

RULES AND REGULATIONS SOMERS COUNTY WATER AND SEWER DISTRICT

AN ORDINANCE ESTABLISHING THE RULES, REGULATIONS, AND SERVICE CHARGES FOR THE SOMERS COUNTY WATER AND SEWER DISTRICT.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SOMERS COUNTY WATER AND SEWER DISTRICT THAT AN ORDINANCE REGULATING THE SUPPLY OF WATER AND THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION, CONNECTION AND EXTENSION OF WATER DISTRIBUTION LINES AND BUILDING SEWERS, THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, SERVICE CHARGES FOR CUSTOMERS LOCATED WITHIN THE WATER SERVICE AREA, OUT-OF-DISTRICT WATER CUSTOMERS AND A PROCEDURE FOR DETERMINING SERVICE CHARGES TO BE LEVIED ON THE OWNERS LOCATED IN THE SOMERS COUNTY WATER AND SEWER DISTRICT, COUNTY OF FLATHEAD, STATE OF MONTANA, BE ADOPTED AS FOLLOWS:

ARTICLE I

DEFINITIONS

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

- (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.
- (2) "Board" shall mean the board of directors of the Somers County Water and Sewer District.
- (3) "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 outside the inner faces of the building wall.

SOMERS COUNTY WATER AND SEWER DISTRICT
RULES AND REGULATIONS
ADOPTED 10/10/01 REVISED
2ND REVISION 9/13/04
3RD REVISION 3 /8/06
4TH REVISION 3/12/08
5TH REVISION 7/10/13
6TH REVISION 4/1/18
7TH REVISION 4/1/21
8TH REVISION 10/12/22

(4) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).

(5) “Collection Main” or “Main” means a sewer pipe owned, operated and maintained by the District, which is used for the purpose of collecting sewage, and to which service connections are attached.

(6) “Combined Sewer” shall mean a sewer intended to receive wastewater and storm water or surface water.

(7) “Curb Box or Valve Box” A metal or plastic pipe with cap connecting to the underground control valve for purpose of inserting a wrench for the purpose of turning water service on or off.

(8) “Customer” or “Consumer” shall mean an individual, partnership, association, firm, public or private corporation, or government agency receiving water and/or sewer service from the District. In the case of a tenant/landlord relationship, the landlord is considered the customer or consumer.

- a. Residential customers are those receiving water and/or sewer service solely for domestic purposes in single family dwelling houses.
- b. Commercial customers are those receiving water and/or sewer service for use in connection with a business, industry or commercial enterprise. Multi-family dwelling units, such as mobile home parks, trailer parks, RV parks, apartment houses, town houses, condominiums, time share units, rooming houses, motels, emporium shops, malls, dormitories, or the like, receiving metered service through one meter are regarded as commercial customers. When a structure is used for both commercial and residential purposes, then it is regarded as a commercial customer.

(9) “Developer” means any person, firm, corporation or other entity who causes improvements to be made upon its land owned by them which requires water and/or sewer service.

(10) “District” shall mean the Somers County Water and Sewer District.

(11) “Domestic Sewage” is defined as the liquid waste conducted away from any building which contains organic matter (associated with products consumed by humans).

(12) “Dry Well” shall mean a fully enclosed, atmospherically controlled, separate structure housing sewer pumps, controls and other appurtenances.

(13) “Dwelling Unit” shall mean one or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A dwelling unit must contain kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. Adopted as per Flathead County Zoning Regulations 7.05.140.

(14) “Engineer” Person or firm hired by the District to provide professional expertise in design and operation of the system.

(15) “Employee” Anyone hired by the District to perform labor services under the direction of the General Manager.

(16) “Extension Agreement” shall mean an agreement between the District and a Developer which allows the developer to connect their water and/or sewer line onto a main owned by the District, to obtain water and/or sewer service. The agreement shall set forth the value of the extended main and the charges which customers connected to the main must pay to the Developer or the District. Every Extension Agreement must be approved by the Board and signed by the Chairman and Secretary of the District and the Developer.

(17) “Family” shall mean one or more persons related by blood, marriage, adoption, or a group of not more than five persons, excluding servants, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. Adopted as per Flathead County Zoning Regulations 7.07.010.

(18) “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 fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

(19) “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(20) “General Manager” shall mean the person employed by the District to operate and oversee the water and/or wastewater systems and carry out the policies of the Board.

(21) “Grease Trap” a pretreatment device for the capture, by gravity, of oil, fat, and grease.

(22) “Industrial Wastes” shall mean the wastewater from industrial processes, trade, or business and distinct from domestic or sanitary wastes.

