CHAPTER 13.02 - GENERAL

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13.02.010 Establishment of Water Works and Sewerage Systems

1. It is found, determined, and recited that the City of Dillon has the authority to acquire, purchase, construct, reconstruct, improve, and extend any undertaking constituting a combination of its water and sewer systems and all parts thereof and appurtenances thereto, including, but not limited to, the supply and distribution systems, reservoirs, dams, storm sewers, sanitary sewers, and sewage treatment and disposal works.
2. It is found, determined, and recited that the City of Dillon has the authority to adopt ordinances to maintain and improve the systems and to charge equitable rates for connections and the use of the facilities and for the services directly or indirectly supplied.
3. It is found, determined, and recited that the City has the authority to issue and sell bonds and to generally indebt the City for the improvements of these facilities.

History: Enc Ord 385 December 21, 1995, Amended Ord 395 July 1, 1998

13.02.020 Definitions

As used in this chapter, the following terms have the meanings ascribed to them in this section unless context indicates otherwise.

1. “Average Monthly Water Usage Amount” means the number of gallons of water, rounded up to the next one thousand (1,000) gallons of water used by the facility or person during the months of December, January, and February The average water metered over these months is used to set the customer sewer charge for the year. These months are used because theoretically, all water used during that time period is going into the sewer system and is not being used for irrigation or other uses that do not impact the City Waste Water Treatment facility.
2. “Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the wall of the building and conveys it to the building sewer.
3. “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. “City” means the City of Dillon, which is the incorporated local government for Dillon, Montana.
5. “Combined Sewer” means a sewer intended to receive both wastewater and storm or surface water.
6. “Crawl Space” means a place under a dwelling or building enclosed wholly or partially by a foundation and/or skirting.
7. “Floatable Oil” is oil, fat or grease in a physical state that separates by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater must be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
8. “Garbage” means animal and vegetable decomposable waste resulting from the handling, preparation, cooking and serving of foods.
9. “Grease Trap” means a grease, oil, and sand interceptor.
10. “Industrial User” means

1. Users that discharge more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes, or

2. Users that discharge wastewater to the treatment works that contain toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of municipal systems, or to injure or interfere with sewage treatment process, or that constitutes a hazard in or has an adverse effect on waters receiving discharge from the treatment works.

1. “Infiltration” means water other than wastewater that enters a sewerage system (including sewer service connections from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
2. “Infiltration/inflow” means the total quantity of water from both infiltration and inflow without distinguishing the source.
3. “Inflow” means water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
4. “Interceptor Sewer” means a sewer whose primary purpose is to transport wastewaters from collector sewers to a treatment facility.
5. “Lateral Sewer” means a sewer that discharges into another sewer and has no other common sewer tributary to it.
6. “Mobile home” means forms of housing known as “trailers”, “housetrailers”, or “trailer coaches” exceeding eight (8) feet in width or forty-five (45) feet in length, designed to be moved from one place to another by independent power connected to them, or any trailer, housetrailer, or trailer coach up to eight (8) feet in width or forty-five (45) feet in length used as a principal residence. Source 15-24-101 (1)(m), M.C.A.
7. “Mobile home park” means a trailer court as defined by Montana law.
8. “Mobile home space” means a space for rental for placement of a mobile home on a premise which is not defined as a mobile home park.
9. “Natural Outlet” means any outlet, including storm sewers, and combined sewer overflows, into a watercourse pond, ditch, lake, or other body of surface or groundwater.
10. “Owner” means the person, corporation, or other entity that owns the land to which water and/or sewer services are provided through the City of Dillon water and sewer system.
11. “Outfall Sewer” means a sewer that receives wastewater from a collecting system or from a treatment plant and carries it to a final discharge point.
12. “Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.
13. “Person” means individuals, firms, companies, associations, societies, corporations or groups.
14. “ph” means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ion, in grams, per liter of solution. Neutral water, for example, has a ph value of seven (7) and a hydrogen ion concentration of ten to the power minus seven (10-7).
15. “Properly Shredded Garbage” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
16. “Public Sewer” means a common sewer controlled by a governmental agency or public utility.
17. “Residential User” means a user who occupies a singular place of domicile for home and residence. A singular place of domicile is one apartment, one trailer, one mobile home, one unit of any structure occupied by one family as a residence and home.
18. “Sanitary Sewer” means a sewer that carries liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
19. “Septic Tank” means any properly sized water-tight receptacle that receives the discharge of sewage or wastewater and is designed and constructed to: retain solids, digest organic matter through a period of detention and allow liquids to discharge into the soil outside of the tank through a system of open joint piping or from a seepage pit meeting the requirements of the Uniform Plumbing Code.
20. “Septic Tank Wastes” means that portion of the tank contents, including solids, liquids, and combinations thereof that is periodically pumped and disposed of.
21. “Sewage” means the spent water of a community.
22. “Sewage Collection System” means each, and all, of the common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection “Y” fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are owned and maintained by the City.
23. “Sewer” means a pipe or conduit that carries wastewater or drainage water.
24. “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes than five (5) times the average twenty-four (24) hour concentration or flows during normal operations and may adversely affect the collection system and/or performance of the wastewater treatment works.
25. “Storm Drain” (sometimes termed “storm sewer”) means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
26. “Suspended Solids” means total suspended matter (TSS) that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.
27. “Trailer court” is defined by Montana law and means a parcel of land upon which two or more spaces are available to the public and designated for occupancy by trailers or mobile homes for use as residences. Source 50-52-101 (7)(a)M.C.A.
28. “Unpolluted Water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
29. “Wastewater” means the spent water of a community. From the standpoint of source, this may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm-water that may be present.
30. “Wastewater facilities” means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
31. “Wastewater Treatment Works” means an arrangement of devices and structures for treating wastewater, industrial waste and sludge. Sometimes used as synonymous with “waste treatment plant,” “wastewater treatment facility,” “wastewater treatment plant” or “water pollution control plant.”
32. “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently.

