

TITLE 4

HEALTH AND SANITATION

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CHAPTER 1

EXCAVATIONS

4-1-01 FILLING CESSPOOLS AND EXCAVATIONS. The town council may order the owner or owners of any real property within the town to fill in any abandoned cesspool, well, cistern, latrine, or other excavation. If the owner or owners fail to cause such filling within thirty (30) days after receiving notice, they shall be subject to the general penalty as specified in this code.

4-1-10 EXCAVATIONS OPEN FORTY-EIGHT HOURS. Excavations made in the streets or other public ways for the purpose of connecting drain pipes with the sewer, shall not remain open more than forty-eight (48) hours unless a special permit for a longer time is obtained from the sewer commissioner, within which time the street must be restored to its original condition of good repair.

4-1-20 EXCAVATION PRECAUTIONS. Every precaution shall be taken when excavating in the streets or public ways to prevent the obstruction or disturbance of any gutter or other pipe or conduit, or the destruction of property of any kind. Proper and sufficient barricades and warning devices shall be placed around the excavation.

4-1-30 SETTLEMENT REPAIRED AT OWNER'S EXPENSE. Any settlement that occurs in the surface of the ground through the laying of any drain or water pipe, and within one year from the completion of the work, shall be repaired by the property owner to whom the permit was issued for doing the work. If the repairs are not completed by the owner in the manner and within the time required by order of the sewer commissioner, they shall be completed by the town and the expense thereof, plus ten percent for administrative costs, shall become a special tax against the property.

4-1-40 PIPES WITHIN TWO FEET OF SEWER. No gas or water pipe or other conduit shall be laid nearer than two feet on either side of any public sewer, unless a special permit is obtained from the sewer commissioner.

CHAPTER 2

WEEDS

4-2-01 NOXIOUS WEEDS. All weeds, uncontrolled grass, and other wild and uncared for vegetation growing to a height in excess of eight (8) inches on premises located within the town are declared noxious weed.

4-2-02 DUTY TO CONTROL. A owner of any premises within the town shall not permit or suffer the growth of noxious weeds on the premises.

4-2-03 PENALTY. In the event that an owner fails to control noxious weeds on his premises, written notice of the violation shall be served on him, and the owner shall have ten (10) days to cut and remove the noxious weeds. If the owner fails to do so in ten days from receipt of the notice, he shall be subject to the general penalty provided in this code. In addition, and official of the city may cause the noxious weeds to be removed from the owner's premises. The cost of this removal, plus an additional charge of ten percent for administrative costs, shall become a special tax against the property.

CHAPTER 3

WASTE DISPOSAL

4-3-01 DISPOSAL OF WASTES. The disposal of garbage, refuse, and other wastes shall be accomplished only in the manner herein specified by the town council.

4-3-02 TOWN DUMP. The town shall provide a dump for the disposal of garbage, refuse, and other wastes. The dump will be open at least two days a week. Dumping will take place only when the dump is open. The town council will appoint a caretaker, to control the use of the dump and collect the fees levied against users of the dump. The dump shall be open to residents and non-residents, subject to state approval.

4-3-03 GARBAGE COLLECTION. The town may provide for the collection of all refuse, garbage, and waste from the residents and businesses within the town. Covered vehicles shall be used for the collection. Collection shall be made once a week at residences, and, where required, twice a week at businesses.

4-3-04 DISPOSAL IN PLACES OTHER THAN DUMP. No dumping of refuse, waste, or garbage will be allowed outside the specified dumping area.

4-3-05 CONTAINERS. Residents and businesses of the town shall use covered containers not exceeding thirty (30) gallons in capacity for the storage and deposit of garbage. The containers shall be elevated on a platform, and placed near the edge of the alley, or in a convenient place for pick up by the collection vehicles.

4-3-10 FEES AND CHARGES. Such fees and charges for the use of the dump and for the collection of refuse, waste, and garbage are set forth in the table of fees. The fees shall be payable at the town hall.

4-3-20 PENALTY. Violations of this chapter are punishable by a fine not exceeding ten dollars (\$10.00) for each violation, plus court costs. Violations are also declared to be a public nuisance and may be enjoined in court.

4-3-30 CONTRACT FOR GARBAGE HAULING. The town may contract with any private garbage hauling firm for collection of garbage and may bill the members of the town accordingly.

