

**AN ORDINANCE TO AMEND CHAPTER SEVENTEEN OF THE GILLETTE CITY
CODE TO ADJUST WASTEWATER RATES, REVISE CUSTOMER SERVICE
CHARGES AND MODIFY OTHER ASPECTS OF THE CITY'S PUBLIC UTILITY
ORDINANCE**

WHEREAS, the Governing Body of the City of Gillette desires to revise Chapter 17 of the Gillette City Code.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

Chapter 17 of the Gillette City Code is hereby replaced in its entirety with this Ordinance and is hereby adopted with an effective date of May 1, 2018.

**CHAPTER SEVENTEEN
PUBLIC UTILITIES**

Revised _____ 2018

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ARTICLE I. MUNICIPAL ELECTRICAL SUPPLY

GENERAL PROVISIONS.

§17-1 General Conditions Governing City Supplied Utilities.

(a) Execution of City contract for purchase of electricity. The Mayor and City Council shall approve and execute any contract for the purchase of electricity. The purchase of electricity may be approved by resolution.

(b) Service Non-transferable Without Advance Approval; and Access to Service Premises. Water, Electric, and Wastewater services furnished by the City of Gillette are intended for use by the contract customer. The contract customer shall not resell, assign, or extend the service for the use or benefit of any individual, corporation or other entity without the express written authority of the City Administrator or his designee. The contract customer shall permit City employees to enter the service premises at all reasonable hours to make repairs to City utility equipment. The contract customer shall permit City employees, including City police, to enter the service premises at all reasonable hours to disconnect and/or remove any City utility equipment, including meters, for nonpayment.

(c) Water Wells. The City Council must approve in advance the drilling of any water wells. In accordance with Chapter 12 of the City Code and Section 17-17, all occupied property in the City capable of being served by the water system shall be connected with the water system. The City Council may approve new water well(s) if the proposed well(s) has no effect on existing water wells in the City water system. New wells must meet all requirements of State and City regulations.

§17-2 Meter Deposits for Permanent and Temporary Service.

(a) All new electrical customers shall pay deposits before receiving power. All residential customers shall pay a deposit established by resolution, except as provided in § 17-2(b).

(b) New electrical customers shall have their credit verified through an on-line credit service to determine their utility payment history for the past twelve (12) months. Customers with acceptable credit, at the sole discretion of the City, may avoid the required deposit in §17-2(a). All renters are required to provide a copy of their lease or agreement including all individuals residing in the residence. If any of the parties residing at the property has an unpaid debt to the City; the debt must be paid prior to receiving utility services at the residence.

(c) After two (2) years of on time utility bill payments, the meter deposit shall be returned to customer. Meter deposits are refunded as follows: (1) Deposits posted before October 1, 2016 shall be refunded with simple interest at the same interest rate received by the City for its meter deposit account during the preceding year. The interest payment shall be calculated from the date of the initial deposit through September 30, 2016. After September 30, 2016, no further interest shall be paid on any electrical utility meter deposit; (2) Deposits posted on or after October

1, 2016 shall bear no interest, and the amount returned to the customer shall not exceed the amount initially deposited with the City. At the termination of service, meter deposits shall be used to cover any amounts owed by the customer. A customer must pay all utility debts prior to receiving service at a new location. A customer's utility bill includes every location the customer receives utility service, including amounts due from discontinued service locations. Customer that remain current on all City utility bills for two (2) consecutive years, may commence new utility service without posting a deposit.

(d) Deposits for rental property shall be made by the owner of the property, the owner's agent, or the party renting the property. If the owner of the property agrees in writing to pay all utility charges at the property until a deposit is posted by a tenant, then service will be rendered for periods in which the property is vacant. If the owner requests notice in writing, the City will provide notice of the impending disconnection if a tenant fails to pay the utility bills. If the owner immediately pays the outstanding balance, service will be maintained. The City will not discontinue service as a means of assisting in an eviction; or as a means of making the property uninhabitable, in the City's sole discretion.

(e) If service is to be discontinued as a result of the unpaid utility bills, the amount of the deposit may be increased to the sum of three (3) months of the most recent bills.

(f) Meter deposit refund checks not cashed within one (1) year of mailing; and unclaimed meter deposits for accounts inactive two (2) years shall be deposited in the City of Gillette general fund.

(g) Temporary lighting and power service from the City during construction activities requires a deposit of fifty dollars (\$50.00) for the meter. Temporary service shall be billed at the Commercial rate under §17-8 of the Gillette City Code.

§17-3 Electric Capital Contribution Fee.

Connection to the City of Gillette's electrical distribution system requires payment of a Capital Contribution fee. The Capital Contribution fee is a contribution to the capital cost of providing electrical distribution services. If expanding an existing service, the Capital Contribution Fee shall be determined by the difference between the existing service and requested service size. The amount of the Capital Contribution fee may be adjusted by the City of Gillette from time to time, accounting for the current cost of material, equipment, labor and overhead expenses. The fee is calculated in the Electric Utility System Service Size Capital Contribution Schedule.

The Capital Contribution Fee is based on the size of the total service disconnect.

Single Phase	Voltage	Fee for each 100 amps of service or part thereof
	120/240	\$175.00
	120/208 Volts -	\$180.00
	277/240 Volts -	\$210.00

Three Phase

120/208 Volts -	\$315.00
277/480 Volts -	\$727.00

Costs for service voltages other than those shown above will be calculated on a dollar per kVA basis by the Utility Department.

All Capital Contribution fees shall be paid prior to the issuance of a Building Permit or an Electrical Permit. Capital Contribution fees may not be transferred and may not be paid by Plant Investment Fee Credits.

§17-4 Bridging or interfering with meters.

(a) Any person who removes, alters, scrapes, bares, changes or connects any device, wire or fixture to any electric power wire of the City before the wire reaches the meter measuring a consumer's current; or breaks any meter seal or wire holding any meter seal; or opens any electric meter; or changes the dials or hands of the meter; or breaks the glass in an electric meter; or attaches any device to an electric meter designed to prevent electric current from flowing through the meter; or shunts across the wires of any electric meter; or close the loops of a meter; or by any system of wires or devices attempts to use any electric current without having the current pass through the meter to permit the full registration and metering of the electric current shall be guilty of a misdemeanor.

(b) In addition to the remedies available against any individual convicted of a violation of §17-4(a) and in every case in which an electric meter is found to be in any of the conditions described in §17-4(a), the City shall discontinue the service at the affected meter and any deposit posted for the meter shall be forfeited. The City shall give the affected customer five (5) days written notice that service will be discontinued. The customer shall have three (3) days from the date of receipt of the notice to file a written request for a hearing with the City Administrator or his designee to show cause why his electrical utility service should not be disconnected and discontinued. Service shall be accomplished by posting the written notice of termination on the affected meter or by mailing a copy of the notice to the customer at the address used by the City for utility bills. If the affected customer demonstrates at the hearing that the meter was not altered, as described in §17-4(a), then the service shall be reconnected and the meter bond reinstated. The entire balance, if any, of an affected customer's utility account with the City shall become immediately due and payable upon discontinuation of the service pursuant to this section. A new meter deposit must be posted and the cost of repairing the affected meter must be paid to the City before electrical service may be resumed at the same location. In addition, the customer shall pay for the estimated usage the customer should have received during the period of time when the meter was not functioning correctly. If the customer has insufficient billing experience with the City from which to derive an estimated amount of usage based on previous experience, then the customer shall pay an amount determined by the average electricity usage for that type of service over the period time in question.

(c) It shall be the responsibility of each customer supplied with electricity to keep the electric meter accessible for reading, inspection, or testing. Failure to provide accessibility to the meter may result in disruption of service until accessibility problem is corrected.

§17-5 RESERVED

§17-6 RESERVED

RATES AND CHARGES FOR ELECTRICAL CURRENT FURNISHED BY THE CITY.

§17-7 Collector.

The City Administrator or his designee shall collect all City utility bills. The City Administrator or his designee is authorized to enter into agreements, on behalf of the City, for the payment of past due accounts and all applicable charges.

§17-8 Schedule of Rates.

(a) Residential Service Rate.

(1) The rate charged for domestic purposes consist of a fixed monthly Customer Charge and an Energy Charge based upon consumption.

(2) The residential service rate is applicable to a single-family private dwelling unit supplied through one meter for domestic use. The residential service rate is not available to a residence that used for commercial purposes. Offices and day care centers, that are incidental to the use of the dwelling and are conducted only within the dwelling unit are eligible for this rate. If the domestic and non-domestic purposes can be metered separately, then this rate is available for the domestic portion.

(b) All-Electric Residential Service Rate.

(1) The rate for domestic purposes in approved all-electric private dwellings consist of a fixed monthly Customer Charge and an Energy Charge based upon consumption.

(2) This rate is applicable to a single-family private dwelling unit supplied through one meter for domestic use, where electricity is the only energy utility serving the home. Customers using natural gas, propane, fuel oil or other fuel services are not eligible for this rate.

(3) The City Utility Department shall certify that a dwelling unit is all-electric to the City Customer Service Division.

(c) Commercial Service Rate.

(1) The rate for commercial purposes consists of a fixed monthly Customer Charge and an Energy Charge based upon consumption.

(2) This rate shall be applicable to customers using electric service supplied at one point of delivery for which no specific schedule is provided. Service size under this schedule is two hundred (200) amperes maximum. For multiple services or services larger than 200 amperes, the General Service Rate shall apply.

(3) The City Administrator or his designee shall establish the rate classification for new commercial customers, based on the customer's anticipated energy and demand requirements.

(d) Optional Small Commercial Service Rate.

(1) The rate for the Optional Small Commercial Service Rate consists of a fixed monthly Customer Charge and an Energy Charge based upon consumption.

(2) Customers eligible for the Commercial rate who request service of 120/240 Volt single-phase or 120/208 network service may elect to be billed under this rate schedule. Election of this rate schedule shall be for a minimum of twelve (12) consecutive months.

(e) General Service Rate.

(1) The rate charged for customers with demand meters consists of a fixed monthly Customer Charge, an Energy Charge based upon consumption, and a monthly Demand Charge. The Demand Charge is determined by multiplying the Demand Rate by the peak demand in a billing cycle. The peak demand is computed from the readings of the City's Demand Meter which shows the highest average peak over any given fifteen (15) minute period during the billing period.

(2) Customers requesting a new service or transferring an existing service of more than 200 amperes shall be billed under the General Service Rate.

(3) Customers requesting multiple services at the same property may be charged under this rate if the City Administrator or his designee determines that the charges are necessary to recover the costs of the City's equipment used to provide service.

(f) Renewable Energy Rate.

(1) This rate is applicable to all customers that support the use of renewable energy sources in the City's wholesale electrical energy portfolio.

(2) In addition to electrical energy purchased under any of the above rates, customers may purchase “green power” in units of 100 kWh per month. Green power purchased is over and above the energy metered for the customer’s use.

(3) Each 100 kWh block billed under this rate will be bill at a rate of \$.0020 per kilowatt hour.

