

Repealed By
AD158
3.28.2024

ADMINISTRATIVE ORDER NO. 109

Under the authority granted to the City by MCA 69-7-201, and under the authority granted to the city administrator by BMCC 26-101, the rules and regulations titled: RULES AND REGULATIONS GOVERNING WATER AND WASTEWATER SERVICE, PUBLIC UTILITIES DEPARTMENT, CITY OF BILLINGS, MONTANA, are amended as follows:

1. Change all references of public utilities department and public utilities director to Public Works Department and Public Works Director, respectively, to reflect organizational changes effective July 1, 2003.
2. Change all references of State Department of Health and Environmental Sciences to State Department of Environmental Quality.
3. Title Page - The title page is amended to reflect the public works organization and date of February 2009.
4. Official Roster Page – The official roster page is amended to reflect the current City Council, Administration and Public Utilities Board members.
5. Chapter 2 – Definitions – Amend the definition of commercial account to read:
 “(13) “Commercial Account” means a municipal water/wastewater account other than a domestic residential account.”
6. Chapter 2 – Definitions – Delete item (20), definition of district lateral sewer; item (21), definition of district trunk sewer; and item (22), definition of domestic account.
7. Chapter 2 – Definitions – Amend the definition of general benefit facilities to read:
 “(30) “General Benefit Facilities” means...water/wastewater treatment facilities, public water transmission local water/wastewater mains, ~~public trunk and interceptor sanitary sewers, water storage...~~”
8. Chapter 2 – Definitions – Delete item (37), definition of interceptor sewer.
9. Chapter 2 – Definitions – Add the following definitions to read:
 “(35) “Interior Main” means a public water or wastewater main having a diameter equal to or less than 12 inches.”
 “(36) “Local Main” means a public water or wastewater main having a diameter greater than 12 inches.”

10. Chapter 2 – Definitions – Add the following definition to read:

“(48) “Non-residential Account” means a municipal water account other than a residential account.”

11. Chapter 2 – Definitions – Add the following definition to read:

“(66) “Residential Account” means a municipal water/wastewater account for a 1-, 2- or 3- family residence that is not used in whole or part for any type of commercial or non-residential activity requiring a business license and has no type of advertising signage on the property.”

12. Chapter 2 – Definitions – Delete existing item (102), definition of water transmission main.

13. Chapter 2 – Definitions - Renumber existing items (23) through (36) to (20) through (33); renumber existing item (38) to (34); renumber existing items (39) through (49) to (37) through (47); and renumber existing items (50) through (66) to (49) through (65).

14. Section 12-4, Service for Public Works Construction – Amend this section to read:

“12-4. SERVICE FOR PUBLIC WORKS CONSTRUCTION

Application to obtain water by means of a fire hydrant for public works construction shall be made to the utility of forms furnished for this purpose by the utility. Payment of the appropriate municipal fire hydrant meter setting/removal fee shall be made to the utility. Unless agreed to otherwise by the utility, All construction water passing through ...current minimum and metered water service schedules for a three-inch meter. Such bills shall be due and payable when rendered. Fire hydrant meters may be removed by the utility 1) for failure of the applicant to pay the bill within 30 days after mailing, or 2) if no water usage is registered through the hydrant meter for any one month period. shall be deemed sufficient cause to immediately remove the municipal fire hydrant meter. Once removed, the municipal fire hydrant meter ...applicant has again paid to the utility the appropriate municipal fire hydrant meter setting/removal fee.”

15. Section 12-5, Sprinkling Meter Service – Amend this section to read:

“12-5. SPRINKLING METER SERVICE

Sprinkling meter service shall be available ...installed for a period less than six months shall be considered temporary and subject to the

provisions of Section 12-1 unless connected inside the building as outlined in Section 18-25."

16. Section 14-5, Bills for Wastewater Services Only – Amend this section to read:

"14-5. BILLS FOR WASTEWATER SERVICES ONLY

Bills issued for municipal wastewater service to users ...nonpayment of such bills, the Public utilities-Works Director may order the wastewater service line serving the property involved to be cut and plugged. Service shall not be restored ...service is established by a domestic residential customer with no prior history of water consumption, the Public utilities-Works Director will estimate water consumption based upon an average city use for billing purposes until a sufficient history of use is established to the Public utilities-Works Director's satisfaction."

17. Chapter 14, Billing – Add the following:

"14-12 BUDGET BILLING

Customers in good standing with their payments and that do not normally carry a credit balance are eligible for budget billing. The amount assessed is determined by the total of the last 12 months bills divided by 11. This allows a cushion for occasional unexpected high bills. Recalculation of the budget amount will be done twice a year. If a customer's usage changes significantly the recalculation may occur more frequently. A letter will be sent notifying the customer of the new budget amount.

A customer may be removed from budget billing if either of the following occurs:

(1) Two consecutive occurrences of either a) shutoff for non-payment, or b) returned checks.

(2) Excessive overpayment of bills that adversely affect the averaging."