- (23)** “Lift Station” shall mean that combination of wet well and dry well specifically designed to pump sewage.
- (24)** “Meter” shall mean a device for registering water flow and any appurtenances thereto as a remote read-out, meter pit, and curb stop.
- (25)** “Natural Outlet” shall mean any outlet, including storm sewers or other overflow system, into a water course, pond, ditch, lake, or other body of surface water or groundwater.
- (26)** “Non-Primary Residence” shall mean a building occupied less than six months of a calendar year.
- (27)** “Owner” shall mean any person, firm, corporation or other entity owning land in the District. A purchaser under contract for deed shall be considered the owner of the land.
- (28)** “Original Somers Construction Townsite” shall mean the area which was included during the water construction project which was completed in 1990.
- (29)** “Person” shall mean any individual, partnership, company, association, society, corporation or group.
- (30)** “pH” shall mean an expression of the intensity of the basic or acidic condition of a liquid. Mathematically pH is a logarithm (Base 10) of the reciprocal of the hydrogen ion activity. $pH = \log 1/(H)^+$ The pH may range from 0-14 where 0 is most acidic, 14 most basic, 7 neutral. Natural waters usually have a pH between 6.5 and 8.5.
- (31)** “Point of Delivery” means the point at which the customer’s service pipe connects with the District main.
- (32)** “Primary Residence” shall mean the building occupied six months or more of a calendar year.
- (33)** “Private Wastewater System” shall mean any sewage system which is not connected to the public sewer.
- (34)** “Private Water System” shall mean any water well system which is not connected to the District water distribution system or not owned by the District.
- (35)** “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 in any direction.

(36) “Public Sewer” shall mean the sewer system controlled and operated by the District.

(37) “Sanitary Sewer” shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plant, and institutions together with minor quantities of ground and surface waters that are not admitted intentionally.

(38) “Service Agreement” means the agreement or contract between the District and the customer pursuant to which water and/or service is supplied and taken.

(39) “Service Area” means any area defined by boundaries as shown on the attached map titled Exhibit “A” within which the District will furnish water or sewer service in accordance with the provisions of this ordinance and as amended from time to time.

(40) “Service Connection” means the connections at the main which connects the customer’s service pipe to the public water and/or sewer main.

(41) “Septage” means waste materials from cesspools, septic tanks or privies.

(42) “Sewage” shall mean the wastewater of a community.

(43) “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

(44) “Service Pipe or Service Line” mean the pipe running from the main to the customer’s premises.

(45) “Sludge” shall mean precipitated solid matter produced by water and sewage treatment process.

(46) “Slug” shall mean any discharge of water wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the twenty-four (24) hour average concentration of flows during normal operation and shall adversely affect the collection systems and/or performance of the wastewater treatment works.

(47) “Standards” as defined by the current edition of the STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER published by the American Public Water Association, American Water Works Federation, Water Pollution

Control Federation.

(48) “Storm Drain” and “Storm Sewer” shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(49) “Suspended Solids” or “TSS” shall mean total suspended matter that either floats on the surface, or in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “STANDARD METHODS OF EXAMINATION OF WATER AND WASTEWATER” and referred to as nonrefilterable solids.

(50) “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(51) “Wastewater” shall mean the spent water of a community. From the stand point of source, it may be a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present.

(52) “Wastewater Facility” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(53) “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(54) “Wet Well” shall mean that fully enclosed separate structure to receive sewage for handling at a lift station.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Section 1. After October 11, 1995, any privy, privy vault, septic tank, cesspool, or other individual means of sewage disposal within the District shall be discontinued from use, and shall be removed, filled or covered as the General Manager shall determine to prevent a nuisance or hazard. If any secondary disposal appurtenance or previously undiscovered privy, privy vault, septic tank, cesspool, or other means of sewage disposal is uncovered, or those which have been filled settle, any repair or subsequent filling is the responsibility of the owner. And it shall be unlawful to discharge any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provision of this ordinance. The owners of all buildings discharging any water (except unpolluted water) situated within the District boundaries are hereby required, at their expense, to connect their building sewer with the District sewer in accordance with the provisions of this ordinance within sixty (60) days after date of notice to do so. Exception may be granted when the property line is over 300 feet from a District sewer line and a nuisance is not being created. When the District sewer is extended to within 300 feet of the property line, it shall be connected to the District sewer line as required by the General Manager.

Section 2. A separate and independent sewer line shall be provided for each tract of record which has a building on it and is being used for sewer service. This line may be extended to a separate garage, guest house or other outbuilding used by the occupants of the dwelling unit. If any of the outbuilding or any part of the residential unit becomes a rental or an income producing entity, it then will be considered a dwelling unit and will pay a minimum monthly charge plus usage.

If the property is split, a separate and independent line must be run to any unit on that property, at the owner's expense with all applicable fees paid, within 60 days of the legal property split.

Section 3. Except as provided in this section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank drain field, cesspool or other facility intended or used for the disposal of wastewater. However, a sealed vault privy may be used for non-primary residences provided the building has no indoor plumbing and does not

generate wastewater. Should indoor plumbing be installed in such a structure at a later date the owner will be required to connect such facilities directly with the district sewer at the owner's expense and in accordance with the provisions of this ordinance. The sealed vault privy shall be designed and installed in accordance with Flathead County's regulations governing individual sewage systems, and the Rules and Regulations of the District.

ARTICLE III

PRIVATE SEWER DISPOSAL SYSTEM (AREAS UNABLE TO BE SERVED BY PUBLIC SEWER)

Section 1. Where the public sewer main is not within 300 feet of the property line the building sewer shall either be connected to a private sewer disposal system complying with the provisions of this ordinance or the owner may pay for the extension of the District's sewer, with appropriate manholes, and connecting to it.

Section 2. Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit (Permit SCWSD #1) from the District. The application for such permit shall be made on a form furnished by the District which the applicant shall supplement with any plans, specifications or other information the General Manager deems necessary. A non-refundable permit and processing fee shall be paid to the District at the time the application is filed. The validity of a permit for construction of a private system will be contingent upon the issuance of a permit for the same system by the Flathead County Health Department and must meet all applicable standards.