History: Enc Ord 385 December 21, 1995, Amended Ord 395 July 1, 1998, Amended Ord 417 July 16, 2008, Amended Ord 428 December 1, 2010, Amended Ord 467 March 18, 2020

13.02.030 Consumer Duty to Know

The rules set forth in this ordinance are a part of the contract entered into by every consumer of City water and/or sewer services. Failure to know the rules is not an excuse from the penalty of infringement.

History: Enc Ord 385 December 21, 1995, Amended Ord 395 July 1, 1998

13.02.040 Right of Entry

1. Water/sewer employees must have access at reasonable times to buildings or premises to which water is being delivered from the City water mains for purposes of inspecting conditions of pipes and fixtures and the manner in which water is used. Water/sewer employees must also have the right to remove water meters from premises for examination and tests when necessary.
2. The duly authorized employees of the City bearing proper credentials and identification must be permitted to enter all private properties through which the City 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 water and wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, must be done in full accordance with the terms of the duly negotiated easements pertaining to the private property involved.

History: Enc Ord 385 December 21, 1995, Amended Ord 395 July 1, 1998, Amended Ord 467 March 18, 2020

13.02.050 Indemnification of City

While performing the necessary work on private properties referred to in this chapter, the duly authorized employees of the City must observe all safety rules applicable to the premises established by the owner, and the owner must be held harmless for injury or death to the City employees, and the City must indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner growing out of the gauging and sampling operation, except such may be caused by negligence or failure of the owner to maintain safe conditions as required in this chapter.

History: Enc Ord 385 December 21, 1995, Amended Ord 395 July 1, 1998, Enc Ord 467 March 18, 2020

13.02.060 Utility Bills

1. Fees. As used in this Title, fees are set by resolution of the City Council after a public hearing. The date of the Council resolution setting fees, rates, or charges must be placed in the City of Dillon Resolution Book, and reference to such resolution, date, number and fee rate and/or charge must be set forth in the Resolution Book until the same has been modified or repealed.
2. Billing—Areas Designated All the incorporated area of the City of Dillon are billed on a monthly basis for water usage and sewer services.
3. Billing Process and Delinquency

For the following items under part C, “water and sewer” means water only, sewer only, or water and sewer for billing.