(4) Participation in this rate is limited by the City’s projected renewable energy purchases.

(g) Terms of Service

Service will be rendered under this chapter of the City Code, the City Customer Service Policies and Procedures Manual, and the City Electrical Distribution Standards as amended from time to time. Current copies of the above codes may be examined at the City Customer Service Division located at 201 East 5th Street, Gillette, Wyoming.

(h) Service Charges

Customer requested service charges to connect, reconnect, or disconnect electric service, final notice, trouble calls, temporary service, meter testing, late fees, collection fees and similar charges shall be established by Resolution. The City Clerk shall maintain a copy of all customer service charges under this Ordinance.

(i) Net Metering

(1) This rate is applicable for customer owned parallel electrical generation facilities of less than 25 kW. Generation equipment will be designed to be compatible with the characteristics of the service that the customer receives from the City electrical utility.

(2) For each month, the City will record both the energy delivered to the customer and the energy received from the customer. If the energy delivered to the customer is greater than the energy received from the customer, the customer will be billed for the difference under the rate applicable to the customer.

(3) If the energy delivered by the City electrical system is less than the energy received from the customer, the customer will not be billed for energy in that billing period and the surplus energy will be carried forward to the next billing period.

(4) In the first billing period of each year, if the customer’s account has a credit for energy received from that customer, the customer will be compensated for the surplus at a rate not less than the City’s average avoided cost for energy for the previous calendar year.

(5) The City will supply and install an electric meter that will record the power flow delivered to and received from the customer. The customer will supply all other equipment necessary to ensure operation of customer owned generation. A separate lockable disconnect is required for all service applicable to this rate. The disconnect shall be accessible to City electrical utility personnel at all times.

(6) The customer will install and maintain a separate disconnecting means for the generator(s). This disconnect must be accessible to City electrical utility personnel. The disconnect shall have provisions to be padlocked in the open position and provisions to allow its use in the utility's energy control plans. The disconnect shall be labeled. If the generator disconnect is not located within sight of the utility supply disconnect, a plaque showing the location of all disconnects shall be placed at each disconnect serving the facility.

(7) The Customer will maintain a Power Factor for the generation equipment between .9 leading and .9 lagging at all times. For purposes of this requirement, the Power Factor for the generator will be measured at the generation disconnect. If the customer fails to maintain the Power Factor within this range, the City may require the customer to disconnect the generation equipment from the City's system until the customer can demonstrate compliance.

(8) The Customer is responsible for compliance with all applicable codes and standards, including but not limited to the National Electrical Code, the National Electric Safety Code, IEEE standard 1547, and the City of Gillette's Electrical Distribution Standards. The Electrical Services Division will review the generation equipment and its installation to ensure that it will be compatible with the City electrical distribution system and their approval is required before the generation equipment is connected to the City electrical distribution system and energized. The Customer will allow utility access to the generator's disconnecting means to allow utility staff to perform measurements to independently verify compliance with the above referenced codes and standards.

(9) In accordance with IEEE Standard 1547, the generation equipment shall automatically disconnect from the utility's system in the event of loss of utility supply to the customer's meter.

(j) Electrical Rate Charges

Rate Category	Fixed Charge (each)	Usage Charge (per kWh)	Demand Charge (per kW-mo)
Residential Service	\$ 21.75	\$ 0.08800	\$ -
All-Electric Residential Service	\$ 21.75	\$ 0.08800	\$ -
Commercial Service	\$ 33.75	\$ 0.08670	\$ -
Optional Small Commercial Service	\$ 21.75	\$ 0.11650	\$ -
General Service	\$ 75.25	\$ 0.05270	\$ 9.35

§17-9 Payment of Bills.

(a) Bills for all utility services furnished by the City shall be due on the billing date and shall be delinquent on the 15th day after the billing date. Delinquent turn-off procedures described in §17-9(c), will commence after the 21st day and service will be turned off on the 35th day after the billing date.

(b) If a bill becomes delinquent as outlined in §17-9(a), the City shall initiate the delinquent turn-off procedures and assess the appropriate service charges as established by resolution.

(c) Every account that is more than 34 days delinquent shall be shut off; except for cases of extreme hardship as outlined in this Ordinance or during any period of Extreme Weather. Extreme Weather occurs when the average temperature is or is expected to be equal to or less than 32°F for a period of 24 consecutive hours. The City Administrator or his designee shall determine Extreme Weather and adjust disconnections or order re-connections appropriately.

(d) If a customer pays a utility bill with an insufficient funds check, as defined in Wyoming Statute § 6-3-701(a)(v) (LexisNexis 2017), the customer will have ten (10) days from receipt of the notice to pay the account in guaranteed funds. Service will be shut off after five days if payment is not received. The same procedure will apply to a second check received within a twelve-month period.

Upon receipt of a third insufficient funds check, that the account must be paid in cash or money order within five (5) days of the notice. Service will be shut off after five days if payment is not received.

Upon receipt of a fourth insufficient funds check, service will be disconnected after five (5) days of the notice. The City will require payment be made in cash or money order for all City utility charges and other fees.

(e) In the event that any utility service is discontinued for non-payment of bills, or receipt of insufficient funds checks, all applicable charges listed in §17-8 above, shall be paid in full prior to re-connection, as well as any applicable billing charges and the applicable connection or re-connection fee as set forth in §17-8. Reasonable attorney's fee shall be recovered by the City along with the total delinquent balance including penalties and charges for all delinquent City supplied utilities if a legal action is initiated to collect the delinquent account.

§17-10 RESERVED

§17-11 RESERVED

§17-12 RESERVED

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

GENERAL PROVISIONS.

§17-13 Application of article.

The provisions of this article apply to the public sewer mains, manholes, out fall lines, privately constructed connection lines and any a sanitary sewer appurtenances that are directly or indirectly connected to or make up a part of the sanitary sewer system.

§17-14 Unauthorized removal of manhole covers.

Only City employees may remove manhole covers when specifically authorized by the City Administrator. The City Administrator may authorize the removal of manhole covers for construction activities on City projects, sewer maintenance activities, and on a case-by-case basis to determine the location of blockages.

§17-15 RESERVED

§17-16 RESERVED

CONNECTIONS WITH PUBLIC SEWERS.

§17-17 Required where public sewer is available to premises occupied as dwelling.

Every occupied property in the City capable of being served by the sewer system, shall be connected. A written notice to connect to the system shall be provided to all owners and occupants of properties capable of being connected to the system. Connections to the system shall be made within ninety (90) days after the mailing of the notice. The City Council may extend the ninety (90) days for connection after a public hearing.

§17-18 Unauthorized Sewer Connections.

In every case in which an unauthorized connection is found, the City shall discontinue the water service at the affected location. If the unauthorized connection is not served by the City's water system, then the electric service shall be discontinued at the affected location. If the unauthorized connection is not served by the City's water system or the City's electric system, then the City Administrator is granted permission to take all necessary means to remedy the unauthorized connection, including, but no limited to discontinuance of wastewater service at the affected location. The City shall provide the affected customer five (5) days written notice that the service shall be discontinued. The customer may, within three (3) days from the date of receipt of notice, file a written request for a hearing with the City Administrator or his designee to show cause why utility service should not be discontinued. Service shall be accomplished by posting the written notice of termination upon the affected property or by mailing a copy of the written notice of termination to the customer at the address used for City utility bills. If the affected customer demonstrates at the hearing that his service connection was authorized, his utility service will be reactivated and any bond forfeited reinstated. The entire balance, if any, of an affected customer's utility account with the City shall become immediately due and payable upon discontinuation of service pursuant to this section. The cost of repairing or reconnecting service must be paid to the City once the service line is repaired before service may be resumed at the same location. In addition, the customer shall pay the estimated usage he would have received while the unauthorized connection was in place. The estimated usage is based upon the average billing for the period of time of the unauthorized connection. If the customer has insufficient billing experience with the City to derive an estimated amount of usage the customer shall pay the average billing for the same type of service.

§17-19 Plant Investment Fees for Sewer Connections.

Plant Investment Fees for sewer connections shall be paid according to the following schedule determined by the corresponding water meter size.

Water Meter Size	Factor⁽¹⁾	Plant Investment Fee-Sewer
1 inch or less	1.00	\$ 2,000.00
1.5 inch	3.33	6,660.00
2.0 inch	5.33	10,660.00
3.0 inch	10.00	20,000.00
4.0 inch	16.67	33,340.00
6.0 inch	33.33	66,660.00

⁽¹⁾ Exhibit W-5, Development of Gillette Regional System Development Charges, HDR Engineering, Inc., September 15, 2015.

§17-20 Sewer Required for each City Lot: Maintenance and Repair and Replacement of privately-owned sewers.

All City lots shall be served by at least a single, four-inch diameter, privately-owned sewer service connected to the City sanitary sewer system. The landowner shall be responsible for the ownership, maintenance and repair of his privately-owned sanitary sewer service line(s) from the connection point at the City sanitary sewer main through the structure(s) or premise(s) being served. Maintenance of the privately-owned sanitary sewer service line(s) include but are not limited to, performing underground utility locates, regularly scheduled cleaning, root removal, grease removal, debris removal, and clearing of blockages that impede the design flow. Repair of the privately-owned sanitary sewer service line(s) include but are not limited to, installation of clean outs, spot repairs and/or complete replacement of the sanitary sewer service line to restore the design flow. At the discretion of the City Administrator, the City may assist in funding the cost to repair or replace streets, sidewalks, curb, gutter, landscaping or other public improvements that become damaged as a result of catastrophic failure of the privately-owned sanitary sewer service line(s).

§17-21 Wastewater Discharge Service Charges - Service Rates.

(a) Purpose. The purpose of this ordinance is to generate sufficient revenue to pay fixed operation and maintenance costs of the complete wastewater system. All additional revenue generated from Wastewater Service Charges and Rates shall be appropriated by the City Council to fund a portion of capital construction and depreciation costs of the wastewater system. The costs shall be distributed equitably to all users of the wastewater system.

(b) Determining Each User's Wastewater Classification.

Class I -Residential users.

Class II -Industrial and commercial establishments that discharge wastewater with an average daily 5-day (20 degree Celsius) Biochemical Oxygen Demand not exceeding 220 mg/L and/or an average daily Suspended Solids not exceeding 250 mg/L.

Class III -Industrial and commercial establishments that discharge wastes that exceed the parameters of Class II users.

(c) Wastewater System Fixed-Cost Monthly Service Charge. All system users shall pay a fixed-cost monthly service charge based on water meter size and proportional to the following factors..

Water Meter Size	Factor⁽¹⁾
1" or smaller	1.00
1.5"	3.80
2.0"	5.33
3.0" or larger	10.00

⁽¹⁾ Exhibit W-5, Development of Gillette Regional System Development Charges, HDR Engineering, Inc., September 15, 2015.

For system users who do not receive water service from a metered, public water supply system, the fixed-cost monthly service charge shall be based on the following water meter size.