Section 3. A permit for a private sewer system shall not become effective until the installation is complete to the satisfaction of the General Manager or the Flathead County Sanitarian. The General Manager shall be allowed to inspect the work at any stage of construction and, in any event, the applicant shall notify the General Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the notification and the applicant shall maintain the private sewer disposal facilities in a sanitary manner at all times at no expense to the District.

Section 4. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance. At that time, any private sewer system shall be cleaned of septage and filled with suitable fill material as required by the General Manager.

Section 5. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Montana Department of Environmental Quality (DEQ) and regulation for sewage treatment systems of Flathead County. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 6. No statement contained in this article shall be construed to interfere with any requirements that may be imposed by the County Sanitarian.

ARTICLE IV

PROCEDURE FOR CONNECTION AND USE OF DISTRICT WATER AND/OR SEWER

Section 1. Water and/or sewer service will be supplied only under and pursuant to these rules and regulations and any modifications or additions made hereafter and under such applicable rate schedule as may, from time to time, be set by the Board.

Section 2. All property not already connected to the system desiring water and/or sewer service must make written application to the District on forms provided therefore, setting forth in the application the type of sewage to be discharged into the District sewage system and the size and type of lines to be connected. Only the owner of record of the property or authorized representative may make applications for water and sewer service. All property within the District must request and install both water and sewer service. Properties outside the boundaries of the District may request water service only. Requests for water only or sewer only within the district will be denied by the General Manager. Applicants may approach the Board of Directors at their regular monthly meeting to request a variance. All required permit fees must be paid before the application can be processed.

Section 3. Applications which have been approved in writing by the General Manager, or an authorized representative, for water and/or sewer service shall constitute a right to the customer to receive water and/or discharge sewage for the purposes specified in the permit (Permit SCSWD #2), subject to any condition made by the District, and subject to the rules and regulations of the District. Any person or contractor working on facilities owned by the District must furnish the District with a certificate of Worker's Compensation or a waiver of insurance from the State Compensation Division Office and proof of a Commercial General Liability Coverage to include XC and U coverage in the amount of at least one million dollars (\$1,000,000.00). The certificate shall become a part of the application for service for water and/or sewer.

Section 4. The District may decline to serve an applicant or user:

(1) If the applicant or user has failed to comply with these Rules and Regulations governing water and/or sewer service, or

(2) If, in the judgment of the General Manager, the applicant's or user's installation of piping, equipment or appurtenance is regarded as a potential health hazard, or

(3) The applicant's or user's system could cause harmful effects to the water

system or to the District's ability to satisfactorily treat such sewage within the limitations of District's disposal system.

Section 5. No unauthorized persons shall uncover, make any connections with or opening into or disturb any public water and/or sewer or appurtenance thereof without first obtaining a written permit from the General Manager. A fee for in-district will be charged to cover inspection. An additional fee may be charged to cover materials and equipment costs.

Section 6. There shall be three (3) classes of building sewer permits: (a) residential service (b) commercial service, and (c) for service to establishments producing industrial wastes.

In each case, the owners shall make application on forms furnished by the District. A permit and review fee for a residential sewer permit, a fee for a commercial permit and for an industrial sewer permit shall be paid to the District at the time of application being filed with the General Manager. The permit application shall be supplemented by any plans, specifications or other information required by the General Manager. Applications for commercial or industrial must be supplemented with engineered plans, specifications, or other information required by the General Manager, and must be reviewed by the District Engineer. Any costs incurred by the district in reviewing the application shall be deducted from the deposit paid by the applicant after the review is complete.

Section 7. If necessary, an easement for the purposes of construction, inspection, observation, pumping, measurement, sampling, repair, and maintenance of any portion of the water and/or sewer facilities shall be provided to the District, at no cost to the District, by owners at the time the application for the building water and/or sewer permit is approved. The District's responsibility ends at the property line or the easement boundary.

Section 8. A plant investment fee and connection/inspection fee shall be paid to the District at the time the application is approved by the General Manager.

Connection Fee: All persons, firms, corporation or others requesting connection to the District water and sewer system shall pay fees to cover cost of labor and materials, to make the tap, cost of the water meter, meter pit, curb cock, corporation stop, sewer wye, grease trap, or other appurtenances, and to make the inspection of the service lines and/or mains. The fees assessed are to be for time and materials plus inspection.

Plant Investment Fees: (a) All persons, firms, corporation or others requesting connection to the District water system shall be assessed a plant investment fee to cover

their proportionate share of the capital costs of the existing system as determined by the District at the time of the application. **(b)** The plant investment fee shall be paid before service is rendered. If a larger capacity service is required on a piece of property, only the difference of capacity shall be charged. If a building on a piece of property which has been connected to the water system is demolished and/or a new building is constructed the plant investment fee shall only be applied to the difference in capacity.

All new subdivisions will be required to pay water and sewer plant investment fees for each new lot to be served after District approval and before final plat approval.

Applicant must also pay the Lakeside Plant Investment Fees at the same time.

Section 9. All costs and expense incurred to install and connect the water and/or building sewer to the District's mains shall be paid by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the connection of the building sewer or water system to the main.

Section 10. Old building sewer lines may be used in connection with new buildings only when upon examination and testing by the General Manager, they are found to meet all requirements of this ordinance.