18. Section 16-2, Monthly Metered Water Charges – Delete the second, third, fourth and fifth paragraphs of this section and insert the following:

"The monthly metered water charges shall be divided into four classifications; "residential", "non-residential", "seasonal" and "resale". The "residential" classification shall include all residential customers as defined in Section 2-1. The "non-residential" classification shall include multifamily residential, commercial, industrial and institutional water users. The "seasonal" classification

shall include all customers that qualify as public parks as well as all customers served by sprinklering meters and fire hydrant meters. The "resale" classification shall include all customers that are situated within the Yellowstone County Water District of Billings Heights."

19. Section 16-6, Monthly Volume Wastewater Charges – Amend the second paragraph to read:

"The monthly volume wastewater charges shall be subdivided into two classifications, which shall be designated as "inside customer within the city" and "customer outside the city". The "inside customer within the city" classification...city limits. The "customer outside the city" classification shall include...outside the corporate city limits. The "customer within the city" classification shall be divided into the sub-classifications of "residential, "commercial – domestic strength", and "commercial – high strength"."

Amend the fourth paragraph to read:

"The monthly volume wastewater charges for domestic residential accounts, and public buildings and schools shall be billed based upon...."

Delete the fifth paragraph and insert the following:

"In the event a customer believes they have been improperly classified as specified above, they may appeal their classification by providing a sampling site and paying \$150 for utility sampling and testing. The \$150 will be refunded if it is determined that the customer is improperly classified. The customer may use the services of a private testing lab that provides hourly composite testing over a continuous 24-hour period. If private testing proves the customer is improperly classified, the utility will pay the customer for the private testing services or \$150, whichever is less."

20. Section 16-8, Wastewater Extra Strength Surcharges – Amend the first paragraph to read:

"Any wastewater extra strength surcharge adopted by the eCity eCouncil...and that contribute wastewater to the system with strength concentrations in excess of the normal limits of 250 2,000 mg/l of five-day BOD and or 250 2,000 mg/l of total suspended solids TSS. Further, such users..."

Delete the second paragraph in its entirety.

21. Section 16-9 (5), Application Fee for Wastewater Service Line Installation Permits – Amend this section to read:

"(5) Application Fee for Wastewater Service Line Installation Permits

There are three two types of application fees for wastewater service line installation permits. One such fee is for the installation of a domestic user's wastewater service line, another and the other such fee is for the installation of an major/significant industrial user's wastewater service line, and the last such fee is for the installation of a minor industrial user's wastewater service line. Depending upon the type of permit applied for, such a fee shall apply to the respective type of application. The purpose of the fee is to compensate the utility for its expense in processing and inspecting such type of an installation. In addition, the industrial user's fee includes the effort necessary for evaluation of the proposed discharge under the City's pretreatment program whether from an existing or new user. The fee shall be due and payable at the time the service line installation application is filed with the utility."

22. Section 16-9 (7), Fees for Public Water Main Construction – Delete this section in its entirety and insert the following:

"The water main construction fee was incorporated into the water system development fee effective July 1, 2008. Any property for which the construction fee was paid prior to July 1, 2008 for which there was no prior credit or refund issued, and for which the water system development fee will be paid July 1, 2008 or later, will receive a credit against the system development fee. The amount of the credit will be determined by the utility and will be based upon the time period when the construction fee was paid.

In certain circumstances such as, but not limited to, street construction, the utility may construct a public interior water main that benefits a property that is currently undeveloped or that does not currently receive water service. Since responsibility for constructing interior water mains lies with the property receiving benefit from the main, the utility may recover from the property owner the property's proportionate share of the cost to construct the water main. Such cost will be due and payable at the time the service is requested from the utility."

23. Section 16-9 (8), Fees for Public Sanitary Sewer Construction – Delete this section in its entirety and insert the following:

"The sanitary sewer main construction fee was incorporated into the wastewater system development fee effective July 1, 2008. Any property for which the construction fee was paid prior to July 1, 2008 for which there was no prior credit or refund issued, and for which the wastewater system development fee will be paid July 1, 2008 or later, will receive a credit against the system development fee. The amount of the credit will be determined by the utility and will be based upon the time period when the construction fee was paid.

In certain circumstances such as, but not limited to, street construction, the utility may construct a public interior sanitary sewer main that benefits a property that is currently undeveloped or that does not currently receive sewer service. Since responsibility for constructing interior sewer mains lies with the property receiving benefit from the main, the utility may recover from the property owner the property's proportionate share of the cost to construct the sewer main. Such cost will be due and payable at the time the service is requested from the utility."

24. Section 16-9 (9), Fee for Performing a Special Meter Accuracy Test – Add the following paragraph to read:

"The fee for renting a fire hydrant meter shall apply to any customer that wishes to obtain water from the municipal water system by means of a fire hydrant. The purpose of the fee is to compensate the utility for its investment in such hydrant meters and to allow accounting of water used for billing and record purposes. The fee shall be due and payable at the time such charges are billed to the customer in accordance with applicable provisions of Chapters 12 and 14."

25. Section 16-9 (13), Fee for Tapping Water Mains – Amend this section to read:

"The fee for tapping water mains by the utility shall apply to all persons...large tap shall apply to any person requesting the utility to make a tap having a diameter larger than two inches to a public water main. The fees include the initial visit to the job site with additional fees for subsequent visits and an extra charge for tapping of concrete cylinder pipe due to extraordinary wear on the tapping equipment. The fee shall be due and payable...filed with the utility."