Customer Type	Assumed Water Meter Size
Residential	1" or smaller
Non-Residential	2.0"

(d) **Wastewater System Volumetric Monthly Service Charge.** When connected to a metered public water supply system, all system users shall pay a volumetric monthly service charge based on metered water consumption through their water meter. Additional volumetric surcharge may be assessed by the City for industrial discharges under §17-22.

(e) **Determining the Wastewater Volume Contribution Incremental Cost.** The City determines the wastewater volume contribution by determining the average monthly water consumption. Water consumption may be adjusted to include the effects of non-metered users, irrigation users, and for any other reason that significantly effects the wastewater volume contribution.

1. Class I Users

The City shall determine the incremental cost of operation and maintenance of the wastewater system per 1,000 gallons of water consumption for Class I Users by dividing the total annual volume cost contribution by four (4) times the total water consumption in 1000 gallon units (determined from three monthly water meter readings) during the previous winter months of December, January and February for Class I users.

2. Class II and Class III Users

The City shall determine the incremental cost of operation and maintenance of the wastewater system per 1,000 gallons of water consumption for Class II and Class III users by dividing the total annual volume cost contribution for the respective Class by the total water consumption in 1000 gallon units during the previous calendar year for the respective class.

(f) **Determining Each User's Total Wastewater Service Charge.**

1. Class I Users

The owner or occupant of each residential premises connected to the municipal water works and wastewater system pays for the use and availability of the wastewater disposal services. The user service charge is computed by multiplying the incremental cost, as determined by Section (e)(1), by the volume of water consumed in 1,000 gallon units, (for a unit of time), plus a minimum fixed cost, (per month), as determined by Paragraph (c). The wastewater user service charge

for any Class I user during the period of May 1st through April 30th is the average amount of the charges for wastewater service determined from three water meter readings during the previous winter period from December 1st through February 28th. For a Class I user beginning to discharge to the wastewater system, a charge shall be made pursuant to the criteria of Section (f)(4), until the base period for purposes of determining the charge shall have occurred.

Until consumption history is properly established for previously unoccupied residential properties, or if metering does not allow establishment of usage, the monthly charge is based on the following assumed usages, per unit:

Detached, Single family	9,000	gal/mth
Mobile/Manufactured Home	9,000	gal/mth
Duplexes, Multi-Family, Apartments, etc.	7,000	gal/mth
Recreation Vehicle	2,000	gal/mth

2. Class II Users

Commercial sewer use charges are based on average monthly water consumer or waste discharged during the previous period as determined by the City. If approved by the City, rates for commercial uses with little seasonal water consumption variation, may be based on average monthly water consumption during the period of December 1, through February 28. Rates for commercial uses with little winter use are based on average monthly water consumption during periods of representative water use. In cases where no prior water usage is available, the charge will be based on a usage of 15,000 gallons per month, or as determined in Section (f)(4).

3. Class III Users

The owner or occupant of each premises connected to the City waterworks and wastewater system for both water and wastewater disposal service whose average 5-day (20 degree Celsius) Biochemical Oxygen Demand of the wastewater discharged to the system exceeds 220 mg/L, and/or whose average daily Suspended Solids of the wastewater discharged to the system exceeds 250 mg/L, and/or who discharges any other significant parameter as determined by the City shall pay a user charge as computed in Section (f)(2) above and may be required to meet additional industrial pretreatment standards and/or pretreat their discharges at the direction of the City.

The City may require industrial sewer users to sample and analyze their discharges to the wastewater system and to submit the analytical results to the City for evaluation. All samples obtained shall be representative of the normal discharge to the wastewater system. All requested analyses shall be performed by a qualified laboratory in accordance with procedures approved by the Environmental Protection Agency (EPA) for the analysis of wastewater. The date and time the

sample was obtained, the laboratory performing the analyses, and the method(s) used shall be included with each report of analyses. The City may enter the premises of any industrial user and obtain a sample of the discharge to the wastewater system for analyses at any reasonable time.

4. Non-metered Water Service Districts and New Users

Non-metered users include all users, regardless of class, that discharge wastes into the wastewater disposal system and do not have an individual water meter at the property receiving service. Water Service District users include all users located within the City, regardless of their class, that discharge wastes into the wastewater disposal system and are connected to a non-City water system that provides individual water meters at the property receiving service. New Users include all Class I users that have not established a base period discharge quantity pursuant to Section (f)(1).

Non-metered users that receive City water through a master metered system with an individual utility account may elect to pay a sewer user charge based on their pro-rata share of the total sewer use charge calculated from the total water consumption measured by the master meter supplying them with City water. A user electing to pay a sewer user charge must notify the City Administrator in writing. The notice must include the address of the master meter, all the users of the master meter, and the signatures from all users of the master meter prior to being billed a sewer usage fee based on water consumption.

Non-metered users that do not receive City water shall pay a sewer user charge calculated based on the following usages, per unit:

Class I

Detached, Single family	9,000	gal/mth
Mobile/Manufactured Home	9,000	gal/mth
Duplexes, Multi-Family, Apartments, etc.	7,000	gal/mth
Recreation Vehicle	2,000	gal/mth

Class II

Non-metered Class II users will be charged based on 15,000 gallons per month or on estimates prepared by the City of Gillette if the commercial/industrial activities indicate a greater usage.

Class III

If a non-metered Class III user discharges to the wastewater system, reasonable attempts will be made to monitor the quantity of wastewater discharge. If the

wastewater discharge cannot be measured, the City will estimate the flow based on the industrial activities of the user.

The fixed cost service charge for non-metered Class I users are the same as metered users with meters 1 inch in size or less. The fixed cost service charge of non-metered Class II and Class III users are the same as metered users with meters greater than 1 inch in size.

Water Service District users pay the fixed cost service charge pursuant to Section 17-21(b). Water Service District users pay the appropriate user service charge pursuant to Section 17-21(f). Water Service District users also pay a monthly meter reading/maintenance fee of one dollar (\$1.00). The monthly meter reading/maintenance fee is based on meter reading costs, maintenance costs and initial account set-up costs amortized over a fifteen (15) year period. To be billed in this manner, the service district board or homeowner's association board or other entity which operates a non-City water system that provides individual water meters at the property receiving service must submit a written request to the City Administrator. The entity must enter into a contract with the City to provide this service. In the absence of an agreement water service district users shall be billed as non-metered users.

5. Damages

If any user discharges waste in violation of this Ordinance including but not limited to slug loads or incompatible wastes, the user is subject to a surcharge rate of up to twice the industrial rates, at the discretion of the City. Any user discharging toxic or hazardous pollutants into the system shall pay for the increased costs of managing the effluent or sludge by the treatment works. Charges are at the sole discretion of the City to recover the increased costs.

6. Unoccupied Property

If property becomes unoccupied and the owner leaves the water connected, only the monthly fixed service charge for water and sewer service shall be due during the period of time the property is unoccupied if the owner enters into an interim service agreement with the City. Payment of the monthly fixed service charge for water and sewer service shall not be required if the owner, under the interim service agreement, elects to have the water shut off and the meter disconnected during the period of non-occupancy. To receive treatment as an unoccupied property, the owner or the individual responsible for the payment for utilities, under the interim service agreement, shall make a request to the Customer Service division to terminate water and/or sewer and/or solid waste service. The owner shall notify the Customer Service division in writing of any changes in the occupancy status of the property. Failure to notify the Customer Service Division of a change in occupancy status shall be considered an unauthorized water, sewer and/or solid

waste connection or use and shall be subject to the provisions of Section 17-18 of the Gillette City Code.

(g) Payment of the User's Wastewater Service Charge and Penalties for other violations.

1. The wastewater service charge shall be due at the same time as charges for consumers taking water from the City water system. The penalties for nonpayment of wastewater service charges including reasonable attorney fees incurred in collection of overdue utility user charges, shall be added in the same manner as for water charges. Failure to pay the wastewater user service charge and penalty within thirty days of the due date, will result in the City disconnecting water service to the premises. Water service shall not be resumed until payment of all past due water and wastewater service charges including penalties.
2. Failure to comply with provisions of this section shall result in the premises being disconnected from the City sanitary sewerage system.

(h) Review of Each User's Wastewater Service Charge.

1. Sewer use rates shall be reviewed at least annually and revised as necessary to keep revenues in balance with anticipated expenditures. Excess funds may be carried forward from year to year in the respective accounts. The review includes an analysis of the balance accrued to provide for the expected repair costs of the sewerage system. Adequate funds shall be generated and credited to the Sewer Fund to pay the costs of operation and maintenance. The rate review contains the fair and equitable distribution of all costs to all system users.

The City shall publish an annual notice of the sewer use rate structure and of the portion of the user charge attributed to wastewater treatment. The notice includes a summary of the findings of the review.

2. The Sewer Fund, is established for the purposes of paying the operation and maintenance costs of the sewerage system. The City shall provide for this account and ensure satisfactory operation of the system. The Repair and Replacement Account, is established for the purpose of repairing portions of the system. Funds deposited into this account provide for the repair and replacement of mechanical portions of the Wastewater Treatment Plant.

(i) Special Contracts Authorized

The City may contract for sewerage utility services with users not connected to the City sanitary sewer system, not in any of the user classifications in this ordinance, and not within the City limits under terms and conditions different from those prescribed by this Ordinance. No contract for service may have rates that are less than the rates provided in this ordinance. All users of the City sewer system,

including those outside the City limits, are subject to the terms of City ordinances governing the City sanitary sewer system and the Wastewater Treatment Facility.

(j) Video Inspection of Mains.

Closed Circuit Television (CCTV) inspection of new sewer mains will be provided by the City Wastewater Division for the purpose of inspecting newly constructed sewer mains that are to be part of the City's sewerage system. Requests for CCTV inspection of newly constructed sewer mains shall be made through the City's representative engineer for the project. The CCTV inspection will be completed at no cost to the contractor constructing the sewer main for the first inspection attempt if the sewer main is complete and adequately cleaned to allow the CCTV inspection. If the CCTV inspection of the sewer main cannot be completed on the first attempt due to incomplete construction, debris or obstructions in the main or inaccessibility, all subsequent and repeat inspections will be completed at a charge consistent with the market rate the City would pay a CCTV inspection contractor to complete the inspection. The current market rate is established by Resolution within the Schedule of Customer Service Charges. The rate for CCTV inspections may be adjusted by the City from time to time to account for the market rate of this service.

(k) Wastewater Rate Charges

Rate Category	Rate Type (water meter size)	Fixed Charge (each)	Usage Charge (per kGal)
Residential & Commercial (Classes I, II & III)	1" meter (or smaller)	\$ 10.50	\$ 2.88
	1.5" meter	\$ 39.90	\$ 2.88
	2" meter	\$ 55.97	\$ 2.88
	3" meter (or larger)	\$ 105.00	\$ 2.88

§17-22 Discharge of industrial and domestic wastes into public sewers.

(a) Definitions.

(1) "Approving Authority" is the City Administrator of the City of Gillette or his duly authorized deputy, agent or representative.

