Title 4

SEWER AND WATER

Chapters:

4-1 Water Fund

4-2 Rules and Regulations of Water Service Lines

4-3 Water Rates for the Municipal Water System

4-4 Rates and Penalties of Sewer System

4-4 Building Sewer of Public Sewer System

4-6 Sewers and Drains

Chapter 4-1

WATER FUND

Sections:

4-1-1 Created Fund
4-1-2 Money Collected

4-1-1 Created Fund. That there be and there is hereby created a fund to be known and designated as the "Water Fund".

4-1-2 Money Collected. That the money collected from the water system as revenue shall be paid into said fund, and all costs and expenses pertaining to the Alberton City Water Works shall be paid for out of said fund.

Chapter 4-2

RULES AND REGULATIONS OF WATER SERVICE LINES

Sections:

4-2-1 Definitions
4-2-2 Materials
4-2-3 Application
4-2-4 General Rules and Regulations
4-2-5 Penalties

1) Service Lines. A water service line is usually a three-fourths inch (3/4") or one inch (1") line which supplies water to a residence or commercial building from the town-owned distribution system located in the streets, alleys, roadways or easements. The service line is owned by the property owner.

2) Distribution System. The distribution system is the main or laterals usually located in the streets, alleys, roadways or easements which distribute the water to all areas of the town, and are the lines to which serviced lines are connected. The distribution system is owned by the Town of Alberton.

3) Corporation Stops. A corporation stop is a valve installed on the main or lateral of the distribution system to which the service line is attached. The corporation stop allows for the tapping of the main or lateral of the distribution system while the line is under pressure. The installation of the corporation stop is made by the Town of Alberton.

4) Stop Valves or Curb Stops. A curb stop is a valve installed on the service line at a location just inside of the curb. This valve is used to shut off or turn on the water to any property. The curb stop is supplied and installed by the property owner when the service line is installed.

5) Curb Box. A curb box is an adjustable cast iron tube installed over the curb stop to allow the curb stop to be turned on or off with an extension rod without digging up the curb stop.

6) A.S.T.M. A.S.T.M. refers to the American Society of Testing Materials whose specifications are used on materials.

7) A.W.W.A. A.W.W.A. refers to the American Water Works Association whose specifications are used on materials.

8) C.S. C.S. refers to Commercial Standard whose specifications are used on materials.

9) Town: Whenever in this Chapter the word "town" is used, it means the Town of Alberton, Montana.

10) Property Owner: Whenever the words "property owner" are used, it means the owner of the property to which the town is supplying water.

11) Water Registrar: Water Registrar means the person that the Town Council of the Town of Alberton has employed to administer the Alberton water system.

12) Water Well: Water Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed. This does not include a spring.

4-2-2 Materials:

1) Pipe: Pipe used on all service lines shall be Type K copper tubing conforming to A.S.T.M. Specification B42-58, or galvanized pipe or equivalent.

2) Stop Valve or Curb Stops: Curb stops furnished for this project shall conform to the requirements of A.W.W.A. Specification No. C800-55.

3) Curb Boxes: Curb boxes furnished for this improvement shall conform to Mueller Company catalogue No. H10302, extension type with Minneapolis pattern base.

4-2-3 Application:

1) No person obtaining water from the town will be entitled to use the water for any other purpose than those stated in the application, or to supply water to other persons or families.

2) Application for water to be used for nay purpose shall be made at the water/sewer department upon a form provided by the Town. This form must be signed by the owner or authorized agent of the owner of the property on which water is to be used. All orders for shutting water off must be made in writing, signed by the owner or authorized agent of the owner of the property at which the water is to be shut off. When the water is ordered shut off from any premise all charges for the water used shall be immediately due and payable to the water/sewer department.

2) All applications shall be made by the owner of the property for which the service is intended.

3) The application shall state in full the purpose or purposes for which the water is required.

4) The applicant shall agree to conform to the rules and regulations of the Town of Alberton.

4-2-4 General Rules and Regulations:

1) No person obtaining water from the town will be entitled to use the water for any other purpose than those stated in the application, or to supply water to other persons or families.

2) Each property shall be provided with a separate service line in order that the water service to the property can be discontinued without affecting other properties.

3) Separate control required for each premise. The service pipes must be so arranged that the supply for each separate building or premise must be controlled by a separate curb stop and meter placed at a point designated by the water/sewer department. Any exceptions need to be addressed by the City Council. (Where two (2) or three (3) properties are now connected to one (1) service line, the water registrar may insist that new services be installed, or at his discretion, may make one person responsible for the service line and bills for water used.)

Connection Required. All water inside residences, places of business, public water for institutions, properties used for human occupancy or water for any commercial use must be water from the municipal water system. All connections to the municipal water system shall be at the owner's expense.

Separate services restrictions. Where water is being supplied prior to the adoption of the City ordinances through one service to several buildings or premises, the City Council may either decline to furnish water until separate services are provided or may continue the supply on the condition that one person shall pay for all water on the same service.

Cross Connections: There shall not be any cross-connections between individual wells and pumps and the municipal water system.