Section 11. Upon application and approval the sewer and water plant investment fees, will be paid upon approval by the District. The cost of the sewer and water plant investment fees will be determined in accordance with the Schedule of Fees adopted by the Board

Section 12. If a customer furnishes water or sewer service to others, or to additional dwelling units, without permission from the District, it shall be considered a violation of the water service agreement. Fifteen days after written notice water service may be discontinued by the District. Service will not be re-established until the violation has been corrected and a reconnection fee is paid.

Section 13. The size, slope, alignment, materials of construction of all water and/or sanitary sewers, including building sewers, and the methods to be used in excavating, placing of pipe, jointing, testing and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the State of Montana, Flathead County, and the District. In the absence of code provisions, the materials and procedures to be used shall be as the General Manager shall require. All excavation over and around the main to connect shall be done by and at the expense of the customer. All connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the General Manager before installation. The connection and testing shall be done by the customer under the supervision of the General Manager or a representative.

Section 14. Whenever possible, the building sewer shall be discharged from 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 District and discharged to the building sewer.

Section 14.1. Where the connections to the District sewer lines cannot be installed to provide gravity flow, lift stations shall be required.

Section 14.2. Lift stations installed shall be designed by registered, certified, professional licensed engineers. All plans, specifications and other information shall be submitted to the Somers County Water and Sewer District for review and approval. No construction shall commence until written approval is given by the Somers County Water and Sewer District, the Montana State Department of Environmental Quality, or other appropriate agencies.

Section 14.3. For Commercial and Industrial customers wet wells shall conform to the following:

A. The structural design shall be adequate to withstand all earth loads and interior loads.

B. The effective capacity shall provide a holding period of not less than ten (10) minutes for the design average flow.

C. The wet well floor shall have a minimum slope of 1 to 1 to the hopper bottom. The horizontal area of the hopper bottom shall be no greater than necessary for the proper installation and function of the inlet.

Section 14.4. For Commercial and Industrial customers pumps and controls shall conform to the following:

A. Pumps shall be capable of passing spheres of at least three (3) inches in diameter, pump suction and discharge shall be at least four (4) inches in diameter.

B. Two pumps shall be provided. Provisions shall be made in the controls to alternate pump starting.

C. Each pump shall be capable of handling flows in excess of the expected maximum flow.

D. Each pump shall be sized to provide a discharge with a minimum velocity of two (2) feet per second.

E. The pumps and pump bases shall be sufficient to prevent vibration or other undesirable conditions contributing to early pump failure.

F. Each pump shall have an individual intake.

G. All pumps shall be self priming.

H. Suitable shut-off valve shall be placed on suction and discharge lines of each pump. A check valve shall be placed on each discharge line between the shut-off valves and the pump. All valves shall be above grade and accessible for operation and service without having to enter a confined space.

I. The sewage pumps shall be controlled by a system capable of operating two pumps and including, but not limited to, pump alternator, hand-off-automatic (HOA) selector switches, pump running lights, motor combination starters and high level alarms circuit for remote monitoring alarm with silencers.

J. All control apparatus shall be heavy duty and specifically manufactured for operation under dry well conditions.

Section 14.5. Auxiliary Power. Provisions for an emergency power supply for pumping stations serving fifty (50) or more homes should be made, and may be accomplished by connection of the station to at least two independent public power sources, or provisions of portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Where in-place internal combustion equipment is utilized, the following guidelines are required:

A. Placement: The unit shall be bolted in place. Facilities shall be provided for unit removal for purposes of major repair or routine maintenance.

B. Controls: Provision shall be made for automatic and manual start-up and cut-in.

C. Size: Unit size shall be adequate to provide power for lighting and ventilation systems and such further systems affecting capability and safety, and

D. Ventilation: Adequate ventilation shall be provided.

Section 14.6. Inspection. At all times during construction, the lift station shall be open for inspection by the General Manager and/or representatives of the Montana Department of Environmental Quality.

Section 15. All excavations shall be adequately guarded with barricades and lighted as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District. The owner shall indemnify the District from any loss or damage that may be directly or indirectly be occasioned by the installation of the building service pipe to the main and for any other property damage or personal injury resulting from the negligent acts of the owner or his representatives.

Section 16. Each tract of record shall have a separate and appropriately sized water service line, a corporation stop, curb cock, meter and meter pit, and curb box, each of a type approved by the District, must be installed by the customer at a location designated by the District.

- a. Residential Service: A separate and independent water line shall be provided for each tract of record which has a building on it and is being used for water service. With District approval, this line may be extended to a separate garage, guest house or other outbuilding used by the occupants of the dwelling unit. If any of the outbuilding or any part of the residential unit becomes a rental or an income

producing entity, it then will be considered a dwelling unit and will pay a basic monthly charge plus usage.

- b. **Commercial Service:** In the cases of mobile home parks, trailer courts, RV parks, apartment houses, town houses, condominiums, time share units, rooming houses, motels, emporium shops, malls, dormitories, or the like, where individual metering is not practical; and a single owner or association of owners is primarily responsible for the payment of water and/or sewer system usage, the District may require only one water meter to determine water consumption for all units and will render only one bill for the complex.

Any changes to use must be reviewed and approved by the District with permit application prior to making changes. If the property is split, a separate and independent line must be run to any unit on that property, at the owner's expense with all applicable fees paid, within 60 days of the legal property split.

Section 17. Wasting of water is prohibited and customers must keep their fixtures and service pipe in good order at their own expense. All waterways must be closed when not in use. Leaking fixtures must be repaired immediately without waiting for notice from the District.