26. Section 16-10, Water/Wastewater System Development Fees – Amend this section to read:

"Any water and/or wastewater system development fees adopted by the City Council, or as such may be lawfully changed from time to time, shall...installation of a larger or an additional municipal water meter. The fees shall be due and payable to the utility at the time the building permit is issued. In the event no building permit is required, the fees shall be due at the time the upgrade in service is requested from the utility. the water/wastewater service application is filed with the utility."

27. Section 16-15, Water Service Line Repair Program Fee – Amend this section to read:

"The fee for the Water Service Line Repair Program, which may be changed from time to time by the City Council, shall be added to the water service charge of all active, inside-city, metered water accounts and firelines. The fee shall not be charged to fireline accounts, temporary accounts, inactive accounts, and all outside-city....This program minimizes damage to the public...portion of the customer-owned water service line located between the

public water main and the customer's property line, including the curb valve, and curb box and valves. Customers...."

28. Section 18-1, General – Amend this section to read:

"18-1. GENERAL

Except for firelines, all water service lines connected with the municipal water supply system shall be metered by the utility. The utility shall normally read all municipal water meters for commercial accounts monthly and all municipal water meters for domestic residential accounts at least bimonthly ...shall not estimate a meter reading for a customer more than four consecutive months without first making every effort to read the meter in question."

29. Section 18-2, Meters for Nonusers of Municipal Water Supply System – Amend this section to read:

"18-2. METERS FOR NONUSERS OF MUNICIPAL WATER SUPPLY SYSTEM

Meters or other approved means for gauging or metering water used by commercial accounts ...shall be of a size, type, and make and set at such a place as shall be designated by the Public utilities Works Director. Property owners ...or as often as may be directed by the Public utilities Works Director. Such meters ... (AWWA) for such type meters. Until such time as it is deemed practical by the Public utilities Works Director to install meters for gauging or metering water used by domestic residential accounts not connected ...twice the average monthly water use of its domestic residential customers during the months of December, January, February, and March."

30. Section 18-3 (1), Utility's Responsibility – Amend this section to read:

"(1) Furnish, install, and maintain a municipal water meter, a meter horn with dual check valve...."

31. Section 18-4 (2), Customer's Responsibility – Amend this section to read:

"(2) Furnish, install and maintain an approved outside meter box/vault, when required by the ~~p~~Public utilities ~~w~~Works ~~d~~Director, as well as any pipe, fittings, valves, expansion tanks, backflow prevention devices, pressure reducing devices, ~~telephone lines/jacks~~, and other appurtenances..."

32. Section 18-5 (1), Inside Metering Facilities – Amend this section to read:

"(1) The municipal water meter and backflow prevention device shall be installed...not over 2~~two~~ feet above the floor, and shall be located as close as possible to within three feet of the point where the water service line enters the building; or, where the meter is located in a crawlspace, within three feet of the crawlspace entrance;"

33. Section 18-5 (5), Inside Metering Facilities – Amend this section to read:

"A working telephone jack (RJ 11 outlet) minimum 22 gauge, 34-wire conductor shall be installed within two feet of the meter between the water meter and the point on the building where the gas and/or electric meters are located; and,"

34. Section 18-5(6), Inside Metering Facilities – Delete this section in its entirety.

35. Section 18-6 (7), Outside Metering Facilities – Delete this section in its entirety.

36. Section 18-6 (8), Outside Metering Facilities – Delete this section in its entirety.

37. Section 18-12, Interconnected Water Service Lines – Amend this section to read:

"A customer served by two or more water service lines which are interconnected shall have a check valve backflow prevention device located on each..."

38. Section 18-23 (1), Fire Hydrant Meters – Amend this section to read:

"(1) Only fire hydrants owned by the utility shall be used for this purpose. Privately owned hydrants and those fire hydrants situated outside the city and owned by the County shall not be used for this purpose, unless agreed otherwise by the utility. In such cases, the party using such hydrants shall release the utility from liability for damage to the hydrant in a form acceptable to the utility. The utility..."

39. Section 18-23 (2), Fire Hydrant Meters – Add the following:

"If no water usage is registered through the hydrant meter for any one month period, the utility will consider the meter abandoned and the meter will be removed."

40. Section 18-23, Fire Hydrant Meters – Add the following:

"(10) Applicants shall supply the necessary fire hose for connection to the hydrant meter. This hose shall be a minimum of one and one-half inches (1 1/2") in diameter."

41. Section 18-25, Sprinkling Meters – Amend this section to read:\

"18-25. SPRINKLING METERS

Sprinkling meters are used to measure...connected to the customer's main water service lines at a point located upstream of the regular municipal water meters. Non-residential customers may be allowed, at the utility's discretion, to install a separate sprinkling meter connected ahead of the municipal water meter inside the building. Contrary to the provisions of temporary services outlined in Chapter 12, such a service arrangement will be considered permanent and will be billed on a monthly basis year around regardless of water use."

