

ORDINANCE NO. 84

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE SEWER SERVICE CHARGES TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE TOWN OF ENNIS, MONTANA AND PROVIDING CERTAIN PROHIBITIONS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA.

SECTION 1. PURPOSE

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

SECTION 2. DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE.

The Town of Ennis, Montana, or its Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

SECTION 3. DETERMINING EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE.

The Town of Ennis, Montana, or its Engineer, shall determine

For each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The Town of Ennis, Montana, or its Engineer, shall determine for each user or user class the average daily poundage of 5-day 20-degree Centigrade Biochemical Oxygen Demand (BOD) discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine such user's BOD Contribution Percentage.

The Town of Ennis, Montana, or its Engineer, shall determine for each user or user class the average daily total Suspended Solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS Contribution Percentage. The Volume Contribution Percentage, BOD Contribution Percentage and TSS Contribution Percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total 5-day 20-degree Centigrade BOD and total TSS, respectively.

SECTION 4. DETERMINING A SURCHARGE SYSTEM FOR USERS WITH EXCESS BOD AND TSS.

The Town of Ennis, Montana, or its Engineer will assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 250 ppm TSS. The surcharge rate structure for such above-normal strength waste discharges is attached (Appendix A).

SECTION 5. DETERMINING EACH USER'S WASTEWATER SERVICE CHARGE.

Each non-residential user's wastewater treatment cost contributions as determined in Sections 3 and 4 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other non-residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule (Appendix B).

SECTION 6. WASTEWATER FACILITIES REPLACEMENT FUND.

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed (see Appendix C).

SECTION 7. PAYMENT OF THE USER'S WASTEWATER SERVICE CHARGE AND PENALTIES.

The Town shall submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The Town shall add a penalty of 1½% percent per month if the payment is not received by the Town within 45 days. Should any user fail to pay the user wastewater service charge and penalty within three(3) months of the due date, the Town may stop the wastewater and water service to the property.

SECTION 8. REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE.

The Town shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The Town shall apply excess revenue collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's Wastewater Contribution Percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the Town shall determine if the user's Wastewater Contribution Percentage is to be changed. The Town shall notify the user of its findings as soon as possible.

SECTION 9. NOTIFICATION.

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment service.

SECTION 10. WASTES PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER TREATMENT SYSTEM

The discharge of any waters containing septic tank wastes, toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect of the waters receiving any discharge from the treatment work is hereby prohibited.

Each user which discharges any toxic pollutants which cause

an increase in the cost of managing the effluent or the sludge of The Ennis Montana treatment works shall pay for such increased costs.

Article No. V of the Town's "Regulation of Sewer Use" Ordinance contains additional requirements covering the use of the Town's public sewers.

SECTION 11. PROHIBITION OF CLEAR WATER CONNECTIONS.

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.

SECTION 12. PROPER DESIGN AND CONSTRUCTION OF NEW SEWERS AND CONNECTIONS.

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, 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 of Ennis and the State of Montana. In the absence of code provision or amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Article No. IV of the Town's "Regulation of Sewer Use" Ordinance contains additional requirements covering the proper design and construction of the Town's sanitary sewers, building sewers, and connection.

SECTION 13. VALIDITY.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 14. ORDINANCE IN FORCE.

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

I, Vicki J. Manning, the duly appointed, qualified and acting Town Clerk of the Town of Ennis do hereby certify that the within and foregoing is a true and correct copy of that certain Ordinance No. 84, as appears in the official records of said Town.



VICKI J. MANNING, TOWN CLERK

STATE OF MONTANA
COUNTY OF MADISON
TOWN OF ENNIS

I, Wicki J. Manning the duly appointed, qualified and acting Town Clerk of the Town of Ennis, hereby certify that the within and foregoing ordinance is a true and correct copy of the original ordinance enacted by the Town of Ennis with the First Reading on the September 13, 1984, the Second Reading and final passage on the October 16, 1984, and publication on Sept 20, 27 & Oct 4 & 11th.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of the Town of Ennis this 11th October, 1984.

(TOWN SEAL)

Wicki J. Manning
(Town Clerk)

APPENDIX A

SURCHARGE RATE SCHEDULE FOR
ABOVE NORMAL STRENGTH WASTES

The Town of Ennis, Montana, or its Engineer, has determined that the average total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD) daily loadings for the average residential user are 200 ppm BOD and 250 ppm TSS. The Town of Ennis Montana, or its Engineer, has assessed a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such user's above normal strength wastes. Such users will pay an additional service charge of five (5) cents per 1,000 gallons for each 25 ppm over 200 ppm of BOD and three (3) cents per 1,000 gallons for each 25 ppm over 250 ppm TSS.

APPENDIX B

RATE SCHEDULE

Residential users are considered to be one class of user and are assessed a charge of \$ 7.55 per month. Non-residential users with flows no greater than the average residential user's flow of 5,500 gallons per month and with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 250 ppm TSS will pay the same charge of \$ 7.55 per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge of \$ 1.37 per 1,000 gallons per month for all flows greater than the average residential user's flow of 5,500 gallons per month.

Any non-residential user with BOD and TSS greater than the average residential user's strength of 200 ppm BOD and 250 ppm TSS will pay a surcharge in accordance with the rates shown

in the surcharge rate schedule.

APPENDIX C

WASTEWATER FACILITIES REPLACEMENT FUND SCHEDULE

The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$1,100.00 per year obtained from the wastewater utility fund at the end of each fiscal year.