4) Water will not be supplied, or service may be discontinued, to any property where the property owner allows leaking fixtures, faucets, or pipes.

Department shut off authority. The water/sewer department reserves the right, at

any time, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Town of Alberton by reason of the breaking of any service pipe or from any other damage that may result from shutting off the water.

5) Each service line will be supplied with a stop valve or curb stop located inside the curb line of the street.

Meter—Required. There shall be installed, upon the service pipe in the dwelling of each water consumer, a water meter. This meter is to be selected by and installed under direction of the employees of the water department who shall select the place on the premises where the meter shall be installed. If a water meter cannot be installed within a building on the premises, a meter vault, for the meter to be located in, must be installed at the Town's expense at a location on the premises to be determined by the employees of the water/sewer department. The meter must be protected from freezing and other damage.

Meter—Type. No meter shall be placed in service nor recognized as a standard meter within the Town unless approved by the Town's water/sewer department.

Service pipe—Standards. The service pipe within and without the premises and through the entire length to the tap in the Town's 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 land breaks and no claim shall be made against the Town of Alberton on account of the breaking of any service pipe or apparatus, or for failure to supply 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 water/sewer department will make all repairs, but if it is from the service pipe, the owner of the property, or agent, will be notified and must immediately take charge of the excavation, repair the leak, replace the street, and be responsible for all the damages which may result. In case the owner or agent does not make repairs at once, the water/sewer department will proceed, and all bills for labor and materials will become a charge against said property, and shall be collected from the owner or agent, and at the end of the month, in case the bill is not paid, the enforcement of payment thereof will be performed in the same manner as for the non-payment of bills for water.

Meter—Consumer interference unlawful. If any water consumer interferes with the installation of a meter or refuses to allow the installation of a meter at the place on the premises selected by the water department the water shall be turned off and shall not be turned on again until a water meter is installed as required and a fee as established by the Town Council is paid for turning on the water. In addition the party interfering with the installation of the meter, or refusing to allow the installation of a meter may be punished as provided for violation of this ordinance.

Meter—Consumer to protect. Consumers supplied by meter shall take every reasonable precaution to protect same from injury or damage by frost or otherwise and

shall be liable for injury to meters. If, from any cause, the meter fails to register correctly, the charge to the consumer shall be at the rate used for the corresponding period of the quarter previous, or if for any reason the rate for the corresponding period of the previous quarter cannot be justly applied, the rate shall be equitably adjusted by the water department. For the testing of each meter at the request of the property owner, his agent or lessee; if the meter is found defective, no charge will be made, but if the meter is found in good order or registering in favor of the consumer, a charge as established by the Town Council will be made.

6) Only authorized employees of the water department of the Town of Alberton shall be allowed to tap the mains or laterals of the distribution system and allowed to turn on or shut off the water to any property.

Tampering with system unlawful without permission. It is unlawful for any person to open, close, turn or interfere with, or to attach, or connect with any fire hydrant, curb cock or valves without permission from the water/sewer department, or to disturb or damage any pipe, machinery, tools or other property of the water/sewer department, or to throw any substance into any reservoir or water main, or to deface or injure any building belonging to or connected with said water system.

7) Only licensed and competent plumbers shall be allowed to install service lines and connect them to the curb stops.

8) Property owners shall file a report to the water registrar immediately after the installation of a service line showing the exact location of the curb stop and the position of the service line in relation to lot corners.

9) The town may at any time discontinue supplying water in a main or lateral of the distribution system to make necessary repairs or extensions to the distribution system by notifying the property owners being affected prior to commencing work. The property owners being affected will be responsible for their equipment and/or inventory, which may be affected because of lack of water.

Rates and Charges:

Metered Rate. The owners of each premise on which a water meter has been installed shall pay for the water consumed at a rate set by a resolution of the Town Council after public hearing. This rate shall be detailed in a rate chart and shall be available on request to all water users.

Unmetered Rate. The owners of each premise on which a water meter has not been installed shall pay for the water consumed at a flat rate set by a resolution

of the Town Council after public hearing.

Deposit for Water Service. Every consumer of water must pay a deposit fee as set by the Town Council after public hearing.

Water Hookup Fee (Tapping Fee). The owners of any property shall pay a fee to tap the main water line of the Town waterworks for service to their property. This fee will be established by the Town Council after public hearing and shall be for a meter, read out, check valve, meter tails, wire and labor to tap the main line. All other costs of the tap are to be the responsibility of the property owner.

Rate and Charge Revisions. If, at any time, the rates or charges for water prove to be insufficient to adequately maintain and improve the waterworks system, the Mayor or the Town Clerk shall advise the Council and the water rates shall be revised by resolution of the Town Council after public hear.

10) Copper pipe or galvanized pipe of the type specified in Section 1 shall be used on all new or replacement services installed between the main or lateral of the distribution and the property being served.

