

TITLE 4

SEWER AND WATER

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Chapter 4.02 Sewer Connection Regulations

Sections:

- 4.02.010 Connection to Sewer Required
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- 4.02.030 Application for permit
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4.02.010 Connection to Sewer Required. All property within the town limits shall be required to connect with the public sewer when such public sewer becomes available to such property. Property shall be deemed to have a public sewer available when a public sewer shall be within three hundred feet (300') of such property. It shall be unlawful for any person residing within a sewer district or within three hundred feet (300') of a sewer line to fail to make connection of promises on such property with such sewer line.

4.02.020 Time Requirement for Connection; Discontinuance of Former Systems. It shall be the duty of every owner of property in any block in the town along which or in the alley of which a sewer has been constructed, to connect his premises with the sewer within sixty (60) days after such sewer has been constructed. After said time it shall be unlawful for any person .to have, use or permit to be used any septic tanks, privies and similar private sewage disposal facilities. All such private sewage disposal facilities shall be discontinued and filled or covered in a manner to prevent nuisance or hazard and any such private sewage disposal facility existing sixty (60) days after a sewer has been constructed, except a main sewer, is hereby declared to be a nuisance, and any person maintaining, permitting or using the same shall be deemed guilty of maintaining a nuisance, and upon conviction thereof, shall be fined in any sum not more than one hundred dollars (\$100.00); provided , however, that this shall not apply to cases where a property owner has heretofore properly installed a cesspool, under the direction or approval of the town council. When any such cesspool shall be declared unsafe, the same shall not be renewed, and at such time such property shall be connected with the sewer as in other cases.

4.02.030 Application for Permit. Any person desiring to make connection with a public sewer line shall make application to the town council on application blanks to be furnished by the town.

4.02.040 Connection Fee. Any person obtaining a permit for connection with the sewer system shall pay an impact fee of \$7,030.00 per equivalent dwelling unit (EDU) plus administrative fee of five (5) percent or \$351.50.
(Ord. 121, 2018)

4.02.050 Connections to be Made by Licensed Plumber or Competent Individual According to Standards. All connections with the public sewer shall be made as directed by the town council, according to city standards. Connections shall be made by a licensed plumber, if one is available, or by a competent individual approved by the town council.

4.02.060 Cost and Expense of Connection Borne by Owner. -All cost and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The Town shall have sole discretion and authority to choose and provide the proper sewer saddle to be installed on all sewer lines in the town on and after December 10, 2007. - The owner or person installing the building sewer for the owner shall indemnify said town from any loss or damage that may directly or indirectly be occasioned by said installation. If it shall be necessary to raise or lower a water line on town property to avoid an intersection, cost of same shall be borne by the town.

4.02.070 Separate Building Sewers to be Provided. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions may be allowed only by special permission granted by the town council.

4.02.080 Sewer Connections for Trailer Spaces; Permit Required. It shall be unlawful for any person to lease trailer space for sewer or water connections and for occupancy by humans within the town limits unless the owner of such property has, prior to any such connections, received a permit from the town for such connections.

4.02.090 Violations; Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in Section 1.08.010 of this Code.

Chapter 4.06 Water Regulation

Sections:

4.06.010	Rules and Regulations Adopted
4.06.020	Certified Water Operator in Charge
4.06.030	Supplies
4.06.040	Payment of Water Rental
4.06.050	Water to be Turned On by Town
4.06.060	Service Pipes
4.06.070	Access to Premises
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4.06.090	Injury to Equipment
4.06.100	In Case of Fire
4.06.110	Meter Rates
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4.06.130	Notification for Shutting Off Water
4.06.140	Lawn Sprinkling
4.06.150	Inspection of Premises
4.06.160	Power of the Town
4.06.170	Meters Property of Town
4.06.180	Installing and Removing Meters
4.06.190	Testing of Meters
4.06.200	Interference with Meters Prohibited
4.06.210	More Than One Meter Connection Prohibited
4.06.220	Service Prohibited When Account Delinquent
4.06.230	Meter Measurements; Exceptions
4.06.240	Services to be Paid Monthly

4.06.010 Rules and Regulations Adopted. The following rules and regulations of the water department, passed by the town council, are made a part of the contract with every individual, firm or corporation who takes water; and every such individual, firm or corporation agrees, in making application for water, to be bound thereby.

4.06.020 Certified Water Operator in Charge. The Certified Water Operator in the town shall have charge of the municipal waterworks plant now owned and operated by the town and shall have general control and supervision over the maintenance, operation and extension of said waterworks system.