Section 18. The customer shall be responsible for all damage to, or loss of, District's property located upon customer's premises including damage by hot water, unless occasioned by circumstances beyond their control or by negligence of District. The use of water upon the premises of the customer is at the risk of the customer. The responsibility of the District shall cease at the point of connection with the customer's service the customer's curb box or meter pit whichever is nearer to the Districts water main. The District will be responsible for the sewer service from the point of connection to the District main to the edge of the road right of way or road easement or utility easement.

Section 19. The customer shall be responsible for the installation and maintenance of all piping, plumbing, and equipment connected, or to be connected to District's water distribution system or sewer collection system. District shall not be liable for any loss of damage of any nature whatsoever caused by or arising from the operation of the customer's piping or equipment or from any defect in the customer's piping or in the customer's equipment upon the premises of the customer. District does not assume the duty of inspecting the customer's line, plumbing, and equipment and shall not be responsible therefore, but the customer shall grant permission for duly authorized employees or agents of District to make investigation, at reasonable times, of the use of water or sewer in premises served.

Section 20. The district accepts no responsibility for damage caused to the customers' property or equipment by fluctuating pressures or volume of water.

ARTICLE V

EXTENSION OF WATER AND/OR SEWER MAINS

Section 1. Developer shall pay the cost of all main extensions and they shall be designed and installed in accordance with standards as set forth by the Flathead County Sanitation, Montana Department of Environmental Quality or the District standards.

Section 2. If the District requires the developer who is extending the water main and/or sanitary sewer improvements to install larger size water main and/or sanitary sewer improvement than required by the District standards, the District may pay only the difference in cost between the larger water main and/or sanitary sewer and the improvements required by the standards.

Section 3. The District reserves the right to further extend the water main and/or sanitary sewer improvements installed by the Developer. The District also reserves the right to charge future Developers, beyond those areas outlined in an Extension Agreement, for their share of the Districts cost for the over-sizing of water mains and/or sanitary sewer improvements.

Section 4. The Developer agrees to annex into the District if the land is contiguous or becomes contiguous to the boundaries of the District and agrees to pay all expenses thereto.

Section 5. The Developer agrees to turn over all ownership rights of main line

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extensions to the District without compensation from the District. The Developer further agrees to grant easements to those extensions without further compensation. All connection/inspection fees for services shall be applicable and payable at time of connection and are the responsibility of the Developer.

SOMERS COUNTY WATER AND SEWER DISTRICT
RULES AND REGULATIONS
ADOPTED 10/10/01
7th REVISION 4/1/21
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ARTICLE VI

LIMITATIONS OF USE OF PUBLIC SEWER

Section 1. No persons shall discharge or make connection of roof downspout, 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 sewer unless such connection is approved by the General Manager for the purposes of disposal of polluted surface drainage. Storm water 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 General Manager and other regulatory agencies which may have jurisdiction.

Section 2. No person shall discharge or cause to be discharged any of the following described water or wastes to the public sewer:

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

B. Any waters containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by injection with other wastes, to contaminate the sludge of the District's system to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment plant.

C. Solid or Viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the facilities such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paper dishes, paper and plastic cups, milk containers, contraceptive articles, feminine hygiene products, etc.

D. 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.

Section 3. The following described substances, materials, waters or wastes shall be limited in discharge to the public sewer to concentrations or quantities which will not harm either the sewers, the sludge, the sewer treatment process or equipment, will not have an adverse effect on the discharge or will not otherwise endanger people, property or constitute a nuisance. The Board may set more restrictive limitations than the limitations established in this article if, in its opinion, such limitations are necessary to meet the above objectives.

In forming an opinion as to the acceptability of wastewater, the Board will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the

waste in the wastewater treatment plant, and other pertinent factors. All flows having characteristics less than those outlined below will be considered to be classified as normal residential sewer flows. Additionally, limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without proper approval of the Board. Those flows which need Board approval are as follows:

- A. Sewage having a temperature higher than 150 degrees Fahrenheit.
- B. Sewage containing more than 25 milligrams per liter of petroleum, oil, non-biodegradable cutting oils, or products of mineral oil origin.
- C. Any waters or wastes containing odor-producing substances.

Section 4. If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which contain the substances or possess the characteristics above the quality or stronger than those enumerated in this article the Board may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the public sewer.
- C. Require control over the qualities and rate of discharge.
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of those plants and equipment shall be subject to the review and approval of the Flathead County Sanitarian, the Montana Department of Environmental Quality and/or the District.

Section 5. Additionally:

- A. Any waters or wastes containing odor-producing substances.
- B. Any sewage from industrial plants containing floatable oils, fat or grease.
- C. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from residences and commercial establishments where garbage originates from the preparation of food in kitchens from the purpose of consumption on the premises or when served by caterers.
- D. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such a degree that any such material received in the sewer at the sewer plant exceeds the limits established by the Board for such materials.
- E. Any radioactive wastes or isotopes.
- F. Any waters or wastes containing substances which are not suitable for treatment or reduction by the sewer treatment process to such a degree that the treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharges of the receiving waters.

G. Any quantities or flow, concentrations or both which constitute a “slug”.

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

Section 6. Grease, oil, sand interceptors and other treatment devices shall be used when, in the opinion of the District they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, organic materials in excessive amount, or any flammable wastes, sand, or other harmful ingredients. All interceptors or treatment devices shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection.

