

TITLE 9
WATER AND SEWER

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CHAPTER 1

WATER SERVICE UTILITY REGULATIONS

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9-1-1: **PURPOSE:** This chapter, duly enacted by the city council, is intended to be a comprehensive statement of the rules and regulations under which the city water department operates, said rules and regulations are intended to be made a part of the contract with every individual, business entity, firm or corporation, in making application for water services. (Ord. 90-4, 11-19-1990)

9-1-2: **DEFINITIONS:** The following definitions apply to the terms used in this chapter:

CITY:	The city of Belgrade.
COUNCIL:	The Belgrade city council.
DEPARTMENT:	The city of Belgrade water department or a person acting on behalf of said water department.
DIRECTOR:	The director of public works and the person responsible for the proper functioning of the city water department.
METER:	All installed devices and equipment used to measure the amount of water supplied to a user.
SERVICE AGREEMENT:	An agreement or contract between the city water department and a water user to whom water is supplied by the city water department.
SYSTEM:	The city water system, its physical structure and equipment owned and operated by the city.

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9-1-4-1

USER: Any individual, partnership, association, firm, public or private corporation, or governmental entity or any other entity receiving water service from the city water system.

WATER SERVICE: The supplying of or availability, at the point of delivery, of water and also the water delivered or used. (Ord. 90-4, 11-19-1990)

9-1-3: **GENERAL PROVISIONS:**

9-1-3-1: **INFORMATION AVAILABLE TO PUBLIC; ESTABLISHMENT OF POLICIES:** There shall be made available to the public at the principal offices of the city copies of this chapter, rate schedules, and forms of agreement for water services. The council may from time to time establish policies regarding acceptable materials to be used in the system. (Ord. 90-4, 11-19-1990)

9-1-3-2: **RATES:** The council may adopt both flat rate and meter rate schedules for the payment of water services. (Ord. 90-4, 11-19-1990)

9-1-3-3: **SPECIFICATIONS:** The currently adopted city specifications include the Montana public works standard specifications, the Belgrade modifications to the Montana public works standard specifications, and the uniform plumbing code. (2009 Code)

9-1-4: **METERS:**

9-1-4-1: **METERS REQUIRED:**

- A. **Standard Meter:** The department shall install five-eighths inch ($\frac{5}{8}$ ") meters on water service pipes of persons and entities using water from the system.
- B. **Larger Meters:** Larger meters shall be paid for by the owner or user minus the cost of a five-eighths inch ($\frac{5}{8}$ ") meter.

- C. Installation: Meters shall be installed on meter service pipes in such a manner and place as may be determined by the water department, and, in addition thereto, the water department shall have the authority to establish meter service pipes and remote meter readouts.
- D. Larger Service Lines: The department shall have discretionary authority to allow property owners to install service lines of a diameter greater than three-fourths inch ($\frac{3}{4}$ ") for connection to five-eighths inch ($\frac{5}{8}$ ") water meters installed by the department. (Ord. 90-4, 11-19-1990)

9-1-4-2: **NOTICE OF WATER METER INSTALLATION:** The department shall give the property owner ten (10) days' notice of meter installation. It shall be the duty of the owner to see that the department has access to its property for installation of meters and remote readout apparatus. The property owner shall also be responsible to provide access to its property at all reasonable times and hours for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used. (Ord. 90-4, 11-19-1990)

9-1-4-3: **AUTHORIZED METERS ONLY:** No meters shall be placed in service or recognized as standard meters unless approved by the department as prescribed by the department. No person shall place any other meter on any service pipe except the standard meters as herein prescribed and of a size as prescribed in each case by the department. The department shall have the right to remove meters not approved by the department and replace with approved meters with the cost charged to the user. (Ord. 90-4, 11-19-1990)

9-1-4-4: **INSTALLATION OF METERS:** No water meter shall be installed except by a plumber, duly licensed under the laws of the state of Montana, or by an employee of the department, and no person, other than one acting under the authority and direction of the department, shall open, repair, or interfere with any water meter in service. (Ord. 90-4, 11-19-1990)

9-1-4-5: **METERS PROPERTY OF CITY:** Meters are owned by the city and are furnished to consumers and set in place without

charge; provided, however, that proper receptacles are provided for said meters and service pipes are suitably arranged. (Ord. 90-4, 11-19-1990)

9-1-4-6: **METER CUTOFFS AND BYPASS:** All meters installed shall be provided with a cutoff or valve on each side of the meter so that any meter may be removed for the purpose of testing and a bypass placed in the service pipe for the purpose of supplying the consumer with water during the testing of said meter. (Ord. 90-4, 11-19-1990)