42. Section 22-1(2), Discharging Certain Matter Into Sewers Prohibited – Amend this section to read:

"(2) Any water or waste which may contain more than 100 milligrams per liter of fat, oil or grease, or that, alone or in combination with others, causes accumulation or obstruction in the public sanitary sewer."

43. Section 22-1 (13), Discharging Certain Matter Into Sewers Prohibited – Amend this section to read:

"(13) Any wastes from vehicle washing facilities, recreational vehicle (RV) dumps, or any wastes from floor drains located inside buildings utilized to maintain, repair or house vehicles or other motorized equipment. unless approved in writing by the Public Works Director.

44. Section 22-2, Grease, Oil and Sand Interceptors – Amend this section to read:

"A prospective customer desiring to install an interceptor shall make application in writing to the Public Works Director on a special form furnished for this purpose by the Public Works Department. Said interceptor application shall be supplemented by any plans, reports, or other information considered pertinent in the judgment of the Public Works Director."

Change in ownership and proposed changes in use of previously approved interceptors require reapplication for approval by the Public Works Director. Based upon the new intended use, the owner may be required by the Public Works Department to disconnect it from the sanitary sewer. Point of discharge, such as, but not limited to, the storm sewer system, may also be considered when evaluating the continued use of previously approved interceptors.

Subject to all the requirements and conditions set forth in this chapter, the Public Works Director is hereby authorized to grant approval or denial of

Interceptor applications. All such approvals granted by the Public Works Director shall be in writing. The Public Works Director shall be responsible for maintaining a permanent file of all approved interceptor applications.

~~Grease, oil, and sand interceptors shall be provided when, in the opinion of the p~~Public utilities w~~Works d~~Director, they are necessary for the proper handling provide necessary and appropriate pretreatment of liquid wastes (a) containing grease in excessive amounts, (b) any flammable wastes, (c) sand, and (d) any other harmful ingredients. Wastewater generally deemed appropriate for treatment by sand and oil interceptors includes (a) vehicle wash water where road grime is the principal contaminant and (b) vehicle snowmelt in cases where the applicant is able to clearly demonstrate a need. Grease interceptors are most appropriate for wastewater from food service establishments kitchens where animal and vegetable fats are the principal contaminants. Such interceptors shall not be required for private living quarters or dwelling units.

Grease, oil, and sand interceptors will generally not be approved for installation in shop floors, vehicle maintenance areas, or other locations deemed inappropriate by the Public Works Director. Evaporative trench drain systems and dry shop operations are the waste management options preferred and encouraged by the Public Works Department. Oil and hazardous substances shall not be discarded to approved interceptors. Facilities with approved interceptors are subject to periodic inspection by the Public Works Department.

~~Grease and oil interceptors shall be of a type and capacity as approved by the p~~Public utilities w~~Works d~~Director and shall be located so as to be readily and easily accessible for cleaning and inspection.

All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and be equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

45. Section 22-4, Approval Required for Discharge of Certain Waters or Wastes –
Amend this section to read:

- “(1) A five-day biochemical oxygen demand greater than 250 2,000 milligrams per liter;”
- “(2) More than 250 2,000 milligrams per liter of total suspended solids;”

46. Section 22-5, Preliminary Treatment Facilities – Amend this section to read:

- “(1) Reduce the 5-day biochemical oxygen demand in such waters or wastes to at least 250 2,000 milligrams per liter;”

“(2) Reduce the total suspended solids in such waters or wastes to at least 250 2,000 milligrams per liter;”

47. Section 30-9, Water System Construction Fees and Charges – Amend this section to read:

“30-9. **WATER SYSTEM CONSTRUCTION FEES AND CHARGES**

Any applicable municipal water supply system ~~construction fees and charges to be assessed...~~ by the City Council shall be paid to the Public ~~utilities~~ Works Department at the time the water extension application is filed. If the water extension application is subsequently denied, then in that event the municipal water system ~~construction fees and charges...~~ refunded without interest.”

48. Section 30-11, Methods And Financing Of Extensions – Amend the second paragraph of this section to read:

“All costs of extending the municipal water supply system shall be borne by the owners of the property to be served from the water extension in question, except as may be otherwise set forth in this chapter or agreed to by the City. In general, the City will pay the costs of constructing general benefit facilities. Any such facilities to be constructed by the City must be included in the City's capital improvement plan and/or be in compliance with the utility extension practice/policy as approved by the City Administrator or City Council. The ~~Public utilities w\Works d~~Director...”

49. Section 30-20, Subdivision Extensions – Amend this section to read:

“All public water supply systems...the municipal water supply system to serve the subdivision in question- unless otherwise set forth in this chapter or agreed to by the City. Said applicants shall also...”

50. Section 30-22, Oversizing Extensions – Delete this section in its entirety.

51. Section 30-24, Underground Utility Information – Delete this section in its entirety.

52. Section 30-25, Excavations – Amend this section to read:

“30-25. **EXCAVATIONS**

Persons opening up,...person having jurisdiction and control over such public rights-of-way and utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City of Billings may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of the county or the state may be obtained by contacting the County Surveyor's Public Works office and the Highway Montana Department of Transportation, respectively. In any case,...satisfactory to the public authority having jurisdiction and control over such public property.

