

## **CHAPTER 12 WATER AND SEWER**

### **12.1 GENERAL PROVISIONS**

- 12.1.1 UTILITY SERVICE-APPLICATION REQUIRED
- 12.1.2 SAME-NOT AVAILABLE TO DEBTORS
- 12.1.3 TERMINATION OF SERVICE
- 12.1.4 CUSTOMER DISPUTES
- 12.1.5 TERMINATION AFTER CUSTOMER DISPUTES
- 12.1.6 TERMINATION PROCEDURES
- 12.1.7 PROVISIONS FOR TERMINATION OF SERVICE
- 12.1.8 SERVICE TAPS – EXTENSIONS
- 12.1.9 HOOKUP FEES
- 12.1.10 EXTENTION OF LINES
- 12.1.11 PRIVATE LINES
- 12.1.12 RESPONSIBILITY OF PROPERTY OWNERS
- 12.1.13 EXCAVATION PERMITS
- 12.1.14 EXCAVATION REQUIRMENTS
- 12.1.15 GUARDING EXCAVATION
- 12.1.16 LIABILITY OF CITY
- 12.1.17 RIGHT OF ENTRY
- 12.1.18 DAMAGE, TRESPASS OF EQUIPMENT
- 12.1.19 RAZING PERMIT
- 12.1.20 UNLAWFUL USE
- 12.1.21 VIOLATIONS

### **12.2 WATER PROVISIONS**

- 12.2.1 WATER METERS
- 12.2.2 INSPECTION OF METERS
- 12.2.3 TESTING METERS
- 12.2.4 WATER LINES HOW LAID
- 12.2.5 WATER LINE REQUIREMENTS
- 12.2.6 WATER RATES AND PAYMENTS FOR ALL USERS
- 12.2.7 RECONNECTION AFTER DISCONNECTION
- 12.2.8 VOLUNTARY DISCONTINUANCE OF SERVICE
- 12.2.9 INTERRUPTION OF SERVICE
- 12.2.10 RESTRICTING USE
- 12.2.11 JOINT WATER USERS LIABLE
- 12.2.12 USE ASSUMED

### **12.3 WATER UTILITY FUND RESERVE**

- 12.3.1 WATER FACILITIES
- 12.3.2 SETTING OF RESERVE

### **12.4 SEWER PROVISIONS**

## **CHAPTER 12 WATER AND SEWER**

- 12.4.1 SANITARY SEWER REQUIRED
- 12.4.2 EXISTING SEWER CONNECTIONS
- 12.4.3 DISCONNECTION
- 12.4.4 SEWER PIPE REQUIREMENTS
- 12.4.5 CERTAIN ACTS PROHIBITED
- 12.4.6 PRIVATE DISPOSAL SYSTEM

### **12.5 SEWER USE**

- 12.5.1 DEFINITIONS
- 12.5.2 USE OF PUBLIC SEWERS REQUIRED
- 12.5.3 PRIVATE WASTE WATER DISPOSAL
- 12.5.4 SANITARY SEWER, BUILDING SEWERS AND CONNECTIONS

### **12.6 SEWER RATES AND PAYMENTS FOR ALL USERS**

- 12.6.1 SEWER RATES AND PAYMENTS FOR ALL USERS

### **12.7 WATER SERVICE DISCONNECTION PROCEDURES**

- 12.7.1 INDISCRIMINATE DISCONNECTION OR RECONNECTION PROHIBITED
- 12.7.2 NON-PAYMENT OF PAST DUE BILLS AS REASON FOR DISCONNECTION
- 12.7.3 NOTICE OF DISCONNECTION
- 12.7.4 MANNER OF DISCONNECTION
- 12.7.5 LAST MINUTE PAYMENTS

### **12.8 WATERSYSTEM**

- 12.8.1 CONTROL
- 12.8.2 WATERWORKS FUND
- 12.8.3 WATER SUPPLY
- 12.8.4 FIRE HYDRANTS
- 12.8.5 UNAUTHORIZED USE
- 12.8.6 INJURY TO SYSTEM
- 12.8.7 WATER TOWER
- 12.8.8 EXCAVATIONS
- 12.8.9 REGULATIONS AND RULES
- 12.8.10 APPLICATION FOR WATER USE
- 12.8.11 INSTALLATION
- 12.8.12 CONSTRUCTION
- 12.8.13 ASSESSMENT OF COSTS
- 12.8.14 METER FAILURE
- 12.8.15 REMOVING METERS
- 12.8.16 ONLY ONE SERVICE TO TAP
- 12.8.17 ONE FAMILY TO TAP
- 12.8.18 RECONNECTION
- 12.8.19 RUNNING WATER