9-1-4-7: **TAMPERING WITH METERS AND PIPING:** All meters shall be sealed by the department. Breaking the seals by unauthorized persons or tampering with the meter or the meter piping is prohibited and shall be classified as a misdemeanor under this chapter. (Ord. 90-4, 11-19-1990)

9-1-4-8: **METER TESTING AND ADJUSTMENT OF BILLS:** If the meter fails to register correctly, the charges to the consumer shall be at the rate used for the corresponding period of the month previous, or if for any reason the rate for the corresponding period of the previous month cannot be justly applied, the rate shall be equitably adjusted by the department. The testing of each meter at the request of the user, either property owner or lessee, shall not be charged to the user if the meter is found to be defective. However if the meter is found in good order or registering in favor of the user, a service charge shall be made as is established by the council from time to time. (Ord. 90-4, 11-19-1990)

9-1-4-9: **PREVENTION OF FREEZING:** The meter shall be located at some convenient accessible point inside the premises and so located that it cannot freeze. Users shall take every reasonable precaution to protect meters from injury or damage by frost or otherwise and shall be liable for all damage to meters. If there is a general danger of freezing of the system mains or service lines, the department may inform users that water may be run to prevent such freezing at no additional cost to the user. Metered users who inform the department, in writing, that they intend to run water to prevent freezing shall be billed only for the amount based on the user's average use instead of the actual amount as determined by the meter reading during the freeze threat period. (Ord. 90-4, 11-19-1990)

9-1-5: SERVICE CONDITIONS:**9-1-5-1: APPLICATION FOR WATER USE:**

- A. Forms: All parties desiring water use must make written application to the office of the department on printed forms provided.
- B. Purpose For Use: The application shall indicate all purposes for which the use will be made upon the user's premises.
- C. Owner Responsible For Payment: If the user is not the owner of the premises, the owner of said premises is responsible for payment of the use.
- D. Signature Of Owner Required: All applications for installation of use to any premises must be signed by the property owner.
- E. Change In Ownership: Any change in the identity of the owner at a premises will require a new application for use. (Ord. 90-4, 11-19-1990)

9-1-5-2: SITUATION OF SERVICE PIPE: Service pipe shall be so arranged that the supply of water to each separate building, house or premises may be controlled by a separate curb valve placed on or near the property line under rules established by the department. The curb valve and curb box must be kept easily accessible by the owner of the premises. (Ord. 90-4, 11-19-1990)

9-1-5-3: CONDITION OF NEW SERVICE: Application for introduction of use to any premises must be made on the regular form provided by the department. If such application is granted, the department, at the expense of the property owner, may tap the water main and install a corporation valve. Materials used and labor furnished by the department in connection with the tapping of the main shall be borne by the applicant. Expenses of laying and maintaining the service pipe from the main to the user's premises must be borne by the user. Service pipes must be laid below street grade and on the user's premises at a standard depth as designated and approved by the department to prevent freezing. (Ord. 90-4, 11-19-1990)

9-1-5-4: **RATES:** Water use rates will be charged to the property owner from the date on which the water use is established until the date on which the property owner or agent thereof orders the water use terminated. In no event shall the charge be less than the minimum monthly rate. (Ord. 90-4, 11-19-1990)

9-1-5-5: **BILLING:**

- A. Date Payable: Bills for water use are due and payable at the department office on the fifteenth day of each month after receipt for use of the preceding month on a metered account and in advance for flat rate accounts.
- B. Delinquent; Penalty: Said bills shall become delinquent on the sixteenth day of the month, and 0.015 percent per month interest rate shall be charged as a penalty. Final notice shall be sent giving the user five (5) days to remit full payment.
- C. Termination Of Service; Reinstatement: After five (5) days, use shall be terminated and not resumed until all delinquent bills are paid including an additional charge as may be established from time to time by the council in order to resume water use.
- D. Owner Responsibility: Owners of property appropriately noticed will be held responsible for all water use and service charges. Payments will be accepted from tenants, but such acceptance will not ultimately relieve the property owner if the tenant is delinquent in payment of a bill for such use. (Ord. 90-4, 11-19-1990)

9-1-5-6: **TRANSFER OF USE; ADMINISTRATIVE FEE:** An administrative fee, as may be established from time to time by the council, shall be charged to transfer a use connection from one party to another without termination of such use and shall result in the new user being charged said fee. (Ord. 90-4, 11-19-1990)

9-1-5-7: **IMPACT FEE:** An impact fee, as may be established from time to time by the council, shall be charged for the introduction of any new use to be imposed upon the system. (Ord. 90-4, 11-19-1990)