10) Water service may be discontinued to any property for periods of not less than one (1) month. Any property owner desiring to have his water service discontinued to his property must notify the water registrar in writing thirty (30) days before the end of the month. After such notification and payment of arrearages, the water will be turned off. The base rate will still be charged to the property owner 12 months out of the year. There will be a charge of $25.00 to have water reconnected for any service that was turned off for non-payment of services.

11) Non Compliance. Any person or entity not complying with this ordinance, shall be sent a notice of non-compliance and given a reasonable time, not to exceed 60 days, to comply with the ordinance.

Shut off-Turn on – Fee. When the water has been shut off at the curb box it shall not be turned on by any person except an employee of the water/sewer department. If the water is turned on by anyone other than an employee of the Town water/sewer department the water shall be immediately shut off and the property owner must pay a ~~fee as established by the Town Council be the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter.~~ reconnection fee as established by resolution of the Town Council before the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter. (amended pursuant to Ordinance No. 2026-06-03)

Causes for termination of service. If undue waste is permitted, or if water is bypassed to another consumer, or in cases of deception, misrepresentation or abuse of the privilege of connecting with the water system, the supply of water

will turned off without notice and a penalty as established by the Town Council after public hearing shall be paid to the water/sewer department before the water is turned on and in addition the offending persons may be punished as provided in this chapter.

Billing—owners. Owners of property served with water will be held liable for all water charges. Payments will be accepted from tenants, but the owner will not be relieved of responsibility if the tenant becomes delinquent.

12) All water rates shall be charged against the owner of the property being serviced, and payment for services will be charged to the owner. Should any water account become delinquent the water service to the property may be discontinued and not turned on to that property until the account has been paid in full. Change in ownership or occupant will not affect the application of this paragraph.

13) The town reserves the right in cases of shortage of water supply or for any other causes to make and order forbidding or suspending the use of water for irrigation or sprinkling. The Town Council may at its discretion limit the use of water by giving notice through the town's official newspaper and/or posting.

Use of water for construction purposes. Contractors, builders or others needing water for construction purposes must make application to the water department prior to receiving water and the amount to be paid will be based on the established rates.

14) No person shall use water for irrigation of sprinkling during a period when a fire is in progress. All irrigation or sprinkling shall be discontinued whenever an alarm for fire is sounded, and shall not be resumed until after the fire has been extinguished.

15) The inside diameter of a hose used for sprinkling shall be three-fourths (3/4) inch. The inside diameter of the orifice or nozzle used on the hose shall not be more than one-fourth (1/4) inch. The use of a hose without a nozzle is strictly prohibited.

16) An application for water may be approved by the water registrar for building purposes. The rate to be charged by the town will be set by the Town Council at the time the application is made and the amount of water required is known. All costs and expense incident to the installation and connection of water services shall be borne by the property owner.

Meter-Fraud designated. Every person who, with intent to injure or defraud;

A. Breaks or defaces the seal of any meter; or
B. Obstructs, alters, injures or prevents the action of any meter of instrument used to measure or register the quantity of water supplied to a consumer thereof; or
C. Makes any connection by means of a pipe, or otherwise, with any main or pipe used for delivery of water to a consumer thereof, in

such a manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or

D. Makes any connection or reconnection with such main or pipe, or turns off or on, or in any manner interferes with any valve, stop cock or other appliance connected therewith; or

E. Prevents by the erection of any device or construction, or by any other means, free access to any meter or interferes with, obstructs or prevents by any means the reading or inspection of such meter or instrument by any of the employees of the water/sewer department, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred, or may be punished by imprisonment not to exceed thirty days, or both such fine and imprisonment.

17) The right is reserved by the Town of Alberton to add, alter or amend these rules and regulations as conditions and demands require.

18) It shall be the duty of the Deputy of the Town of Alberton to aid the water department in enforcing its rules and regulations. It shall be their duty to investigate and report on any violations.

Public Policy. It is the policy of the Town of Alberton to provide a healthy and safe water supply and to eliminate any potential threats of contamination or health threats to the municipal water system. In recognition of the municipal systems dependence on well water, it is also the policy of the Town of Alberton to eliminate threats to the aquifer whenever possible.

19) Property owners must be hooked up to the water services in order to have sewer hook up.

Part of contract—Consumer duty to know. The rules set forth in this ordinance are a part of the contract entered into by every consumer of Town water and the failure to know the rules will not excuse anyone from the penalty of their infringement.

20) Private water wells prohibited. All drilling and development of private wells within the Alberton City Limits for the use and benefit of property located within the Alberton City limits is prohibited All existing water wells with in the city are grand-fathered in. A variance could be given to drill a new well if used for non-domestic use. State and County guidelines would have to be met, and this would need to be brought up before the zoning board/town council.

4-2-5 Penalties.