## CHAPTER 12 WATER AND SEWER

- 12.8.20 KEEPING SERVICE IN REPAIR
- 12.8.21 INSPECTIONS AND READING METERS
- 12.8.22 WATERING YEARS (RESERVED)
- 12.8.23 WATER RATES
- 12.8.24 PAYMENT OF WATER RATES
- 12.8.25 METER DEPOSIT
- 12.8.26 WATER SERVICE TO RENTAL PROPERTIES
- 12.8.27 NOTICE TO CONTINUE OR DISCONTINUE REQUIRED
- 12.8.28 RECORDS
- 12.8.29 INSPECTION OF WATER MAINS
- 12.8.30 REIMBURSEMENT TO CITY FOR COSTS
- 12.8.31 LEAKS AND WASTE
- 12.8.32 OWNER'S LIABILITY

### 12.1 GENERAL PROVISIONS

#### 12.1.1 UTILITY SERVICE-APPLICATION REQUIRED

Any person desiring any utility service furnished by the City, including water or sewer service, shall make application for the same to the City Council. Such application shall contain the applicant's name, address and the uses for which such service is desired. A separate application shall be made for each premise to be served. The applicant shall abide by the rules and regulations established by the City relative to utility service in effect at the time of such application and as they may be revised from time to time in addition to conditions and agreements as the Council deems advisable.

#### 12.1.2 SAME-NOT AVAILABLE TO DEBTORS

The City may decline, fail, or cease to furnish utility service to any person who may be in debt to the City for any reason, except ad valorem taxes and special assessments.

#### 12.1.3 TERMINATION OF SERVICE

The City shall have the right to disconnect or refuse to connect any municipal utility service for the following reasons:

1. Failure to meet the applicable provisions of law.
2. Violation of the rules and regulations pertaining to utility services.
3. Nonpayment of bills.
4. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
5. Tampering with any meter, seal, or other equipment controlling or regulating the supply of utility service.

## CHAPTER 12 WATER AND SEWER

6. Theft or diversion and/or use of service without payment therefore.
7. Vacancy of premises.
  - a) The City shall give the municipal utility service customer at least ten (10) days notice before termination of municipal utility service. At any time before the date of termination, a customer may dispute the correctness of all or a part of the amount shown on the utility bill or the determination that a violation of this Section has occurred giving rise to termination hereunder. A customer shall not be entitled to dispute the correctness of all or a part of the amount shown on the municipal utility bill if all or a part of the amount shown were the subject of a previous dispute under this Section.

### 12.1.4 CUSTOMER DISPUTES

The procedure for customer disputes shall be as follows:

1. Before the date of termination, the customer shall notify the City Finance Officer in writing that the customer disputes all or a part of the amount shown on the municipal utility bill or the determination that a violation of this Section has occurred giving rights to a termination stating as completely as possible the basis for the dispute.
2. The formal hearing shall be held within ten (10) days of the receipt of the request or at such later date as is set by the Council.
3. At the hearing, the City Council and the customer shall be entitled to present all evidence that is, in the Council's view, relevant and material to the dispute, be represented by counsel, and examine and cross-examine witnesses.
4. Based upon the record established at the hearing, the Council shall, within five (5) days of the completion of the hearing, issue its written decision formally resolving the dispute, which decision shall be final and binding upon the municipal utility and the customer. Utilization of this dispute procedure shall not relieve a customer of his or her obligation to timely and completely pay all other undisputed municipal utility charges and the undisputed portions of any amounts subject to the present dispute. Failure to so pay shall subject the customer to termination.

### 12.1.5 TERMINATION AFTER CUSTOMER DISPUTES

Until the date of the Finance Officer's or the City Council's decision, whichever is later, the municipal utility shall not terminate the utility service of the customer and shall not issue a notice of termination solely for nonpayment of the disputed amounts. If it is determined that the customer must pay some or all of the disputed amounts, the utility shall promptly mail to or personally serve upon the customer a notice of termination containing the following:

1. Amount to be paid or violation under this Section;
2. Date of notice of termination;
3. Date of termination which shall be at least five (5) days after notice;

## CHAPTER 12 WATER AND SEWER

4. Notice that unless the municipal utility receives complete payment of the amount shown, if any, prior to the date of termination, municipal utility service shall be terminated.