9-1-5-8: **TEMPORARY CONNECTIONS:** For temporary connections for use to accomplish building, construction, vacation homes, cleaning purposes, filling tanks, or any other temporary use, an application must be made specifically for such use. Administrative fees, initiation use fee, and a disconnection fee, all of which may be established from time to time by the council, may be charged. (Ord. 90-4, 11-19-1990)

9-1-5-9: **PRIVATE FIRE SERVICE USE:** If a street connection or a private fire service is requested, the applicant shall bear the entire cost of labor and material for tapping into the city main and installation of the meter and its removal, if necessary. (Ord. 90-4, 11-19-1990)

9-1-5-10: **DISCONTINUANCE OF USE:** A user who is intending to vacate the premises supplied with the use or for any reason wishes to have the use discontinued shall be required to give at least twenty four (24) hours' written notice to the department. Notice shall specify the date on which the user desires discontinuance of use. (Ord. 90-4, 11-19-1990)

9-1-5-11: **SERVICE CHARGE AND TAP FEE:** The council may from time to time establish and the department shall assess a service charge on all service calls regarding use and a fee to tap into the water main for new service. Said service charges shall be in addition to the charges for connection or disconnection from the system. (Ord. 90-4, 11-19-1990)

9-1-5-12: **DISCONTINUANCE OF IMPROPER USE:** If improper waste is permitted by a user, water is bypassed to other users, or a user deceives, misrepresents, or abuses the privilege of the system use, the use will be terminated without notice and a penalty, as may be established from time to time by the council, shall be paid to the department before the use is resumed. The abusive user may be subject to further sanctions as provided in this chapter. (Ord. 90-4, 11-19-1990)

9-1-5-13: **SERVICE PIPES AND COSTS:** The installation of the line from the system main to and including the curb cock and box will be the responsibility of the property owner. Upon establishment of the line to the curb cock and box, the department will assume responsibility for

that portion from the curb cock to the main service line. The property owner will be responsible for the line from the curb cock to the point of service. (Ord. 90-4, 11-19-1990)

9-1-5-14: **DEPARTMENT REPAIRS:** The department reserves the right, at any time without notice, to shut off its water mains for the purpose of making repairs, extensions, or for any other purpose, and no claim may be made against the department by reason of the breakage of any service pipe or from any other damages that may result from temporary termination of use at a particular property. (Ord. 90-4, 11-19-1990)

9-1-6: **IRRIGATION AND SPRINKLING:**

9-1-6-1: **AUTHORITY TO REGULATE:** The council, at its discretion, may restrict or wholly prohibit the use of the department water for use in gardens, lawns, or other outdoor irrigation purposes. In emergency situations, as determined by the council or the department, outdoor irrigation use may be wholly prohibited by public notice. The department shall prominently post, within its local office, a notice advising the public of the hours and days of restricted use. Users may be notified by newspaper publication or through receipt of their water bill. Restricted use shall be in force twenty four (24) hours after public notice has been made in a local newspaper or has been made by public service radio announcement within the city. (Ord. 90-4, 11-19-1990)

9-1-6-2: **FLAT RATE IRRIGATION FEES:** The criteria for determining the rate of irrigation fees shall be as follows:

- A. Entire lot, less structures, sidewalks and driveways will be charged.
- B. A vacant lot, not developed, landscaped, or irrigated will not be charged.
- C. Any portion of a vacant lot, not developed or landscaped, that is irrigated will be charged accordingly. Fees will be assessed according to the portion of said lot which is irrigated.
- D. No reduction or adjustment of irrigation fees shall be made for flat rate customers with private wells. (Ord. 90-4, 11-19-1990)

9-1-7: VIOLATION; PENALTY:

9-1-7-1: PRIVATE WELLS RESTRICTED¹: The council may permit the establishment and operation of a private well within the city upon the following conditions:

- A. The well is established by a public institution or entity;
- B. For the exclusive purpose of irrigation of an area of five (5) acres or greater;
- C. The city is assured the aquifer supplying city wells will not be affected; and
- D. The quality of the city water system is not jeopardized in any manner. (Ord. 91-3, 5-20-1991)

9-1-7-2: UNLAWFUL ACTS: It shall be a misdemeanor violation of this chapter for any person to:

- A. Break or deface the seal of any meter.
- B. Obstruct, alter, injure, or prevent the action of any meter or other instrument used to measure or register the quantity of water supplied to a user.
- C. Make any connection by means of pipe, or otherwise, with any main or pipe used for delivery of water to a user thereof, in such manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount of quantity used, or to use any water so obtained.
- D. Make any connection or reconnection with a main or pipe of the system, or turn off or on, or in any manner interfere with any valve, shutoff valve or other appliance connected therewith.
- E. Prevent the establishment or construction of any device or by any other means, free access to any meter or other instrument for registering or measuring the amount of water used, or to interfere

1. See also chapter 2 of this title.

with, obstruct, or prevent, by any means, the employees of the department from working on the system.

