limited to sewer pipe, manholes, service wyes, service stubs, and cleanouts. Inspector shall keep field notes and take construction photos to document the installation. Inspector shall also witness and document all pressure tests.

Section 8.4Section 9.4 PLAN MODIFICATIONS. Substantive modifications to sewer extension plans must be approved by the Department before construction commences. In addition, the developer must submit the design modifications to the District at the same time that plans are submitted to the Department for review.

Section 8.5Section 9.5 ACCEPTANCE & TRANSFER OF OWNERSHIP. Upon completion of the sewer extension, the District will accept the extension and allow connection to the public system if it meets the requirements of this Ordinance. Final acceptance by the District shall be contingent on the following:

- A. Where feasible, the developer must provide an unobstructed 30 thirty foot wide permanent easement to the District over the improvements for access, maintenance and repair. All applicable easements must be recorded at the Madison or Gallatin County Clerk and Recorder's office at the developer's expense.
- B. The developer must post security for the warranty period ~~described in Section 805~~. The security may be in the form of either:
- ~~1. Bond in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 805. The District will hold the bond for a period of two (2) years from the date that the sewer extension is formally transferred to the District; or~~
 - 2-1. Cash deposit in the amount of 10% of the construction cost of the utility improvement for a ~~period sufficient to cover~~ the warranty period ~~described in Section 805~~. The District will hold the deposit in a segregated interest bearing account for two (2) years from the date of extension ownership conveyance.
 - 3-2. Letter of Credit in the District's name in the amount of 10% of the construction cost of the utility improvement for ~~a period sufficient to cover~~ the warranty ~~period described in Section 805~~. The letter of credit must be for two (2) years from the date of extension ownership conveyance.
- C. TV inspecting all sewer mains and sewer lateral services according to ~~section 02722-3.3.5~~ Montana Public Works Standard Specifications. A copy of all videotapes and video reports shall be furnished to the District. The District shall review the videotapes before final acceptance of the system.
- D. One complete set of stamped an-as-built mylars showing all new sewer mains, manholes and lateral stub locations, two sets of blue line as-built plans, sewer plans on computer diskette in a format that is compatible with Autocad version 12 or higher (if computer designed), and all applicable O&M manuals, as-builts in a PDF file format standard.
- E. Transferring ownership of all sewer extension improvements to the District upon final inspection and acceptance by the District. The District will provide a "Agreement for Conveyance of Sewer Extension" to the developer which must be signed by the developer owner and the District. The District shall be responsible for recording the agreement.

~~Section 8.6~~Section 9.6 **WARRANTY PERIOD.** If within two (2) years of the date acceptance as noted on the Conveyance Agreement, any work is found to be defective, the District shall be responsible for the repair or replacement of any defects at its sole discretion and may utilize the funds or letter of credit posted as security to pay for the repairs.

~~Section 8.7A.~~ If the District decides to repair the problem, the developer must be notified in writing with a description of the problem and an estimate for the repair cost. The District and developer may subsequently negotiate who will do the work to correct the problem to the satisfaction of the District.

B. Exceptions. The District may require shorter or longer warranty periods in the Conveyance Agreement on a case by case basis if the scope of the extension and/or environmental site conditions warrant it in the judgement of the District.

~~ARTICLE 9~~ARTICLE 10 **INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM**

~~Section 9.1~~Section 10.1 **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged, or are proposed to be discharged to the public system, which waters or wastes contain substances or possess the characteristics enumerated in ARTICLE 2, and which in the judgment of the District have a deleterious effect upon the wastewater treatment facilities or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the District may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public system;

- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Ordinance. These payments shall be charged back to the occurrence date of the industrial discharge as determined by the District.

Section 9.2Section 10.2 DILUTION PROHIBITION. No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement.

Section 9.3Section 10.3 SPILL PREVENTION AND SLUG CONTROL PLANS.

- A. The District shall evaluate each industrial user at its discretion, to determine whether such user needs a plan to control slug discharges to the public system. If the District determines that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - 1. Description of discharge practices, including non-routine batch discharges;
 - 2. Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under Section 2.2~~Section 202~~, with procedures for follow-up written notification within five days;
 - 3. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 9.4Section 10.4 NOTIFICATION.