(2) "Biochemical oxygen demand" (BOD); is the quantity of oxygen, expressed in parts per million by weight, utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees Celsius. The

laboratory determinations shall be made in accordance with procedures set forth in Title 40 of the Code of Federal Regulations Part 136 (40 CFR 136).

(3) “City” is the City of Gillette.

(4) “Chlorine Demand” is the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in 40 CFR 136.

(5) “Combined Sewer” is a sewer receiving both storm water or surface runoff and sewage.

(6) “Domestic Wastewater” is any wastewater containing human or animal wastes or household wastes originating from residences or public restrooms but shall not include any commercial or industrial wastes.

(7) “Garbage” is the residue from the preparation, and dispensing of food, and from handling, storage and sale of food products and produce.

(8) “Ground Garbage” is the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1/2") in any dimension.

(9) “Industrial Waste” is any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource.

(10) “Industrial Wastewater” is any industrial wastes or wastewater originating from any commercial or industrial process and may also contain domestic wastewater.

(11) “Hazardous Waste” is any solid, liquid or gaseous substance singularly or in combination with other substances that is a characteristic or listed hazardous waste as defined and/or regulated by the Resource Conservation and Recovery Act (RCRA) or by the National Pretreatment Program.

(12) “Parts per million” (ppm); is the number of weight or volume units of a minor constituent present with each one million units of a solution or mixture. When applied to wastewater, the parts per million value multiplied by the factor 8.34 shall be equivalent to the pounds of the minor constituent per one million gallons of water.

(13) “Person” is any and all person(s), natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(14) “Public Sewer” is a sewer provided by or subject to the jurisdiction of the City of Gillette. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds.

(15) “pH”; is the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined in accordance with procedures set forth in 40 CFR 136.

(16) “Sanitary Sewer” is a sewer that conveys sewage or industrial wastewater or a combination of both, and into which storm, surface and groundwater or unpolluted industrial wastes are not intentionally admitted.

(17) “Septage” is the sludge and wastewater produced in individual on site wastewater disposal systems such as septic tanks.

(18) “Sewage” is the water-carried human, animal and household wastes in a public or private drain, and may include ground-water infiltration, surface drainage and industrial wastes.

(19) “Sewage Disposal Works” are all facilities for collection, pumping, treating, and disposing of sewage and industrial waste, and it includes sewerage as well as the sewage treatment facilities; also known as Wastewater Treatment Facilities.

(20) “Sewage Treatment Plant” is an assemblage of devices, structures and equipment for treating sewage and industrial wastewater; also known as Wastewater Treatment Plant.

(21) “Sewer” is a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground-water drainage.

(22) “Sewerage” is a system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes; also known as Wastewater Collection System.

(23) “Shall” is Mandatory, “May” is Permissive.

(24) “Slug” is any discharge of water, sewage or industrial waste which exceeds more than 900 PPM of total suspended solids or BOD for any period of longer duration than ten (10) minutes, or in such quantity that constitutes a detrimental effect on the Wastewater Treatment Facilities, plant, personnel, or maintenance.

(25) “Standard Methods” are the examinations and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater". Standard Methods is a publication produced jointly by the American Public Health Association; the American Water Works Association; and the Water Environment Federation (formerly known as the Water Pollution Control Federation).

(26) “Storm Sewer” is a sewer that carries storm, surface and ground-water drainage but excludes sewage and industrial wastes.

(27) “Stormwater Runoff” is that portion of the rainfall that is drained into the sewers.

(28) “Total Suspended Solids” (TSS); shall mean solids that either float on the surface of, or are suspended in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in 40 CFR 136.

(29) “Unpolluted Water” or “Unpolluted Liquids” include any water or liquid not containing any of the following: emulsified grease or oil; acids or alkalis; substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. “Unpolluted Water” or “Unpolluted Liquids” shall not contain more than 500 parts per million by weight of total dissolved solids, and not more than 2 parts per million each of total suspended solids or biochemical-oxygen demand. Analytical determinations shall be made in accordance with 40 CFR 136.

(30) “Wastewater” is water carried human, animal, household wastes, and industrial wastes in a public or private drain; Wastewater may also include groundwater infiltration or surface drainage.

(31) “Wastewater Collection System” is the sewer and pumping system used for the collection and conveyance of domestic, commercial, and industrial wastewater.

(32) “Wastewater Treatment Facilities” (WWTF); includes all facilities for collection, pumping, treating, and disposing of sewage and industrial wastes.

(33) “Wastewater Treatment Plant” (WWTP); includes any assemblage of devices, structures, and equipment for treating sewage and industrial wastes.

(34) “Winter period” are the months of December, January and February.

(b) Admission of industrial wastes into public sewers.

(1) Approval required. The Approving Authority Review shall approve future industries prior to the discharge of any wastewater into the public sewers. An Application for Wastewater Discharge shall be completed by all nonresidential and industrial establishments. The Approving Authority may require an industrial user to obtain a Wastewater Industrial/ Commercial Discharge Permit. Discharges of industrial wastewater to the Wastewater Treatment Facilities without prior authorization is prohibited. Discharge of wastes without prior authorization is subject to applicable civil and/or criminal penalties.

(2) Pre-treatment. At the discretion of the Approving Authority, users may be required to modify or eliminate wastes that are harmful to the structures, processes, personnel, or operation of the Wastewater Treatment Facilities. The user shall provide, at its expense, analytical testing,

treatment, or processing facilities deemed necessary to render the wastes acceptable for admission into the public sewers. All discharges of categorical industrial wastes as defined by the National Pretreatment Program shall meet all applicable limitations under the National Pretreatment Program and any other limitations deemed necessary by the Approving Authority.

(3) Submission of information. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the Approving Authority for approval prior to the start of construction for future industries.

(4) Slugs. No person shall discharge slugs of water or wastes.

(c) Prohibited discharges.

(1) Sanitary Sewers. No person shall discharge storm water, surface drainage, subsurface drainage, ground water, roof run-off, cooling water, or unpolluted water into any sanitary sewer. It shall be unlawful for any person to dispose of sewage, human excrement, chemicals, oils, greases, or any other untreated liquid wastes in any manhole, barrow, road, road right-of-way, field, pasture, park, open prairie, or similar place or manner. Discharge of sewage can only be discharged to an approved waste system, installed and maintained in accordance with the provisions of this Ordinance, and provisions of the Department of Environmental Quality. No person shall discharge into any sanitary sewer without the consent of the Approving Authority and the Wastewater Treatment Plant.

(2) Storm Sewers. Storm water, surface drainage, subsurface drainage, ground water, roof run-off, cooling water, or unpolluted water may be admitted to specifically designated storm sewers. No person shall discharge any sewage, human excrement, chemicals, oil, greases, or industrial wastes into any storm sewer. No person shall use storm sewers without first having obtained the consent of the Approving Authority.

(3) Prohibitions and Limitations. Any person discharging any of the substances indicated in this section or any other substances injurious to the public sewer system shall be guilty of a misdemeanor and subject to a fine of not more than seven hundred fifty dollars (\$750.00). Each day a violation continues shall be considered a separate offense. Discharge of any of the following into the Wastewater Treatment Facilities shall be prohibited:

(a) Gasoline, benzene, naphtha, fuel oil or other solids, liquids or gases which themselves or through interaction with other substances may cause fire or explosion hazards, or in any way may be injurious to persons, property or the operation of the Wastewater Treatment Facilities.

(b) Noxious or malodorous solids, liquids, or gases, which singularly or through interaction with other substances are capable of creating a public nuisance, a hazard to life, or prevent entry into sewers for maintenance and repair.

(c) Solvents or hydrocarbons in quantities sufficient to be detected visually (i.e. a sheen), by characteristic odor, that result in greater than 10% of the

LEL (lower exposure limit) at the WWTP influent, greater than 10% of the LEL in the sewer system in the immediate vicinity of the connection to the City sewer, or that in any way adversely affects the health of any wastewater personnel working in the sewer system.

(d) Solids, grease, slurries, ashes, cinders, sand, mud, straw, shavings, metal, grass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances that, in the opinion of the Approving Authority, can cause obstructions in or other interferences with proper operating of the Wastewater Treatment Facilities.

(e) Solids, or liquids which themselves or through interactions with other substances contain more than 100 ppm by weight fats, oils, and grease.

(f) Toxic or poisonous substances, chemical elements or compounds in sufficient quantity to: (1) interfere with the operations of the Wastewater Treatment Plant; (2) constitute a hazard to humans or animals; (3) create a hazard in the waters receiving treated effluent ; or (3) cause the effluent from the WWTP to exceed any state or federal requirement under the Clean Water Act; or any requirement or limitation of the WWTP's National Pollutant Discharge Elimination System (NPDES) permit as delegated to the Wyoming DEQ For purposes of this section, toxic wastes include but are not limited to wastes containing cyanide, chromium, cadmium, mercury, copper, lead, and nickel ions, and ethylene glycol.

(g) Liquids having a pH lower than 6.0 or higher than 9.5. Liquids having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the Wastewater Treatment Facilities. All pH measurements shall be taken as a grab sample.

(h) Radioactive wastes or isotopes.

(i) Liquid or vapor having a temperature greater than 104 degrees Fahrenheit (40 degrees Celsius) or less depending on safe working temperatures of the City's pipe conveyance material.

(j) Water or wastes containing any of the following substances with a grab sample concentration in excess of:

Total Petroleum Hydrocarbons	100 mg/l
Total Organic Halides	0.5 mg/l
BETX (Benzene, Ethylbenzene, Toluene, Zylene)	750 ug/l
Benzene	50 ug/l

or as otherwise established in the user's sewer permit, whichever maximum concentration is less.

(k) The following local limits are established to prevent pass through, interference and to protect receiving water and sludge quality:

Mercury	0.0002 mg/l
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Maximum Allowable Industrial
Loading (lbs. / day)

Arsenic	0.146
Cadmium	0.031
Chromium (total)	2.938
Hexavalent Chromium	0.298
Copper	2.487
Lead	0.618
Molybdenum	2.784
Nickel	1.306
Selenium	0.094
Silver	1.684
Zinc	9.262

Maximum Allowable Industrial Loadings (MAIL) (lbs./day) shall be allocated through Industrial User Permits, and the total loadings to all permitted industrial users shall not exceed the limits shown. All industrial users shall monitor and report daily flows as required by their sewer use permit. The Approving Authority may develop specific discharge limitations for any other toxic or inhibiting pollutant, which may cause POTW interference, pass through, endanger the health and safety of the POTW personnel or the general public, produce environmental harm, cause a POTW permit violation, or render the POTW's sludge's unacceptable for reclamation or disposal.

Abbreviations. Maximum Allowable Industrial Loading (MAIL) The total daily mass of a particular pollutant that a POTW can accept from all permitted industrial users and ensure the POTW is protecting against pass through and interference.

(l) Solids, liquids, or gases of such character and quantity that special and unusual attention is required for their handling.