### 12.1.6 TERMINATION PROCEDURES

Except as provided in 12.1.6 with respect to disputes, all terminations of municipal utility services for violations of 12.1.3 shall follow these procedures:

If by the payment date shown on the municipal utility bill, complete payment has not been received by the municipal utility, or another violation of 12.1.3 has occurred, the municipal utility shall mail to, or personally serve upon, the customer a notice of termination at least three (3) days after the payment date containing (1) the amount to be paid; (2) the date of the notice of termination; (3) the date of termination which shall be at least ten (10) days from the notice of termination; (4) notice that unless the municipal utility receives complete payment of the amount shown, if any, service shall be terminated, or notice that service shall be terminated for another violation of 12.1.3.

If prior to the date of termination when the termination is for nonpayment; (1) the municipal utility has not received complete payment of the amount shown on the notice of termination; or (2) the customer has not notified the municipal utility that he or she disputes the correctness of all or part of the amount shown on the notice of termination, or (3) if, prior to the date of termination for other violation of 12.1.3, the customer has not notified the municipal utility that he or she disputes the violation, then the municipal utility shall terminate municipal utility service provided to the customer on the date of termination.

### 12.1.7 PROVISIONS FOR TERMINATION OF SERVICE

The municipal utility shall terminate service hereunder only during the hours of 9:00 a.m. to 4:00 p.m. Monday through Thursday, except no termination shall be permitted on a legal holiday.

Municipal utility service shall be continued for a single thirty (30) day period upon receipt of a physician's certificate or notice from a public health or social service official that disconnection of municipal utility service will aggravate an existing medical emergency of the customer or another permanent resident of the customer's premises.

At his or her discretion, the City Finance Officer may agree to the partial payment of at least one-third (1/3) of the balance of the municipal utility bill and the customer's entering into a written agreement to pay the balance within sixty (60) days. Failure to make payments as agreed shall also be grounds for termination under the provisions of this Title.

### 12.1.8 SERVICE TAPS – EXTENSIONS

Tapping of any water or sewer main for the purpose of making connection shall be done only by personnel authorized by the City and approved authorized City. Distribution mains shall

## CHAPTER 12 WATER AND SEWER

be provided at the discretion of the City Council, in streets, avenues, or alleys abutting the property to be served. Extension of distribution or collection mains shall be only as specified by the Council in its discretion.

Any property owner may petition for a new hookup or connection to any city water and sewer line. The City Council, in its discretion, may allow such connection or hookup provided that the petitioning property owner pays the cost for said hookup or connection from the point it joins the City distribution or collection main.

### 12.1.9 HOOKUP FEES

An initial hookup fee shall be paid by all applicants for each water or sewer service connection. Such fee shall be set by the City Council by resolution and paid before the hookup is allowed. The applicant shall also pay all costs, including piping, fixtures, digging, and appurtenances necessary to produce the connections, as well as the costs of a qualified plumber making the installation. Payments to the City for water and sewer hookups shall be paid prior to the turning of such service. Persons shall give notice of desire to tap any main at least twenty-four (24) hours before the tap is to be made except in an emergency. All new connections for water and sewer service shall be inspected and approved by an authorized representative of the City.

### 12.1.10 EXTENSION OF LINES

The City may serve water or sewer customers outside the municipal corporate limits solely at the discretion of the City Council. Said water and sewer lines shall be constructed and maintained by the customer, with all parties connecting onto such lines being regulated and charged connection fees and other fees as set forth and regulated by the City.

### 12.1.11 PRIVATE LINES

Private water or sewer mains shall not be installed in the City unless authorized by the City Council. For the purpose of this Section, the phrase "private water and sewer mains" shall be construed to include any rural water pipelines, pipes or waterlines.

### 12.1.12 RESPONSIBILITY OF PROPERTY OWNERS

Persons served by City water and sewer shall keep all piping, fixtures, stop valves, heaters, and other apparatus for the use of water or sewer (including meters) in good repair and protected from freezing. The property owner shall be responsible for and pay the charges for replacement of any corroded or damaged piping, fixtures, stop valves, heaters, or other apparatus for the use of water or sewer, and for any charges for the repair or replacement of water meters, occasioned by the negligence of the property owner or user, or the freezing, overheating, or other external damage to any water meters. The property owner and/or water user shall place and maintain a brass stop inside the basement of any building where water is to be used at the lowest point practicable on the service pipe entering the building and as close as practicable to the wall through which the pipe enters, and easily accessible so that the water may be turned on or off by the user or occupant. Service connection repairs to the curb stop shall be the responsibility of the property owner. The property owner shall

## CHAPTER 12 WATER AND SEWER

be responsible for any repairs and maintenance to the sewer service from the City sewer main to the structure served.

