

ORDINANCE NO. 398

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF POLSON, COUNTY OF LAKE, STATE OF MONTANA.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF POLSON, STATE OF MONTANA, AS FOLLOWS:

ARTICLE I: Definitions

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

- Sec. 1. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- Sec. 2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Sec. 4. "City" shall mean the City of Polson.
- Sec. 5. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 6. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Sec. 7. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Sec. 8. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- Sec. 9. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- Sec. 10. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 11. "May" is permissive (see "Shall" Sec. 19).
- Sec. 12. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 13. "pH" shall mean 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} .

- Sec. 14. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- Sec. 15. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- Sec. 16. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Sec. 17. "Sewage" is the spent water of a community. The preferred term is wastewater," Sec. 25.
- Sec. 18. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Sec. 19. "Shall" is mandatory (see "may," sec. 11).
- Sec. 20. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 21. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Sec. 22. "Superintendent" shall mean the superintendent of wastewater facilities of the City of Polson, or his authorized deputy, agent or representative.
- Sec. 23. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- Sec. 24. "Unpolluted water" is a 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.
- Sec. 25. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- Sec. 26. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Sec. 27. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "Waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
- Sec. 28. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

- Sec. 29. "Hearing board" shall mean that board appointed according to provisions of Article VII.

ARTICLE II: Use of Public Sewers Required

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Polson, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the City of Polson, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3. 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.
- Sec. 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Polson 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 City of Polson, is 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 ordinance, within ninety (90) days after date of official notice to do so.

ARTICLE III: Sanitary Sewers, Building Sewers and Connections

- Sec. 1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- Sec. 2. 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. In either case, the owner(s) or his agent shall make application on a special form furnished by the City of Polson. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of One Hundred Twenty-Five Dollars (\$125) for a residential or commercial building sewer permit and actual costs incurred but not less than One Hundred Twenty-Five Dollars (\$125) for an industrial building sewer permit shall be paid to the City of Polson at the time the application is filed.
- Sec. 3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City of Polson from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City of Polson does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, at the expense of the owner, to meet all requirements of this ordinance.
- Sec. 6. 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 City of Polson. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Superintendent and discharged to the building sewer.
- Sec. 8. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Polson, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Polson.

ARTICLE IV: Use of the Public Sewers

- Sec. 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer except that stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.
- Sec. 2. Stormwater other than that exempted under Section 1, Article IV and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 3. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- (a) Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any municipal 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.
- (c) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or 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.

Sec. 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, 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 Superintendent are as follows:

- (a) Wastewater having a temperature higher than 150^o Fahrenheit (65^o Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded (see Article I, Section 14). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering institutions, 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.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

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

Sec. 6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

- Sec. 8. When required by the Superintendent, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. 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 produces 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 of 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 losses of materials through spills to the municipal sewer.
- Sec. 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- Sec. 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City of Polson and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Polson for treatment.

ARTICLE V:

- Sec. 1. No person(s) shall maliciously, willfully, 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(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VI: Powers and Authority of Inspectors

- Sec. 1. The Superintendent and other duly authorized employees of the City of Polson 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 ordinance.
- Sec. 2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

- Sec. 3. While performing the necessary work on private properties referred to in Article VI, Section 1, above the Superintendent or duly authorized employees of the City of Polson 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 City of Polson employees, and the City of Polson shall indemnify the company against loss or damage to its property by the City of Polson employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 8.
- Sec. 4. The Superintendent and other duly authorized employees of the City of Polson bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Polson holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VII: Hearing Board

- Sec. 1. A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Superintendent. The cost of the arbitration will be divided equally between the City and the sewer user.
- Sec. 2. One member of the Board shall be a registered professional engineer; one member shall be a practicing sanitarian; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objections of this ordinance.

ARTICLE VIII: Penalties

- Sec. 1. Any person found to be violating any provision of this ordinance except Article V shall be served by the City of Polson 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.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding Five Hundred Dollars (\$500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the City of Polson for any expense, loss, or damage occasioned the City of Polson by reason of such violation.

ARTICLE IX: Validity

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X: Ordinance in Force

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Sec. 2. PASSED AND APPROVED this 6th day of October, 1980.

A. Deon Greiner
Mayor

ATTEST:

[Signature]
City Clerk