1) Each and every violation of the rules and regulations established by this Ordinance will constitute a misdemeanor, and the offending party shall be subject to a fine ~~of not less than Twenty-five dollars ($25.00) or more than Five-hundred dollars ($500.00). When the offense is one relating to plumbing, leakage, or other illegal use or waste of water, the registrar may stop the supply of water to the offender. After a bill is a month overdue a late notice will be sent to the property owner, 1st week of the month. A disconnect notice will be sent at the second week of the same month. On the third week of the same month a 24 hour disconnect notice will be delivered to the residence and if no payment is made the water will be shut off. When water has been turned off for violation of these rules and regulations, the water registrar may withhold the water until all dues and penalties have been paid in full, plus a Twenty-five dollar ($25.00) charge to turn the water back on.~~ as established by resolution of the Town Council, not to exceed the maximum permitted by Montana law. When the offense is one relating to plumbing, leakage, or other illegal use or waste of water, the registrar may stop the supply of water to the offender. When water has been turned off for violation of these rules and regulations, the water registrar may withhold the water until all dues and penalties have been paid in full, plus a reconnection fee as established by resolution of the Town Council. The notice and disconnection schedule applicable to delinquent accounts shall be as established by resolution of the Town Council pursuant to Section 3A of Ordinance No. 2026-06-03.

The schedule of notices, timing, and steps required prior to disconnection of water service for nonpayment, including but not limited to the issuance of late notices, disconnect notices, and final 24-hour disconnect notices, shall be established and amended from time to time by resolution of the Town Council. The current Notice and Disconnection Schedule shall be maintained on file with the Town Clerk-Treasurer, shall be posted at Town Hall in a publicly accessible location, and shall be made available to utility customers upon request. No disconnection of service for nonpayment shall occur without notice to the property owner in accordance with the then-current adopted schedule and all applicable Montana law. (Amended according to Ordinance No. 2026-06-03)

AMENDMENTS: 4-2-4 Paragraph 11) Changed: word "quarter" to "month". ADDED: The base rate will still be charged to the property owner 12 months out of the year. There will be a charge of $25.00 to have water reconnected for any service that was turned off for non-payment of services. 4-2-4 Paragraph 13) ADDED: words and/or posting. Added 4-2-4 # 20 Private water wells prohibited. 4-2-5 Paragraph 1) ADDED: After a bill is a month overdue a late notice will be sent to the property owner, 1st week of the month. A disconnect notice will be sent at the second week of the same month. On the third week of the same month a 24 hour disconnect notice will be delivered to the residence and if no payment is made the water will be shut off. Resolution #158 8/26/97.

AMENDMENTS: 4-2-3 Paragraph 2 Changed: Application for water to be used for any purpose shall be made at the water/sewer department upon a form provided by

the Town. This form must be signed by the owner or authorized agent of the owner of the property on which water is to be used. All orders for shutting water off must be made in writing, signed by the owner or authorized agent of the owner of the property at which the water is to be shut off. When the water is ordered shut off from any premise all charges for the water used shall be immediately due and payable to the water/sewer department. 4-2-4 Paragraph 3 Changed: 3) Separate control required for each premise. The service pipes must be so arranged that the supply for each separate building or premise must be controlled by a separate curb stop and meter placed at a point designated by the water/sewer department. Any exceptions need to be addressed by the City Council. (Where two (2) or three (3) properties are now connected to one (1) service line, the water registrar may insist that new services be installed, or at his discretion, may make one person responsible for the service line and bills for water used.) Add the following: Connection Required. All water inside residences, places of business, public water for institutions, properties used for human occupancy or water for nay commercial use must be water from the municipal water system. All connections to the municipal water system shall be at the owner's expense.

Separate services restrictions. Where water is being supplied prior to the adoption of the City ordinances through one service to several buildings or premises, the City Council may either decline to furnish water until separate services are provided or may continue the supply on the condition that one person shall pay for all water on the same service.

Cross Connections: There shall not be any cross-connections between individual wells and pumps and the municipal water system. 4-2-4 Paragraph 4 add: Department shut off authority. The water/sewer department reserves the right, at any time, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Town of Alberton by reason of the breaking of any service pipe or from any other damage that may result from shutting off the water.4-2-4 Paragraph 5 Add: Meter—Required. There shall be installed, upon the service pipe in the dwelling of each water consumer, a water meter. This meter is to be selected by and installed under direction of the employees of the water department who shall select the place on the premises where the meter shall be installed. If a water meter cannot be installed within a building on the premises, a meter vault, for the meter to be located in, must be installed at the Town's expense at a location on the premises to be determined by the employees of the water/sewer department. The meter must be protected from freezing and other damage.

Meter—Type. No meter shall be placed in service nor recognized as a standard meter within the Town unless approved by the Town's water/sewer department.

Service pipe—Standards. The service pipe within and without the premises and through the entire length to the tap in the Town's 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 land breaks and no claim shall be made against the Town of Alberton on account of the breaking of any service pipe or apparatus, or for failure to supply 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 water/sewer department will make all repairs, but if it is from the service pipe, the owner of the property, or agent, will be notified and must immediately take charge of the excavation, repair the leak, replace the street, and be responsible for all the damages which may result. In case the owner or agent does not make repairs at once, the water/sewer department will proceed, and all bills for labor and materials will become a charge against said property, and shall be collected from the owner or agent, and at the end of the month, in case the bill is not paid, the enforcement of payment thereof will be performed in the same manner as for the non-payment of bills for water.