* + - 1. Water and Sewer bills are mailed or otherwise communicated to water and sewer customers on or near the first (1st) day of each month. Actual meter readings are completed monthly on or near the twenty-fourth (24th) day of each month.
      2. Water and Sewer Utility bills are due the twenty-fifth (25th) day of each month. Exceptions are made when the twenty-fifth (25th) day is on a weekend, holiday or day City offices are closed. In those instances, consumers have through the following business day to make payments.
      3. Water and Sewer accounts not paid by the twenty-fifth (25th) day of each month become delinquent on the twenty-sixth (26th) day of each month (see paragraph 2).
      4. A written notice of delinquency may be mailed to consumers with delinquent accounts that have not been brought current by the tenth (10th) day of the month following the date of delinquency (see paragraph 3) and an additional fee may be assessed.
      5. Accounts that remain unpaid ten (10) days following the date on the written notice, may receive a notice hand-delivered by water/sewer department employees advising the consumer that water and sewer service may be terminated the following day and an additional fee may be assessed.
      6. If water and sewer services are terminated for non-payment, an additional fee may be assessed and the account must be brought current, to include all additional fees, before water and sewer service may be resumed.
      7. For Sewer only accounts, when it is determined that the user account is in arrears, the City Treasurer must, on or before July 7, send a notice to all lots or parcels of real estate to which sewer has been furnished, the amount due and stating that if the amount is not paid within thirty (30) days, the amount will be levied on the respective property following the same calculations for determination of amount charged as used for Water and Sewer accounts but with the water use based on the three-month average for all residential users. See MCA § 7-13-4309.
      8. If any renter and/or the owner have been found for termination of services for non-payment, the City may also send the amount owed to a collection agency. The water and sewer service will only be resumed when the payment is made in full.
      9. If any renter has defaulted on their payment after the above collection attempts for more than two (2) locations, the City will not resume any service for that individual renter at any location. If water and sewer service is required the owner of the property must provide the deposit as renter and shall be responsible for the monthly payments.

1. Billing – Owners. Owners of property served with water are held liable for all water and/or sewer charges. Payments may be accepted from tenants. In the event that an owner and/or occupant of the property has subleased to a third person who is the water account user, the land owner and the tenant, as well as the subtenant, are responsible jointly and severally for payment of water and/or sewer charges. Owners are not relieved of responsibility to pay for services if tenants or third party account users become delinquent.

Example:

Party #1 owns the ground. That party is the owner.

Party #2 rents a mobile home space from Party #1 and places a mobile home on said space.

Party #3 rents the mobile home from Party #2.

If Party #3 becomes delinquent on water/sewer charges, Party #2 is responsible for payment of delinquencies.

If Party #3 and Party #2 fail to pay delinquent charges, Party #1, the owner, is ultimately responsible for payment of all charges.

1. Rates and Charges
2. Metered Rate. Owners of each premise on which a water meter has been installed must pay for the water consumed at a rate set by resolution of the City Council after public hearing. This rate must be detailed in a rate chart and must be available upon request to all water users.
3. Deposit for Service. New renters or new property owners of properties that receive City water and/or sewer services must pay a deposit fee set by resolution of the City Council after public hearing. Deposits are applied to final balances, if so desired by consumers, upon sale of property or termination of lease. Credit balances are refunded to the consumer who paid the deposit. The money deposited by the users are their property and thus the money deposited by the owners or renters will be deposited in a non-interest bearing trust account.
4. Water and Sewer R&D (Reserve and Depreciation) Fee. A monthly fee is assessed against each water and/or sewer connection on the water and/or sewer system set by resolution of the City Council after public hearing. This fee is used to replace and/or repair water and sewer main lines that exceed minor repairs.
5. Water and/or Sewer Construction Fees. A monthly construction fee will be assessed against each water and/or sewer connection for payments on all revenue bonds against either the water or sewer system respectively.
6. Rate and Charge Revisions If at any time the rates or charges for water and/or sewer prove to be insufficient to adequately maintain and improve the water and/or sewer system the Mayor or the Director of Operations must advise the Council and the relevant rates may be revised by resolution of the City Council after public hearing.
7. Determination of Sewer Use Fee Sewer use fees are determined based on the average number of gallons of water consumed by water customers during the months of December, January and February. The average monthly water usage amount is the actual number of gallons metered, rounded up to the next one thousand (1,000) gallons. If no water is used during those three months, the average residential water usage is to be used, again rounded up to the next one thousand (1,000) gallons.
8. Fire Protection Fee - Sewer Users only Sewer users not connected to the municipal water system must pay a monthly fee set by a resolution of the City Council after public hearing to pay for the system improvements for fire service.

History: Enc Ord 385 December 21, 1995, Amended Ord 387 August 22, 1996, Amended Ord 395 July 1, 1998, Amended Ord 406 July 16, 2003, Amended Ord 417 July 16, 2008, Amended Ord 428 December 1, 2010, Enc Ord 467 March 18, 2020

13.02.070 Vacated Properties – Termination of Service

In the event water and/or sewer services are no longer required to a property (for example a residence burned down or became uninhabitable for other reasons or the property will be vacant for a period of time) a property owner may request services to the property be discontinued and billing stopped. However, if at some point in the future the property owner decide to resume water and/or sewer services, a fee set by resolution of the City Council must be paid before water and/or sewer services are reconnected and billing resumed.

History: Enc Ord 467 March 18, 2020