

# **RULES AND REGULATIONS**

## **GOVERNING SEWER SERVICE**

**PUBLIC WORKS DEPARTMENT**

**CITY OF KALISPELL, MONTANA**

**SEPTEMBER 2015**

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RULES AND REGULATIONS  
FOR THE  
KALISPELL SEWER DEPARTMENT

Rule I        Purpose of Rules and Regulations

The purpose of these rules and regulations is to set forth criteria to ensure adequate service, prevent unfair charges to the customer, and to protect the Kalispell Sewer Department from unreasonable demands.

The Kalispell Sewer Department is governed by the Kalispell City Council, hereinafter referred to as the City Council, and is under the direct supervision of the Director of Public Works. The adoption of these Rules and Regulations shall not preclude the City Council from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion or upon application of the Director of Public Works.

These Rules and Regulations do not in any way relieve the Kalispell Sewer Department from any of its duties under the laws of the State of Montana. The authority requiring the Rules and Regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

Rule II        Definitions

The words or phrases used hereinafter shall mean as follows:

1. "City Council" means the duly elected governing body of the City of Kalispell, to include the Mayor.
2. "City Manager" means the duly appointed City Manager of the City of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
3. "City Sanitary Sewer" means the system operated by the Kalispell Sewer Department for the collection, conveyance, and treatment of sewage.
4. "City Water" means water furnished by the Kalispell Water Department.
5. "Collection Main" means sewer pipe owned, operated and maintained by the Sewer Department, which is used for the purposes of collecting and conveying wastewater

and sewage, and to which service connections are attached. A pressurized main or force main is not considered to be a collection main.

6. “Commercial Service” means any sewer usage other than solely for residential purposes except in a residence in which the resident operates a neighborhood business occupying less than thirty percent of the living area and which the water consumption for the business would be insignificant. Where a single structure has a neighborhood business exceeding the foregoing or has more than one business combined with a residence, the sewer service shall be considered “Commercial Service”. Commercial Service includes, but is not limited to: schools, hospitals, nursing homes, churches, hotels, motels, trailer parks, apartments, duplexes, condos, multi-plex units, and rooming housing with two or more rooms on a rental basis are considered Commercial services and not Residential.
7. “Customer” or “Consumer” means any individual, partnership, association, firm, public or private corporation or government agency, or any other user receiving sewer service. In the case of a tenant or landlord, the property owner is considered the customer or consumer.
8. “Developer” means any person, firm, corporation, or other entity that causes improvements to be made upon the land with said improvements requiring sewer service.
9. “Director of Public Works” means the Director of Public Works for the City Of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
10. “Domestic Sewage” is defined as the liquid waste collected from customers, residences, business buildings and institutions which contains organic matter associated with products consumed by humans.
11. “Extension Agreement/Latecomer Agreement” means an agreement between the City of Kalispell and a Developer which allows the Developer to connect onto an existing main owned by the City, and extend water or sewer service to the property of the Developer. The Agreement sets forth the value of the extended main and the charges for new customer connections to the extension main which are paid to the Developer. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.
12. “Force Main” or “Pressurized Main” is a pressurized sewer pipe owned, operated, and maintained by the Sewer Department, which is used for the purpose of conveying

sewage from lift stations to other sewer collection mains. No private sewer taps shall be made on city force mains.

13. “Industrial Waste” is defined as the liquid waste which has any other consistency than “Domestic Sewage”.
14. “Permittee” means any person, firm, corporation or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
15. “Private Main” means any sewer pipe not owned, operated and maintained by the City of Kalispell to which more than one service line was originally connected.
16. “Public Service Commission” means the Montana Public Service Commission.
17. “Residential Service” means sewer usage solely for residential purposes.
18. “Service Connection” means the connection and or the tap at the collection main which connects the customer’s service pipe to the main.
19. “Service Pipe or “Service Line” means the piping from the service connection and or tap at the main to the customer’s premises.
20. “Sewer Department” means the City of Kalispell Sewer Department.
21. “Standards” shall mean the current “Standards for Design and Construction”, as adopted by the Kalispell City Council.
22. “Water Department” means the City of Kalispell Water Department.