4-3-31 USE OF SERVICE. No resident of the town shall be required to contracted garbage service, but lack of use shall not excuse payment of prescribed charge.

CHAPTER 4

SEWERS

ARTICLE I

Definitions *

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

- Sec. 1 Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- Sec. 2 "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Sec. 4 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 5 "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Sec. 6 "Floatable oil" is oil, fat, grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Sec. 7 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- Sec. 8 "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- Sec. 9 "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

- Sec. 10 "May" is permissive (See "Shall", Sec. 18).
- Sec. 11 "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 12 "pH" shall mean the logarithm of reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- Sec. 13 "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- Sec. 14 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- Sec. 15 "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Sec. 16 "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 24.
- Sec. 17 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Sec. 18 "Shall" is mandatory (see "may", Sec. 10).
- Sec. 19 "Slug shall mean 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 more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 20 Storm Drain (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any surface.

- Sec. 21 "Superintendent" shall mean the (superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the Town of Fromberg, or his authorized deputy, agent, or representative.
- Sec. 22 "Suspended solids" shall mean total suspended matter 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 nonfilterable residue.
- Sec. 23 "unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Sec. 24 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and stormwater that may be present.
- Sec 25 "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Sec. 26 "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "water pollution control plant."
- Sec. 27 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- Sec. 28 "Hearing board" shall mean that board appointed according to provision of Article _____. (This section to be included on if optional article entitled "hearing Boards" is made a part of the ordinance."

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Sec. 1 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, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2 It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 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 wastewater.

Sec. 4 The owner's of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city 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 the owner's 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 (60 days) after date of official notice to do so, provided that said public sewer is with (100 feet) of the property line.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

Sec. 1 Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Sec. 2 Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Mayor. 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 Mayor. A permit and inspection fee of (25.00) twenty five dollars shall be paid to the Town at the time the application is filed.

Sec. 3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent 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 (48) hours of the receipt of notice by the Mayor.

Sec. 4 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of public health of the State of Montana. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

Sec. 6 The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Sec. 7 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

ARTICLE IV

SANITARY SEWER, BUILDING SEWERS AND CONNECTIONS

Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Mayor.

Sec. 2 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(s) 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 Mayor. A permit and inspection fee of (250.00) dollars for a residential or commercial building sewer permit and (500.00) dollars for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Sec. 3 All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4 A separate and independent building sewer shall be provided for every building, except where on building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as on building sewer, but the Town does not and will not assume any obligations or responsibility for damage caused by or resulting from any such single connection afore mentioned.

Sec. 5 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.

Sec. 6 The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, 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 or other applicable rules and regulations of the Town. In the absence of suitable code provisions or in 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.

Sec. 7 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.

Sec. 8 No person(s) shall make connection of roof downspouts, 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 unless such connection is approved by the Mayor for purposes of disposal of polluted surface drainage.

Sec. 9 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 (city), or the procedures set forth in appropriate specifications of the A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Mayor before installation.

Sec. 10 The applicant for the building sewer permit shall notify the Mayor when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Mayor or his representative.

Sec. 11 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.

ARTICLE V

USE OF THE PUBLIC SEWERS

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Mayor.

Sec. 2 Stormwater other than that exempted under Section 1, Article V 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 Mayor and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Mayor, to a storm sewer, combined sewer, or natural outlet.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers.

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any water containing 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 system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters, receiving any discharge from the treatment works.

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

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

Sec. 4 The following described substances, material, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitation established in the regulations below if in his opinion such more severe limitations are necessary to meet the above

objectives. In forming his opinion as to the acceptability, the Mayor will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitation or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of The Mayor are as follows:

(a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius.)

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(c) Wastewater from industrial plants containing floatable oils, fat, or grease.

(d) Any garbage that has not been properly shredded (see Article 1, Section 13) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Mayor.

(g) 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 regulations.

(h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(i) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the Wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

Sec. 5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Mayor, may have a deleterious effect up on the wastewater facilities,

processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

When considering the above alternative the Mayor shall give consideration to the economic impact of each alternative on the discharger. 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.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Mayor, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4(c), 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 a type and capacity approved by the Mayor and shall be of a type and capacity accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Mayor. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 8 When required by the Mayor, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Mayor. The structure shall be installed by the owner at his expense, and shall be maintained by him so to be safe and accessible at all times.

Sec. 9 The Mayor may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

(1) wastewaters discharge peak rate and volume over a specified time period.