Any privately-owned...condition existing prior to such construction."

53. Section 30-26, Traffic Control and Construction Signing – Amend this section to read:

"30-26. TRAFFIC CONTROL AND CONSTRUCTION SIGNING

When working within public rights-of-way...the municipal water supply system shall be adequately guarded with ~~barricades and lights~~ appropriate devices on a continuous basis so as to protect the public from hazard."

54. Section 30-28, Contract Plans and Specifications – Amend this section to read:

"30-28. CONTRACT PLANS AND SPECIFICATIONS

The contract plans and specifications for extension of the municipal water supply system shall be approved...than 1"=100' in plan and 1"=10' in profile. All elevations depicted on the plans shall be based upon United States Geological Survey (USGS) datum.

~~Contract specifications shall be in format suitable to the City Attorney, and as a minimum, said specifications shall be in a similar format and contain the required provisions recommended by the American Society of Civil Engineers, the American Consulting Engineers Council, and/or the National Society of Professional Engineers for such type specifications, with appropriate modifications to reflect state and local laws and conditions."~~

55. Section 30-31, Construction and Final Inspection – Amend this section to read:

"30-31. CONSTRUCTION AND FINAL INSPECTION

The professional engineer having direct charge of and supervision...extension to the municipal water supply system.

Upon completion of the installation of a water extension project, and after the extended facilities have passed the required testing set forth in the contract documents, the professional engineer in charge of the project shall notify the ~~Public utilities Director and the City Engineer~~ in writing that the project is ready for final inspection by the City. In turn, once the final inspection has passed the City's approval, the ~~Public utilities Director~~ City Engineer shall notify in writing the professional engineer and the ~~City Engineer~~ that the facilities have so passed said final inspection."

56. Section 30-32, Minimum Size and Spacing Criteria – Amend this section to read:

"30-32. MINIMUM SIZE, CAPACITY AND SPACING CRITERIA

The following minimum size, capacity and spacing criteria shall govern the design of extensions to the municipal water supply system:"

57. Section 30-32 (9), Pipe Embedment Material – Delete this section in its entirety.

58. Section 30-32 (10), Water Main Trench Widths – Delete this section in its entirety and renumber existing subsection (11) to (9).

59. Section 30-32, Minimum Size and Spacing Criteria – Add the following to this section:

"(10) Pressure. Water facilities shall be designed to provide a minimum normal working pressure of 50 psi during maximum day demand periods."

60. Section 30-40, Acceptance of Extensions by City – Amend this section to read:

"After an extension project has been completed...in charge of the water extension project shall certify in writing to the ~~Public utilities~~ Works Director and/or City Engineer that the project has been constructed and completed in conformance with the approved contract documents and is now ready for acceptance by the City. The date of official acceptance shall be established in writing by the ~~Public utilities~~ Works Director and/or City Engineer, whichever is appropriate, and shall...such time as the water extension project has been accepted in writing by the City and the as-built drawings have been submitted to the City."

61. Section 30-41, Public Contractors License Required – Amend this section to read:

"30-41. PUBLIC CONTRACTORS LICENSE CONSTRUCTION CONTRACTOR REGISTRATION REQUIRED

Persons contracting to construct...on file with the City a valid public contractor's license certificate of registration issued pursuant to and in accordance with the provisions of MCA Title 15 39, Chapter 50 9, Part 2."

62. Chapter 30, Water Extensions - Renumber existing section 30-23 to 30-22 and renumber existing sections 30-25 through 30-47 to sections 30-23 through 30-45.
63. Section 32-9, Wastewater System Construction Fees and Charges – Amend this section to read:

"32-9. WASTEWATER SYSTEM CONSTRUCTION FEES AND CHARGES

Any applicable municipal wastewater system construction fees and charges to be assessed...by the City Council shall be paid to the Public utilities Works Department at the time the wastewater extension application is filed. If the wastewater extension application is subsequently denied, then in that event the municipal wastewater system construction fees and charges...refunded without interest."

64. Section 32-11, Methods And Financing Of Extensions – Amend the second paragraph of this section to read:

"All costs of extending the municipal wastewater system shall be borne by the owners of the property to be served with municipal wastewater service from the wastewater extension in question, except as may be otherwise set forth in this chapter. or agreed to by the City. In general, the City will pay the costs of constructing general benefit facilities. Any such facilities to be constructed by the City must be included in the City's capital improvement plan and/or be in compliance with the utility extension practice/policy as approved by the City Administrator or City Council. The pPublic utilities wWorks dDirector..."

65. Section 32-19, Subdivision Extensions – Amend this section to read:

"All public wastewater system facilities...the wastewater system to serve the subdivision in question. unless otherwise set forth in this chapter or agreed to by the City. Said applicants shall also..."

66. Section 32-21, Oversizing Extensions – Delete this section in its entirety.
67. Section 32-23, Underground Utility Information – Delete this section in its entirety.

68. Section 32-24, Excavations – Amend this section to read:

"32-24. EXCAVATIONS

Persons opening up,...person having jurisdiction and control over such public right-of-way and utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City of Billings may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of the county or the state may be obtained by contacting the County Surveyor's Public Works office and the Highway Montana Department of Transportation, respectively. In any case,...satisfactory to the public authority having jurisdiction and control over such public property.