- F. Irrigation by sprinkling or any other means during time not authorized as approved sprinkling or irrigation periods. (Ord. 90-4, 11-19-1990)

9-1-7-3: **TERMINATION OF WATER USE AUTHORIZED:** The department, at its discretion, is authorized to terminate water use to any user for violation of this chapter and thereafter only resume use to the user upon compliance with this chapter and payment of a fee to be established from time to time by the council. (Ord. 90-4, 11-19-1990)

9-1-7-4: **MISDEMEANOR; PENALTY:** Any user, whether individual person or business entity, may be charged with violation of the provisions of this chapter. Said charge shall be as a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 90-4, 11-19-1990; amd. 2009 Code)

9-1-7-5: **ABSOLUTE LIABILITY:** It is the intent of the council that the misdemeanor offenses listed in this chapter be offenses involving legislative intent. Those offenses shall not require proof of any one of the mental states described in Montana Code Annotated subsections 45-2-101(35), (43) and (65). (Ord. 90-4, 11-19-1990; amd. 2009 Code)

CHAPTER 2
INDIVIDUAL WATER SUPPLIES¹

SECTION:

- 9-2-1: General Regulations
- 9-2-2: Quantity And Quality Of Water
- 9-2-3: Location Of Water Supply
- 9-2-4: Construction

9-2-1: **GENERAL REGULATIONS:**

- A. Ground Water Supply: A ground water supply shall be properly located, constructed and operated in order to be safeguarded against contamination.
- B. Well Location: The well site shall be chosen to permit the well to be situated an adequate distance from existing and potential sources of contamination, as specified in table A of section 9-2-3 of this chapter.
- C. Classification: Wells shall be classified into four (4) groups on the basis of methods of construction as follows: dug, bored, driven and drilled. (1983 Code § 4.04.010)

9-2-2: **QUANTITY AND QUALITY OF WATER:**

- A. Minimum Quantity: The minimum quantity of water to provide for ordinary domestic use shall be not less than fifty (50) gallons per person per day. The well and pumping equipment shall be adequate to provide the required quantity of water at the rate of five (5) gallons per minute.

1. See also section 9-1-7-1 of this title.

- B. **Safe Water:** The water shall contain no chemical or mineral substances capable of causing unfavorable physiological effects on those consuming the water.
- C. **Chlorination:** The water shall be free from pathogenic bacteria and other disease producing organisms. The well shall be chlorinated after construction or repair to remove any contamination which may have gained access to the supply. (1983 Code § 4.04.020)

9-2-3: LOCATION OF WATER SUPPLY:

- A. **Minimum Distance:** The minimum distance between any ground water point of origin and suction lines and any source of contamination shall be not less than given in table A.

TABLE A
DISTANCES FROM SOURCE OF CONTAMINATION

	Distance (Feet) ¹
Sewers	100
Septic tanks	100
Subsurface pits	100
Subsurface disposal field	150
Seepage pits	150
Cesspools	200

Note:

1. These distances constitute minimum separation and should be increased in areas of creviced rock or limestone, or where the direction of movement of the ground water is from sources of contamination toward the well.
- B. **Elevation:** The well site shall have good surface drainage and shall be at a higher elevation than possible sources of contamination. The top of the well shall be at least two feet (2') above the highest known watermark and at least fifty feet (50') measured horizontally from surface bodies of water.
 - C. **Compliance To Table A Required:** No septic tank, subsurface pit, subsurface disposal field, seepage pit, cesspool, or other sewage disposal facility of similar nature shall be constructed closer to an

existing individual water supply than those distances set forth in table A of this section. (1983 Code § 4.04.030)

9-2-4: **CONSTRUCTION:**

- A. Depth: In no case shall an individual water supply be developed from a water bearing stratum located less than twenty feet (20') below grade.

- B. Outside Casing: The well should be provided with an outside watertight casing extending at least ten feet (10') below and six inches (6") above the ground surface. In the case of drilled or driven wells, the casing should be of steel or wrought iron. For dug or bored wells, the casing should be of concrete six inches (6") thick, except that in the case of the buried slab type of dug or bored well, the upper ten foot (10') section of casing shall be of steel or wrought iron as provided for drilled wells. The annular space between the casing and the earth formation shall be grouted to a depth of at least ten feet (10'). The casing shall be large enough to permit the installation of an independent drop pipe. The casing should preferably be sealed in an impermeable stratum or extended several feet into the water bearing stratum.