Meter—Consumer interference unlawful. If any water consumer interferes with the installation of a meter or refuses to allow the installation of a meter at the place on the premises selected by the water department the water shall be turned off and shall not be turned on again until a water meter is installed as required and a fee as established by

the Town Council is paid for turning on the water. In addition the party interfering with the installation of the meter, or refusing to allow the installation of a meter may be punished as provided for violation of this ordinance.

Meter—Consumer to protect. Consumers supplied by meter shall take every reasonable precaution to protect same from injury or damage by frost or otherwise and shall be liable for injury to meters. If, from any cause, the meter fails to register correctly, the charge to the consumer shall be at the rate used for the corresponding period of the quarter previous, or if for any reason the rate for the corresponding period of the previous quarter cannot be justly applied, the rate shall be equitably adjusted by the water department. For the testing of each meter at the request of the property owner, his agent or lessee; if the meter is found defective, no charge will be made, but if the meter is found in good order or registering in favor of the consumer, a charge as established by the Town Council will be made.4-2-4 Paragraph 6 add: Tampering with system unlawful without permission. It is unlawful for any person to open, close, turn or interfere with, or to attach, or connect with any fire hydrant, curb cock or valves without permission from the water/sewer department, or to disturb or damage any pipe, machinery, tools or other property of the water/sewer department, or to throw any substance into any reservoir or water main, or to deface or injure any building belonging to or connected with said water system.2-4-2 Paragraph 9 Delete the following: The town may at any time discontinue supplying water in a main or lateral of the distribution system to make necessary repairs or extensions to the distribution system by notifying the property owners being affected prior to commencing work. The property owners being affected will be responsible for their equipment and/or inventory, which may be affected because of lack of water. (delete)Add: Rates and Charges

Metered Rate. The owners of each premise on which a water meter has been installed shall pay for the water consumed at a rate set by a resolution of the Town Council after public hearing. This rate shall be detailed in a rate chart and shall be available on request to all water users.

Un-metered Rate. The owners of each premise on which a water meter has not been installed shall pay for the water consumed at a flat rate set by a resolution of the Town Council after public hearing.

Deposit for Water Service. Every consumer of water must pay a deposit fee as set by the Town Council after public hearing.

Water Hookup Fee (Tapping Fee). The owners of any property shall pay a fee to tap the main water line of the Town waterworks for service to their property. This fee will be established by the Town Council after public hearing and shall be for a meter, read out, check valve, meter tails, wire and labor to tap the main line. All other costs of the tap are to be the responsibility of the property owner.

Rate and Charge Revisions. If, at any time, the rates or charges for water prove to be insufficient to adequately maintain and improve the waterworks system, the Mayor or the Town Clerk shall advise the Council and the water rates shall be revised by resolution of the Town Council after public hear.2-4-2 Paragraph 11 Add: Non Compliance. Any person or entity not complying with this ordinance, shall be sent a notice of non-compliance and given a reasonable time, not to exceed 60 days, to comply with the ordinance.

Shut off-Turn on – Fee. When the water has been shut off at the curb box it shall not be turned on by any person except an employee of the water/sewer department. If the water is turned on by anyone other than an employee of the Town water/sewer department the water shall be immediately shut off and the property owner must pay a fee as established by the Town Council be the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter.

Causes for termination of service. If undue waste is permitted, or if water is bypassed to another consumer, or in cases of deception, misrepresentation or abuse of the privilege of connecting with the water system, the supply of water will turned off without notice and a penalty as established by the Town Council after public hearing shall be paid to the water/sewer department before the water is turned on and in addition the offending persons may be punished as provided in this chapter.

Billing—owners. Owners of property served with water will be held liable for all water charges. Payments will be accepted from tenants, but the owner will not be relieved of responsibility if the tenant becomes delinquent 2-4-2 Paragraph 13 Add: Use of water for construction purposes. Contractors, builders or others needing water for construction purposes must make application to the water department prior to receiving water and the amount to be paid will be based on the established rates.2-4-2 Paragraph 16 Add: Meter-Fraud designated. Every person who, with intent to injure or defraud;

- *F. Breaks or defaces the seal of any meter; or*
- *G. Obstructs, alters, injures or prevents the action of any meter of instrument used to measure or register the quantity of water supplied to a consumer thereof; or*
- *H. Makes any connection by means of a pipe, or otherwise, which any main or pipe used for delivery of water to a consumer thereof, in such a manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or*
- *I. Makes any connection or reconnection with such main or pipe, or turns off or on, or in any manner interferes with any valve, stop*

cock or other appliance connected therewith; or

J. Prevents by the erection of any device or construction, or by any other means, free access to any meter or interferes with, obstructs or prevents by any means the reading or inspection of such meter or instrument by any of the employees of the water/sewer department, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred, or may be punished by imprisonment not to exceed thirty days, or both such fine and imprisonment.2-4-2 Paragraph 18 Add: Public Policy. It is the policy of the Town of Alberton to provide a healthy and safe water supply and to eliminate any potential threats of contamination or health threats to the municipal water system. In recognition of the municipal systems dependence on well water, it is also the policy of the Town of Alberton to eliminate threats to the aquifer whenever possible 2-4-2 Paragraph 19 Add: Part of contract—Consumer duty to know. The rules set forth in this ordinance are a part of the contract entered into by every consumer of Town water and the failure to know the rules will not excuse anyone from the penalty of their infringement.