### 12.1.13 EXCAVATION PERMITS

For the purposes of water and sewer connections and/or extensions, no person shall make or cause to be made any excavation in or under any street, parking area, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material therefrom without having first obtained a permit therefor as hereinafter provided. Applications for such permit shall be made to the City Council, and accompanied by a deposit in such sum as deemed necessary to ensure the replacement and refilling of any such excavation or to cover any damages which may be caused to any street or for replacement of bituminous surfacing. Any unused portion of said permit shall be refunded to the applicant upon recommendation and approval of the City Council. The City Council may waive this provision as it deems appropriate.

### 12.1.14 EXCAVATION REQUIRMENTS

All excavations required for the installation of utilities shall be performed in accordance with the currently approved Engineering Design Standards for Public Improvements for the City of Lake Preston.

### 12.1.15 GUARDING EXCAVATIONS

Any person receiving a permit to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares, and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. No open trench shall be left open for any more time than considered absolutely necessary or reasonable.

### 12.1.16 LIABILITY OF CITY

The City shall not be liable for any damage to the property of any customer of any water and sewer service furnished by the City due to back flow of the sewage system, failure of water supply, information of service or any cause outside the direct control of the City.

### 12.1.17 RIGHT OF ENTRY

Any person authorized by the City shall have free access at any time to all premises supplied with any water and sewer service by the City for the purpose of examination in order to protect the utility services from abusive use.

### 12.1.18 DAMAGE, TRESPASS OF EQUIPMENT

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any water and sewer service furnished by the City to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the City connected with any such service.

## CHAPTER 12 WATER AND SEWER

### 12.1.19 RAZING PERMIT

No person shall raze or remove any building or structure which is connected to a water or sewer main or disconnect any building or structure from such main without first having obtained a permit therefor from the City Council.

### 12.1.20 UNLAWFUL USE

No person, other than employees of the City, shall be authorized to connect, turn on, turn off or disconnect any water and sewer service offered by the City, or remove, replace or repair any equipment connected to any such service.

### 12.1.21 VIOLATIONS

The City may, in its discretion, notify any person violating any provision of this Title with written notice stating the nature of the violation and providing a reasonable time for the correction thereof, but such notice shall not be necessary for the prosecution of any violators hereof. Any person, whether receiving such notice or not, violation any provision of this Title shall be liable to the City for any expense, loss, or damage, occasioned the City by reason of such violation. All provisions of this Title shall be subject to applicable state and federal law. (SDCL 9-47, SDCL 9-48)

## SECT. 12.2 WATER PROVISIONS

### 12.2.1 WATER METERS

Water meters shall be installed in all new homes and existing homes and businesses or as otherwise authorized by the City Council. Installation shall be done in accordance with the currently approved Engineering Design Standards for Public Improvements for the City of Lake Preston.

### 12.2.2 INSPECTION OF METERS

Any person authorized by the City Council to read water meters or make inspections shall be allowed free access at all reasonable hours to any building or premises where water is used. If such persons are not allowed such access, the City in its discretion, may estimate the water use, shut off the water, make additional charges, or take other action not inconsistent with the law.

### 12.2.3 TESTING METERS

The owner of property may have his or her meter tested by depositing with the Finance Officer the sum set by the City Council by Resolution. It is provided that should the meter register 105% or over, this sum will be returned to the property owner, and settlement made on the basis of over registration of meter; but should the meter be found to register 104.99% or less, the sum deposited will not be returned. In case any meter fails to register for any cause the amount charged for water during such period shall be estimated by the



## CHAPTER 12 WATER AND SEWER

City Council, such estimate to be based on the average amount register during a like period.

### 12.2.4 WATER LINES HOW LAID

Waterlines shall be installed in conformance with the currently approved Engineering Design Standards for Public Improvements for the City of Lake Preston.

### 12.2.5 WATER LINE REQUIREMENTS

Waterlines shall be of the material called for in the currently approved Engineering Design Standards for Public Improvements and referenced manuals therein.

### 12.2.6 WATER RATES AND PAYMENTS FOR ALL USERS

All meters shall be read and following said reading the City shall bill the user for water service, and amounts due for water used shall be due and payable on or before the 15th day of the month following the month of the billing. Failure of property owners to comply with the time of payment of water bills shall subject them to be shut off from water service in accordance with Section 12.01(c). Rates for water service shall be set as the City Council in its discretion shall from time to time declare by resolution. The property owner shall be primarily responsible for the payment of all charges arising out of the use of water at his or her premises, or any other charges provided for in this ordinance and assessed by the City Council. Such charges shall constitute a perpetual lien and continuing lien upon such property until paid in full, and no water shall be furnished to any property against which any charge hereunder remains unpaid.