- C. Cover: Every well shall be provided with a watertight cover overlapping the top of the casing or pipe sleeve. The annular opening between the casing or pipe sleeve and drop pipe shall be sealed either by extending the casing or pipe sleeve into the base of the pump or by some suitable type of "well seal".

- D. Drainage: The well platform or pump room floor shall be sloped to drain away from the well. The platform or floor shall be constructed of concrete at least four inches (4") thick, or other material approved by the city council or its designated official.

- E. Dug Or Bored Well: In the case of a dug or bored well, the cover shall overlap and extend downward at least two inches (2") outside the well or curbing of the well. (1983 Code § 4.04.040)

CHAPTER 3
SEWER REGULATIONS

SECTION:

9-3-1:	Definitions
9-3-2:	Connection Required
9-3-3:	Compliance Required
9-3-4:	Connections To Public Sewer
9-3-5:	Requirements For Service
9-3-6:	Charges
9-3-7:	Prohibited Substances
9-3-8:	Construction
9-3-9:	Sewage Quantities

9-3-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

AASHO:	The American Association of State Highway Officials.
ASA:	American Standards Association.
ASTM:	American Society for Testing Materials.
AWWA:	American Water Works Association.
BUILDING SEWERS:	That part of the horizontal piping of the drainage system which extends from three feet (3') outside the building and which receives the discharge from the building sanitary sewer drainage and conveys it to the public sewer.
PUBLIC SEWERS:	The sewers constructed in streets, alleys, roadways and easements, and are the sewers to

which the building sewers connect. All public sewers are under the control of the city.

SANITARY SEWERS: Pipes which carry sewage from building sewers, but exclude storm, surface, or ground water runoff. (1983 Code § 4.08.010)

9-3-2: CONNECTION REQUIRED: Every building having plumbing fixtures installed or intended for human habitation and occupancy or use on premises abutting streets, alleys, roadways, or easements in which there are public sewers shall have a connection with the public sewer. (1983 Code § 4.08.020)

9-3-3: COMPLIANCE REQUIRED: Compliance with the currently adopted city specifications including the Montana public works standard specifications, the Belgrade modifications to the Montana public works standard specifications, and the uniform plumbing code is required for all sewer installations. (2009 Code)

9-3-4: CONNECTIONS TO PUBLIC SEWER: Connections to the public sewer shall be made with a cast iron or PVC wye branch. The wye branch furnished shall be a make specifically manufactured for the particular public sewer pipe. In all cases, the installation of the wye shall be according to the manufacturer's specifications and a watertight joint must be provided. In all cases, this will require a mastic or bonding material (usually supplied by the manufacturer) and stainless steel bands to connect the wye to the system. The wye entry into the city public sewer will be made in a downstream direction at an angle of about forty five degrees (45°). The installation of the wye branch will be inspected by the city personnel. In areas where special improvement districts have been constructed and in-line wyes are already in place, the city personnel will be contacted as to its location and the connection for the sewer service will be made into this particular wye. (1983 Code § 4.08.050)

9-3-5: REQUIREMENTS FOR SERVICE: The building sewer shall serve no more than the buildings located on one lot, with the exception where a single building and associated structures contiguous to the building occupy more than one lot. (1983 Code § 4.08.060)

9-3-6: **CHARGES:** The city will make a charge in an amount to be determined from time to time by resolution of the city council for installation and inspection of each service connection being made. Special conditions could be established by the city in the case of multiple hookups. (1983 Code § 4.08.090; amd. 2009 Code)

9-3-7: **PROHIBITED SUBSTANCES:**

- A. Unpolluted Drainage: No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into the city sanitary sewer. Any industrial development with anticipated sewer loadings containing high suspended solids, BOD, nutrient, or heavy metal contents must have their sewer application permit reviewed by the city engineer.
- B. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment and personnel of the sewage works.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wool, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- C. Interceptors: Grease, oil and sand interceptors and other treatment devices shall be provided when, in the opinion of the city, they are

necessary for the proper handling of liquid wastes containing grease in excessive amounts, organic materials in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors or treatment devices shall not be required for private living quarters or dwelling units. All interceptors or treatment devices shall be of a type and capacity approved by the city engineer or sewer superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

- D. Pretreatment; Flow Equalizing Facilities: Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (1983 Code § 4.08.100)