3) Sprinkling Days:

Even Days: ~~All property fronting on the North side of Railroad Avenue, including the McChesney residence.~~ House numbers that are even

~~All property fronting on Adams Street.~~

Odd Days: ~~All property fronting on South side of Railroad Ave.~~ House numbers that are odd.

~~All property fronting on other streets.~~

~~Exceptions: Property in Blocks 7, 8 and 9 on Railroad Avenue will alternate, starting with the Montana Hotel, which will be on even days~~.

Swimming pools: Swimming pools must be filled during regular sprinkling hours and on regular sprinkling days.

4) No open tap permitting continuous flow of water will be allowed under any circumstances.

5) All hose lines used in sprinkling shall be equipped with suitable nozzles and

no larger than three-quarter inch (3/4").

6) Consumers must at their own expense, keep their fixtures and service pipes in good condition, and all waterways closed when not in use.

7) For violation of these rules for domestic, commercial or sprinkling uses, and nonpayment of charges, the Town of Alberton reserves the right to refuse water for further use, after proper notification either by the Deputy, or by registered mail: and/or impose a suitable fine, whichever the case may warrant, of the party or parties involved. They also reserve the right to impose further restrictions and regulations as may be required.

FIRE ALARM NOTICE:

All hoses using water from the Town of Alberton Water System must be SHUT OFF IMMEDIATELY when the fire Siren sounds, and sprinkling resumed only after the Fire Truck has returned to the Fire Hall, except in the use of the Fire Siren to announce the regular meeting of the Alberton Volunteer Fire Department.

4-3-4 Automatic Sprinkling Systems. Anyone who has an automatic underground sprinkling system will be allowed to sprinkle during the night from 6p.m. till 10 a.m. Not to exceed normal length of sprinkling hours (7 hours) and must be done on designated day.

DELETED: 4-3-3 1) Sprinkling Charges: Shall be set and determined by the Town Council. Resolution #158 8/26/97 ADDED: 4-3-4 Automatic Sprinkling Systems. Anyone who has an automatic underground sprinkling system will be allowed to sprinkle during the night from 6p.m. till 10 a.m. Not to exceed normal length of sprinkling hours (7 hours and must be done on designated day. Resolution # 157 8/1/97. Changed watering days to even house numbers on even days and odd house numbers on odd days 8/2017.

Chapter 4-4

RATES AND PENALTIES OF SEWER SYSTEM

Sections:

4-4-1 Service of Water
4-4-2 Equitable Rates
4-4-3 Charge for Sewer
4-4-4 Rates in Effect
4-4-5 No Hookups on Public Property
4-4-6 Charge for Sewer Service
4-4-7 Policy Regarding Vacancies, Water or Sewer
4-4-8 Charges
4-4-9 No Dumping of Recreational Vehicle Sewage or Wastewater
4-4-10 Water\Sewer Hook-up Rates Formula

4-4-1 Service of Water. There is hereby imposed and levied on all places of business, residences and other structures serviced by water in the Town of Alberton, Mineral County, Montana, irrespective of whether or not said places of business, residences and other structures are connected with the sewer system of the Town of Alberton, just and equitable rates for service, maintenance and operation of the sewer system of the Town of Alberton.

4-4-2 Equitable Rates. ~~Rates shall be set from time to time by the Town Council.~~ Rates for sewer service shall be set from time to time by resolution of the Town Council, following public notice and a public hearing as required by Montana Code Annotated § 69-7-111. A schedule of current rates shall be maintained on file with the Town Clerk-Treasurer and shall be available to the public upon request. (Amended per Ordinance 2026-06-03).

4-4-3 Charge for Sewer. A charge for sewer use shall be made and collected from each owner of real or personal property in the Town of Alberton, Montana, whose property is included in the classification listed in section 2 above. All charges and rates herein provided shall be paid and collected monthly. All payments shall be made to the Town Treasurer at the office of the Town Clerk, Alberton, and all payments so collected shall be placed and maintained in a special fund designated as the "Sewer Fund".

4-4-4 Rates in effect. The rates and charges herein above provided for shall become effective, due and payable as of the first (1st) day of April, 1970, and shall be collected monthly on or before the tenth (10^{th}) of each month, and all of such charges and rates shall be subject to collection whether such charge is based on service rendered or not. If any of the charges shall remain unpaid after the expiration of the month in which it is due, it shall be assessed against the property owner and shall remain a lien upon the real property served by such sewer connection until paid.

4-4-5 No Hookups on Public Property. No multiple hookups may be made on

PUBLIC PROPERTY (in streets or alleys). If more than one line uses the same they must wye together on private property before extending in the street or alley.