Rule III      Records and Reports

1. Preservation of Records: All records required by these Rules shall be preserved by the Sewer Department in accordance with the “Rules to Govern the Preservation of Records of Public Utilities and Licensees”, as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated April, 1972.
2. Filing of Rules, Regulations, and Rate Schedules: No rules, regulations or schedules of rates or modification of the same, shall be effective until adopted by the City Council.

3. Financial and Statistical Report: The Sewer Department shall file annually a Financial and Statistical Report upon forms to be furnished by the Public Service Commission. This report shall be filed on or before October 31 of each year as set forth in Section 69-3-203 MCA.

Rule IV        Customer Information

1. Rates: Sewer Department personnel shall explain to the customer, during the application for service, or whenever the customer requests to do so, the Sewer Department's rates applicable to the type of service furnished to the customer. The Sewer Department shall supply the customer, when requested, with a copy of the Rate Schedule.
2. Rules and Regulations: A copy of the Rules and Regulations of the Sewer Department and any contracts and applications applicable to the Sewer Department shall be maintained in the office for inspection by the public.
3. Posting: A suitable placard in large type shall be exhibited in a conspicuous location, giving information to the customer that a copy of the Rules and Regulations of the Sewer Department and the schedule of rates are kept for their inspection. The information shall state that the Sewer Department is regulated by the Kalispell City Council and under the direct supervision of the Director of Public Works.

Rule V        Uses and Charges

1. Free Sewage: The Sewer Department shall not supply free sewer service to any customer.
2. Temporary Services: Sewage from construction, special projects, or other short term usage must be applied for specially and shall be for a period no longer than six months. The usage charge shall be based on a water meter reading and the current Rate Schedule.

In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and water meter, if required. Temporary sewer service, if granted, may be terminated by the City after three days prior written notice of termination has been personally delivered or mailed to the owner's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service.

3. No City Water But City Sanitary Sewer: Customers which are not connected to City water, but which discharge sewage into the city sanitary sewer shall have their water service metered. The metering shall be at the expense of the customer, including the meter, and be compatible with the City's metering system. Kalispell Water Department personnel shall have access to the water meter for reading purposes. There will be no charge made for the water used, but the meter reading will be used as a basis for a sewer service charge. The Water Department reserves the right to check the customer's meter for accuracy. Meters which are found to be over 2% in error, in the customer's favor, shall be replaced or repaired by Water Department personnel, at the customer's expense.
4. Usage Restriction: The Sewer Department agrees to collect sewage from certain specified locations for a certain specified fee. Usage shall be in accordance with the City of Kalispell Ordinance No. 854 or its subsequent amending ordinance. If a customer supplies sewer services to other locations without written permission from the Director of Public Works, discharges sewage for other consistencies than those for which the customer is paying, or discharges prohibited waste it is a violation of the service contract. Upon discovery by the Sewer Department of a violation of usage, the customer shall be mailed a written notice of such offense. After 30 days from the date of mailing said written notice, the Department of Public Works may have the service discontinued until such time as the additional services furnished have been paid for or the violation rectified. In the case of fraudulent use or if a dangerous condition is found to exist on the customer's premises, services may be discontinued immediately, without advance notice. An example of a dangerous conditions is one which could cause damage to the city sanitary sewer system or one which could potentially allow containments to enter the city sanitary sewer system.
5. Annexation Required for Initiation or Continuation of Sewer Service: Any customer now receiving, or hereafter initiating, sewer service supplied by the Kalispell Sewer Department, shall be deemed to have consented to, and waived the right to protest, annexation to the City of Kalispell, as a condition of continuing or initiating said sewer service.

Rule VI      Rate Establishment

All rates and rate adjustments shall be adopted by the City Council through the Hearing Process as provided by law. The rates shall be in accordance with Exhibit "A" attached.