- A. In the case of any discharge in violation of this Ordinance, including any slug discharges the industrial user shall immediately notify the District. The notification shall include:
 - 1. Date, time, location and duration of the discharge;
 - 2. Type of waste including concentration and volume; and
 - 3. Any corrective actions taken by the user.
- B. Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- C. Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge.

Section 9.5Section 10.5 MONITORING OF INDUSTRIAL DISCHARGES. The District may require monitoring and reporting of any industrial discharge to the public system if the District believes that the discharge has harmed or has the potential for harming the public system.

Section 9.6Section 10.6 PRETREATMENT. Industrial dischargers may be required to pretreat such wastes, if the District determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the public system.

Section 9.7Section 10.7 GREASE, OIL & SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided in accordance with applicable unit of government and state plumbing code requirements and when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Ordinance, 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 the type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. In

maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain accurate records of the dates, type of material, means of disposal, and location of disposal. Such records shall be readily available for review by the District.

~~Section 9.8~~Section 10.8 DISTRICT APPROVAL. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the District prior to the start of their construction if the effluent from such facilities is to be discharged into the public system and the District requests plans to review. No construction of such facilities shall commence until said approval has been granted.

~~ARTICLE 10~~ARTICLE 11 ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION

~~Section 10.1~~Section 11.1 RIGHT OF ENTRY. The General Manager or other duly authorized employees of the District, bearing proper credentials and identification, and in accordance with the provisions of this Ordinance shall be permitted to enter all properties connected to the public system and easements for the purpose of inspecting, observing, testing, or auditing for the purpose of billing. The General Manager or other duly authorized employees are authorized to obtain information concerning processes which have been determined to have a direct bearing on the kind and source of discharge to the public system.

~~Section 10.2~~Section 11.2 HOLD HARMLESS. The owner or the occupant shall be held harmless for injury or death of District employees, and the District shall indemnify the owner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the owner, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

~~ARTICLE 11~~ARTICLE 12 VIOLATIONS & PENALTIES

~~Section 11.1~~Section 12.1 ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the public system which causes damage to the wastewater treatment facility, or incidents of unreported industrial discharges to the system shall be subject to Section 12.4.

~~Section 11.2~~Section 12.2 LIABILITY TO DISTRICT FOR LOSSES. Any person violating any provision of this Ordinance shall, in addition to any penalty or fine which may be assessed against him, become liable to the District for any expense, loss or damage occasioned by reason of such violation which the District may suffer as a result thereof.

~~A. Minor Fines & Penalties For Violation. The District may seek a FINE NOT TO EXCEED five hundred dollars (\$500) or six months imprisonment, or both, against any person violating any provision of this Ordinance.~~

~~B. Major Fines & Penalties For Violation. The District may seek a penalty not to exceed \$1,000 per day for each violation, or six months imprisonment or both for the violation of any provision of this Ordinance relating to local or federal wastewater pretreatment standards implemented in the Federal Water Pollution Control Act, 33 USC1251 through 1387.~~

~~Section 11.3~~Section 12.2 VANDALISM AND NEGLIGENCE. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, bury, deface, or tamper with any structure, appurtenance or equipment which is part of the public system. Failure to notify the District in the event of accidental damage to any District property as defined above may result in fines as defined in Exhibit C.

~~Section 11.4~~Section 12.3 INJUNCTION. The District may seek an injunction against any person violating any provision of this Ordinance.

~~Section 12.4~~ FINES & PENALTIES FOR VIOLATION. The District may seek a fine ~~FINE NOT TO EXCEED five hundred dollars (\$500) or six months~~ or imprisonment, or both, against any person violating any

provision of this Ordinance. The amount of a fine will be determined by the damage and liability that has been or potentially might be incurred by the District. The District's schedule for fines and penalties for Minor and Major infractions is shown on Exhibit C.

~~Section 11.5~~

~~A. The District may seek a penalty not to exceed \$1,000 per day for each violation, or six months imprisonment or both for the violation of any provision of this Ordinance relating to local or federal wastewater pretreatment standards implemented in the Federal Water Pollution Control Act, 33 USC1251 through 1387.~~

~~ARTICLE 12~~ARTICLE 13 ~~APPEALS~~

~~Section 12.1~~Section 13.1 ~~REQUEST FOR APPEAL.~~ If the Board, or General Manager denies a connection permit application, the applicant may file a written request for reconsideration with the District within thirty (30) days after having been informed of the Board's decision to deny. The written request for appeal must include the reasons supporting the applicants request for reconsideration. The applicant may request to appear before the Board. The Board shall issue its final decision within sixty (60) days after receiving the request for reconsideration.