4-4-6 Charge for Sewer Service. All buildings in the town limits where there is a water service will be charged for the sewer service, whether they are hooked up to use it or not. Those now hooked to a septic tank, cesspool, or sewer running to the river, will be expected to pay the new sewer as of September 1, 1970; except south of Railroad Avenue-they are denied hookup to Sewer.

4-4-7 Policy Regarding Vacancies, Water or Sewer. Notify Water Clerk, in writing, thirty days in advance.

4-4-8 Charges. The Town of Alberton will make an appropriate charge for the installation and inspection of each service connection being made, this to include multiple hookups.

4-4-9 No Dumping of Recreational Vehicles Sewage or Wastewater. No one may be permitted to dump RV Sewage or Wastewater into the Town of Alberton's Sewer System.

4-4-10 Water/Sewer Hook-up ~~Formula: Water base rate $6.57 x 12 =$78.84 x 15 years = $1,182.60 Sewer base rate $8.12 x 12 = $97.44x 15 years = $1,461.60~~ Fees. Water and sewer hook-up (connection) fees shall be established and adjusted from time to time by resolution of the Town Council, following public notice and a public hearing as required by Montana Code Annotated § 69-7-111. All fees for water hook-up must be paid in full before the water connection can occur. All fees for sewer hook-up must be paid in full before the sewer connection can occur. A schedule of current hook-up fees shall be maintained on file with the Town Clerk-Treasurer and shall be available to the public upon request. (Amended according to Ordinance 2026-06-03)

ADDED: 4-4-9 No Dumping of recreational Vehicles Sewage or Wastewater. See 1/2/96 minutes. DELETED: from 4-4-8: *Sewer formula for hookup fee. One half (½) the monthly fee times twelve (12) months equals one (1) year fee times the number of years sewer has been in the ground, (installed 1968) plus materials. Resolution # 160-A 10/3/97*

Chapter 4-5

BUILDING SEWER OF PUBLIC SEWER SYSTEM

Sections:

4-5-1 Definitions
4-5-2 Principals
4-5-3 Pipe
4-5-4 Joints
4-5-5 Connections to the Public Sewer
4-5-6 Requirements for Services
4-5-7 Restrictions
4-5-8 Minimum Grades

4-5-1 Definitions. Building sewers are that part of the horizontal piping of the drainage system which extends from three (3) feet outside the building and which received the discharge from the building drain and conveys it to the public sewer.

Public sewers are sewers constructed in streets, alleys, roadways and easements, and are the sewers to which the building sewers connect. All public sewers are under the control of the Town of Alberton.

Sanitary sewers are pipe which carry sewage from building sewers, but exclude any storm, surface or ground water.

A.S.T.M. refers to the American Society for Testing Materials.

C.S. refers to Commercial Standards Specifications.

4-5-2 Principals. Every building having plumbing fixtures installed or intended for human habitation and occupancy or use on premises abutting streets, alleys, roadways or easements in which there are public sewers shall have a connection with the public sewer.

4-5-3 Pipe. Piping used for building sewers shall be a minimum of four (4) inches, and shall conform to the following specifications:

Cast iron soil pipe and fittings shall conform to ASTM A74-42 or CS188-59.

Vitrified clay sewer pipe shall conform to ASTM C200-65T, Federal Specification SS-P-36lb, Class 2, or CS143-60.

Asbestos-cement non-pressure sewer pipe shall conform to ASTM C428-63T Type II, or Federal Specifications SS-P 33lb.

4-5-4 Joints. Cast iron sewer pipe shall be jointed by the use of rubber compression rings or a caulked joint which shall be firmly packed with oakum or hemp and filled with molten lead for not less than a one (1) inch depth.

Vitrified clay sewer pipe shall be jointed by the use of a compression joint conforming to ASTM C425-66T.

Asbestos-cement non-pressure sewer pipe shall be provided with a sleeve coupling of the same composition as the pipe, sealed with rubber compression rings.

Joints between asbestos -cement pipe and metal pipe shall be made by means of an adapter coupling, or caulked joint packed with oakum or hemp and filled with molten lead. Approved rubber adapters may be used providing the adapter is furnished with stainless steel compression rings.

4-5-5 Connections to the Public Sewer. Connections to the public sewer shall be made with a cast iron wye branch. The wye branch furnished shall be of a make specifically manufactured for eight (8) inch asbestos-cement pipe, and shall be provided with the proper bands so that the joint between the wye branch and the public sewer line is watertight. The wye branch shall be furnished by the property owner, but the actual installation of the branch will be by the Town of Alberton personnel.

4-5-6 Requirements for Services. The building sewer shall serve no more than the buildings located on one lot, with the exception where a single building and associated structures contingent to the building occupy more than one lot.

4-5-7 Restrictions. All building sewers shall run from three (3) feet outside the building to the public sewer. All joints shall be watertight and inspected by the Town prior to back-filling trenches. In no case will it be allowed to connect a building sewer to the outlet of a septic tank and discharge the waste from the septic tank into the public sewer.