4.06.030 Supplies. The Certified Water Operator shall order or advertise for all supplies required for the maintenance, operation and extension of the waterworks system, under orders and directions of the mayor and town council.

4.06.040 Payment of Water Rental. All bills for water and sewer are due and payable on the fifteenth day of each month for all water used during the preceding month and become delinquent on the fifteenth day thereafter and if still delinquent on the twentieth day after said due date, the water may be shut off and shall not be turned on again until all

bills and penalties are paid, including an additional charge of fifty dollars (\$50.00) for turning on the water.

Owners of property served shall be liable for all water and service charges; however, payments may be accepted from tenants, but that will not relieve the owner if tenants become delinquent.

(Ord. 121, 2018)

4.06.050 Water to be Turned on by Town. After the water has been turned off at the curb cock as provided in Section 4.06.040, it shall not be turned on by any person except an employee of the town council, and if so turned on at the curb cock by any person other than an employee of the town, the town council shall have the water turned off at the main and shall charge against the property owner a penalty of fifty dollars (\$50.00) which must be paid before the water shall again be turned on, and in addition thereto, the party turning on said water in violation of the provisions of this section may be punished for said violation in a sum to be fixed by the town council.

It shall be unlawful for any person to knowingly take or use or allow to be used for their benefit, any water without having previously contracted therefore with the proper authorities of the town.

No plumber or other person will be allowed to make or change a connection with any conduit, pipe or other fixture connecting with the water system, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without the permission from the town council.

(Ord. 121, 2018)

4.06.060 Service Pipes. The service pipes within and without the premises, and throughout their entire length, to the tap in the town water main, together with curb cock and box, must be laid, kept in repair and protected from freezing at the expense of the owner, who shall be responsible for all damage resulting from leaks or breaks, and no claim shall be made against the town on account of the breaking of any service pipe or apparatus or for the failure in supply of water. When there is a leak in the street and it is doubtful whether the water is from a break in the town main or from a private service pipe, employees of the town shall make an excavation to determine the source of the same. If the leak is found to be from the main, the town council shall have all repairs made, but if it is from the service pipe, the owner of the property or agent will be notified and the owner must immediately take charge of the excavation and shall be responsible for all damages which may result from the said leak or the excavations and work incident thereto. In case the owner or agent does not make said repairs at once, the town council shall proceed with the same and all bills for labor and materials shall be a charge against said property and shall be collected from the owners and shall be payable on the first day of the month succeeding the month in which the work is done and materials furnished and the enforcement of payment is done and materials furnished and the enforcement of payment thereof shall be performed in the same manner as for the payment of bills for water rental and the same penalties shall accrue.

The town council reserves the right at any time, without notice, to shut the water off at its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the town by reason of breakage of any service pipe or from any other damage that may result from shutting off or turning on said water.

4.06.070 Access to Premises. The service pipes within and without the premises, and throughout their entire length, to the tap in the town water main, together with curb cock and box, must be originally installed and/or repaired with copper pipe, and then kept in repair and protected from freezing at the expense of the owner, who shall be responsible for all damage resulting from leaks or breaks, and no claim shall be made against the town on account of the breaking of any service pipe or apparatus, or for the failure in supply of water. When there is a leak in the street and it is doubtful whether the water is from a break in the town main or from a private service pipe, employees of the town shall make an excavation to determine the source of the same. If the leak is found to be from the main or the main to the curb stop, the town council shall have all repairs made, but if it is from the curb stop or on the landowner's side of the service pipe which is opposite of the main, the owner of the property or agent will be notified and the owner must immediately take charge of the excavation and shall be responsible for all damages which may result from the said leak or the excavations and work incident thereto. In case the owner or agent does not make said repairs at once, the town council shall proceed with the same and all bills for labor and materials shall be a charge against said property and shall be collected from the owners and shall be payable on the first day of the month succeeding the month in which the work is done and materials furnished and the enforcement of payment thereof shall be performed in the same manner as for the payment of bills for water use and the same penalties shall accrue.

The town council reserves the right at any time, without notice, to shut the water off at its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the town by reason of breakage of any service pipe or from any other damage that may result from shutting off or turning on said water.

4.06.080 Specifications. The following definitions and specifications shall govern in the construction of all plumbing work in and upon any of the water mains, connections, or appliances in any manner appertaining to the town waterworks:

A. Specifications for Tapping Water Mains: The term "tap in" includes the furnishing of all labor and materials necessary for the complete installation of that portion of the service connection between the main and a point eighteen inches (18") inside the property line.