(m) Substances that cause the WWTF to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines of regulations developed under Section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, Title 40 of the Code of Federal Regulations Part 503 (40 CFR 503), or other regulations or criteria for sludge management and disposal as required by local, state, or federal regulations.

(n) Color which is not removed in the treatment process.

(o) Pollutants, including BOD₅ and TSS concentration which cause interference with or pass through the treatment plant.

(p) Garbage that has not been ground by household type or other suitable garbage grinders.

(d) Interceptors.

(i) Authority. The City is authorized to develop standards for construction and operation of grease interceptors, oil and sand interceptors and inspection manholes (monitoring facilities) connected to the sanitary sewer system. The interceptor standards are essential to the public health, welfare, and safety of the inhabitants and employees of the City.

(ii) Purpose. Grease, oil and sand interceptors shall be provided by the owner of a property when, in the opinion of the Approving Authority, interceptors are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand, or other harmful ingredients. No interceptors shall be required for residences. All interceptors shall be approved by the Approving Authority and easily accessible for cleaning and inspection. All interceptors shall be properly operated and maintained by the owner to avoid the discharge of oils, grease, solids, or other prohibited wastes. All plans, specifications, and any other pertinent information shall be submitted and approved by the Approving Authority prior to construction of any grease, oil or sand interceptors.

Inspection manholes shall be provided for proper inspection, sampling and flow measurement of waste, from a building's sewer.

(iii) Scope. This section applies to grease interceptors used for premises where food is prepared or processed and oil and sand interceptors used for car washes, garages, repair shops, gasoline service stations, or any other operation which involves repairs or equipment servicing. The Approving Authority may alter specifications, as needed, to fit individual applications.

The use of grease, oil, or sand interceptors do not relieve the user from complying with all provisions of the City Code, or the General Industrial Pretreatment Regulations (40 CFR, Part 403) promulgated by the United States Environmental Protection Agency (EPA).

An inspection manhole shall be required on the service line of all non-domestic users.

(iv) General Requirements.

A. Limited Discharges. All wastewater discharged to the City Wastewater Treatment Facilities shall comply with the City Code.

B. Maintenance. The user, owners and/or tenants shall be jointly and severally responsible for the proper inspection, removal and disposal of the material captured by any

interceptor, and shall maintain records reflecting the date, means, and location of disposal of any material. All materials hauled to the City Wastewater Treatment Facilities shall be accompanied by a properly completed City manifest. The records shall be made available to the Approving Authority upon request. The records shall be kept on site for at least three years. The intercepted materials shall be disposed of in accordance with the appropriate local, state and federal regulations. If the removed grease/solids is not hauled to the City Wastewater Treatment Plant, written verification from the waste disposal facility that the materials were disposed of in accordance with applicable local, state, and federal laws shall be kept on site for at least three years.

All interceptors shall be maintained by the user on a regular maintenance schedule, that shall be performed before the retention capacity of the interceptor is exceeded. A monthly inspection of the interceptor by the user, owner, and/or tenants shall be performed. The interceptors shall be cleaned in accordance with the minimum cleaning frequency specified in Section 17-22(c)(4)(v)(A)(5) of the ordinance. The user, owner, and/or tenants shall maintain appropriate documentation, on site, to verify when the interceptor was inspected and cleaned.

The user shall allow City personnel access to the premises for inspection, sampling, record examination, or in the performance of any other duties related to the interceptor.

The addition of products containing surfactants, enzymes, solvents, caustics, and chemical emulsifiers shall be prohibited.

D. Miscellaneous Requirements. The complete interceptor installation, including but not limited to equipment, structural design, backfilling, and safety provisions shall be the responsibility of the user.

E. Review of Plans. It shall be the responsibility of the user or his authorized representative to contact the Approving Authority for plan review and approval. The plan shall determine the need, method, and size of interceptor required to pretreat or otherwise control the wastes to make them acceptable for discharge into the City's Wastewater Collection System. All users shall submit to the Approving Authority a complete set of plans with computations relative to sizing that detail the proposed installation. All interceptors shall be installed in accordance with the plans and specifications authorized by the Approving Authority.

User shall retain a duplicate set of such records for the life of the interceptor. The records shall remain with the property through changes of ownership or tenancy.

F. Installation Time Period. All new users shall complete the installation of required interceptors prior to commencing business operations. Existing users may be required to install interceptors as determined by the Approving Authority. The time allowed for actual installation of the grease interceptor, oil and sand interceptor, and inspection manhole units shall be determined by the Approving Authority. The Approving Authority may allow the

user up to eighteen (18) months to install the necessary units in premises found to exhibit a low degree of urgency. The Approving Authority may allow the user up to twelve (12) months to install the necessary units in premises that exhibit a high degree to urgency. Failure to install the required units will result in discontinuing wastewater service to the premises until the units have been properly installed. Wastewater service may be discontinued by shutting off the potable water service.

G. Enforcement. The City may use any or all of the following methods to achieve compliance with this chapter.

1. Any user who constructs, installs, removes, or modifies a grease interceptor, oil and sand interceptor, or inspection manhole without specific written approval from the Approving Authority, shall immediately cease construction upon notification by the City.

2. The City may suspend wastewater service to protect the wastewater treatment facilities. Suspension of wastewater service may be accomplished by shutting off the potable water service.

3. The Approving Authority may recommend the City Building Inspector deny or revoke building and occupancy permits for buildings served by the facilities not in compliance with this section of the Ordinance.

4. The City reserves the right to physically disconnect the grease, oil, sand interceptor, or inspection manhole from the sewer system. The user, owner and/ or tenants shall be responsible for all costs associated with disconnecting and reconnecting the facilities.

5. The City may suspend wastewater service to any property if the initial construction, installation, inspection, cleaning or record keeping requirements of this ordinance are not met. Suspension of wastewater service may be accomplished by shutting off the potable City water service. A first violation of any term of this ordinance will result in a verbal compliance request to the owner or operator of the facility in violation. A second violation or a failure to follow a verbal compliance request will result in the preparation and delivery of a written violation notice and compliance schedule to the owner or operator of the facility in violation. If the violation is not corrected according to the terms of the compliance schedule, wastewater service will be suspended until the violation is corrected. All costs incurred by the City as a result of the suspension or reconnection of wastewater service because of violation of this ordinance shall be paid by the owner or operator before service is restored.

6. To enforce this ordinance, the City may commence appropriate legal actions, to seek appropriate penalties and/or injunctive relief.

(v) Grease Interceptor Requirements

A. General Requirements.

1. Wastes discharged from fixtures and equipment in establishments that may contain grease, include but are not limited to scullery sinks, pot and pan sinks, dish washing machines, soup kettles, and floor drains located in areas where grease containing equipment may exist, shall be drained through grease interceptors. Drains from toilets, restroom sinks, and showers shall not be connected to the grease interceptor, but shall connect to the sanitary sewer separately from any grease interceptor.

2. All grease interceptors shall be installed and connected in such a manner that they shall at all times be accessible for inspection, cleaning, and removal of the intercepted grease. A waste grease container shall be used for grease from fryers. The grease from fryers should be recycled by a grease recycling service.

3. For all new buildings, major renovations, or where directed by the City, grease interceptors shall contain two compartments and shall be located outside the building on private property. The grease interceptors shall be installed such that all compartments are readily accessible for cleaning and inspection.

4. Grease interceptors may be constructed of cast iron, steel, HDPE, reinforced fiberglass, or concrete.

5. The minimum cleaning frequency of any outdoor grease interceptor shall be semiannually, or as directed by the Approving Authority. A written record of all cleaning and grease disposal shall be kept on-site for verification purposes. All records shall be maintained on site for at least three years. The Approving Authority shall require increased cleaning frequency if in the opinion of the Approving Authority the grease interceptor loading is exceeded or the City's sewer lines are blocked or indicate heavy accumulation of grease. All removed substances including grease shall be disposed of in accordance with all applicable state, local, and federal regulations.

6. The Approving Authority, may not require installation of an interceptor for facilities that do not cook the food served and do not wash equipment or utensils associated with the preparation or service of the food.

7. Garbage grinders/disposals are not recommended. If a garbage grinder/disposal is being used by the facility it shall be connected to the grease interceptor.

B. Sizing Criteria. The sizing criteria represent minimum requirements and do not reflect special circumstances, which may necessitate increased sizing.

1. The minimum acceptable capacity shall not be less than one thousand (1,000) gallons or seven hundred fifty pounds (750lbs.) of grease, unless the unrestricted flow rate does not exceed 50 g.p.m.

C. Inside Grease Traps.

1. The International Plumbing Code, as adopted by §5-4 of the Gillette City Code shall be used for requirement, sizing, and installation of grease trap interceptors. Grease traps within buildings shall be allowed only when the unrestricted flow rate is less than 50 gpm, or for existing buildings where minor renovations are proposed and an outside interceptor is not feasible to install, as determined by the City Building Inspection Office.

2. The size of inside interceptors will be determined by the City Building Inspection Office or his appointed designee.

3. Indoor interceptor shall be cleaned weekly. The Wastewater Division may approve a longer cleaning frequency based on reliable testing data from the application. A written record of all maintenance, cleaning and disposal shall be available on-site for inspection by the City Wastewater Division.

4. Applications within buildings may only use traps which meet the standards of §1003.3.3 of the International Plumbing Code, including PDI-G101 established by the Plumbing Drainage Institute.

5. All inside traps shall be installed in accordance with the manufacturers specifications.

(vi) Oil and Sand Interceptors.

(a) The International Plumbing Code, as adopted by §5-4 of the City Code shall be used for requirement, sizing, and installation of oil and sand interceptors.

(vii) Inspection Manholes (Monitoring Facilities).

(a) The inspection manhole shall allow for proper inspection, sampling, temperature monitoring and flow measurement of the waste within the building. All wastewater from the building shall go through the inspection manhole. Two individual discharge lines, one containing domestic discharge and the other originating from the interceptor, shall discharge separately into the inspection manhole. Two separate lines ensure that the interceptor is properly functioning, properly maintained, and that no excessive accumulation of grease oil and sand is being released to the wastewater collection system.

(b) The inspection manhole shall be installed on the user's premises. The Approving Authority may allow the inspection manhole to be constructed within the public right-of-way,

when it is deemed impractical to do otherwise. The inspection manhole shall be designed to allow traffic loadings. All inspection manholes shall be constructed in accordance with City Engineering Division Standard Designs and Specifications for sanitary sewer manholes.

(c) Inspection manholes may not be required if, in the sole discretion of the Approving Authority, other appropriate facilities are available.

(viii) Metering of Waste and Waste Sampling

(a) Metering of waste. Devices for measuring the volume of waste discharged may be required by the Approving Authority if volumes cannot otherwise be determined from the metered-water consumption records. Metering devices shall be installed, owned, and maintained by the property owner. Following approval and installation, meters may not be removed without the consent of the Approving Authority. Any required metering devices shall be maintained within ten percent (10%) of actual volumes. All records pertaining to the operation, maintenance, and calibration of devices shall be retained by the property owner for at least three (3) years and submitted to the Approving Authority at least once per year or upon request.