~~ARTICLE 13~~ARTICLE 14 ~~VALIDITY~~

~~Section 13.1~~Section 14.1 ~~SUPERSEDING PREVIOUS ORDINANCES.~~ This Ordinance governing the public system shall supersede Ordinance 96-1001 of the District.

~~Section 13.2~~Section 14.2 ~~INVALIDATION CLAUSE.~~ Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

~~Section 13.3~~Section 14.3 ~~AMENDMENT.~~ The District, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

~~ARTICLE 14~~ARTICLE 15 ~~EFFECTIVE DATE~~

~~Section 14.1~~Section 15.1 ~~DATE OF EFFECT.~~ This Ordinance shall become effective on the date that the Board adopts the Ordinance.

===== END =====

As amended by the Board of Directors of the Big Sky County Water and Sewer District No. 363, State of Montana, on this 18th day of June , 2002 by the following vote: 5 Ayes 0 Nays 0 Abstains.

_____ YES	_____ NO	_____ Paul A. "Packy" Cronin, President
_____ YES	_____ NO	_____ Gary McRae, Vice President
_____ YES	_____ NO	_____ Dick Fast, Secretary
_____ YES	_____ NO	_____ Dick Allgood, Director
_____ YES	_____ NO	_____ Dr. Jeffery Daniels, Director
_____ YES	_____ NO	_____ William Olson, Director
_____ YES	_____ NO	_____ William Shropshire, Director

ATTEST:

_____ Dick Fast, Secretary	_____ Date
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[S E A L]

CERTIFICATION

The undersigned, Dick Fast, hereby certify that I am the Secretary of the Big Sky County Water & Sewer District No. 363, and that the foregoing amended Ordinance 97-1001 was duly amended by the Board of Directors of the District at a regular meeting on June 19, 2007. I further certify that, upon a vote being taken on Ordinance 97-1001 at said meeting, the following Directors voted in favor thereof: on _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____;

Witness my hand and seal officially this 19th day of June, 2007.

Dick Fast, Secretary

EXHIBIT B - SFE Schedule [\(See below\)](#)