B. Curb Stop and Waste Cock: A curb cock must be placed one foot (1') inside the outer edge of the walk. It must be designed so that the large end of the plug is at the bottom so as to permit the intersection of a key with wedging the plug. It must be provided with an opening on the pressure side so that the pressure will act against the bottom of the plug and hold it to its bearing. A snug fitting cap must also be placed over the plug to prevent sand, dirt or grit from working in around it. It must also be provided with a stop so that the operator will know when the cock is full, open or closed. The walls and

body must be of uniform thickness, the machine work uniform, and all parts and threads to standard templates and gauge, so as to be interchangeable.

C. Service or Stop Boxes: A service or a stop box must be placed over each curb stop and waste cock. Its length must be adjustable and the top of the cap must be provided with a locking device so that it cannot be removed without a wrench.

D. Service Pipes: All service pipes must be laid at least six feet (6') below the surface of the ground.

E. Excavating and Filling Trenches:

1. The streets must be 'opened in the manner which will occasion the least inconvenience to the public. No excavation in any street or alley shall be left open overnight unless properly guarded with rails and red lights which must be maintained from sunset to sunrise, and every pre-caution must be taken to insure public safety.

2. After the service pipe is properly laid and connected, the same shall be inspected, after which the refilling must proceed at once, thoroughly tamped or puddled, or both, and so done that there should be no surplus earth left.

3. No rubbish or stone shall be allowed in refilling; should there be a deficiency of earth to fill the excavation then the plumber must supply such deficiency with clean sand or gravel so as to leave the street or alley in as good a condition as previous to removal. The plumber must keep such trench up to grade for a period of one (1) year. from date of finishing the work.

4. For the purpose of testing new work, or repairs to service pipes of house plumbing, the plumbers may turn water on or off at curb cock, but in all cases must be left in same condition as found prior to any work in connection with the water system.

F. Meters:

1. All meters shall be set as near to the wall as possible, where service pipe enters the premises, and at a place easy of access. The plumber must first place a stop and waste cock with a lever handle easily accessible to the occupant for the protection of the said occupant in enabling him to turn off the water in case of leaks, drain the pipes and also to prevent freezing which shall be fully explained to the occupants of the premises by the plumber doing the work; next to the stop and waste the meter shall be set in a level and plumb position; next to the meter shall be placed a stop cock or valve.

2. If used in connection with steam or hot water boiler, a check valve must be placed between the outlet of the meter and the boiler or heater, to protect the meter from injury from back pressure of steam or hot water, red or white lead shall not be used for making joints.

3. The plumber setting meter must disconnect from the service pipe all

fixtures and apparatus on the premises and grounds not supplied through the meter. Before the meter is connected all pipes must be blown out to prevent any sediment or other substance getting into the meter.

4. All meters located outside of basement must be placed in an enclosure constructed of two inch (2") plank, brick or cement and sufficiently large to enable removing or resetting the meter, said enclosure must be frost proof with a lid or cover secured by strap hinges, and ring for raising same within the enclosure, and half way from the top of the box, or manhole, to the top of the meter there must be a cover cleated together that may be easily removed to prevent the cold air from reaching the meter.

5. Plumbers setting meters must notify the town council of the date on which the meter was installed.

4.06.090 Injury to Equipment. It shall be unlawful for any person to open, close, turn or interfere with or to attach to or connect with any fire hydrant, curb cock or valve without permission from the city council, or to disturb or damage any pipe, machinery, tools or other property of the town, or to throw any substance into any reservoir or water main, or to deface or injure any buildings belonging to or connected with said water system.

Consumers supplied with meters shall take every reasonable precaution to protect same from injury or damage by frost or otherwise, and shall be liable for all injury to meters. If from any cause the meter fails to register correctly the charge to the consumer shall be at the rate used either for a 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 town clerk.

Every person who, with intent to injure or defraud shall:

- 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 the quantity of water supplied;
- C. Make any connection by means of a pipe or otherwise with any main or pipe used for delivery of water to the consumer thereof in such a manner as to take water from said main or pipe without its passage through the meter or other registering instrument or use any water so obtained;
- D. Make any connection or reconnection with such main or pipe, turn off or on or in any manner interfere with any valve, stop cock or other appliance connected therewith;
- E. Prevent by the erection of any device or construction or by any other means, free access to any meter, or other registering instrument, or interfere with, or obstruct, or prevent by any means the reading or inspection of such meter or instrument by any employee of the town, shall be deemed guilty of a misdemeanor.