In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the General Manager. Any removal and hauling of the collected materials not performed by the owner or his personnel must be performed by a licensed waste disposal company at the owners expense.

Section 7. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes (those wastes not classified as normal residential sewage) 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 accessible and safely located and shall be constructed in accordance with plans approved by the Board. 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.

Section 8. The District may require an owner to provide information needed to determine compliance with this ordinance such as:

A. Sewer water discharge peak rate and volume over a specified period of time.

B. Chemical analysis of sewer water.

C. Information on raw materials, processes, and products affecting sewer water volume and quality.

D. Quality and disposition of specified liquid, sludge, oil, solvent, or other materials important to sewer use control.

E. Details and plans of sewer water pretreatment facilities.

F. A plot plan of sewers on the user’s property showing sewer and pretreatment facility locations.

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

Section 9. 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 *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 District General Manager.

ARTICLE VII

MONTHLY FEES AND SERVICE CHARGES

Section 1. The purpose of this Article is to generate sufficient revenue to pay all costs for the operation, maintenance and debt retirement of the complete water and sewer systems of the District. Factors such as strength, volume and delivery flow rate shall be considered and included as the basis for each user's service charge. The purpose of these scheduled charges is to ensure a proportional distribution of operation and maintenance costs to each user, as well as any other factors the District may deem pertinent in setting a fair and equitable rate.

Section 2. The District shall determine the total annual costs of operation and maintenance and debt retirement of the water and wastewater system which are necessary to maintain the capacity and performance of the systems. The total annual cost of operation and maintenance shall include but not be limited to: labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

A Reserve Account will be established for the purpose of providing sufficient funds for obtaining and installing equipment and accessories during the useful life of the water and wastewater facilities.

The Reserve Account will be funded as an interest bearing federally insured account and shall be funded by deposits of surplus funds as determined by the Board from time to time.

Section 3. All District customers shall have a water meter installed. The meter reading will be used as a basis for a portion of water and sewer service charge.

Section 4. Any sewer flow with BOD and/or TSS greater than the residential average strength of 250 ppm BOD and 250 ppm TSS will pay a surcharge in accordance with the Somers Schedule of Fees.

Section 5. Each owner's sewer service charge shall be a combination of: (1) a rate based on the amount of water used by each owner, and (2) a sewer surcharge consisting of the construction costs and the bonded indebtedness and the costs of operation and maintenance for each service connection. (see Schedule of Fees)

For all residential connections, the months of May through October, the rate shall be based upon actual winter (November first through April 30) averages. Non-residential services must, at their own expense, install a separate meter to distinguish between actual

sewer usage and irrigation water.

Each user's wastewater treatment cost and surcharge shall be added together to determine their service charges. Residential users may be considered to be one class of users and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The District may classify industrial, commercial and other nonresidential establishments as a residential user with respect to volume, suspended solids and BOD, with applicable fees.

Section 6. Each owner's water service charge shall be a combination of: (1) a rate based on the amount of water used by each owner, and (2) a water surcharge consisting of the construction costs and the bonded indebtedness and the costs of operation and maintenance for each service connection. (see Schedule of Fees)

Customer's will be responsible for all expenses, i.e. parts, labor, etc. related to connection to the District's Water System. All expenses must be paid, in full, prior to water connection.

Section 7. Water service for public fire protection shall be free of charge in exchange for the exercising of the hydrant and hydrant valves by the Somers Volunteer Fire Department under the supervision of the General Manager.

The above agreement for hydrants located in the service area is for hydrants installed at locations where District owned water mains of adequate capacity exist. Water taken under this agreement is to be used only for extinguishing of fires and cleaning of streets, unless otherwise specified by the General Manager.

Section 8. The minimum monthly fee will be charged for all connections serving residential, commercial, industrial or multiple family residences regardless of occupancy and status of service. For multiple dwelling units the minimum shall be charged for each residence or apartment regardless of occupancy and status of service.

Section 9. Owners of property will receive the monthly statement and shall be responsible for payment of water and sewer services to that property regardless of occupancy. Upon change of ownership of said property, all unpaid charges must be brought current in order for service to continue.

Section 10. The District shall submit monthly statements to the property owner for the property's water and/or wastewater service. Unless otherwise agreed to by the District, charges will commence on the day the user is connected to the water distribution and/or wastewater collection system.

Each owner will be notified of the rate and that portion of the user charges which are attributable to the water service or wastewater collection and treatment.

The District may accept prepayment of the debt retirement portion of the service charges.

Section 11. A charge for customer requested disconnection or reconnection of services will be paid in accordance with the Schedule of Fees.

Section 12. The District may refuse service to any delinquent property owner owing the District for service, until such past balance plus a reconnect fee has been paid. The District may also refuse service based upon the lack of capacity to provide service. If a customer owns or rents more than one piece of property in the District, all accounts must be current or the District may deny service to said customer, even though one may be current.

Section 13. The District may discontinue service, without notice, to any customer when any evidence of tampering with the meter or interfering with the proper functioning thereof or any unauthorized use or diversion of service is found. All applicable disconnect and reconnect fees shall apply.

Whenever service is discontinued under this rule, the District shall not be required to restore service until a settlement has been made. In cases where the meter seal is broken, or the working parts of a meter have been tampered with, or the meter damaged, the District may render a bill for the current month based upon the average of the preceding two month's use, together with the full costs of repairing and replacing the meter and may refuse to furnish water service until the account is paid in full.