EXHIBIT A TABLE 3.01

EXHIBIT A

TABLE 3.0-1 LONG TERM COMPLIANCE WORK PLAN

Table 3.0-1 Number of Sewer Connection Commitments in the Planning Area

Revised 6/01/07

PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC. (SFE)
	TOTAL	SFE	TOTAL	SFE	
I. MEADOW VILLAGE AREA					
A. Homes (Lots)					
Aspen Groves (Phase I & II)	87	142.4	33	55.55	
Meadow Village and MV 25 Lot Addition	249	412.8	135	230.15	
Northfork Creek Lots 2-6	5	15.75	1	2.40	
Northfork Creek Lot 1	1	14.0	0	0.00	
Pinewood Hills & Minor Sub 90	8	9.4	8	18.20	
South Fork (All Phases)	122	197.5	26	38.80	
Sweetgrass Hills	90	165.0	46	87.80	
B. Condominiums (Units)					
Blue Grouse (All Phases incl. Deer Run)	147	196.2	15	23.55	
Broadwater (TR 9A BLK 5)	16	16.0	16	14.80	
Craik Creek (TR 6 BLK 2)	44	58.0	32	44.80	
Fairways (TR E)	20	21.6	0	0.00	
Glacier (TR 7 BLK 2)	64	77.0	64	74.80	6.90
Hidden Village & The Pines Phases 1 & 2	184	314.0	179	295.90	4.75
Park (TR 2 BLK 1)	29	38.90	29	38.55	3.75
Silverbow (TR 1 & 1A)	70	84.0	70	84.80	6.35
Teton (TR 4 BLK 1 & COS M-132)	5	8.15	3	5.15	
Townhomes @ Craik Ranch (TR 8 BLK 6)	---	40.00	10	23.82	
Yellowstone (TR 3 BLK 1)	42	48.6	42	46.20	6.35
C. Vacant Tracts (SFE's charged at 5.0% of unused portion)					
TR 2 Sweetgrass Hills:	---	36.3	0	0	
TR 4 BLK 1 (Teton Remainder)	40	64.1	0	3.21	
TR 5 BLK 2	22	29.0	0	1.45	
TR 9 BLK 5 (Broadwater Remainder, Tr 9 less Tr 9A)	--	50.0	0	2.70	
TR 11 BLK 4	60	79.0	0	3.95	
D. Commercial- Retail & Hotels/Motels					
Mountainside Dev. (Golden Eagle rooms)	42	28.0	42	25.67	
Westfork Hotel (River Rock)	29	21.0	29	21.02	
Lone Mountain Ranch	--	48.2	3	48.15	
Golf Course	--	5.4	--	5	
E. Commercial- Meadow Center					
Meadow Village Minor #91 & COS 409					1.6
Lot 1A- MS 91	--	7.06	--	0	
Lot 1B- MS 91 (Lot 4 Grocery Store)	--	6.89	1	5.71	
Lot 1C- MS 91 (Lot 2 First Place)	--	6.57	1	5	
Lot 2- MS 91	--	4.71	--	0	
Lot 3A- MS 91	--	5.49	--	0	
Lot 3B- MS 91	--	7.84	--	0	
Lot 4A- COS 409 (Chace Bldg)	--	15.27	--	15.62	
Lot 4B- COS 409	--	2.0	--	0	
Lot 5A/6- MS 91	--	14.55	--	0	
Lot 5Ba- MS 91(Post Office)	--	20.37	--	5.12	
Lot 5Bb- MS 91(Stoner/Ring)	--	4.31	--	4.16	
Lot 7- MS 91	--	7.45	--	0	
Lot 9A- MS 91 (Lot 1 bldg 2)	--	11.26	--	11.26	
Lot 9B- MS 91 (Lot 1 bldg 1)	--	9.44	--	9.44	
Total Meadow Village Center	--	138.21	40	56.31	1.60
F. Other SFEs & COS's					
Section 26	2	6.15	2	6.15	
Section 35	2	3.0	1	2.00	
COS 1699	---	19.5	0	?	
TR A-4 (Church)	1	6.7	1	6.33	
Tennis Courts (TR A-1)	--	2.2	1	2.0	
BSOA Park (TR 1A-Lot 2)	1	2.0	1	2.0	
SUBTOTAL FOR MEADOW VILLAGE AREA	1,382.0	2,383.0	791.0	1,271.0	29.7
IA. COMMITMENTS BY AGREEMENT/COURT ORDER					
A. Westfork Meadows					
Tract 2, Blk 3	--	6.0		0	
Lot 1A (Moose Ridge Condos)	--	77.1		0	
B. Westland Projected Commitment					
Section 1- Town Center	--	1075.0	--	0	
Section 1- Undesignated	--	325.0			
Section 1- Clusters A/B	--	0.0			
Section 31	--	35.0	--	0	
SUBTOTAL FOR PRIOR COMMITMENTS	-	1,863.0	212.0	240.02	-
MEADOW VILLAGE AREA TOTAL					
A. Homes (Lots)	562	956.9	249.0	432.9	-
B. Condominiums (Units)	621	902.5	460.0	652.4	28.1
C. Vacant Tracts (SFE's charged at 5.0% of unused portion)	122	258.4	-	11.3	0
D. Commercial- Retail & Hotels/Motels	71	102.6	74.0	99.7	-
E. Commercial- Meadow Center	-	123.2	2.0	56.3	1.6
F. Other SFEs & COS's	6	39.6	6.0	18.5	-
IA. COMMITMENTS BY AGREEMENT/COURT ORDER					
A. Westfork Meadows	-	428.0	212.0	240.02	-
B. Westland Projected Commitment	-	1,435.0	-	-	-
MEADOW VILLAGE GRAND TOTAL	1,382.0	4,246.0	1,003.0	1,511.0	29.7