### 12.2.7 RECONNECTION AFTER DISCONNECTION

In the event that any water service is disconnected for nonpayment of a bill, every property owner shall have the right to have the same reconnected only upon the payment of the amount due, and in addition to a reconnection fee. Such fee shall be determined by the City Council.

### 12.2.8 VOLUNTARY DISCONTINUANCE OF SERVICE

Persons wishing to voluntarily disconnect their service shall give a five (5) day notice thereof to the Finance Officer. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

### 12.2.9 INTERRUPTION OF SERVICE

The users of any water service furnished by the City are hereby notified that the supply of such utility may be temporarily shut off at any time. Notice shall be given, if feasible, of the

## CHAPTER 12 WATER AND SEWER

contemplated shutoff, but accidents may render this impossible; hence the City hereby warns those dependent upon the utility service for any purpose of this hazard. Immediately upon finding the supply shut off it becomes the duty of the occupant of the premises to take prompt precautions to prevent damages.

### 12.2.10 RESTRICTING USE

The City hereby reserves the right to at any time restrict or prevent the use of any water service furnished by the City during periods of emergency or circumstances demanding such restriction or prevention of use. Water shall be used only for beneficial purposes and shall never be wasted. The right is reserved to suspend the use of sprinklers and hoses for watering lawns, yards, and gardens whenever, in the opinion of the City Council, a public emergency exists.

### 12.2.11 JOINT WATER USERS LIABLE

In case two or more users are supplied with water from the same service pipe, if any of the parties fail to pay the water charge when due, or to comply with any rule of the City, the City reserves the right to cut off the water from the whole service until such charge is paid, or the rules strictly complied with, and it is expressly stipulated that no claim for damage or otherwise may be made against said City by any user whose water charge has been paid, or who has complied with the rules of said City, because of such turn-off, it being expressly stipulated that the necessity for such turn-off shall be deemed to be the joint act of all served through such service.

### 12.2.12 USE ASSUMED

All premises connected to any water service of the City shall be assumed to be using such service and the owner or occupant shall be charged therefore as long as such premises shall remain connected to the water service of the City.

## SECT. 12.3 WATER UTILITY FUND RESERVE

### 12.3.1 WATER FACILITIES

A reserve fund called the Water Facilities Replacement Fund is hereby established within the water utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life (20 years) of the water facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.

### 12.3.2 SETTING OF RESERVE

## CHAPTER 12 WATER AND SEWER

The City Council shall set aside two thousand two hundred and sixty Dollars (\$2,260.00) per year.

### SECT. 12.4 SEWER PROVISIONS

#### 12.4.1 SANITARY SEWER REQUIRED

A separate and independent sanitary shall be provided for every building, except where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the sewer from the front building may be extended to the rear building and the whole considered as one sanitary sewer. Multiple hook-ups in all cases shall be as prescribed by the City Council.

#### 12.4.2 EXISTING SEWER CONNECTIONS

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities and Street Superintendent, to meet all requirements of this Title.

#### 12.4.3 DISCONNECTION

When a disconnection from the sanitary sewer is made, the sewer service shall be closed to the satisfaction of the Utilities and Street Superintendent. Closure shall be at the curb line on residential property and at the property line on commercial property.

#### 12.4.4 SEWER PIPE REQUIREMENTS

All sanitary sewer shall be of the material approved by the installed in conformity with the currently approved Engineering Design Standards for Public Improvements for the City of Lake Preston and referenced manuals therein.

#### 12.4.5 CERTAIN ACTS PROHIBITED

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. It shall be unlawful to discharge to any natural outlet within the City of Lake Preston, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Title. The disposal by any and all persons of garbage, petroleum products, and other foreign debris into the sanitary sewer system of the City shall also be prohibited.

## CHAPTER 12 WATER AND SEWER

### 12.4.6 PRIVATE DISPOSAL SYSTEM

No connection from any private sewage disposal system shall be made with any public sanitary sewer under jurisdiction of the City. (SDCL 9-48) No person shall make, or cause to be made any direct or indirect connection with the storm sewer system of the City, but any and all drainage thereto shall be accomplished by natural run-off to said system, whether through the City street system or otherwise.

## SECT. 12.5 SEWER USE

### 12.5.1 DEFINITIONS

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

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

## CHAPTER 12 WATER AND SEWER

12. "PH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

13. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch (1.27 centimeters) in any dimension.

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

15. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

16. "Sewage" is the spent water of a community. The preferred term is "Wastewater".

17. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

18. "Shall" is mandatory.

19. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

20. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

21. "Superintendent" shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the City of Lake Preston, or his authorized deputy, agent, or representative.

22. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

23. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

24. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried

## CHAPTER 12 WATER AND SEWER

wastes from residences, commercial buildings, industrial plants, and institution, together with any groundwater, surface water, and storm water that may be present.

25. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

26. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

27. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### 12.5.2 USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lake Preston, South Dakota, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City of Lake Preston, South Dakota, or in any area under the jurisdiction of said City, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater for any properties within the City limits.
- D. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

### 12.5.3 PRIVATE WASTE WATER DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 12.05(b)(iv), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the superintendent. The application for such permit shall be made, a form furnished by the City, which the applicant shall

## CHAPTER 12 WATER AND SEWER

supplement by any plans, specifications, and other information as are deemed necessary by the superintendent.

- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notice the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent.
- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of public health of the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 12.5.(b)(iv), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

### 12.5.4 SANITARY SEWER, BUILDING SEWERS AND CONNECTIONS

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes, in either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee shall be set by City resolution.
- C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear

## CHAPTER 12 WATER AND SEWER

building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.T.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the superintendent for purposes of disposal of polluted surface drainage.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A&T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- J. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the works shall be restored in a manner satisfactory to the City.

### SECT. 12.6 SEWER RATES AND PAYMENT FOR ALL USERS

#### 12.6.1 SEWER RATES AND PAYMENTS FOR ALL USERS

All meters shall be read and following said reading the City shall bill the user for sewer service, and amounts due for sewer used shall be due and payable on or before the 15<sup>th</sup> day



## CHAPTER 12 WATER AND SEWER

of the month following the month of the billing. Failure of property owners to comply with the time of payment of sewer bills shall subject them to be shut off from sewer service in accordance with Section 12.1.3. Rates for sewer service shall be set as the City Council in its discretion shall from time to time declare by resolution. The property owner shall be primarily responsible for the payment of all charges arising out of the use of sewer at his or her premises, or any other charges provided for in this ordinance and assessed by the City Council. Such charges shall constitute a perpetual lien and continuing lien upon such property until paid in full, and no sewer shall be furnished to any property against which any charge hereunder remains unpaid.

### 12.7 WATER SERVICE DISCONNECTION PROCEDURES

#### 12.7.1 INDISCRIMINATE DISCONNECTION OR RECONNECTION PROHIBITED

The City of Lake Preston will not make in discriminatory disconnection or reconnections of water service.

#### 12.7.2 NON-PAYMENT OF PAST DUE BILLS AS REASON FOR DISCONNECTION

The following is a list of conditions, all of which must be present before a subscriber may be disconnected for nonpayment of a utility bill:

1. A subscriber is liable on a contract basis where the place where water service has been provided and payment is part due
2. The subscriber has received a grace period of not less than fifteen (15) days from billing transmittal to due date and an additional notice period of not less than ten (10) days after receipt of notice of intact water to disconnect as set forth in this ordinance and during which time the particular bill has been due and owing. If it appears that the subscriber is preparing to vacate the premises or in the case of fraud or if the water service is being used for an illegal use or for any other emergency, notice as set forth above shall not be required and the City may immediately and without notice disconnect said service.
3. The subscriber has received notifications either by telephone or in writing of the City's intention to disconnect, which notice has been either mailed or delivered at either the address to which the bills are customarily set or at the address where service is provided. In those cases, such as abandonment, where notice is impractical or impossible, the City will make every reasonable effort to comply with this section; and
4. There is no bona fide and just dispute concerning the utility bill. A dispute shall not be defined as bona fide and just if a subscriber does not pay the undisputed portion.

## CHAPTER 12 WATER AND SEWER

### 12.7.3 NOTICE OF DISCONNECTION

The notice sent to the subscriber shall contain a direct and specific explanation of the following:

1. The particular ground on which the proposed disconnection is based
2. The City's intention to discontinue service if the subscriber does not take corrective action;
3. The corrective action which the subscriber must take to avoid disconnection;
4. Notice of a right of hearing before the Lake Preston City Council; and
5. The date on or after which the disconnection will take place. Disconnect notices may be sent by regular or certified mail at the discretion of the City Finance Officer.

### 12.7.4 MANNER OF DISCONNECTION

Disconnection shall be made in the following manner;

1. Service will not be disconnected on any Friday after 12:00 p.m., any Saturday, any Sunday, or legal holiday, or at any time of the business office is closed to the public except where an emergency exists; and
2. In the event service has been disconnected for a valid cause, the City will charge a reconnect fee based on the cost of reconnection as otherwise provided by resolution or ordinance of the City of Lake Preston.