4.06.100 In Case of Fire. It is the duty of every person having water connections with the town waterworks system to shut off any and all faucets or apparatus using water,

under his or her control, immediately upon the sounding of the fire alarm, and to keep same shut off until the fire is completely extinguished.

4.06.110 Meter Rates. The town will furnish water to its inhabitants on a meter basis, based on the rates in effect.

4.06.120 Waste of Water Prohibited. Waste of water is prohibited and consumers must keep their fixtures and service pipes in good order at their own expense, and all waterways closed when not in use or during a fire alarm. Leaky pipes and fixtures must be repaired a once without waiting for notice from the town council, and if it is not repaired after reasonable notice is given, the water will be shut off by the town.

4.06.130 Notification for Shutting Off Water. Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the town council when notified to do so in writing will shut off the water at the curb and allowance will be made on the bill for such time as the water is not in use. No reduction in bills will be made for the time any service pipes may be frozen.

Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies, their water supply may be shut off any time.

All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve must always be placed between the boiler and the mains, or between the boiler and meter, to prevent draining the boiler, or damaging the meter. Never leave the premises with any faucets open and water turned off.

(Ord. 121, 2018)

4.06.140 Lawn Sprinkling. Lawn sprinkling will be permitted at the discretion of the town council.

4.06.150 Inspection of Premises. Town officers or other authorized persons shall have access at reasonable hours to any premises where water is used, for the purpose of making inspection or investigation.

4.06.160 Power of the Town. For violation of any of these rules or for nonpayment of water rent, for either domestic, sprinkling or other purpose, the town has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of rules, the same shall not be turned on again until back rents are paid, together with the actual cost incurred thereby.

4.06.170 Meters Property of Town. Meters are owned by the town and are furnished to consumers and set in place without charge, provided, proper receptacles are provided for them, and the service pipes are suitably arranged.

4.06.180 Installing and Removing Meters. In all cases where a meter is installed the consumer must furnish proper protection from frost or other damage, and meter must be located where it is easily accessible for reading purposes and repairs. Where necessary for protection, a standard form of meter box will be placed by the town. The actual cost of same shall be paid by the consumer. After such receptacle is placed the town will furnish

and connect the meter, and maintain the same in good condition.

When a meter is installed at the request of a consumer its installation is to be permanent unless the consumer elects to have the same removed and pays all the expenses incident to the installation and removal of same, or discontinues service entirely. Service on a meter for a shorter period than six (6) months will be considered temporary and in such cases the consumer will be required to reimburse the town for the cost of the labor in connection with the installation and removal of the meter.

4.06.190 Testing of Meters. The town may replace any meter at such time as it may see fit and shall be the judge of the size and made of any meter installed. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy in his presence. In case the meter is found to be registering correctly or in favor of the consumer, the cost of such testing and replacing of the meter shall be borne by the consumer and his bills adjusted to correspond therewith back for a period of sixty (60) days.

In case the meter is found to be recording incorrectly and against the consumer, the amount deposited by the consumer will be refunded and a reasonable adjustment made for over charges, for a period not exceeding sixty (60) days previous to the demand of the consumer for a test to be made.

In case the meter is found stopped for any reason or that it is not correctly recording the consumption of water, the town may average the amount due for the current month, using the last two (2) months, when it registered correctly as a basis of such average.

In case the meter is found to be recording in-correctly and against the consumer, the amount deposited by the consumer will be refunded and a reasonable adjustment made for overcharges, for a period not exceeding sixty (60) days previous to the demand of the consumer for a test to be made.

In case a meter is found stopped for any reason or that it is not correctly recording the consumption of water, the town may average the amount due for the current month, using the last two (2) months, when it registered correctly as a basis of such average.

4.06.200 Interference with Meters Prohibited. Water consumers are not permitted to interfere in any with the meter after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the town may render a bill for the current month based on an average of the last two (2) months, together with the full cost of such damage as has been done to the meter and may refuse to furnish water until account is paid in full.

4.06.210 More Than One Meter Connection Prohibited. In no case will the town furnish water from one meter to two or more houses, whether the same are owned by one person or not.

4.06.220 Service Prohibited When Account Delinquent. No service will be given to any person who is in arrears with the town, nor will any other consumer be allowed to supply such delinquents with wither.