Rule VII      Application for Sewer Service

All customers desiring sewer service must make written application at the Sewer Department office on forms provided therefore, setting forth in said application the type of sewage to be discharged into the city sewage system. In cases where the customer is not the owner of the premises, the customer is primarily liable for payment for sewer service and the property owner is jointly and severally liable for such payment. All applications for the collection of sewage from any premise must be signed by the property owner. Any change in the identity of the contracting customer at a premise will require a new application.

While the contracting user is a renter, leasee, or is not the property owner, an application for sewer service shall be made in the consumer's own name and the consumer shall be primarily liable for payment of the sewer service. In such instance, the Sewer Department shall notify the property owner of the new service application and place the contracting user's name and date of service application as an endorsement on the property owner's application.

Special written applications, must be made for service other than strictly domestic sewage.

It is the responsibility of the applicant to contact the Director of Public Works or City authorized representative, prior to making application to be sure that there is a sewer main adjacent to the applicant's property. If no main exists, it is the applicant's responsibility to install a main, in accordance with City Standards, at the applicant's expense.

All premises to be served which have not previously been served by the system will be assessed an impact fee. Impact fees are due and must be paid before service application may be approved.

Rule VIII      Refusal to Serve Customer

The Sewer Department may decline to serve an applicant:

- (1) Until the applicant has complied with these Rules and Regulations governing sewer service, or
- (2) if, in the judgment of the Director of Public Works, the applicant's installation of piping, equipment, or appurtenances is regarded as potential health hazard or of such character that it is considered industrial waste or,

(3) if the applicant's system could cause damage or harmful effects to the Sewer Department's ability to satisfactorily treat such sewage within the limitations of the Kalispell Wastewater Treatment Plant.

In the event the Sewer Department refuses to serve an applicant under the provisions of this rule, the Sewer Department shall inform the applicant that the applicant may submit the question of refusal to serve to the City Council for their review and decision.

Rule IX      Billing

1. Method of Billing: The billing for domestic sewage shall be based on the comparative volume of flow, as determined by water meter readings, except that (1) administrative charges will be assessed in accordance with the Rate Schedule , and (2) there will be no charge for water passing through the meter which is reasonably determined to be used for water sprinkling. The billing for industrial wastes and high strength wastes shall be based on the water meter reading plus an increased amount, as determined by the City of Kalispell ordinance to cover the special or increased cost of treating said waste at the Wastewater Treatment Plant.
2. Billing Periods and Payment: The charges for municipal sewer services shall be billed at least monthly. To meet unusual conditions, such as discontinuances, the utility may render bills for service at other than the aforementioned intervals. The date of the month for reading any meter shall be, as close to practical, to the same date as the preceding reading. The billing dates shall likewise be monthly, with a date of mailing of said bill as near as practical to the date of mailing of the previous bill. In cases of leased property, all billing shall be sent to the tenant and property owner, unless the property owner agrees to be billed directly. Except for customers covered by Rule V (3), the bill for sewer service will be combined with the bill for water usage. Payment must be made for the total due for both water and sewer to constitute full payment for either.
3. Opening and Closing Bills: Opening and closing bills for sewer service will be computed in accordance with the rate applicable to the service, by amount of water used and the administrative charge, on a pro-rated basis of the number of days in the period of question to the number of days in the normal billing period.
4. Billing Information: Bills shall show the water meter readings at the beginning and the end of the period for which the bill is rendered, the date of the meter reading, the number of gallons supplied, and the date upon which payment is overdue.

5. Adjustment of Bills: If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Sewer Department within five days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter owned by the Water Department, the customer, upon depositing the amount set forth in the City of Kalispell Water Rate Schedule, may request that said meter be removed and tested in accordance with the Rules and Regulations of the Kalispell Water Department.

If the meter is not owned by the Water Department, the customer, at the customer's expense, shall determine the accuracy of the water meter if the customer disputes the accuracy of the meter. If the Sewer Department disputes the accuracy of said meter, the Sewer Department, at the Sewer Department's expense, may determine the accuracy of said meter and if said meter is found to be inaccurate over two percent in favor of the customer, the customer shall make the necessary repairs, at the customer's expense, to bring the meter into tolerance or replace said meter. Billing adjustments shall be made for inaccurate meters in the same manner and in accordance with the Rules and Regulations of the Kalispell Water Department.