Any privately-owned...condition existing prior to such construction."

69. Section 32-25, Traffic Control and Construction Signing – Amend this section to read:

"32-25. TRAFFIC CONTROL AND CONSTRUCTION SIGNING

When working within public rights-of-way...the municipal wastewater system shall be adequately guarded with barricades and lights appropriate devices on a continuous basis so as to protect the public from hazard."

70. Section 32-27, Contract Plans and Specifications – Amend this section to read:

"32-27. CONTRACT PLANS AND SPECIFICATIONS

The contract plans and specifications for an extension of the municipal wastewater system shall be approved...of the contract plans and specifications for the extension involved.

Final construction plans...than 1"=100' in plan and 1"=10' in profile. All elevations depicted on the plans shall be based upon United States Geological Survey (USGS) datum.

Contract specifications shall be in a format suitable to the City Attorney, and as a minimum, said specifications shall be in a similar format and contain the required provisions recommended by the American Society of Civil Engineers, the American Consulting Engineers Council and/or the National Society of Professional Engineers for such type specifications, with appropriate modifications to reflect state and local laws and conditions."

71. Section 32-30, Construction and Final Inspection – Amend this section to read:

"32-30. CONSTRUCTION AND FINAL INSPECTION

The professional engineer having direct charge of and supervision...extension to the municipal wastewater system.

Upon completion of the installation of a wastewater extension project, and after the extended facilities have passed the required testing set forth in the contract documents, the professional engineer in charge of the wastewater extension project shall notify the ~~Public utilities Director and the City Engineer~~ in writing that the project is ready for final inspection by the City. In turn, once the final inspection meets the City's approval, the ~~Public utilities Director~~ City Engineer shall notify in writing the professional engineer and the ~~City Engineer~~ that the facilities have so passed said final inspection."

- 72. Section 32-31 (7), Sewer Trench Widths – Delete this section in its entirety.
- 73. Section 32-31 (8), Sewer Embedment Material – Delete this section in its entirety.
- 74. Section 32-31 (10), Drop Manholes – Amend this section to read:
 - "(10) Drop Manholes. Drop manholes shall be avoided whenever possible during the design ...earth pressures that would result from backfilling operations in the vicinity of the manholes, outside drop connections shall be totally encased in concrete or by other means deemed equivalent and acceptable to the Public Works Director."
- 75. Section 32-31 (11), Manhole Dimensions and Slopes – Amend this section to read:
 - "(11) Manhole Dimensions and Slopes. Manholes used for 24-inch or smaller public sanitary sewers shall have a minimum diameter of 48 inches. Manhole diameters or other configurations for larger public sanitary sewers shall be as specified by the ~~Public utilities~~ Works Director. All manholes, other than those for special applications, shall be cylindrical in shape and shall be installed with concentric reducing cones unless otherwise permitted by the ~~Public utilities~~ Works Director."
- 76. Section 32-31 (17), Sewer Joints – Delete this section in its entirety.

77. Section 32-31(19), Wastewater Pumping Stations and Force Mains – Amend this section to read:

“...shall be as specified by the Public utilities Works Director. However, any wastewater pumping station so installed shall be provided with Items to be provided may include, but not be limited to, a standby generator, a drywell...”

78. Section 32-31, Minimum Capacity, Size, Arrangement, and Spacing Criteria – Renumber subsections (9) through (16) to (7) through (14) and subsections (18) and (19) to (15) and (16).

79. Section 32-38, Acceptance of Extensions by City – Amend this section to read:

“32-38. ACCEPTANCE OF EXTENSIONS BY CITY

After an extension project has been completed...in charge of the wastewater extension project shall certify in writing to the Public utilities Works Director and/or City Engineer that the project has been constructed and completed in conformance with the approved contract documents and is now ready for acceptance by the City. The date of official acceptance shall be established in writing by the Public utilities Works Director and/or City Engineer, whichever is appropriate, and shall be used as it may apply for maintenance guarantees and other extension contract purposes. No wastewater service lines connected to the extended facilities shall be activated for customer use until such time as the wastewater extension project has been accepted in writing by the City and the as-built drawings have been submitted to the City.

80. Section 32-39, Public Contractors License Required – Amend this section to read:

“32-39. PUBLIC CONTRACTORS LICENSE CONSTRUCTION CONTRACTOR REGISTRATION REQUIRED

Persons contracting to construct...on file with the City a valid public contractor's license certificate of registration issued pursuant to and in accordance with the provisions of MCA Title 44 39, Chapter 50 9, Part 2.”

81. Chapter 32, Wastewater Extensions – Renumber existing section 32-22 to 32-21 and existing sections 32-24 through 32-45 to sections 32-22 through 32-43.