(2) Chemical analyses of wastewaters.

(3) Information on raw materials, processes, and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(6) details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 10 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Mayor.

Sec. 11 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 City for treatment.

ARTICLE VI

PERSONS VIOLATING WASTEWATER FACILITIES

Sec. 1 No persons shall maliciously, willfully, or negligently break damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

CHAPTER 5

WATERWORKS

4-5-01 CONSTRUCTION COSTS. The entire costs of construction, laying, repairing, or maintaining any water pipes to the water mains within the town shall be paid by the property owners.

4-5-02 CONNECTION. The owner(s) of property requiring a connection to the water mains of the town shall pay a water main connection fee as set forth in the table of fees.

4-5-03 RATES AND CHARGES. Every user of the town water system shall apply for the use of water according to the water rates and charges schedule as set forth in the table of fees.

4-5-11 METERS REQUIRED. Any water user may have a meter installed if he so requests. All water users outside the limits of the town shall have metered water lines. All non-residential users shall have metered water lines, except that the water commissioner may exempt a non-residential user from the requirement of a meter if the volume of water used does not warrant the installation of a meter on any water line if it appears that an excess of water is being used under the flat rate.

4-5-12 COST OF METER. Installation of all water meters shall be at the user's expense. Meters in excess of the three-quarters of an inch intake size shall be furnished by the user. Smaller meters shall be furnished by the town. In an event if the town furnishes the meter for the user and the user has not paid for it in full within 90 days of time that the meter was installed there shall be a 1.5% interest charge per month which is an annual percentage rate of 18%. The finance charge is calculated by applying 1.5% to the adjusted Balance. To avoid any finance charges the Meter shall be paid in full within 90 days.

4-5-13 METER DEPOSIT. If a meter user does not own real property on which the meter is located, he shall place on deposit with the water department for each meter, the sum of money designated in the table of fees as the meter deposit. This deposit money shall be kept in a fund separate from all other funds of the town. If such a user terminates his use of the water, the deposit, less any charges outstanding for water service, shall be refunded by him.

4-5-14 REMOVAL OF METERS. After a meter has been installed on the water line of a residential user, the owner shall not remove the meter or be returned to flat rate charge without the permission of the town council.

4-5-21 RENTAL PROPERTY. Landlords shall be responsible for the water charges assessed against property owned by them. When no tenant is in possession, landlords may request that the water

commissioner terminate water service to that property. The clerk shall bill all owners of real property within the Municipality for water supplied to premises owned by them unless the owner request in writing that such bills be sent to the tenant, therefore the town will request an 100.00 dollars deposit from the tenant.

4-5-22 SEASONAL RULES. The town council shall have from time to time the authority to set sprinkling regulations by majority vote of the council, with respect to days or hours of sprinkling in the town of Fromberg.

Any party violating the sprinkling regulations in the Town of Fromberg, shall be guilty of a misdemeanor, and shall be subject ot fine to be limited by the regulations as set forth by the town council.

Any ordinance in the Town of Fromberg in conflict herewith, are hereby repealed.

4-5-31 DELINQUENT CHARGES. If the user has not paid the charges assessed against him every three months in full, his water service may be terminated by the water commissioner. The water service shall not be restored until the user's account is paid in full plus a \$50.00 turn on fee. The town shall have an action at law for the collection of delinquent charges, and may also recover reasonable collection costs and attorney's fees.

4-5-32 CHARGE FOR RESTORING WATER SERVICE. Whenever water service is terminated to a user by request, or by order of the water commissioner, the charge for restoration of service set forth in the table of fees shall be paid by the user before service is restored.

4-5-33 RESTRICTING TYPES OF CONTAINERS THAT CAN BE FILLED WITH WATER. No person shall place water from the town bulk water fill station into any container or vehicle that is not intended or used exclusively for the hauling of uncontaminated water.

For the purpose of this ordinance a container or vehicle used exclusively for hauling uncontaminated water excludes any vehicle or container that used or has been used to contain any solution containing pesticides, herbicides, fertilizers, or any other hazardous or toxic substance.

Any person who through either their negligence or purposeful act; fills with water a container or vehicle not used exclusively for hauling or containing uncontaminated water from the Fromberg Town bulk water fill station is in violation of the terms of this ordinance.