9-3-8: **CONSTRUCTION:**

- A. Costs And Expenses; Indemnification: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- B. Trench: When the character of the material will permit, the bottom of the trench shall be shaped to conform to the bottom of the sewer. Where the bottom of the trench cannot be shaped or rocks and boulders are present, the contractor shall provide a minimum of four inches (4") of bedding material below the service pipe and a minimum of six inches (6") of bedding material on the sides, and the top of the service pipe and shall consist of sand, sand gravel, or other suitable granular material having a maximum size of three-fourths inch ($\frac{3}{4}$ "), having uniform grading, and having a maximum plasticity of 6 as determined by AASHO methods T89-60 and T90-61. The bedding material shall be compacted to the extent that the bed of the pipe is firm and is exact to line and grade. (1983 Code § 4.08.110)

9-3-9: **SEWAGE QUANTITIES:** Where the expected sewage flow from a facility exceeds one hundred (100) gallons per minute, or ten thousand (10,000) gallons per day, a special connection application must be made to the city engineer. Within this application, information relating to flow equalizing equipment and pretreatment facilities for heavy loadings of BOD, suspended solids, nutrients and heavy metals, if any, will be required. (1983 Code § 4.08.120)

CHAPTER 4

SEWER AND WATER CONNECTIONS

SECTION:

- 9-4-1: Sewer Connection Charges
- 9-4-2: Water Connection Charges
- 9-4-3: Time Of Payment
- 9-4-4: Time Limitations For Connection And Inspection
- 9-4-5: Inspection
- 9-4-6: Violation; Penalty

9-4-1: **SEWER CONNECTION CHARGES:**

- A. Existing Sewer Line; No Special Improvement District: In the event connection is sought to any existing sewer line within the city limits which was constructed without creation of a special improvement district for the purpose of payment for said construction and maintenance of said sewer line, the connection cost to said sewer line will be in an amount to be determined from time to time by resolution of the city council.
- B. Existing Sewer Line; Assessed Within Special Improvement District: If connection is sought to a sewer line previously in existence, and constructed and maintained pursuant to the creation of a special improvement district, and the property to be served by said connection was assessed within the special improvement district created for the construction and maintenance of said sewer line, the connection cost in an amount to be determined from time to time by resolution of the city council.
- C. Existing Sewer Line; Special Improvement District; Not Assessed: If the connection sought is with reference to a sewer line constructed and maintained pursuant to the creation of a special improvement district, and the property to be served by said connection has not been assessed within said special improvement district, the connection cost will be in an amount to be determined from time to

time by resolution of the city council, plus a proportionate share of the cost of installation and maintenance of said sewer line which would have been assessed if the property had been originally within the assessment area of said special improvement district. (1983 Code § 4.10.010; amd. 2009 Code)

9-4-2: WATER CONNECTION CHARGES:

- A. Existing Water Line; No Special Improvement District: In the event connection is sought to any existing water line, within the city limits, which was constructed previous to the request for connection and was constructed without creation of a special improvement district for the purpose of payment for said construction and maintenance of said water line, the connection cost to said sewer line will be an amount determined from time to time by resolution of the city council.
- B. Existing Water Line; Assessed Within Special Improvement District: If connection is sought to a water line previously in existence, and constructed and maintained pursuant to the creation of a special improvement district, and the property to be served by said connection was assessed within the special improvement district created for the construction and maintenance of said water line, the connection cost will be an amount determined from time to time by resolution of the city council.
- C. Existing Water Line; Special Improvement District; Not Assessed: If the connection sought is with reference to a water line constructed and maintained pursuant to the creation of a special improvement district, and the property to be served by said connection has not been assessed within said special improvement district, the connection cost will be an amount determined from time to time by resolution of the city council, plus a proportionate share of the cost of installation and maintenance of said water line which would have been assessed if the property had been originally within the assessment area of said special improvement district. (1983 Code § 4.10.020; amd. 2009 Code)

9-4-3: TIME OF PAYMENT: Each of the charges as hereinabove specified shall be required to be paid at the city offices previous to connection with any sewer lines or water lines where the charges are required to be paid as provided in this title. (1983 Code § 4.10.030)

9-4-4: **TIME LIMITATIONS FOR CONNECTION AND INSPECTION:**

- A. During Regular Work Hours: Connection to the city water main and sewer laterals will be made at no extra cost to the adjacent landowner other than the required connection fee as hereinabove provided if said connections to said water main and sewer laterals are done and inspection made by the city superintendent during the normal eight (8) hour workday, Monday through Friday. (1983 Code § 4.10.040)

- B. After Regular Work Hours, Weekends Or Holidays: If connection to the city water main or sewer laterals is made after regular hours, Saturdays, Sundays, or holidays, there will be an additional charge in an amount to be determined from time to time by resolution of the city council assessed in addition to the sewer connection charge or water connection charge as hereinabove provided. (1983 Code § 4.10.040; amd. 2009 Code)