Table 3.0-1 Number of Sewer Connection Commitments in the Planning Area

PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC. (SFE)
	TOTAL	SFE	TOTAL	SFE	
II. MOUNTAIN VILLAGE AREA					
A. Homes (Lots)					
Cascade Amended Plat	227	474.43	46	88.5	
Cascade Block 2 Lot 66A	1	12.09			
Bareback 2 Lot minor Sub	2	4.2	0	0	
B. Condominiums (Units)					
Alpenglow- (Skycrest Phase II: Area 12 of Cascade)	60	96.8	0	2.9	
Arrowhead- Condos (Built Out)	24	52.0	26	56.6	
Arrowhead- Commercial (Built Out)	12	17.5	6	13.03	
Beaverhead	68	147.4	52	111.3	
Bighorn (Built Out)	70	108.6	70	108.6	
Big Sky Apartments- Tract 5f	36	36.0	36	28.8	3.9
Cedar Creek Condos- Tract 5e	72	72.0	72	72.0	
Hill-Cascade	180	180.0	181	137.5	
Lake- Condos (Lots 1, 2 & 3) (Built Out)	56	68.01	56	68.01	
Lake- Commercial (Built Out)	2	6.42	2	6.42	
Lake- Lot 4 (Undeveloped)	--	0.0	0	0	
Powder Ridge Cabins Phase I- Tract 5b	7	21.8	7	9.8	
Powder Ridge Phase II- Areas 1-11 of Cascade	--	204.3	0	0	
Powder Ridge Phase III	35	40.8	35	75.6	
Powder Ridge Phase IV					
Shoshone (Built Out)	97	100.3	97	97.87	
Skycrest Condos- Cascade (Built Out)	35	50.1	35	50.05	6.2
Stillwater (Built Out)	64	63.0	64	62.6	5.2
Summit- Condos (Lot 18 Mtn Vlg Subdiv.) (Built Out)	106	139.5	106	139.45	
Summit- Commercial (Built Out)	--	66.11	--	66.11	
C. Vacant Tracts (SFES charged at 5.0% of unused portion)					
Tract 2A, Blk 1, Cascade ¹⁷	0	88.0	0	5.56	
Tract 2B, Blk 1, Cascade ¹⁷	0	38.4	0	5.56	
Tract 1, Blk 1- Cascade	69	91.1	0	3.56	
Tract 5, Blk 1, Cascade					
Tract 5a- Cascade	0	0	0	--	
Tract 5c- Cascade	--	37.0	0	1.85	
Tract 5d- Cascade	29	30.1	0	1.5	
Tract 5g- Cascade	4	6.5	0	0.5	
Tract 5h- Cascade	0	0	0	--	
Tract 6-Cascade	20	20.6	0	1.03	
Tract 7 1A, Blk 1, Cascade	0	42.27	0	0.25	
Tract 8-Cascade (Electrical Service Facility)	--	0.0	0	0	
Tract 9-Cascade (Water Storage Site)	--	0.0	0	0	
Tract 10-Cascade (Water Storage Site)	--	0.0	0	0	
Tract 12: Lot A & Lot B- Cascade	--	21.0	0	0	
Tract 22, Blk 1, Cascade (Formerly Tract 11)	--	2.09	0	0	
Area 12-Cascade	< delete from list, these SFES are figured into Skycrest phase II				
Area 13-Cascade	23	44.0	0	0	
D. Employee Housing					
Lot 20- Emp. Dorm Space	70	47.1	70	47.10	
Tr 3 Lot 3B- Mountain Lodge- Cascade	80	49.5	80	49.5	
E. Commercial- Retail & Hotels/Motels					
Tr 3 Lot 3A- Black Bear Rest./Bar	1	11.6	1	6.06	
Lot 7- Holiday Inn Express (Mtn Vlg Subdiv.)	1	74.2	1	74.2	
F. Commercial- Mountain Village Subdivision					
Lot 8- Tennis courts only	--	0	0	0	
Lot 10- Huntley Lodge- Guest Rooms (Built Out)	204	183.4	1	183.44	
Lot 10- Huntley Lodge- Commercial, Retail & Other					
Lot 11- Yellowstone Conference Center	--	30.89	1	30.89	
Lot 13- Undeveloped	--	0	0	0	
Lot 14- Ticket Bldg.	--	0	0	0	
Lot 16- Mountain Mall	--	71.6	6	58.49	
Lot 17- Mall Parking Lot	--	0	0	0	
Lot 21- Formerly emp. housing now undeveloped	--	24.1	0	0	
Snowcrest (Commercial & Residential)	--	23.5	3	23.52	
Maintenance Shop (Future Lot 1)	--	1.08	1	1.08	
Medical Clinic Bldg (Commercial & Residential on Future Lot 5)	--	7.1	2	7.1	
Future Mountain Village Subdivision					
Lot 2- Current day skier parking					
Lot 3, 4, & 6 future parking					
Lot 9 Open Space					
Lot 12- Shoshone parking/future conference facility					
No lot nos. 15 or 19					
G. Other SFES & COSS					
Tract 7: Lot 1B- Cascade (Fire Station)	0	6.8	1	1.84	
SUBTOTAL FOR MOUNTAIN VILLAGE AREA	1,655.0	2,913.2	1,058.0	1,698.2	15.3
MOUNTAIN VILLAGE AREA TOTAL					
A. Homes (Lots)	227.0	490.7	46.0	88.5	-
B. Condominiums (Units)	864.0	1,470.5	845.0	1,103.7	15.3
C. Vacant Tracts (SFES charged at 5.0% of unused portion)	145.0	421.1	-	19.8	-
D. Employee Housing	150	96.6	150	96.6	-
E. Commercial- Retail & Hotels/Motels	2.0	85.8	2.0	80.3	-
F. Commercial- Mountain Village Subdivision	204.0	341.7	14.0	304.5	-
G. Other SFES & COSS	-	6.8	1.0	1.8	-
MOUNTAIN VILLAGE GRAND TOTAL	1,592.0	2,913.2	1,058.0	1,695.3	15.3
SFE POOL TOTAL					
A. SFE Pool					
Net SFES Remaining in SFE Pool	--	644.95	--	--	