### 12.7.5 LAST MINUTE PAYMENTS

The subscriber shall have the right to tender payment of any delinquent bill at any time prior to disconnection in order to preserve uninterrupted service. If the City's representative who must enter the subscriber's premises to disconnect water services does not have the authority to collect bills, he may arrange with the subscriber for a payment arrangement acceptable to the city and service will not be disconnected.

## 12.8 WATERSYSTEM

### 12.8.1 CONTROL

The waterworks system shall be under the control of the City Council. The mayor may appoint a utilities committee (at the first meeting of the City Council in May) to have the supervision of the waterworks system subject to the control of the entire City Council.

### 12.8.2 WATERWORKS FUND

## CHAPTER 12 WATER AND SEWER

The account known as the "Waterworks Fund" kept by the Finance Officer shall be continued and all money received from the collection of water rents, and from taxation for the upkeep of the waterworks system, and from the sale of material or property connected with the waterworks, and from any appropriation made by the City Council for the purpose of construction or extension of waterworks or from any source whatever connected with the management and operation of the waterworks system shall be placed in this fund. All salaries and disbursements connected with the management and operation of the waterworks system shall be paid from this fund.

### 12.8.3 WATER SUPPLY

The city does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure to supply the same. Nor shall the city be liable for any claim or damage by reason of the breaking of any service pipe, stop cock or other equipment, or if for any reason, the supply of water shall be shut off to make connections, extensions or repairs, or for any other purpose that may be found necessary. The right is reserved to cut off the water supply to any person at any time. Furthermore, no utility services, including sewer and water, shall extend or be provided to property outside the corporate limits of the municipality.

### 12.8.4 FIRE HYDRANTS

All hydrants erected for the purpose of extinguishing fire are hereby declared to be public hydrants and no person or persons except members of the Fire Department or persons expressly authorized by the City Council shall open any of said hydrants or attempt to draw water from the same, or at any time attempt to remove or uncover any protection from or in any manner that interferes with any of the hydrants.

### 12.8.5 UNAUTHORIZED USE

It shall be unlawful for any person authorized to open hydrants to delegate their authority to another, or let or suffer another person to take wrenches or tools furnished to them or suffer the same to be taken except for the purpose strictly connected with the Fire Department.

### 12.8.6 INJURY TO SYSTEM

It shall be unlawful to break, deface, injure, mar, interfere with or disturb any apparatus, building, fixtures, machine, attachments or appurtenances of the waterworks, or any hydrant, stop cock box, meter, water supply or service pipe or any part thereof, or deposit anything in any stop cock box, or commit any act tending to impair or obstruct the intended use of any of the above property without the permission of the City Council except as provided otherwise herein.

### 12.8.7 WATER TOWER

It shall be unlawful for any person to climb the water tower or any part thereof except members of the Fire Department or persons expressly authorized by the City Council.

## CHAPTER 12 WATER AND SEWER

### 12.8.8 EXCAVATIONS

It shall be unlawful to make any excavations in any highway or street within six feet of the laid water pipes while the ground is frozen, or to dig up or uncover so as to expose to frost any of the water pipes or sewers of the city except by special permission of the City Council.

### 12.8.9 REGULATIONS AND RULES

The regulations and rules and water rates hereinafter set out in this ordinance shall be considered a part of the contract with the owner of premises and every person supplied with water through the waterworks system and every such person by taking water shall be considered to express their consent to be bound thereby. The water shall be cut off from the building or place of any violation of the regulations and rules and water rates, and such others as the City Council may adopt hereafter.

### 12.8.10 APPLICATION FOR WATER USE

Every landowner desiring a supply of water must make application therefore to the Finance Officer upon a form provided by the municipality, and the property to be supplied must be located within the corporate limits of the municipality.

### 12.8.11 INSTALLATION

All service water pipes from the main to the point where the meter is installed shall be of copper. Such connections shall be with brass fittings or wiped joints and an eighth of an inch larger than the taps that supply them. In addition, there shall be installed a shut off valve and curb box at a point six inches inside the inside line of the sidewalk if such installation is possible, or otherwise such installation shall be on the curb line. Meters recording the amount of water used and drain cock shall be installed by the applicant.