82. Section 34-1 (1), Permit Required – Amend this section to read:

“(1) Having on file at the eCity Finance Director's office a valid plumbing contractor's license or a public contractor's license construction contractor's certificate of registration; however, only persons with a plumbing contractor's license may perform the above work on private

~~property, including connection at the curb stop within the field of plumbing as defined in MCA Title 37, Chapter 69, Part 1,"~~

83. Section 34-1 (4), Permit Required – Amend this section to read:

~~"(4) Paying to the Public utilities Works Department any applicable water connection charges, water main construction fees, and/or water system development fees,"~~

84. Section 34-1 (6), Permit Required – Amend this section to read:

~~"Public Construction contractors will not be subject to the permit requirements..."~~

85. Section 34-4, Water Connection, Construction, and Development Charges – Amend this section to read:

"34-4. WATER CONNECTION, CONSTRUCTION, AND DEVELOPMENT CHARGES

~~Any applicable water connection charges, water main construction fees, and/or water system development fees assessed against the property to be served pursuant to provisions of ordinances and/or resolutions approved by the City Council shall be paid to the Public utilities Works Department at the time the water service line installation permit application is filed with the Public utilities Works Director. Water system development fees shall be due at the time the building permit is issued. In the event no building permit is required, the system development fees shall be due at the time the service is requested from the utility."~~

86. Section 34-5, Bond And Liability Insurance – Amend this section to read:

~~"Persons who contract to make connections...a bond in such amount as deemed appropriate by the eCity Finance Director. Said bond shall be in a form approved by...of same with public water mains. In addition, said persons shall file with the eCity eClerk a certificate of public liability insurance in an amount acceptable to the city finance director eCity. Said certificate shall be in a form approved by the eCity aAttorney....performed in making connections with public water mains, installing water service lines or firelines, or making repairs, alterations, or extensions to such facilities. Said persons may furnish a yearly bond and insurance certificate conditioned as hereinabove set forth. The bond and insurance furnished shall meet all requirements of Sections 6-512 and 22-302, BMCC."~~

~~Subject to the approval of the city finance director and the city attorney, said persons may file with the city clerk combination surety bonds and combination~~

~~public liability insurance certificates that are properly conditioned to allow such persons to:~~

- (a) ~~Make excavations in public rights of way;~~
- (b) ~~Install, repair, extend, or alter water services lines, firelines, and/or sanitary sewer service lines;~~
- (c) ~~Make connections with the public sanitary sewers and/or public water mains; or,~~
- (d) ~~Any combination thereof."~~

87. Section 34-8, Installation, Ownership And Maintenance – Amend the second paragraph to read:

~~"However, the pPublic utilities wWorks dDepartment shall be responsible for the repair of that portion of the customer-owned water service line, and fireline, including curb valve, and curb box, and valves, that qualifies under the City's..."~~

88. Section 34-9, Underground Utility Information – Delete this section in its entirety.

89. Section 34-10, Excavations – Amend this section to read:

"34-10. EXCAVATIONS

Persons opening up, ...person having jurisdiction and control over such public rights-of-way or utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of county and the state may be obtained by contacting the County Surveyor's Public Works office and the Highway Montana Department of Transportation, respectively. In any case, ...satisfactory to the public authority having jurisdiction and control over such public property."

90. Section 34-11, Traffic Control and Construction Signing – Amend this section to read:

"34-11. TRAFFIC CONTROL AND CONSTRUCTION SIGNING

When working within public rights-of-way ...public water mains shall be adequately guarded with barricades and lights appropriate devices so as to protect the public from hazard."

91. Section 34-12, Arrangement and Location – Amend this section to read:

"34-12. ARRANGEMENT AND LOCATION

~~The Public utilities Director may allow two adjoining lots to be served by a single water service line provided the common portion of the water service line is located entirely within the public right of way on an extension of the common property line and provided that separate curb valves and boxes are installed on each water service line at the point of bifurcation. Except as provided herein, a separate and independent ... firelines, or combinations thereof shall be approved by the Public utilities Works Director prior to construction of such facilities.~~

If a parcel of land does not front a public water main, then prior to the Public utilities Works Director granting ...in accordance with the provisions of Chapter 30."

92. Section 34-15, Minimum Diameter – Amend this section to read:

"34-15. MINIMUM DIAMETER

The minimum diameter of water service lines to be installed to serve any property shall be $\frac{3}{4}$ inch and the minimum diameter of firelines shall be $1\frac{1}{4}$ inch. However, in new subdivision extensions, or where otherwise directed by the utility, the minimum diameter of water service lines serving single buildings shall be one inch, and the minimum diameter of water service lines serving two buildings on adjoining lots shall be $1\frac{1}{2}$ inches. Water service lines ...In any case, the diameter of water service lines, firelines, or combinations thereof shall be subject to the approval of the Public utilities Works Director."

93. Section 34-25, Protective Devices – Amend the second paragraph of this section to read:

"34-25. PROTECTIVE DEVICES

With the exception of the backflow prevention device supplied with meter horns, backflow prevention devices shall be assemblies capable of being tested and shall be located immediately downstream of the meter. No piping connections, other than approved meter bypass piping, shall be connected between the meter and the assembly. The pPublic utilities wWorks dDirector...provided to the director within 10 days after conducting the tests."

94. Section 34-26, Plumbing Code – Amend this section to read:
“...Uniform Plumbing Code shall govern the installation on private property of that portion of a water service line, irrigation line, fireline, or combination...”