SUMMARY TOTALS FOR ALL DEVELOPMENTS					
PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC. (SFE)
	TOTAL	SFE	TOTAL	SFE	
MEADOW & MOUNTAIN VILLAGES					
Homes (Lots)	789	1,447.6	295	521.4	-
Condominiums (Units)	1,485	2,372.9	1,305	1,756.1	43.4
Vacant Tracts (SFEs charged at 5.0% of unused portion)	267	679.5	-	31.1	-
Commercial- Retail & Hotels/Motels	73	188.4	76	179.9	-
Commercial- Mountain & Meadow Villages	204	464.9	16	360.8	1.6
Employee Housing	150	96.6	150	96.6	-
COS's and Other SFEs	6	46.4	7	20.32	0
Commitments by Agreement/Court Order					
Meadow Village Area	-	1,863.0	212	240.0	-
Lone Moose Area		900.0			
Spanish Peaks North Area		1,000.0			
SFE Pool	--	645.0	--	--	-
GRAND TOTAL OF LEGAL OBLIGATIONS	2,974.0	9,704.1	2,061.0	3,206.3	45.0

FOOT NOTES:

1. Condominium & Light Commercial tracts are estimated at 12 units per acre on undeveloped tracts at 1.03 SFE's per unit.
2. Hidden Village- added 72 SFE's assuming 40 condo units at 1.8 SFE's per unit (refer to minutes of August 7, 1996) The Pines condominiums are also included in Hidden Village.
3. Blue Grouse Hills Phase I & II- added 27 units at 1.4 SFE's per unit= 37.8 SFE's, total 196.2 SFE's (refer to minutes of August 7, 1996).
4. Meadow Village Minor #91 includes the Meadow Village Commercial Center (13.8 SFE's); COS 409 includes Chase Montana Building (16.4 SFE's) added an undivided 78 SFE's (refer to minutes of August 7, 1996).
5. Tennis Courts (Tract A-1)- adjusted to 34.2 SFE's conditioned on use maintained as business/recreational (refer to minutes of August 7, 1996).
6. Westfork Meadows- adjusted to 448.0 SFE's, but conditioned on a flow commitment of 48,000 gpd peak flow per Sewer Dedication dated May 17, 1982 (refer to minutes of August 7, 1996).
7. Westlands flow commitment based on Supreme Court decision (Westland v. Boyne, April 27, 1989) - 43,000,000 gallons per year divided by a flow of 29,967 gallons per year per SFE.
8. South Fork Phase II- added to list of obligations for 155 SFE's for remainder of development in the NE ¼ of Section 2, assumes 1.7 SFE's per unit for Phase I & II.
9. Beaverhead- adjusted from 60 units to 68 units averaging 2.25 SFE's per unit, added 63 SFE's to existing 84.4 SFE's.
10. Areas 1-13- Covenants allow 2 single family units per acre, total of 65.422 acres assume 2.09 SFE's per residence.
11. Tract 4 Meadow Village increased to a total of 72.25 Sfe's (COS M-132 at 8.15 Sfe's and the remainder at 64.1 Sfe's).11-20-2000
12. Old Tract 5 (Cascade) Sfe's at 348.1 were reallocated into tracts 5b through 5h. 5-17-99
13. 5.5 Sfe's were reallocated from Lot 5G Cascade on Tr5 (29000555) to Lot 3A Cascade Tr3 Black Bear Bar & Grill (29007700-A)
14. 7.9 Sfe's were reallocated from TR-6, B-2 MV to COS 1699 Gallatin County (Boyne USA Inc. Minor Subdivision NO. 1)
15. 11.6 Sfe's reallocated from TR-2 Sweetgrass Hills Subd to COS 1699 (Boyne USA Inc. Minor Subdivision No. 1)
16. 29.75 Sfe's were reallocated from TR 2 Sweetgrass Hissl Subd to COS 1958 Gallatin County (Boyne USA Inc. Northfork Creek Subd)
17. Tract 2 - Cascade is a carry over from the 2000 ODP and was part of the original Cascade Subdivision. Tract 2 was later subdivided into Tracts 2A and 2B. At the time of subdivision, the 111.2 SFE's allocated to Tract 2 should have been used to assign SFEs to these new Tracts 2A and 2B. Instead, Boyne reallocated 128.0 SFEs from the Boyne SFE pool to Tract 2B (See 9/9/2004 SFE Reallocation). To correct for this, 111.2 SFE's were added back into the the Boyne SFE Pool and Tract 2 Tract 2 was deleted from the Mountain Village tracts list.