4.06.230 Meter Measurements; Exceptions. All water will be sold by meter

measurements except such "Special Service" as filling an occasional tank shower service, street sprinkling or sewer flushing, where the installation and maintenance of a metered service is not economically possible. For such service bills will be rendered on an estimate of the amount of water used plus an additional charge for labor and equipment if the service requires the same to be furnished. It shall be unlawful for a consumer of water to let any water be taken from his premises unless by permission of the town council.

Any damage caused to any meter or its setting through negligence, carelessness, or malicious intent of the consumer or on his premises from any of the above causes, or by any cause whatsoever, will be repaired at his entire expense.

4.06.240 Services to be Paid Monthly. Bills will be rendered monthly on or about the first of the month, following the month when service was received. These bills shall be paid on or before the fifteenth following date of receipt, and it not paid before the twentieth, service may be discontinued.

(Ord 101)
(rev.11/19/07)

Chapter 4.10 Extension Of Water Mains And Sewer Mains

Sections:

- 4.10.010 Cost of Extension Borne By Persons Desiring Extension
- 4.10.020 Extension to be in Accord with Specifications
- 4.10.030 Fair Price Established Between Original Extenders and New Extenders
- 4.10.040 Annexed Property to be Emplaced with Sewer and Water Mains
- 4.10.050 Streets and Roadways to be Restored to Same Condition

4.10.010 Cost of Extension Borne By Persons Desiring Extension. It is the policy of the town that whenever an extension of a water main or sewer main shall be made within the town limits in order to furnish water to any property or in order to furnish sewer service to any property, the entire cost of the extension of the main shall be borne by the person or persons desiring such extension.

4.10.020 Extension to be in Accord with Specifications. Persons making such an extension of water mains or sewer mains within the town limits shall carry out such construction and emplacement of water or sewer mains in accordance with specifications furnished by the town.

4.10.030 Fair Price Established Between Original Extenders and New Extenders. Whenever any person or persons desire to make an extension of water mains or sewer mains inside the town by attachment to a water main or sewer main already previously paid for by a private person or persons, such new extender of water or sewer mains shall have the obligation, in addition to other obligations hereby provided for, to make payment to the first private extender of mains of a fair share of the cost of the first extension made by the first extender as shall be fair and equitable. Factors to be considered in determining a fair share in such circumstances shall be the age of the first extension, the remaining usefulness of the first extension, the cost of the first extension, the likelihood of others paying a share of the cost of the first extensions and the amount of excess capacity which was provided for in the construction of the first extensions.

In the event that the parties are unable to make a satisfactory agreement among themselves as to a fair price to be paid by the second extender to the first extender, the matter shall be submitted to the town council for decision and a determination of the matter by a majority of the town council voting at any meeting at which there shall be a quorum shall be binding upon both extenders.

4.10.040 Annexed Property to be Emplaced with Sewer and Water Mains. No annexation of property to the town shall be made without the emplacement by the subdivider of water mains and sewer mains to connect to the town water and sewer systems, such water main and sewer main construction and emplacement to be in accordance with the inspection and construction requirements of the town and to be fully consistent with the existing water and sewer system of the town.

4.10.050 Streets and Roadways to be Restored to Same Condition. Whenever any work is done in the extending of water and sewer mains, it shall be the responsibility of the person or persons desiring such extension to see that the roads and streets are returned to the same condition as they were in before the extension of the water and sewer mains.

Chapter 4.12 Water Service Area

Sections:

4.12.010 Adoption By Reference

4.12.010 Adoption By Reference. The Town adopts and incorporates by this reference, Standard Modifications for Town of Bainville, Montana and the Modifications of Montana Public Works Standard Specifications (MPWSS) 6th ed. (April 2010)

(Ord. 111, 2013)

Chapter 4.14 Wastewater System

Sections:

4.14.010 Adoption By Reference

4.14.010 Adoption By Reference. The Town adopts and incorporates by this reference, Standard Modifications for Town of Bainville, Montana and the Modifications of Montana Public Works Standard Specifications (MPWSS) 6th ed. (April 2010) (Ord. 111, 2013)

**Chapter 4.16 Modifications of Montana Public Works Standard Specifications
(MPWSS) 6th ed. (April 2010)**

Sections:

4.16.010 Adoption By Reference

4.16.010 Adoption By Reference. The Town adopts and incorporates by this reference, Standard Modifications for Town of Bainville, Montana and the Modifications of Montana Public Works Standard Specifications (MPWSS) 6th ed. (April 2010)

(Ord. 111, 2013)