6. Error in Billing: if an error in billing or meter reading has been made, the City may recover any undercharge or must refund any over-collections for the previous six months, as applicable.
7. Dead Meters: If a meter is found not to register for any period, the Water Department shall compute the water used as follows:
  - a. For customers who have been served for over one year, the amount billed shall be based on the same consumption use as occurred during the same period the previous year.
  - b. For customers who have been served for less than one year, the amount billed shall be based upon water used for the last billing period.

Exceptions will be made to the rule if the facts reasonably show that either method does not give the correct consumption for the period.

## Rule X      Complaints

The Sewer Department shall make a full and prompt investigation of all complaints made by its customers, and report the results thereof to the customer. If the complaint

is not rectified to the satisfaction of the customer, the Sewer Department shall notify the customer of the privilege to appeal to the City Manager or City Council.

Rule XI        Service Interruptions

1. Notification of Scheduled Interruption: Every customer affected by an interruption in service shall be notified in advance of all programmed work. Such notice shall be made at least 18 hours in advance in the form of personal contact, or a notification tag placed on the entrance way for interruptions affecting 24 or fewer customers. For interruptions affecting a larger area than the foregoing, the notification may be in the form of the foregoing or a notification over the electronic media at least twice prior to 18 hours before interruption.
2. Emergency Interruption: In the event of an emergency interruption, the Sewer Department shall re-establish service as soon as possible. When emergency repairs, such as main breaks, plugged mains, etc., becomes necessary, a concerted effort shall be made by the Sewer Department to repair the cause without total disruption of service, except for that period when complete shutoff may be required due to the nature of the damage. Notification of affected customers may not be possible. However, every effort shall be made by the Sewer Department to have an announcement sent over the electronic media if the period of total interruption is expected to be more than four hours.
3. Liability: The Sewer Department shall not be liable to customers or others for failure or interruption of service due to main breaks, routine maintenance and operations, plugged mains, acts of God, governmental regulations, court or Public Service Commission orders, acts of a public enemy, strikes or labor disputes, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of the Sewer Department Personnel.
4. Adjustment of Rate for Interruption: Interruptions of service due to any of the foregoing or for the customer's frozen facilities shall not render the City liable for any adjustment in the bill.

Rule XII        Discontinuance of Service

1. Vacation of Premises: Any customer who is about to vacate any premise supplied with service, or for any reason, wishes to have service discontinued, shall give at least a 24 hour notice to the Sewer Department. Notice shall specify the date on which

discontinuance is desired. When a customer receives water service from the Kalispell Water Department, the notice for discontinuance to the Water Department is sufficient notice for the Sewer Department.

2. Temporary Discontinuance: Notification to the Water Department of the desire to temporarily disconnect water service will be sufficient notice to discontinue sewer charges.
3. Discontinuance by Sewer Department: The Sewer Department shall make a diligent effort to induce the customer to comply with all Rules and Regulations, including payment of bills. When payment becomes delinquent as indicated by a past due notice on current billing, the customer shall have ten days after the billing notice to comply by making payment. If payment is not made, the Water Department or Sewer Department will place a notice upon the premises that water furnished by the Water Department cannot be wasted into the Sewer Department's mains. Said notice shall state the date when the water shall be shut off. The Water Department or Sewer Department shall not be liable for failure of the customer to see such notice or for disappearance of the notice from the premises. The Sewer Department shall keep record of all notices. The Water Department or Sewer Department shall not discontinue service for non-payment on Friday, Saturday, Sunday, a day prior to a holiday, or if an emergency affecting health exists. A written statement from a physician or health agency must be presented to the Sewer Department within five days, if such claim of emergency is made.