(b) Waste sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection to determine the character and concentration of wastes. The Approving Authority shall have access to any facility for inspection and collection of samples.

The Approving Authority may require the owner or operator of any industrial or commercial facility that discharges wastes to the Wastewater Treatment Facility to obtain samples, at the owner's expense, and to submit analytical results of this discharge for any parameters deemed necessary by the Approving Authority. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by mechanical equipment acceptable to the Approving Authority.

All analyses shall be performed by a qualified laboratory in accordance with the procedures specified in 40 CFR 136. Records of sampling shall include at a minimum: the date, time(s), exact place and method of sampling or measurements and sample preservation technique or procedures; identity of the person that performed the sampling or measurements; the date(s) the analyses were performed; identity of the person that performed the analyses; the analytical technique or method used; and the results of such analyses.

(ix) City Administrator relieved from personal liability. The City shall hold harmless the Approving Authority, during the course of his duties, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this Ordinance or by reason of any act or omission in the normal course of his duties.

(x) Septage Disposal. All loads of Wastewater or Septage delivered to the Gillette Wastewater Treatment Facility (WWTF) by truck shall be subject to approval by WWTF personnel prior to discharge at the facility and shall not violate any City ordinance. Wastewater or Septage delivered to the WWTF shall not contain any substance characteristic listed hazardous as wastes; nor any substances which may cause the WWTF sludge to be classified as a hazardous waste.

All loads of Wastewater or Septage delivered to the WWTF shall be accompanied by a completed WWTF Septage Disposal Manifest. The waste hauler shall enter all the required information on the manifest and sign the manifest. Each load shall be subject to inspection and/or testing at the discretion of WWTF personnel prior to approval for discharge. If a load is not approved by the WWTF, the waste hauler is responsible for returning the material to the waste generator for disposal of the waste in accordance with all applicable local, state and federal regulations.

Any waste hauler delivering Wastewater or Septage to the Gillette Waste Water Treatment Facility shall pay a fee for each load delivered. For Loads of Wastewater or Septage, excluding grease, the fee shall be established by Resolution. Loads containing grease from food service grease traps and interceptors shall only be accepted on dates and times designated by the WWTF. The fee for loads originating within Campbell County containing grease shall be established by Resolution. Higher fees shall be established for loads originating outside of Campbell County by Resolution.

(xi) Class A Biosolids. Class A Biosolids are stabilized sewage sludge solids from the Wastewater treatment process. The Biosolids are treated by anaerobic digestion followed by dewatering and a composting process to reduce the population of pathogenic organisms. The WWTF shall from time to time produce Class A Biosolids Compost. Class A Biosolids Compost shall meet the applicable requirements of 40 CFR part 503 and the requirements of the US EPA Region VIII and WY Dept. of Environmental Quality.

The Class A Biosolids Compost are available for sale intermittently throughout the year. The price of the Class A Biosolids Compost shall be established by Resolution and prorated accordingly. Class A Biosolids Compost may be picked up at the WWTF at dates and times specified by the WWTF personnel.

(xii) Yard Waste Compost. Yard Waste Compost is a product resulting from the controlled biological decomposition of organic material that has been sanitized through the generation of heat and stabilized to the point that it is beneficial to plant growth. Yard Waste Compost is an organic matter resource that has the unique ability to improve the chemical, physical, and biological characteristics of soils or growing media. The WWTF shall from time to time produce compost from Yard Waste, including leaves, grass or plant cuttings, twigs, brush, branches or tree limbs collected as part of the Yard Waste Curbside program. Other organic feedstocks deemed suitable by WWTF may be added on occasion to support the composting process. Compost derived from Yard Waste is available for sale intermittently throughout the year. The price of the Yard Waste Compost shall be established by Resolution and prorated accordingly. Yard Waste Compost may be picked up at the WWTF at dates and times specified by WWTF personnel.

§17-23 RESERVED

§17-24 RESERVED

ARTICLE III. MUNICIPAL WATER SUPPLY

GENERAL PROVISIONS

§17-25 Permission prerequisite to tapping, etc., main.

No person shall tap, open, or make any connections to the City water mains, unless granted permission by the City.

§17-26 Connection with City water system required.

Every occupied property in the city capable of being served by the water and sewer system, shall be connected. Properties not connected with the system, that are capable of being connected shall be given written notice of the obligation to connect to the system within ninety (90) days. The City Council may grant an extension of time to connect to the system.

§17-27 Applications for water service.

All applications for water service must be made by the property owner at the City Customer Service office.

§17-28 Plant Investment Fee for Water Service.

Fees for connections to the Gillette Regional Water Supply System are assessed through the System Development Charges (SDCs) and Plant Investment Fee – Water (PIF-W). See §17-56 for definitions, descriptions, and clarification.

(a) System Development Charges shall be paid for all new connections to the Gillette Regional Water Supply System. Wholesale Customers, if shown in Exhibit C to the JPA or as identified in other agreements, shall have their SDC waived for the initial connection. Any subsequent upsizing of a customer's meter shall be assessed a prorated increase of the SDC.

(b) Any new connections to the Gillette Distribution System shall pay the SDC and a PIF – W on a per meter basis.

(c) Fees for connections to the Gillette Regional Water Supply System, are determined by the corresponding water meter size according to the following schedule

Water Meter Size	SDC	PIF-W City
1 inch or less	\$1,081.00	\$206.50
1.5 inch	\$3,601.00	\$686.38
2.0 inch	\$5,763.00	\$8,871.00
3.0 inch	\$10,813.00	\$12,222.00
4.0 inch	\$18,025.00	\$32,787.50

6.0 inch

\$36,038.00

\$24,937.00

§17-29 Property owner to maintain, etc. service pipe

(a) The owner of property supplied with City water shall, at his own expense, keep the privately-owned water service line(s) within his premises in good order and repair and protected from freezing. The owner of any property supplied with City water shall also, at his own expense, keep the water shut-off valve(s) accessible and in good order and repair. The landowner is responsible for the ownership, repair and maintenance of his privately-owned water service line(s) and shut-off valve(s) from the connection point at the City water main through the structure(s) or premise(s) being served. Maintenance of the privately-owned water service line(s) and shut-off valve(s) including but are not limited to performing underground utility locates, valve exercising, cathodic protection, flushing, cleaning, disinfection and removal of blockages that impede the design flow. Repair of the privately-owned water service line(s) and shut-off valve(s) including but are not limited to repair or complete replacement of the water shut-off valve(s), spot repairs and/or complete replacement of the water service line to restore the design flow. At the discretion of the City Administrator, the City may assist funding the cost to repair or replace streets, sidewalks, curb, gutter, landscaping or other public improvements that might become damaged as a result of catastrophic failure of the privately-owned water service line(s).

§17-30 Property owner not to let water run to waste.

(a) It shall be unlawful for any person or organization to waste water as defined in this ordinance.

(b) The following actions constitute wasting water;

(1) Irrigation, yard or property watering between June 1 and October 1, on any Monday.

(2) Irrigation, yard or property watering with leaking or damaged irrigation components, including service lines or other plumbing fixtures after ten business days written notice to repair.

(3) Irrigation, such as yard or property watering, which results in water to pool or flow or run across the ground or onto adjacent property, into any drainage way, such as gutters, streets, alleys or storm drains. or sewers.

(c) If the owner of a property that contains new sod or grass seed or his agent has applied for and received a permit and sign from the Water Division authorizing additional watering, that property may be irrigated at the greater frequency specified in the permit and provided that the sign provided is posted.

(d) Any person, persons, firm, co-partnership, corporation, company or association convicted of violating any of the terms of this Ordinance shall be fined as follows: First Offense:

one hundred dollars (\$100.00); Second Offense: one hundred fifty dollars (\$150.00); Third Offense: two hundred dollars (\$200.00); each subsequent offense: two hundred fifty dollars (\$250.00). Each day a violation continues shall be considered a separate offense

§17-31 Property owner to allow examination of pipes and fixtures.

The owner of any property supplied with City water shall allow persons authorized by the City Administrator to enter the premises, for the purpose of examining the pipes and fixtures.

§17-32 Unauthorized changes in service pipe by property owner.

The owner of any property supplied with City water shall not make any changes in the service pipe between City main and water meter unless authorized by the City.

§17-33 Payment of damages by property owner upon violation of §§ 17-29 through 17-32.

The owner of any property supplied with City water shall pay the City for any losses, and or liability the City may sustain as a result of any violation of the provisions of this code.

§17-34 Unauthorized turning on of water to service connection prior to authorization.

Any person who turns on the water from any City main to any service connection without the prior consent of the City shall be guilty of a misdemeanor.

§17-35 Turning on water when it has been turned off by City.

Any person who turns on the supply of water to a service pipe which has been turned off by the City for any reason without obtaining a permit shall be guilty of a misdemeanor.

§17-36 Service Charges.

The City shall levy a service charges for activation or deactivation of water service in all cases. The service charge and any unpaid bills shall be paid before the water service is restored, Customer requested service charges and other service charges to activate or deactivate water service, meter deposits, replace City furnished meters and related equipment, late fees, collection fees and similar charges shall be established by Resolution. The City Clerk shall maintain a copy of all customer service charges related to this Ordinance.

§17-37 Damages for sudden stoppage of water supply.

No water user or property owner shall be entitled to any damage for any sudden stoppage of the City water supply caused by an accident or required for the purpose of making extensions, alternations or repairs. In event of a stoppage the owner or user must guard against the collapse of boilers and other foreseeable injuries resulting from the stoppage of the water supply.

§17-38 Shutting off water for repairs to mains, etc.

The City may shut off the water for repairs to the mains, extensions or other just cause.

§17-39 Protection of pipes from freezing.

All users of City water shall use every precaution to prevent their connection pipes from freezing.

§17-40 Cross Connections and Backflow Prevention

(a) Purpose. The purpose of this Section of the Ordinance is to: (a) protect the public potable water supply of the City from contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s) contaminants or pollutants which could backflow into the public water systems; (2) promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and, (3) provide for the maintenance of a continuing Program of Cross-Connection Control which will systematically and effectively prevent contamination or pollution of the City of Gillette's potable water systems.

(b) Responsibility. The City Water Division shall protect the public potable water distribution/system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection by implementing a backflow and cross connection control program. If, in the sole discretion of City Water Division, an approved backflow prevention assembly is required at the customer's water service connection, a City Water Division Official or his/her designated agent shall give notice in writing to the customer to install a backflow prevention assembly(s) approved by the Water Division, at specific location(s) on the customer's premises. The consumer shall install the approved assembly(s) at the consumer's expense within thirty (30) days of written notification. Failure to install, test, and maintain the assembly(s) shall result in discontinuing water service to the premises until the requirements have been met.

(c) Water System. The water system is made up of two (2) separate parts: the Water Purveyor's System and the Consumer's System.

(1) Water Purveyor's System consists of the source facilities and the distributions system; and includes all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins, as further defined within §17-20.