C:\EXCEL\OFFICE\TABLE301.XLS

SINGLE FAMILY EQUIVALENT UNIT CONVERSION SCHEDULE	
PROPERTY USAGE ¹	SFEs PER UNIT ³
Single Family Residences, Townhouses and Condominiums: ^{2,3,7}	
\$Two bedrooms ⁵ or less	1.00
\$Each bedroom in excess of two	0.40
\$Each bath, or portion thereof ⁶ , in excess of two	0.20
\$Private jacuzzi or hot tub, that drains to the public sewer system, each	0.35
Studio Apartment/Condominiums: (single room less than 500 sq. ft. with single bathroom)	0.70
Hotel, Motel or Lodge, per rental room ²	0.60
\$Jacuzzi, spa or hot tub, each	0.75
\$Swimming pool, <u>per 1,000 sq. ft. of pool area</u>	23.00
\$Banquet rooms, per seat	0.03
\$Conference rooms, <u>per seat per 1,000 SF</u>	0.02, 40
Employee Housing:	
\$Condominium Type, per unit	1.00
\$Dormitory Type, per bed	0.25
Snack Bars and Delicatessens: ⁴	
\$500 sq. ft. or less	1.00
\$Each sq. ft. in excess of 500 sq. ft.	0.003
Convenience Type Food Stores and Shoppers	1.00
Cafeteria, Lounges and Bars, per seat	0.07
Full Service Restaurants, per seat	0.07
Self-Service laundromat, per washing machine	1.30
Beauty Salon, Barber Shops, Hairdresser, per station	0.35
Fire Stations, Maint. Bldgs, Machine Shops, Warehouses and Garages, per 1,000 sq. ft.	0.15
Offices and Office Buildings, per 1,000 sq. ft.	0.75
Retail Stores, per 1,000 sq. ft.	0.50
Ski Areas, sum of SFE Units from other applicable use categories plus 85% of total hourly lift capacity times	0.001
Public Restrooms, per toilet unit ⁸	0.50
Non-Public Restrooms, per toilet unit ⁸	0.20
Health Spas/Fitness Centers, per 1,000 sq. ft.	1.50
Residential Swimming Pools w/controlled sewer connection, per 1,000 sq. ft. of pool area:	
\$Single Family	1.00
\$Multi-Family	3.00
Churches, conference/meeting/banquet rooms, and similar facilities without in-house food serving capacities per 1,000 SF.	.40
Churches, conference/meeting/banquet rooms, and similar facilities with in-house food serving capacities per 1,000 SF.	.50
Day-care centers, per unit of child care capacity	.05

Ski Rental Shops, per 1,000 SF	1.0
Travel Trailer Parks	
\$Without individual water & sewer hook-ups, per space	.25
\$With individual waster & sewer hook-ups, per space	.30
Undesignated commercial space, per 1,000 SF	.60

(Footnotes on Other Side)

FOOTNOTES

1. If more than one use category is applicable to a particular building, the building will be divided into areas of similar use categories and the SFE Units for the building will be computed by adding the SFE units determinations for each use category area. For example, ~~if~~ a portion of a single family home is used as an office, the single family home will be divided into a "single family residence" area and an "office" area and the SFE units for the entire building will be the sum of the SFE units determined separately for the uses not specifically described in this table, such as condominium recreational facilities, pools, dormitory-style quarters, etc., the number of SFE units to be assigned shall be determined on a case-by-case basis by the Manager. No less than 1.0 SFE unit will be assigned any building or portion thereof that has a separate service line and/or that is to be billed individually for sewer service.