Rule XIII      Extension of Sewer Mains

1. Cost of Extensions: It shall be the responsibility of the developer or property owner to extend and pay all costs thereof, for all main extensions from the existing city facilities to the site of development in accordance with all City Standards. Under certain circumstances, the Kalispell City Council may determine that it is appropriate to approve and enter into a Developers Extension Agreement with the developer or property owner to provide for the reimbursement of costs associated with construction of the infrastructure which exceeds the size or capacity of Standard requirements for the development. This agreement sets forth the value of the extended main, the charges for new customer connections to the extension main, and allows the developer to recover costs associated with the extension of said utility service for Standard improvements greater than required to serve the development. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.

2. Extension Agreement or Late-Coming Customer Fee: If the City has become contractually obligated to collect a latecomer fee from a customer who connects to a main extension associated with an agreement, the City may refuse to allow such customer to connect to the extension until the fee is paid. If such customer fails or refuses to pay such fee when required, it shall be sufficient cause for discontinuance of service. Customers who connect to the system after the extension is complete and who did not share in the cost of the extension shall pay the main extender a pro rata share of the costs as defined in the agreement.
3. Standards of Installation: All mains, appurtenances and auxiliary piping shall be designed and installed in accordance with the City Standards.
4. Oversizing Mains: A Developers Extension Agreement may be established, upon approval of Council, for main extensions that exceed the size and capacity as required for the development in accordance with City Standards. However, if the City requires the customer or developer extending the main to install a larger size main than required by City Standards, the City shall pay the difference in cost between the larger main required by the City, and the size of main required by said standards.
5. Additional Extensions: The City reserves the right to further extend the mains installed by foregoing customers. The City also reserves the right to charge future main extenders, for their pro-rated share of the cost for the oversizing of the City's infrastructure. Such pro-rated cost shall be based on volume of flow contributed by the development for which the line was further extended, versus the volume of flow of which the oversized portion of the existing main could handle.

Rule XIV      Service Lines and Connections

1. Main Connections: The customer shall perform all necessary excavation over and around the main, and make the service line connection to the main. The customer shall obtain a permit from the Department of Public Works before making said excavation and tap. All work shall be performed in accordance with City Standards and accepted by Public Works prior to backfill.
2. Service Lines: The customer, at the customer's expense, shall install all piping and appurtenances, from the main connection to the point of usage, and restore all surfaces to the condition which existed before the installation. All piping,

appurtenances, and surface restoration shall be installed and tested in accordance with City Standards. Installation of a back water apparatus may be required upon review by the Sewer Department. Structures containing two or more residences under separate ownership shall have separate service lines from the main for each residence. Structures containing two or more residences or commercial uses that are rental units under common ownership shall have one service line for all occupants within a single structure.

3. Maintenance of Service Lines: The customer shall maintain, at the customer's expense, all service appurtenances, including the tap at the main, in a good condition, free from inflow, infiltration, root intrusion, and exfiltration. Failure to do so shall be cause for discontinuance of service. It is the customer's responsibility to repair all deficiencies in the service line immediately.

Rule XV Abandonment of Service

When a lot or parcel is developed to a permitted use, all duplicate, excess, and/or unused services, including stub-outs, shall be abandoned at the main at no cost to the City. Aggregation of parcels will trigger abandonment of unused services. Whenever a building served by sewer ceases to exist, services shall be abandoned at the main. At the discretion of the Sewer Department, however, and depending upon whether sewer service is anticipated to be renewed within one year, abandonment may not be required.

Rule XVI Storm Drainage and other Wastes Prohibited

No person shall make connection of roof downspouts, exterior foundation drains, area drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the city sanitary sewer. No commercial services shall discharge condensate water to the city sanitary sewer. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to the city sanitary sewer. No septic sewage shall be introduced into the city sanitary sewer system. No prohibited wastes as defined in city code and ordinances shall be discharged into the sanitary sewer system.

Rule XVII Increased Concentration of Wastewater Pollutants

The Department of Public Works considers the average residential strength concentrations to be 250 parts per million (PPM) Biological Oxygen Demand (BOD), 200 PPM Total Suspended Solids (TSS), 40 PPM Total Nitrogen (TN), 7

PPM Total Phosphorus (TP), 100 PPM Fats, Oils, and Grease (FOG). The Sewer Department shall assess a surcharge rate for all non-residential customers discharging concentrations of BOD, TSS, TN, TP, and FOG greater than the average residential strength in accordance with the City Ordinance and Rate Schedule.