(2) The source includes all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

(3) The distribution system includes the network of pipes and/or conduits used for the delivery of water from the source to the consumer's system.

(4) The consumer's system includes those parts of the facilities beyond the termination of the water purveyor's distribution system which are utilized in conveying potable water to points of use.

(d) Cross Connections Prohibited. No water service connection to any premises shall be permitted by the Water Purveyor unless the water supply is protected as required by this Ordinance. Water service to any premise shall be discontinued by the Water Purveyor if a backflow prevention assembly is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected to the satisfaction of the City Water Division. Any backflow prevention assembly required shall be a type and size approved by the City Water Division. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in conformance with the standards established by the American Water Works Association entitled: AWWA/ANSI C510-92 Standard for double check valve backflow prevention assemblies AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assemblies. The AWWA standards and specifications have been adopted by the City Water Division.

(1) The customer's system shall be available for inspection at all reasonable times to authorized representatives of the City of Gillette to determine whether there are violations of these regulations. When a violation becomes known, the City of Gillette shall order remediation and may deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the violation(s).

(2) An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(a) Premises having an auxiliary water supply, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line. The City Water Division shall specify the minimum level of backflow protection required.

(b) Premises where any industrial fluids or any other objectionable substance is handled in a manner that creates an actual or potential hazard to the public water system, the public system shall be protected against backflow by installing an approved backflow prevention assembly in the service line. This Section includes the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality. The City Water Division shall specify the minimum level of backflow prevention required.

(c) If the premises have: (1) internal cross-connection that cannot be permanently eliminated; or (2) intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes the public water system shall be protected against backflow by installing an approved backflow prevention assembly in the service line.

(d) The type of protective assembly required under subsection C depends upon the degree of the hazard:

(i) In premises where there is an auxiliary water supply the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(ii) In premises where there is water or substance that would be objectionable but not hazardous to health, the public water system shall be protected by an approved double check valve backflow prevention assembly, reduced pressure backflow prevention assembly or an air gap.

(iii) In premises where there is material that is dangerous to health, and handled in a manner that creates an actual or potential hazard, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of these premises include but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, and mortuaries and plating plants.

(iv) In premises where there are unprotected cross-connections, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

(v) In premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

(e) It shall be the responsibility of the consumer/user at any premises where testable backflow prevention assemblies are installed to have a field test performed by a Certified Backflow Prevention Assembly Tester at least once a year. If the City Water Division determines, in its sole discretion, that a hazard exists, certified inspections may be required more frequently. It shall be the responsibility of the consumer/user to have the backflow prevention assemblies repaired or replaced. All certified tests and repairs shall be documented on forms from the City Water Division. A copy of the certified test and repair documentation must be provided to the City Water Division within ten (10) days of completion of any test or repair. Failure to test or repair a backflow prevention assembly shall result in

termination of water service to the premises until the device has been tested and/or repaired.

(f) A minimum of a dual check valve shall be installed on all service connections, unless it is determined that additional backflow prevention is required as specified in Sections 4(c) and 4(d) above.

(e) DEFINITIONS

(1) “Auxiliary Water Supply” is any water supply on or available to the premises other than the purveyor’s public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from any source(s) other than the City’s potable water system or any natural source, such as a well, spring, river, stream, harbor, or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(2) “Backflow” is the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source. See terms backsiphonage and backpressure.

(3) “Backpressure” is any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

(4) “Backsiphonage” is a form of backflow due to a reduction in system pressure, which causes a sub-atmospheric pressure to exist at a site in the water system.

(5) “Backflow Preventer” is an assembly or means designed to prevent backflow.

(6) “Air Gap” is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel – in no case less than 1 inch (2.54 cm).

(7) “Reduced Pressure Principle Backflow Prevention Assembly” is an assembly containing two (2) independently acting approved check valves together with a hydraulic operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminate).

(8) “Double Check Valve Backflow Prevention Assembly” is an assembly composed of two (2) independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

(9) “Contamination” is an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

(10) “Cross-Connection” is any unprotected actual or potential connection or structural arrangement between a public or a consumer’s potable water system, and any other source or system, through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. In addition, any bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

(11) “Cross-Connection Control by Containment” is the installation of an approved backflow-prevention assembly at the water service connection to any customer’s premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer’s water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer’s water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

(12) “Degree of Hazard” is either a pollutional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

(a) “Health Hazard” is an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to human health.

(b) “Plumbing Hazard” is an internal or plumbing type cross-connection in a consumer’s potable water system that may be either a pollutional or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

(c) “Pollutional Hazard” is an actual or potential threat to the physical properties of the public potable water system or the consumer’s potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

(d) “System Hazard” is an actual or potential threat of severe danger to the physical properties of the public or the consumer’s potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

(13) “Pollution” is an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

(14) “Potable Water” is a water supply which is intended for human consumption and is subject to the requirements of the Safe Drinking Water Act.

(15) “Service Connection” is the individual water service metered or not, to a building, mobile home, campsite or consumer serviced from a public water distribution system, specifically the City of Gillette Water System.

(16) “Used Water” is any water supplied by the water purveyor from the public potable water system to a consumer’s water system after it has passed through the service connection and is no longer under the control of the water purveyor.

(17) “Water Purveyor” is the City of City of Gillette Water Division.

(18) “Certified Backflow Prevention Assembly Tester” is a person or company who has a current Class D plumbing contractor’s license on file with the City of Gillette Building Inspection Division. This person shall also have a current, American Society of Sanitary Engineering (ASSE) Certification and/or the American Backflow Prevention Association (ABPA) tester Certification on file with the City of Gillette Water Division.

§17-41 Proclamation limiting use of water.

(a) The Mayor may issue a proclamation that the supply of water is insufficient to allow uncontrolled use. Upon issuance of the proclamation, the watering of lawns and gardens through the use of City water is prohibited as set forth in the proclamation

(b) The use of City water for any use other than to fulfill domestic and sanitary needs is prohibited when in the opinion of the Mayor the supply of water is insufficient to allow less restricted use.

(c) The Mayor shall issue a statement invoking either of the restrictions provided above when the water situation in the Mayor’s opinion reaches a critical level. The Mayor shall consult with the City Administrator to determine whether the City's supply of water is sufficient to permit any nondomestic uses.

(d) The Mayor shall state that there is a water emergency, the facts supporting the finding, indicate whether water use is to be restricted or prohibited, and the duration of the restriction. Water restrictions may continue for a specific amount of time or until the water emergency is abated.

(e) The restrictions contained in Sections 1 and 2 of this Ordinance shall be effective at the time the Mayor's proclamation is available for public inspection with the City Clerk.

(f) Any violation of water use restrictions enacted under the terms of this Ordinance may be terminated by entry onto private property by members of the Gillette Police Department under the direction of the Chief of Police to shut off the unpermitted use.

(g) Any additional violations of water restrictions shall subject the water user to a fine of not more than two hundred dollars (\$200.00) per occurrence.

(h) The City Council may authorize variances to modify the strict application of this Section of the Ordinance when they find extraordinary circumstances, or literal enforcement of the terms of this ordinance will result in an unnecessary hardship.

§17-42 RESERVED

§17-43 RESERVED

§17-44 RESERVED

GENERAL PROVISIONS ON RATES, CHARGES, METERS.

§17-45 Payment for water in compliance with division.

All water sold or furnished by the City shall be paid for as provided in this division.

§17-46 Provisions as to water rates as part of contract for users.

The provisions of this Code and other ordinances and regulations regarding water rates for users of City water constitute a contract between the user and City. When any provision is violated and water service is discontinued any payment that has been made shall be deemed forfeited for noncompliance with the provisions of this article.

§17-47 Additional remedies for unauthorized connections to the municipal water system and damaged water meters.

In addition to any other remedies available, the City may discontinue the service at the affected meter and forfeit any deposit for violation of the City Code regarding the City water system. Prior to disconnection, the City will give the affected customer five (5) days written notice to show cause why his water utility service should not be disconnected. The customer has three (3) days from the date of receipt of the notice to file a written request for a hearing with the City Administrator or his designee. Notice by the City shall be accomplished by posting the written notice of termination upon the affected meter; or by mailing a copy the notice of termination to the customer at the address used by the City for utility bills. If the affected customer demonstrates at the hearing that the meter is not in the condition described in §17-52 and the form of connection was authorized, then service shall be reconnected and the meter bond reinstated. Upon discontinuation of service, the entire balance of the customer's utility account shall be due immediately. Before water service may be resumed at the same location, a new meter deposit must be posted and the cost of repairing the meter must be paid with the reconnection fee to the

City. In addition, the customer shall pay for the estimated usage during the time the meter was not functioning correctly. The estimated usage is based on upon the customer's previous billing experience with the City. If the customer has insufficient billing experience with the City, then the customer shall pay the average water usage for similarly situated City electrical utility customers.

§17-48 Water Meters to be furnished by the City; installation; deposits and fees.

(a) The City shall furnish water meters for all consumers. Meters less than or equal to one (1) inch in size shall be installed by the City. Meters greater than one (1) inch shall be installed by a licensed plumber approved by the City. The cost for the City to furnish and install the water meters and related equipment is included with the Schedule of Customer Service Charges.

(b) Fire hydrants may be used only for the purpose of fighting fires. Fire hydrant meters shall not be issued without the written authorization of the City Administrator.

§17-49 Disconnection, etc., of meters generally.

No water meter shall be disconnected, moved or disturbed without permission from the City.

§17-50 Obstructions and accessibility generally.

The occupants of any building or premises are responsible for keeping the water meter free from obstruction and accessible at all times for reading, inspection, and repairs.

§17-51 Meter to be accessible for reading.

The owner of property shall keep the water meter accessible for reading at all times.

§17-52 Bridging or interfering with meters.

Any person who taps ahead of any water meter; in any way injures or interferes with any water meter of the City; or in any manner uses or attempts to use water from the City without the metering of the water shall be guilty of a misdemeanor.

§17-53 Payment of cost of repairs to meters.

The City includes all repairs due to ordinary wear in its water meter rental charge. The owner of the property will be responsible for the protection of the meter from all damage which may occur due to freezing or from hot water backing from overheated house boilers or other causes. Property owners will be assessed the cost of repairs, caused by failure to properly protect meters, water may be shut off for nonpayment of bills for repairs.

§17-54 Duty of consumer to pay rates for water.

Every consumer shall pay the established rates for water supplied specified on bills.

§17-55 Payment for water registered.

The owner of property or the consumer of the City water shall pay established meter rates for the amount of water registered.

§17-56 Rates for water measured by meter.

(a) Gillette Regional Water Supply System, Wholesale/Transmission and Distribution Rates

1. The Gillette Municipal water system, also known as the Gillette Regional Water Supply System is made up of two parts, the Wholesale Transmission System and the Gillette Distribution System.