2. For the purpose of SFE unit determinations, a "loft" area shall be equivalent to a minimum of one bedroom if it is used for permanent sleeping accommodations, i.e. having beds or mattresses in a loft area. More than 1.0 SFE unit may be assigned if warranted by the size and characteristics of the loft area. ~~For the purpose of SFE unit determination, an area designated as a "den", "library", "study", "sewing room", or the like, shall be equivalent to a minimum of one if such area has an accompanying closet.~~

3. For the purpose of the table: (a) a residential building or portion thereof shall be considered a duplex if it has more than one kitchen area, and (b) any portion of a residential building or unit that can be used independently of the remainder of the residential building or unit (e.g. lock-off unit shall be considered a separate residential building or unit).

4. In computing area, the "total usable area" shall be used. "Total usable area" includes but is not limited to: kitchen areas, serving areas, washing areas, occupant areas, waiting rooms, store rooms, restrooms, lunch rooms, halls, entryways, show rooms, and retail areas.

5. A bedroom means any room or living space that can be used for the purpose of sleeping. ~~that includes doorway and closet. For the purpose of SFE unit determination, an area designated as a "den", "library", "study", "sewing room", or the like, shall be equivalent to a minimum of one bedroom. Rooms that are designated on plans as a den, office, library, exercise room, or other undesignated space that could be construed as space used for sleeping quarters shall be designated as a bedroom.~~

6. "Portion thereof" any portion of a full bath, or roughed in plumbing for a future bathroom shall be counted as one bathroom. A bathroom that has a sink and a separate toilet that share a common tub or shower shall each be counted as a one bathroom.

7. If a guest house that is considered to be self-contained having its own bedrooms, bathrooms & kitchen facilities; the SFEs shall be counted as a separate dwelling as if it were another house.

8. Public bathrooms are un-locked and open to the public for use. Private bathrooms are restricted to a group or association either by its location or lock and key.



Error! Bookmark not defined.SCHEDULE OF FINES & PENALITES

Description	Amount
<p>General Fines The District may seek a fine or imprisonment, or both, against any person violating any provision of this Ordinance</p> <p style="padding-left: 40px;">Minor Fines & Penalties For Violation.</p> <p style="padding-left: 40px;">Major Fines & Penalties For Violation. For violations relating to local or federal wastewater pretreatment standards implemented in the Federal Water Pollution Control Act, 33 USC1251 through 1387</p>	<p></p> <p style="text-align: right;">\$500</p> <p style="text-align: right;">\$1,000</p>
<p>Sewer System (Automatic District Fines to be levied against the Developer/Property owners Wastewater Collection)</p> <p style="padding-left: 40px;">Pulling a sewer plug on a main line: plus the cost of sewer jetting</p> <p style="padding-left: 40px;">Exposing a sewer lateral without the District's knowledge or permission:</p> <p style="padding-left: 40px;">Exposing a sewer main without the District's knowledge or permission:</p>	<p style="background-color: #cccccc;"></p> <p style="text-align: right;">\$5,000</p> <p style="text-align: right;">\$2,000</p> <p style="text-align: right;">\$3,000</p>
<p>Water System</p> <p style="padding-left: 40px;">Exposing a water lateral without the District's knowledge or permission</p> <p style="padding-left: 40px;">Exposing a water main without the District's knowledge or permission</p> <p style="padding-left: 40px;">Operating a curb stop in a non-emergency situation without the District's knowledge or permission</p> <p style="padding-left: 40px;">Operating a main line valve without the District's knowledge or permission</p> <p style="padding-left: 40px;">Operating a fire hydrant without the District's knowledge or permission</p>	<p></p> <p style="text-align: right;">\$3,000</p> <p style="text-align: right;">\$5,000</p> <p style="text-align: right;">\$2,000</p> <p style="text-align: right;">\$5,000</p> <p style="text-align: right;">\$5,000</p>
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FOOTNOTES