4-5-8 Minimum Grades. Building sewers shall have a minimum grade from the building to the public sewer of not less than one tenth (.10) foot in ten (10) feet.

DELETED: 4-5-9 Charges. The Town of Alberton will make an appropriate charge for the installation and inspection of each service connection being made, this to include multiple hook-ups. SEE: 4-4-8 Charges. Resolution # 160-A 10/3/97.

Chapter 4-6

SEWERS AND DRAINS

Sections:

4-6-1 Definitions
4-6-2 Use of Public Sewers Required
4-6-3 Private Sewage Disposal
4-6-4 Building Sewers and Connections
4-6-5 Use of the Public Sewers
4-6-6 Protection from Damage
4-6-7 Powers and Authority of Inspectors
4-6-8 Penalties

4-6-1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

a) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees C., expressed in milligrams per liter.

b) "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 feet (5') outside the inner face of the building wall.

c) "Building Sewer" shall mean the extension of the building drain to the public sewer or other place of disposal.

d) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

e) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

f) "Health Officer" shall mean an official of the County or State having jurisdiction over the design, installation, operation and maintenance of private or public sewage treatment facilities.

g) "Industrial Wastes" shall mean the liquid wastes from industry manufacturing processes, trade or business as distinct from sanitary sewage.

h) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

i) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

j) "PH" shall mean the logarithm of the reciprocal of the weight of hydrogenions in grams per liter of solution.

k) "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 one-half (1/2) inch in any dimension.

l) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

m) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground-waters are not intentionally admitted.

n) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm-waters as may be present.

o) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

p) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

q) "Sewer" shall mean a pipe or conduit for carrying sewage.

r) "Shall" is mandatory: "May" is permissive.

s) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) four concentration or flows during normal operation.

t) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

u) "Superintendent" shall mean the Superintendent of Sewage Works and/or Sewage Plant Operator of the Town of Alberton, or his authorized deputy, agent or representative.

v) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

w) "Town" shall mean the Mayor, Town Council, or its representatives acting within their appropriate limitations in accordance with town, county, state and federal laws.

x) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

y) "Hearing Board" shall mean that Board appointed or the Town Council, if no such Board is appointed.

4-6-2 Use of Public Sewers Required.

a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Alberton, or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste.

b) It shall be unlawful to discharge to any natural outlet within the Town of Alberton, or in any natural outlet within the Town of Alberton, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is with one hundred (100) feet of the property line.

4-7-3 Private Sewage Disposal.

a) Where a public sanitary or combined sewer is not available under the provisions of Section 4-7-2 (d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary

by the Superintendent. A permit and inspection fee of fifty dollars ($50.00) shall be paid to the town, at the time the application is filed.

c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environmental Sciences of the State of Montana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty-thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (d) above, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

h) When a public sewer becomes available, the building shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

4-7-4 Building Sewers and Connections.

a) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

b) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of twenty-five dollars ($25.00) for a residential or commercial building

sewer permit and one hundred dollars ($100.00) for an industrial building sewer permit shall be paid to the town at the time the application is filed.

c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may be directly or indirectly be occasioned by the installation of the building sewer.

d) 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 on 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.

e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the 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 town. In the absence of code provisions or in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representatives.

k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

4-7-5 Use of the Public Sewers.

a) No person shall discharge or cause to be discharged any storm-water, surface water, groundwater, roof runoff, subsurface drainage, un-contaminate cooling water, or unpolluted industrial process waters to any sanitary sewer.

b) 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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment plant, including but not limited to cyanides in in excess of two (2) mg//1 as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, bit not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the

Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Liquids heated in excess of one hundred and fifty degrees (150F) (65) C.

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 degrees F) (0 and 65 degrees C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

4. Any waters or wastes containing strong acid pickling wastes or concentrated plating solutions whether neutralized of the Superintendent.

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable toxic substances; or wastes exerting an excessive chlorine requirement, to such degree than any such material received in the composite sewage treatment works exceeds the limits established by the Superintendent for such materials.

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulation.

8. Any waters or wastes having a pH in excess of 9.5

9. Materials which exert or cause:

a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

e) Water or wastes containing substances which are not amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the sewer.
3. Require control over the quantities and rates of discharge, and /or
4. Require payment to cover by existing taxes or sewer charges under the provisions of Section 10 of this article. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters, or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

g) Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

h) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all out-falls of a premise is priate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all out-falls whereas pH's are determined from periodic grab samples.)

i) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern.

4-7-6 Protection from Damage.

a) No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

4-7-7 Powers and Authority of Inspectors.

a) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of

inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance The Superintendent or his representatives shall have no authority to inquire into any processes or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

b) While performing the necessary work on private properties referred to in subsection a) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 4-7-5, subsection h.

c) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

4-7-8 Penalties.

a) Any person found to be violating any provision of this ordinance except Section 4-7-6, shall be served by the town with a 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.

b) Any person who shall continue any violation beyond the time limit provided for in Section 4-7-8 (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars ($1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.