2. The Wholesale Transmission System includes all components of the facilities utilized in the production, treatment, storage and transmission of water to all organizations which operate water distribution systems ("Wholesale Customers"), as well as all individual customers, who receive water from the Gillette Regional Water Supply System, pursuant to the Gillette Regional Water Supply System Joint Powers Agreement ("JPA"). The City of Gillette is a Wholesale Customer of the Gillette Regional Water Supply System through the Gillette Distribution System.

3. The Gillette Distribution System includes the network of pipes and/or conduits used for the delivery of water from the Transmission System to consumers in the City limits.

4. The consumer's system includes those parts of the facilities beyond the termination of the Gillette Distribution System or the Wholesale Transmission System which are utilized in conveying potable water to points of use.

5. Wholesale Customers pay for water delivered from the Wholesale Transmission System at the Wholesale Water Rate for the level of service chosen. Individual customers of the Gillette Distribution System pay the Year-Round Wholesale Water Rate and a Distribution Rate appropriate for the level of service according to the terms of this section.

6. The City council has the right to determine, define and classify all residences, businesses and other properties, and to increase, modify or revise the rates and charges established. Service will be rendered under the City's rules and regulations.

(b) Distribution Rates for water furnished through the Distribution System are as follows:

1. Residential. This rate applies to all residential users with less than one and one half inch (1½") water meter. Residential users with water meters that are 1½", or larger, are billed at the Large Residential Rate. This rate is composed of a Fixed Charge plus an amount based on consumption of additional water, known as the Usage Charge.

2. Commercial. The commercial rate applies to all users other than residential. This rate is composed of a Fixed Charge plus a Usage Charge, that is an amount based on consumption of water.

A. Small Meter Commercial Rate for commercial users with less than 1½" water meter

B. Large Meter Commercial Rate for commercial users with 1½" or larger water meter.

3. Bulk Water. The Bulk Water rate applies to customers obtaining water through specific contracts to allow for use and delivery methods not contemplated by the other rate categories. Bulk water may be delivered through a City owned and operated bulk water fill station or other bulk water fill stations specifically permitted and approved by the City.

To qualify for the Bulk Water rate, the customer enters into a specific "Bulk Water" rate agreement describing the conditions and the terms of the service and pays a deposit prior to taking the water. The deposit for all bulk water accounts, is established by §17-36. The use of bulk water may be limited by other requirements of the Water Division.

The Bulk Water rate is composed of a Fixed Charge plus the Usage Charge, which is an amount based on consumption of additional water. A monthly Fixed Charge shall be assessed to all bulk water accounts.

(c) Wholesale Water Rates. This rate applies to all organizations which operate water distribution systems, as well as all individual customers that receive water from the Gillette Regional Water Supply System, pursuant to the Gillette Regional Water Supply System JPA. The Wholesale Water Rates pay the operation and maintenance costs of pumping water, treatment and transporting water to the distribution systems which furnish that water to individual connections.

Wholesale Customers distribute water through their own distribution system to their individual customers. Wholesale Customers may establish rates to cover the costs of their own distribution systems. The City of Gillette is a Wholesale Customer of the Gillette Regional Water Supply System. Individual customers of the City distribution system shall pay the rate listed in §17-56 of the City Code that applies to the service.

1. Year-Round Rate. This rate applies to wholesale customers who are connected to the City's water supply and take water throughout the year. The rate is the sum of a monthly Fixed Charge and a Usage Charge. For master-metered customers, the monthly Fixed Charge will be calculated by multiplying the total lots (or total equivalent residential unit(s) served, whichever is greater) times the monthly Fixed Charge, or in accordance with the executed Water Service Agreement or other special agreement.

2. Intermittent Rate. This rate applies to wholesale customers who are not constantly connected to the water supply. The rate is the sum of a fixed monthly Maintenance Charge for the water system and a Usage charge. For master-metered customers, the fixed monthly Maintenance Charge will be calculated by multiplying the total lots (or total equivalent residential unit(s) served, whichever is greater) times the monthly fixed charge, or in accordance with the executed Water Service Agreement or other special agreement.

Wholesale Customers may change between the Year-Round Rate and the Intermittent Rate once per calendar year. Service Charges for Wholesale Customers are established in §17-36.

(d) Water Rate Charges.

Customer Type	Rate Category	Rate Type	Fixed Charge (each)	Usage Charge (per kGal)
All (City & Wholesale)	Transmission	Year round	\$ 6.50	\$ 3.01
		Intermittent	\$ 5.00	\$ 6.03
City Only	Residential & Commercial	Small	\$ -	\$ 0.94
		Large	\$ 83.06	\$ 0.94
Water Haulers Only	Bulk Water		\$ 6.50	\$ 3.01

§17-57 Determination of charge, etc., when meter does not register.

If a water meter fails to register for any cause, the quantity of water shall be based on the average amount of water correctly registered by the meter during a similar period.

§17-58 Rebate on water rates when pipes freeze.

Users of water from the City mains will not be allowed any rebate or deduction of water rates for the time any connecting pipe or hydrant is frozen.

§17-59 Credit on water rates for absence from City.

No person shall be entitled to any credit on water rates for the absence from the City.

§17-60 Penalty for delinquent payment; enforcement of payment.

The City mails bills for the service charges as a part of the monthly water service bills of the City. If a bill is not paid within thirty (30) days, the bill will be considered delinquent and a penalty of ten percent (10%) will be added to the bill. The City is entitled to reasonable attorney fees for pursuing collection of any bill. Any judgment secured by the City will be recorded against the property. The City shall shut off water to all delinquent properties thirty (30) days after the charges become due.

§17-61 RESERVED

§17-62 RESERVED

§17-63 RESERVED

ARTICLE IV. MOBILE HOMES AND R.V.'s IN MOBILE HOME PARKS

§17-64 Mobile home hook-ups to public utilities--Permit.

It is unlawful for any person, firm or corporation to hook-up a mobile home or Recreation Vehicle in a Mobile Home Park within the City to public utilities without first obtaining a permit from the City Clerk and paying the fee established by §17-36. All Plant Investment Fees, System Development Charges, Capital Contribution Fees and other Connection Charges must be paid prior to connection.

§17-65 Minimum Requirements.

It is unlawful for any person, firm or corporation to hook-up a mobile home or Recreation Vehicle to any public utilities that does not meet the following minimum requirements. The minimum requirements for each mobile home or Recreation Vehicle in a Mobile Home Park are as follows:

- (1) Electricity: 50 amp. circuit breaker, 4 wire with ground, 220 volt, approved by the electrical inspector.
- (2) Water:
 - a. In established Mobile Home Parks: One-half inch copper pipe, type K, terminating four inches (4") above ground; or 3/4 inch HDPE pipe per the City's adopted Design Standards and Construction Standards.

- b. On single lots: In accordance with the City's adopted Design Standards and Construction Standards.
- (3) Sanitary sewer: Four inch (4") cast iron or PVC trapped sewer line connected to the City sanitary system. This connection must be equipped with a four-inch plug and chain to permit closing of the sewer when not in use. For new connections, the sanitary sewer service shall be designed and installed in accordance with the City's adopted Design Standards and Construction Standards.

§17-66 Maintenance of Services in Mobile Home Parks or RV Parks. It is the responsibility of the property owner to maintain all services within Mobile Home Parks or RV Parks, regardless whether individual spaces are occupied. The property owner shall ensure proper sanitary sewer caps and other devices are installed to minimize inflow and prevent theft of services.

ARTICLE V. FRANCHISES

§17-67 Required for certain utility construction and services.

No person, corporation or other entity, shall construct telegraph, telephone or electric power lines within the limits of the City, or deliver or perform any utility services, without first obtaining a franchise from the City.

§17-68 Penalty for violation of article.

Violation of this article constitutes a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) for each offense. Each day of violation of this article constitutes a separate offense.

§17-69 RESERVED

ARTICLE VI. SPECIAL RATES

§17-70 Senior Citizen or Disabled Veteran; Monthly Rates and eligibility

(a) Any person meeting all of the following requirements is eligible to receive a fifty percent (50%) reduction from all utility services rates:

(1) At least sixty-five (65) years of age; or a disabled veteran of the United States military certified by the United States Veterans Administration; and

(2) Own or lease the property receiving utility services. Demonstrate the person applying for the reduction meets the is the qualifications of Section (4) A;

(3) For the purposes of section 17-70 of the City Code, “household” means a group of individuals who regularly reside together in the property using City utilities.

(4) To apply for the annual reduction the applicant shall:

A Present evidence from the previous year to the City demonstrating that the household gross income is equal to or less than two hundred fifty percent (250%) of the Federal Poverty guideline for one person; or demonstrate the household gross income is equal to or less than two hundred fifty percent (250%) of the Federal Poverty guideline for a household with more than one person. For the purposes of this section, gross income includes the aggregate of the total earnings of minor children, and;

B Submit the income information required in this ordinance to the City Clerk of the City of Gillette, in January of each year to certify the applicant as income eligible for the rate reduction for the calendar year. When the Federal Poverty guidelines are established each year, the income limit will also be updated and applied for the calendar year. Every determination to grant the benefits of this Section shall be reviewed each year in January.

(b) The City Administrator may waive the above requirements under the following conditions:

(1) An individual at least sixty-five (65) years of age who has made more than the income maximum in the past year, but has become disabled and is making less than the maximum allowable limits in the present year. The condition must be certified by the Social Security Administration, the United States Veterans Administration, or other appropriate agency.

(2) An individual under sixty-five (65) years of age certified as disabled by the Social Security Administration, the United States Veterans Administration or other appropriate agency that meets all other requirements of § 17-60(a).

(c) Any individual utility customer who has been denied a reduction from utility services rates may appeal to the City Council. The appeal must be filed in writing with the City Clerk of the City of Gillette, setting forth the basis for the appeal along with all supporting material within ten (10) calendar days from the date the utility customer received notice of the denial. The City Council shall review the original application of the utility customer, and any other material the customer filed with his appeal and render their decision within thirty (30) days of the receipt of the appeal.

(d) Any applicant that knowingly submits fraudulent or inaccurate information to establish eligibility for this program, shall be immediately terminated from the program and billed at the normal rate. If the applicant was already on the program when the fraud was discovered, the

amount credited to their account shall be billed to them with their next utility bill. The applicant will may not be considered for reduced utility service rates under this program.

(e) The City Council may transfer funds from the General Fund or other applicable Funds to subsidize this program.

§17-71. Senior Citizen Apartment Housing Plant Investment Fees.

(a) The commercial plant investment fees for new apartment buildings constructed in whole or in part with federal funds all of which apartments shall only house senior citizens at least sixty-two (62) years of age shall be determined by reference to this section. The total plant investment fee due shall be fifty percent (50%) of the total calculated pursuant to Section 17-19 and 17-28 of the City Code shall not include a credit for transferable plant investment fees.

(b) Noncompliance with any of the terms of this ordinance by the owners of an apartment building constructed pursuant to this section shall require the owners to pay the total plant investment fees referenced in Section 17-19 and Section 17-28 of the City Code after subtracting fees already paid.

(c) The City Council may transfer funds from the General Fund or other applicable Funds to subsidize this program.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2018.

Louise Carter-King, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk