

ORDINANCE NO. 82

ORDINANCE FOR REGULATION OF SEWER USE

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REGULATION OF SEWER USE

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system: and providing penalties for violations thereof: in the Town of Ennis, County of Madison, State of Montana.

Be it ordained and enacted by the council of the Town of Ennis, State of Montana, as follows:

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 "Engineer" shall mean the person designated with that title by the Town of Ennis, Montana or licensed professional civil or sanitary engineer authorized by the Town Council to act as the town's engineer.
- Sec. 7 "Floatable oil" is oil, fat, or 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. 8 "Garbage" shall mean animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- Sec. 9 "Hearing board" shall mean that board appointed according to provision of Article VIII of this ordinance.
- Sec. 10 "Industrial user" shall mean: (a) any user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classifications Manual, 1972, Office of Managements and Budgets, as amended and supplemented under one of the following divisions:
- Division A: Agriculture, Forestry and Fishing
  - Division B: Mining
  - Division D: Manufacturing
  - Division E: Transportation, Communications, Electric, Gas and Sanitary Services
  - Division I: Services

or (b) any user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants 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, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates a hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Sec. 11 "Infiltration." 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.

Sec. 12 "Infiltration/inflow." The total quantity of water from both infiltration and inflow without distinguishing the source.

Sec. 13 "Inflow." Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard 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.

Sec. 14 "Interceptor sewer." A sewer whose primary purpose is to transport wastewaters from collector sewers to a treatment facility.

Sec. 15 "Lateral sewer" shall mean a sewer that discharges into

another sewer and has no other common sewer tributary to it.

Sec. 16 "May" is permissive (see "shall", Sec. 29).

Sec. 17 "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. 18 "Outfall sewer" shall mean a sewer that receives wastewater from a collecting system or from a treatment plant and carries it to a final discharge point.

Sec. 19 "Person" shall mean any individual, firm, company, association, society, corporation or group.

Sec. 20 "pH" shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogenions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogenion concentration of  $10^{-7}$ .

Sec. 21 "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  $\frac{1}{2}$  inch (1.27 centimeters) in any dimension.

Sec. 22 "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Sec. 23 "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. 24 "Septic tank" shall mean any properly sized water-tight receptacle which 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.
- Sec. 25 "Septic tank wastes" shall mean that portion of the tank contents, including solids, liquids, and combinations thereof that is periodically pumped and disposed of.
- Sec. 26 "Sewage" is the spent water of a community. The preferred term is "wastewater," Sec. 36.
- Sec. 27 "Sewage collection system." Each, and all, of the common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive waste waters directly from facilities which convey wastewaters from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey waste water 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 town.
- Sec. 28 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

- Sec. 29 "Shall" is mandatory (see "may," Sec. 16).
- Sec. 30 "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 operations and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 31 "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Sec. 32 "Superintendent" shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control, of the Town of Ennis, Montana, or his authorized deputy, agent, or representative.
- Sec. 33 "Suspended solids" shall mean 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 nonfilterable residue.
- Sec. 34 "Town" shall mean Ennis, Montana.
- Sec. 35 "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. 36 "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 residences, commercial buildings, industrial plants, and self-contained motor homes/mobile trailers and institutions, together with any groundwater, surface water, and storm-water that may be present.
- Sec. 37 "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. 38 "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," "wastewater treatment facility," "wastewater treatment plant" or "water pollution control plant."
- Sec. 39 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

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 of Ennis, Montana, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or any other objectionable waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet

within the town of Ennis, Montana, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, dumping station for transient vehicles, 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 city, 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 30 days after date of official notice to do so, provided that said public sewer is within 200 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 shall first obtain a written permit signed by the superintendent. The application for

such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$50.00 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 24 hours of the receipt of notice by the superintendent.

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 lot is less than 43,560 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, 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 waste-

water disposal facilities in a sanitary manner at all times, at no expense to the town. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of as approved by the Madison County sanitarian.

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

ARTICLE IV  
SANITARY SEWERS, 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 superintendent.

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 superintendent. A permit and inspection fee of \$30.00 for a residential or commercial building sewer permit and \$75.00 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 one 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 one building sewer, but the town does not and will not assume any obligation 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 excavation, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and the State of Montana. 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, cellar 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 a public sanitary sewer unless such connection is approved by the superintendent 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 town and the State of Montana, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- Sec. 10 The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent 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 (air conditioning) to any sewer.
- Sec. 2 Stormwater and all other drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, 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 waters 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. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Ennis treatment works shall pay for such incurred costs.
  - (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 other 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 fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) Septic tank wastes.

Sec. 4 The following described substances, materials, 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 limitations 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 superintendent will give consideration to such factors as the quantity of 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 limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, biodegradable cutting oils, or product of mineral 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 21). 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 arsenic, iron, chromium, copper, mercury, zinc and similar objectionable or toxic substances to such a degree that any such material received in the composite wastewater at the wastewater treatment works exceed 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 superintendent.
- (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, concentration, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over

discharge to the receiving water.

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

(k) Any water or wastes containing DDT, PBB, PCB or other carcinogenic compounds to such a degree that any such materials received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the superintendent for such materials.

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 judgment of the superintendent may have a deleterious effect upon 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 the existing taxes or sewer service charges under the provisions of the Sewer Service Charges Ordinance.

When considering the above alternative the Superintendent 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 and the Montana Department of Health and Environmental Sciences.

- Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing 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 superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors must be reviewed and approved by the Montana Department of Health and Environmental Sciences. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and some means of disposal which are subject to review by the superintendent. 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 superintendent, the owner(s) of any property serviced by a building sewer carrying industrial waste or excess flows, BOD or TSS 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- Sec. 9 The superintendent 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 the approval by the superintendent.

Sec. 11 No statement contained in this article shall be con-

strued as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment.

#### ARTICLE VI

Sec. 1 No person(s) 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.

#### ARTICLE VII

##### Powers and Authority of Inspectors

Sec. 1 The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Sec. 2 The superintendent 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 VII, Section 1, above, the super-

intendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against 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 in Article V, Section 8.

Sec. 4 The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII  
Hearing Board

Sec. 1 A Hearing Board shall be appointed by the Mayor as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the superintendent. The cost of the arbitration will be divided equally between the town and the sewer user.

Sec. 2 Two members of the board shall be members of the Town Council; one member shall be a lawyer; and one member

shall be selected at large for his interest in accomplishing the objectives of this ordinance.

ARTICLE IX  
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 a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$350.00 for each violation. Each day in which any 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 town by any reason of such violation.

ARTICLE X  
Validity

- Sec. 1 All ordinances or parts of ordinance in conflict herewith are hereby repealed.
- Sec. 2 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.

ARTICLE XI  
Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Passed and adopted by the Council of the Town of Ennis, State of Montana on the 12th day of April  
(month)

1984, by the following vote:  
(year)

Ayes 5 namely: Commissioners: Kent, Kelly, Willard, Johnson, Rankin

Nays \_\_\_\_\_ namely: \_\_\_\_\_

Approved this 12th day of April, 1984,

(Signed) Randy W. Kirtley, (Mayor)

Attest:

(Signed) Lucki J. Manning, (Clerk)