The District may require as a condition of restoring service that the customer make a deposit on account equal to the current costs of replacing water service.

Section 14. Anyone discharging wastes to the sewer that may cause damage or exceed limitations will be charged 10 times the normal rate for that billing period along with any repair costs. Subsequent violations may result in discontinued service.

ARTICLE VIII

METERING

Section 1. Meter Installation: The customer will pay for the meter, meter-pit, and curb stop whenever necessary, and the customer shall provide and maintain a location satisfactory to the District for the installation thereof as close as possible to the public right of way. Ownership of these items will be that of the District and installed under the direction of the General Manager.

Section 2. Customer's Responsibility: The customer shall exercise reasonable care in protecting the District's meter and other District owned equipment. Only District employees or agents or persons authorized by law are permitted to inspect or handle same.

Section 3. Meters sealed: All meters may be sealed by District. The breaking of seals by unauthorized persons or tampering with meters is prohibited, and may result in discontinuation of service and criminal charges may be filed at discretion of the board.

Section 4. Access to Premises: The duly authorized employees and agents of District shall have access at all reasonable hours to the premises of the customer for the purpose of reading or testing of meter, installing, removing, or replacing District property, inspecting lines and other purposes incidental to the supplying of service.

Section 5. Extra Meters: When a customer desires one or more secondary meters for various tenants in a single building, the customer will be required to pay for, read and repair the secondary meter. District will not render bills based on the readings of such secondary meters and all use from one service must be billed to and paid by one customer.

Section 6. Type of Meters: District, shall in its sole judgment, determine the size, type and make of any meter installed and may replace any meter at such time as it may see fit.

ARTICLE IX

BILLING METHODS

Section 1. The District will read meters normally once each month. The day of the month for reading any meter will be determined by the District and shall, as closely as practicable, be the same each month. If the meter reader is unable to gain access on his regular meter reading trip, the District may estimate the meter reading and render a bill on the estimated reading.

Section 2. Method of Billing: The billing for domestic residential water and/or sewage shall be based on the volume of flow, as determined by water meter readings. The billing for residential sewage will have a minimum monthly charge plus charges for usage. There will be no sewer charge for water passing through the meter which is reasonably determined to be used for irrigation. The sewer billing for commercial customers will be based on actual water meter readings, no irrigation rates will be calculated. If a commercial customer irrigates, the owner must install a water meter which will meter irrigation water only and will be billed accordingly. Irrigation meters will be billed the same rates as residential meters. The billing for industrial wastes shall be based on the water meter reading plus an increased amount, as determined by the Board to cover the special or increased cost of treating said waste beyond those flows defined as normal domestic sewage.

Section 3. The District will normally send bills at monthly intervals but may send bills at other than monthly intervals to provide certain operating economics.

Section 4. Opening and closing bills for water and/or sewer service rendered for periods of five days more or five days less than the normal billing period will be computed in accordance with the rate applicable to the service, by amount of water used and minimum rate, on a non-prorated basis of the number of days in the normal billing period.

Section 5. All water and/or sewer bills shall be due and payable when mailed and become delinquent 30 days thereafter. The District shall add a penalty in accordance with the Somers Schedule of Fees on the outstanding balance of the charge due if payment is not received by the District within 30 days of the date of original mailing of bill. If a customer fails to pay the water and/or sewer bill and penalty, in full then the District may notify the customer in writing that the District will terminate the customer's water and/or sewer service. The notice must inform the customer of the possibility of the termination of water and/or sewer service and a procedure for challenging a disputed bill. If a customer is not able to pay the total amount of the bill, a suitable payment schedule may

be made by the District; provided however, that no outstanding balance shall be permitted to exceed the equivalent of two (2) months average bill on the property. All current charges must be paid each month as well as agreed upon payment on past due balances.

Section 6. In the event the District has terminated a customer's water and/or sewer service as set forth in Section 5, or for any other reason set forth in these rules and regulations, and the customer fails to reinstate said service within thirty (30) days of the termination by paying any and all outstanding fees, including any outstanding penalty, the water and/or sewer service shall be automatically deemed abandoned. The cost incurred by the District to remove the service as well as any outstanding debts, up to point of abandonment, owed upon the property will be placed on the property tax rolls on September 1 of the year in which the debt occurred or abandonment had taken place. If any individual, including said customer, desires water and/or sewer service at said location thereafter, they must reapply as a new service and will only be considered for service in the event said service is then available.

Section 7. If a customer requests that a water and/or sewer service be abandoned, no monthly bill will be generated as of date of abandonment of the service. The owner is responsible for the abandonment of said service and must inform the General Manager of such action. Inspection, by the General Manager or designated employee of the District, of the abandonment of the line must be done prior to the time any backfilling is completed. Water meter, meter pit and any other appurtenances must be returned to the District upon completion of the abandonment. If service is required in the future the owner of the property must reapply as a new service and will only be considered for service in the event said service is available.

Section 8. The customer, upon request, is to be instructed by the District on how to read the water meter. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Board, in writing, within five days of receipt of the billing in question.

Section 9. If the customer disputes the accuracy of the meter, the District may, at the customer's expense, determine its accuracy. If the meter is found to be inaccurate over two (2) percent, the District shall make the necessary repairs, at the District's expense, to bring the meter into tolerance or replace the meter. Billing adjustments shall be made for inaccurate meters in the same manner and in accordance with Article VII.