9-4-5: **INSPECTION:** All connections to water and sanitary sewer service to the city mains shall not be done without an inspection to be conducted by the city superintendent. Said inspection shall include an inspection of the service connection after construction has been completed to include refill, compacting, leveling and grading of all of the city property which was disturbed during construction of said water or sewer line connection. (1983 Code § 4.10.050)

9-4-6: **VIOLATION; PENALTY:** Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-4-1 of this code. (1983 Code § 4.10.060)

CHAPTER 5
WELLHEAD PROTECTION

SECTION:

- 9-5- 1: Short Title
- 9-5- 2: Purpose
- 9-5- 3: Definitions
- 9-5- 4: Regulated Substances
- 9-5- 5: Restrictions Within Primary Protection Zone
- 9-5- 6: Establishment Of Management Zones
- 9-5- 7: Restriction Within Management Zones
- 9-5- 8: Exemptions
- 9-5- 9: Penalty
- 9-5-10: Maps And Details
- 9-5-11: Conflict With Other Ordinances

9-5-1: **SHORT TITLE:** This chapter shall be known and cited as the
WELLHEAD PROTECTION ORDINANCE OF BELGRADE.
(Ord. 95-16, 1-22-1996)

9-5-2: **PURPOSE:** The purpose of this chapter is the protection of
health, life, resources, and property through the regulation of
hazardous substance transport and storage and related aspects of land use
and development in the vicinity of any well that supplies potable water to
the Belgrade water system. (Ord. 95-16, 1-22-1996)

9-5-3: **DEFINITIONS:** As used in this chapter, the following words
and terms shall have the meanings ascribed to them in this
section:

AQUIFER: A geologic formation, group of formations, or
part of a formation that contains sufficient
saturated, permeable material to yield signifi-
cant quantities of water to wells and springs.

COMMUNITY WATER SYSTEM ¹ :	A public water system that serves at least fifteen (15) service connections used by year round residents or that regularly serves at least twenty five (25) year round residents.
FACILITY:	A building or buildings, appurtenant structures, and surrounding land used by a single business, private entity, or governmental unit or subunit at a single location or site.
GROUND WATER:	Water in a saturated zone or stratum beneath the surface of land, whether or not it is flowing through known and definite channels.
HAZARDOUS SUBSTANCES:	Those materials specified in section 9-5-4 of this chapter.
MANAGEMENT ZONES:	A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminant sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.
PETROLEUM PRODUCT:	Fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.
POTABLE WATER:	Water that is satisfactory for drinking, culinary, and domestic purposes meeting current state and federal drinking water standards.
PRIMARY CONTAINMENT:	The first level of product-tight containment, i.e., the inside portion of that container which comes

1. MCA § 37-42-102(3).

into immediate contact on its inner surface with the hazardous material being contained.

- PRIMARY PROTECTION ZONE:** An area extending not less than two hundred feet (200') radially from any well supplying potable water to any community water system.
- PUBLIC UTILITY:** Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
- SECONDARY CONTAINMENT:** The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leakproof trays under containers, floor curbing or other containment systems and shall be of adequate state approved size and design to handle all spills, leaks, overflows. Specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.
- STORAGE SYSTEM:** Any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.
- WELL:** Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct ground water from an aquifer or aquifer system to the surface by pumping or natural flow, or to monitor the characteristics of ground water within an aquifer system. (Ord. 95-16, 1-22-1996; amd. 2009 Code)
- 9-5-4: **REGULATED SUBSTANCES:** The materials regulated by this chapter shall consist of the following:

- A. Petroleum products as defined in section 9-5-3 of this chapter.
- B. Substances listed in section 9-5-5 of this chapter, and the federal hazardous waste list.
- C. Substances other than those listed on the federal hazardous waste list that are determined by state or federal agencies to pose a significant threat to any community water supply well or well field. (Ord. 95-16, 1-22-1996)

9-5-5: RESTRICTIONS WITHIN PRIMARY PROTECTION ZONE:

- A. **Discharge Of Hazardous Substance:** No person shall discharge or cause or permit the discharge of a hazardous substance (including herbicide and pesticide) to the soils, ground water, or surface water within the primary protection zone. Any person knowing or having evidence of a discharge shall report such information to the appropriate water system personnel.
- B. **Sanitary Landfills:** New sanitary landfills are prohibited within the primary protection zone.
- C. **Use, Handling, Production And Storage Of Hazardous Substances:** The use, handling, production, and storage of hazardous substances is prohibited in the primary protection zone except as provided under section 9-5-8 of this chapter.
- D. **Feedlots:** Feedlots or other concentrated animal facilities are prohibited within the primary protection zone.
- E. **Wastewater Treatment Plants:** Wastewater treatment plants are prohibited within the primary protection zone.
- F. **Septic Tanks:** Septic tanks are prohibited within the primary protection zone. (Ord. 95-16, 1-22-1996)