Anyone convicted of violation this Ordinance is guilty of a misdemeanor, and shall be fined not more than \$500.00 or imprisoned in jail for a term not to exceed 6 months, or both.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

Sec. 1 The Mayor 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 pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Sec. 2 The mayor or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3 While performing the necessary work on private properties referred to in Article XII, Section 1, above, the Mayor 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 city shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company 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 by Article V, Section 8.

Sec. 4 The Mayor 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 wastewater facilities lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

PENALTIES

Sec. 1 Any person found to be violating any provision of this ordinance except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding (500.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the city by reason of such violation.

CHAPTER 6

PLUMBERS AND PLUMBING

4-6-01 PLUMBER'S LICENSE. Every person working at the business of plumbing within the limits of the town shall hold a valid plumber's license from the State of Montana,. Provided, however, that if no plumber holding a state license is available within the town, the Sewer Commissioner may license qualified plumbers who do not hold state licenses, for work within the town. The plumbers' license granted by the town shall run for the period of one (1) year, and may be renewed for additional periods of one year each by the Sewer Commissioner, provided that no plumber holding a state license is yet available in the town. The fee for the plumber's license issued by the town shall be as set forth in the table of fees.

4-6-02 PLUMBER'S LICENSE NOT BUSINESS LICENSE. A plumber's license, whether issued by the state or the town, shall not exempt a plumber from the requirement of obtaining a town business license, as provided elsewhere in this municipal code.

4-6-11 PERMIT REQUIRED. No person shall begin any work other than repairs on any plumbing within the town without having first obtained a written permit for the work from the Sewer Commissioner. The permit shall be present at the job site the whole time the work is in progress, and shall be exhibited to any official of the town upon request.

4-6-12 APPLICATION FOR PERMIT. Application for the permit required in this chapter shall be made at the office of the Sewer Commissioner. Application forms shall be available from the office of the Sewer Commissioner upon request. Applications shall be in writing, and shall include a plan and description of the work to be done. No permit shall be granted for work which substantially deviates from the technical requirements set forth in the plumbing code adopted.

4-6-13 REPAIRS. As used in this chapter, "repairs" shall mean the mending of leaks in drains, soil, waste and vent pipes, the mending of faucets, valves, and water supply pipes, and the forcing out of waste from pipes. However, "repairs" shall not include any work done in a building condemned by the Board of Health.

4-6-21 INSPECTION FEE. At the time of application for a plumbing permit, the applicant or his agent shall pay to the Sewer Commissioner the plumbing inspection fee set forth in the table of fees.

4-6-22 INSPECTION. All work done under a permit required by this chapter shall be subject to inspection. The inspection fee shall be used to pay the costs of such inspection. The Sewer Commissioner shall not appoint a plumber, or an employee of that

plumber, to inspect the plumber's own work.

4-6-31 REVOCATION OF LICENSES AND PERMITS. Any license or permit granted under the provisions of this chapter may be revoked or annulled by the Sewer Commissioner for violation of the provisions of this chapter, or for failure to carry out work in a proper and workmanlike manner. The notice shall set forth the reasons for revocation or annulment. A permit or license shall not be re-issued until the cause of the revocation or annulment has been removed or abated.

4-6-41 PENALTY. Any person found guilty of a violation of any provision of this chapter shall be subject to the general penalty provided in this Municipal Code. In addition, a fine of not less than twenty-five dollars (\$25.00) per day may be levied against any person who continues in violation of this section after conviction.

CHAPTER 7

STREETS, ALLEYS AND GUTTERS

4-7-01 ADJOINING LANDOWNERS SHALL KEEP CLEAN. It shall be the duty of the owner or occupant of any premises within the town limits of Fromberg to keep such premises and half of the street in front of or adjoining his property clean, open, and free from ashes, garbage, waste papers, cans, and other debris, all refuse or growth or rank or noxious weeds and other matter offensive to the neighborhood, and any and all accumulations of refuse of any kind.

4-7-11 OFFENSIVE AREAS OR MATTER PROHIBITED. It shall be unlawful for the owner or occupant of any premises to keep thereon any unwholesome or decaying or putrid animal or vegetable matter, the nature and condition of which tends to contaminate the atmosphere, or endanger or injure the health of persons, to keep any flammable matter on or about any premises as to endanger the building thereon or neighboring building.

4-7-21 PENALTY. Any person found guilty of violation of the above sections shall be subject to the general penalty as provided in this municipal code.