Rule XVIII Private Mains

1. The City shall have no obligation to maintain, test, repair or replace private mains, and the City shall not be liable or responsible for any damage caused by sewer leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, and repairing. All customers served by a private main are advised to replace such line with a properly designed and installed main.
3. If in the judgment of the Sewer Department a private main has become hazardous, or could damage or cause harmful effects to the sewer system, to customers, or to neighboring property owners or residents, the Sewer Department shall give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Sewer Department shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Sewer Department determines that it is not feasible or practical to remediate the private main, the Sewer Department shall give reasonable notice to such customers of the need to install a new main, or connect to an existing main, in the discretion of the Sewer Department. The Sewer Department shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The Sewer Department may, in their discretion, grant extensions of time. If any customer fails or refuses to conduct the needed maintenance, testing, repair or replacement, or fails or refuses to install a new main or connect to an existing main, it shall be sufficient cause for discontinuance of service.

Rule XIX Regulation Amendments

The City Council may adopt, establish or change policies which define and govern the action of the Sewer Department personnel on specific and special conditions. The said policy shall not be in conflict with any of the Rules and Regulations contained herein. The decision of the City Council to adopt, establish or change such policies shall be made by a motion duly adopted and approved and filed with the City Clerk.



UTILITY SCHEDULE FOR SEWER

EFFECTIVE January 1, 2016

PAGE NO. 1

SCHEDULE A

RESIDENTIAL AND COMMERCIAL SERVICE

Available for: User premises located within the City Limits

Charge: \$8.44 administrative cost per meter per month

Rate: \$4.78 per thousand gallons/no minimum \*

\*Water billed per Sprinkling rate or separately metered for Sprinkling not subject to Sewer fee.

MULTIPLE USERS

Number of units will not be a factor in the rate formula.

Special Terms and Conditions

1. Out of City rate 1.25 times the in-City rate.

UTILITY SCHEDULE FOR SEWER

EFFECTIVE January 1, 2016

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**SCHEDULE B**

**RESIDENTIAL AND COMMERCIAL**

Available for: Users of the system NOT SERVED by the City Water Utility but within the City limits of Kalispell

Rate: Premises discharging sewage into the system from water service originating from other than metered City Water must install a meter, at user's expense, so as to provide a measure of usage.

This provision covers all outside sources of water including wells and outside water systems.

The charge for sewer services: same as Schedule A

In the case of temporary absence of metering, usage will be estimated.

At the date of the adopting of this Schedule there are wells supplying commercial and industrial premises, these are required to be metered. Until this metering is accomplished, the sewer discharge from those premises will be determined from the capacity of the pump delivering the water and hours of operation of the pump. In the case of restaurants and bars, etc., served in the same manner, sewer volume may be determined by comparison with a like situation now metered.

**MULTIPLE USERS**

Number of units will not be a factor in the rate formula.

Special Terms and Conditions

1. Out of City Rate 1.25 times the in-City rate.

UTILITY SCHEDULE FOR SEWER

EFFECTIVE January 1, 2016

PAGE NO. 3

**SCHEDULE C**

Where it has been determined that concentration of BOD (Biological Oxygen Demand) and TSS (Total Suspended Solids) are present in sewage discharged by a Commercial or Industrial user, a surcharge will be made as determined herein:

The Utility will consider the average Residential component of sewage to be 250 PPM BOD and 250 PPM TSS. Surcharges will be assessed to all users discharging at concentrations which exceed the component of residential waste as indicated above:

For each 25 PPM BOD above 200 PPM	–	\$.24 Per Thousand Gallons
For each 25 PPM TSS above 250 PPM	–	\$.22 Per Thousand Gallons

Special Terms and Conditions

1. Out of City rate 1.25 times the in-City rate.