9-5-6: ESTABLISHMENT OF MANAGEMENT ZONES:

- A. **First Management Zone:** Additional protection beyond the primary protection zone shall be accomplished by the establishment of management zones. The first management zone shall begin at a point or points not less than two hundred feet (200') radially from any

community water supply well and extend outward to a point or points as determined by the wellhead protection area planning committee.

- B. Subsequent And Additional Management Zones: Subsequent and additional management zones may be established whenever it is determined that the wellhead protection area needs to be expanded to provide adequate protection for the ground water within and/or adjacent to the wellhead protection area.
- C. Determination Of Size, Shape And Location: The wellhead protection area planning committee, using acceptable methods, shall determine the size, shape, and location of each management zone. The boundaries of each management zone shall be proposed and submitted for approval to city council members.
- D. Management Zone 1 Boundaries: The boundaries of management zone 1 shall begin at a point or points along the outer perimeter of the primary protection zone and extend outward to all points within and including the city limit boundaries. Furthermore, as the city limit boundaries are extended or changed, the management zone 1 boundaries shall be extended or changed in like manner and simultaneously.
- E. Management Zone 2:
 - 1. Boundaries: The boundaries of management zone 2 shall include all the area extending between the primary protection zone and/or the management zone 1 outer perimeter and a minimum of one mile radially from any well supplying water to the aforementioned community water system.
 - 2. Area: The area within management zone 2 shall be managed by conducting a public education program to inform the property owners of the need for and methods of wellhead protection. If additional management methods are necessary, the appropriate governing bodies with jurisdiction over the area within the management zone 2 shall be notified. (Ord. 95-16, 1-22-1996)

9-5-7: RESTRICTION WITHIN MANAGEMENT ZONES:

- A. Determined By Wellhead Protection Area Planning Committee: Restriction within each management zone shall be determined by a wellhead protection area planning committee.

- B. **Survey To Identify Sources Of Contamination:** The planning committee or their appointee shall conduct a survey of the wellhead area and identify the potential sources of contamination therein.
- C. **Management Methods Submitted For Approval:** After assessing the local ground water protection needs, the method or combination of management methods shall be submitted for approval.
- D. **Modification Of Restrictions:** The restrictions, if any, within each management zone may be modified periodically to provide additional protection or to prevent future contamination. (Ord. 95-16, 1-22-1996)

9-5-8: **EXEMPTIONS:** The following activities or uses are exempt from the provisions of this chapter:

- A. **Hazardous Substance:**
 - 1. **Transportation:** The transportation of any hazardous substance through the well field protection area, provided the transporting vehicle is in transit.
 - 2. **Use:** The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
 - 3. **Retail Sales Establishments:** Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
 - 4. **Storage And Use As Fuel Or Lubricant To Provide Auxiliary Power:** The storage and use of hazardous substances as fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the substance.
- B. **Use Of Herbicides And Pesticides:** The use of herbicides and pesticides is prohibited within the primary protection zone but is allowed within the management zones, provided best management practices are used or it is determined that the use of such herbicides and pesticides does not pose a serious threat to the ground water.
- C. **Emergency Services; Public Utility Facilities:** Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facilities.

D. Consumer Products:

1. Janitorial Or Minor Maintenance: Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

2. In The Home: Consumer products located in the home which are used for personal, family, or household purposes.

E. Water Treatment Chemicals: The use of water treatment chemicals connected with the operation of the well. (Ord. 95-16, 1-22-1996)

9-5-9: **PENALTY:** Any violation of this chapter occurring within management zone shall constitute a misdemeanor and be subject to penalty as provided in section 1-4-1 of this code for each separate violation hereof. (Ord. 95-16, 1-22-1996; amd. 2009 Code)

9-5-10: **MAPS AND DETAILS:** Complete details of this chapter as well as maps illustrating the areas referred to herein may be inspected at the city hall and copies may be obtained at a reasonable charge for copying. (Ord. 95-16, 1-22-1996)

9-5-11: **CONFLICT WITH OTHER ORDINANCES:** In case of a conflict between this chapter, or any part thereof, and the whole or part of any existing or future ordinances, the provisions of the most restrictive shall apply. (Ord. 95-16, 1-22-1996)