If a customer requests a new meter based upon high consumption, the customer will be responsible to pay for the cost of the labor, new meter and/or meter testing. If the meter test shows that the meter has been over registering, or if the new meter installed registers less than the old meter, all costs will be refunded. Bills will be recalculated according to the previous years' same period, which the customer first reported possible

discrepancy usage. Any difference in overbilling will be credited to customers account.

Section 10. If an error in billing has been made, the Board may recover any under billing or refund any over collection for a period of 6 months preceding the date the error is determined.

Section 11. Each user wishing to dispute the amount shown as due on the monthly statement may do so by writing the District General Manager, PO Box 117, Somers Montana 59932, or by presenting a complaint in writing to the Board of Directors at any regularly scheduled meeting.

Section 12. Estimated Meter Readings: Whenever a meter shall fail to register the consumption of water, the District will estimate the amount used by averaging the use during the two previous months, or the reading the same month of the previous year, whichever is less.

Section 13. The District shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution not less often than every two years and will revise the billing as necessary to assure equity of the service charges established herein and to assure that sufficient funds are obtained to adequately operate and maintain the water distribution and/or sewer works. If a customer has information which he believes requires a change, they can present it, at a regularly scheduled meeting of the District. Based upon factual information the District shall determine if the water use and/or wastewater contribution shall be changed. The District will notify the user of its findings as soon as possible.

Section 14. Notification of the method of billing and how the bills are figured may be made on an annual basis and will be scheduled for the billing month of March. This notification will include the methods used to derive at the basic billing, and the process for a customer to dispute a bill (Article IX Section 8, 9, and 14). Additionally, the notification will include a Consumer Confidence Report as required by the Federal Environmental Protection Agency and the Montana Department of Environmental Quality.

ARTICLE X

MISCELLANEOUS

Section 1. A copy of the Rules and Regulations of the District and any contracts and applications applicable to the District shall be maintained for full inspection by the public, District rates shall be explained to an owner upon written request. Copies of the Rules and Regulations shall be supplied to any customer upon written request at a price per Somers Schedule of Fees.

Section 2. The adoption of this ordinance shall not preclude the Board from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility, or standard, either upon complaint, upon its own motion, or upon application of the General Manager.

Section 3. The District may discontinue service, upon not less than 24 hours written notice to any customer for violation of any provision of a service agreement, rate schedule or these Rules and Regulations, including failure to pay bills within the specified period.

Section 4. Persons working for the Somers County Water and Sewer District convicted of crimes involving the unlawful possession, use or distribution of illicit drugs or alcohol are subject to penalties under state law and all local ordinances. Employees needing help in dealing with drug/alcohol problems may contact Flathead County Health Services for referral to education, treatment, and rehabilitation programs.

In compliance with the Drug-Free Work Place Act of 1988, employees are required to notify their superior of a criminal drug statute conviction for a violation occurring in the work place within five days of their conviction. If the employee is receiving federal funding, the appropriate contracting agency will be notified within 10 days notice of the conviction.

Section 5. Signatories of the District for any and all official business shall be those members of the District's finance committee. The committee shall be comprised of the District's bookkeeper, President, one other member of the Board, and the District Manager.

Section 6. There is created for the convenience and service to the rate payers, staff and Board of Directors a comprehensive fee schedule. Such schedule may be amended from time to time to reflect the changes in rates, fees and charges of the District.

ARTICLE XI

HANDLING AND DISPOSAL OF SEPTAGE AND SLUDGE

Section 1. The District shall be responsible for compiling data and maintaining permanent records of residence, dates, volumes, disposal site, and disposal area.

Section 2. Disposal sites shall meet all Montana Department of Environmental Quality (DEQ) requirements for use and be validated by the Flathead County Health Department prior to use. Each Disposal site shall have an operation and maintenance plan for that site.

Section 3. Any septage hauler contracted by the District shall be licensed by the DEQ. Fees for the license shall be paid by the hauler. The hauler shall meet DEQ qualifications, and shall comply with the terms of the permit issued under the authority of the law.

Section 4. The equipment operation of the hauler shall meet state and county standards and shall be inspected by the District. Should fines be levied for non-compliance with the rules outlined by DEQ or the District the penalties shall be paid by the hauler.

ARTICLE XII

PENALTIES

Section 1. Any person violating any provision of this ordinance shall be served 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.

Section 2. Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation. This remedy is in addition to any other remedies that may be available to the District.

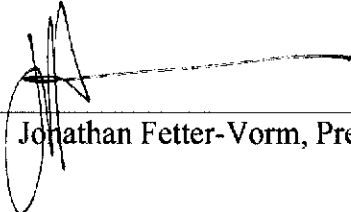
ARTICLE XIII

EFFECTIVE DATE OF ORDINANCE

Section 1. This ordinance shall be in full force and effect from and after October 10, 2001. The rules and regulations contained herein shall govern the supplying by the District and taking by the customers of water and/or sewer service within the service area. These Rules and Regulations are subject to revision from time to time by the Board and supersede all regulations by whatever term designated which may heretofore have governed the supplying and taking of water and/or sewer service.

Section 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.

Section 3. Passed and adopted by the Board of Directors of Somers County Water and Sewer District on the date October 10, 2001.


Jonathan Fetter-Vorm, President

ATTEST:


Kerah Harmon, Secretary