95. Section 34-27 Firelines – Amend the second paragraph of this section to read:
~~“With the exception of Modified 13R fire sprinkler systems noted below, a~~ A fireline shall not be interconnected...in the street at a point designated by the utility.”

96. Section 34-27, Firelines – Delete the third paragraph of this section in its entirety.

97. Section 34-27, Firelines – Amend the fifth paragraph of this section to read:
“All firelines which connect to the municipal water supply system shall have approved backflow prevention devices installed on same to prevent backflow into such system. In addition, fireline loops connecting with the municipal water supply system at more than one location shall have approved check valves backflow prevention devices installed on the fireline loops to prevent circulation of water through customer’s firelines into the municipal water supply system. All devices on firelines shall be the detector type.”

98. Section 34-29, Water Service Line Repair Program – Amend this section to read:
“The City has adopted a Water Service Line Repair Program. All active, inside-city, fireline customers and metered water customers shall be members of this program. Under this program, the Public Utilities Works Department will repair...including the curb valve, and curb box, and valves. The cost...Water Service Line Repair Program Fund. The Public Utilities Works Department will also restore any...”

99. Chapter 34, Water Service Lines and Firelines – Renumber existing sections 34-10 through 34-29 to sections 34-9 to 34-28.

100. Section 36-1 (1), Permit Required – Amend this section to read:
“(1) Having on file at the eCity finance director’s office a valid plumbing contractor’s license or a public contractor’s license construction contractor’s certificate of registration; however, only persons with a plumbing contractor’s license may perform the above work on private property, including connection at the property line within the field of plumbing as defined in MCA Title 37, Chapter 69, Part 1;”

101. Section 36-1 (4), Permit Required – Amend this section to read:

“(4) Paying to the Public ~~utilities~~ Works Department any applicable sanitary sewer connection charges, ~~sanitary sewer construction fees~~, and/or wastewater system development fees,”

102. Section 36-1 (6), Permit Required – Amend this section to read:

“~~Public Construction~~ contractors will not be subject to the permit...in writing by the ~~p~~Public ~~utilities~~ ~~w~~Works ~~d~~Director.”

103. Section 36-4, Sewer Connection, eConstruction, and Development Charges – Amend this section to read:

“36-4. SEWER CONNECTION, CONSTRUCTION, AND DEVELOPMENT CHARGES

Any applicable sewer connection charges, ~~sewer construction fees~~, and/or wastewater system development fees assessed against the property to be served pursuant to the provisions of ordinances and/or resolutions approved by the City Council shall be paid to the Public ~~utilities~~ Works Department at the time the wastewater service line installation permit application is filed with the Public ~~utilities~~ Works Director. ~~Wastewater system development fees shall be due at the time the building permit is issued. In the event no building permit is required, the fees shall be due at the time the service is requested from the utility.~~

104. Section 36-5, Bond And Liability Insurance Required – Amend this section to read:

“36-5. BOND AND LIABILITY INSURANCE REQUIRED

Persons who contract to make connections...the ~~e~~City ~~e~~Clerk a bond in such amount as deemed appropriate by the ~~e~~City, Finance Director. Said bond shall be in a form approved by...of same with the public sanitary sewer. In addition, said persons shall file with the ~~e~~City ~~e~~Clerk a certificate of public liability insurance in an amount acceptable to the city finance director ~~e~~City. Said certificate shall be in a form approved by the ~~e~~City ~~a~~Attorney....performed in making connections with the public sanitary sewer, installing wastewater service lines and appurtenances, or making repairs, alterations, or extensions to such facilities. Said persons may furnish a yearly bond and insurance certificate conditioned as hereinabove set forth. ~~The bond and insurance furnished shall meet all requirements of Sections 6-512 and 22-302, BMCC.~~”

~~Subject to the approval of the city finance director and the city attorney, said persons may file with the city clerk combination surety bonds and combination public liability insurance certificates that are properly conditioned to allow such persons to:~~

- ~~1. Make excavations in public rights-of-way;~~
- ~~2. Install, repair, extend, or alter water and/or wastewater service lines;~~
- ~~3. Make connections with the public sanitary sewer; or,~~
- ~~4. Any combination thereof."~~

105. Section 36-9, Underground Utility Information – Delete this section in its entirety.

106. Section 36-10, Excavations – Amend this section to read:

"36-10. EXCAVATIONS

Persons opening up, ...person having jurisdiction and control over such public rights-of-way or utility easements.

Permits for excavating within public rights-of-way ...under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of county and the state may be obtained by contacting the County Surveyor's Public Works office and the Highway Montana Department of Transportation, respectively. In any case, ...satisfactory to the public authority having jurisdiction and control over such public property."

107. Section 36-11, Traffic Control and Construction Signing – Amend this section to read:

"36-11. TRAFFIC CONTROL AND CONSTRUCTION SIGNING

When working within public rights-of-way ...with the public sanitary sewer shall be adequately guarded with ~~barricades and lights appropriate devices~~ so as to protect the public from hazard."

108. Chapter 36, Wastewater Service Lines and Connections – Renumber existing sections 36-10 through 36-23 to sections 36-9 through 36-22.

Dated this 19~~th~~ day of February, 2009.

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Christina Volek
City Administrator