### 12.8.12 CONSTRUCTION

Construction from the property lines of the main shall be made by the city, and the applicant shall pay for the actual cost of said construction, including labor and materials. Except as hereinafter provided, copper pipe is required in making connections with the municipal water mains from the mains to the curb. Said pipes shall be as follows: copper pipe 1", 1 ¼", 1 ½", or 2" bore, Type K soft tubing to stand a minimum of 150 pounds pressure per square inch. Or 1", 1 ¼", 1 ½", or 2" IPS PE (inside pipe size Polyethylene) PE 3408, PE4710, 200 PSI ASTM SIDR-7, NSF listed or approved equal. Fittings to be compression type with stainless steel stiffener. No deviation from the sizes, strength and weights of copper pipe or IPS PE tubing to be used between the main and curb as above specified will be permitted. Type K copper tubing or IPS PE tubing as specified above shall be used when installing the water service from the curb stop to the water meter. The service shall be ample size to serve all fixtures at all times. The service minimum size shall conform to the State Plumbing Code, or a 1" minimum. Copper pipe between the curb stop and the meter may be installed with sweat joints providing they are installed by a licensed plumber. All services must be installed six feet below the surface of the ground or finished grade. The connection between the property line to the

## CHAPTER 12 WATER AND SEWER

place where the water is used shall be done by the applicant, subject to the inspection and approval by the City Council or its agent before being covered.

### 12.8.13 ASSESSMENT OF COSTS

All extensions of the municipal water system and of the municipal sanitary sewer shall be made in accordance with applicable South Dakota state law and the cost thereof shall be assessed as provided by law against the property benefited by such extension.

### 12.8.14 METER FAILURE

In the event a meter is out of order or repair or fails to register properly, then the consumer will be charged with the average consumption as shown by the three previous months.

### 12.8.15 REMOVING METERS

In no case shall anyone remove a meter from its setting or interfere with its reading for any cause without first obtaining a permit from the City Council.

### 12.8.16 ONLY ONE SERVICE TO TAP

Not more than one house or premise shall be supplied from one tap or upon one service pipe except by written permit issued by the City Council, and not then, in any case, unless provision is made so that such premises can be shut off independently of every other house or premises.

### 12.8.17 ONE FAMILY TO TAP

No consumer shall supply water to other families nor suffer them to take water off the premises, or after water is introduced to any premises shall any person make any attachments, connections, extensions or taps, beyond the premises where first installed without filing a regular application therefore and approved by the City Council.

### 12.8.18 RECONNECTION

A charge of Twenty-five Dollars (\$25.00) per meters is hereby imposed for a reconnection which is requested to be performed during the hours of 8:00 A.M. until 4:00 P.M. Monday through Thursday of the City Finance Office. The charge for reconnection requested to be performed after the foregoing hours is Fifty Dollars (\$50.00) per reconnection.

### 12.8.19 RUNNING WATER

All persons using water shall keep the bath, closets, faucets, hose, hydrants, taps, urinals or other fixtures allotted to their use closed except when obtaining water for use, and shall be responsible for any damage or injury that may result to other persons or property from improper use of water.

### 12.8.20 KEEPING SERVICE IN REPAIR

## CHAPTER 12 WATER AND SEWER

All persons taking water shall keep their own service pipe, stop cocks and apparatus in good repair and protected from frost at their own expense and risk, and shall prevent all unnecessary waste of water and it is expressly stipulated that no claim shall be made against the city by reason of the breaking of any service cock or pipe, or if for any cause the water supply should fail or from damage arising from shutting off the water to repair mains, making connections or extensions or any other purpose that may be deemed necessary and the right to cut off the supply of water at any time is hereby reserved, any permit granted or regulation to the contrary notwithstanding.

### 12.8.21 INSPECTIONS AND READING METERS

Every person taking water supplied through the waterworks system shall permit a city employee or any other authorized person at all reasonable hours of the day to enter their buildings or premises to examine the fixtures and pipes and the manner in which the water is used or to read meters. Every person must frankly and without concealing answer questions concerning and relative to the use of water on such premises. All water meters shall be read during the last week of each month.

### 12.8.22 WATERING YARDS (RESERVED)

The use of hose for sprinkling gardens, streets and yards or for washing sidewalks and windows is prohibited in the case of fire, and in case of threatened shortage of water, may be prohibited altogether by action of the City Council during such emergency.

### 12.8.23 WATER RATES

Commencing the 1st of December, 2019, the charge for the use of City water shall be \$33.00 per billing cycle to billing cycle for each tap, plus \$5.75 per 1,000 gallons of water usage is hereby imposed for all residential connections inside or outside City and commercial connections located inside or outside the City limits except apartment buildings. Apartment buildings will be charged a monthly charge according to the following rate schedule based upon the size of the apartment building.

#### 4-Plex Apartment

- a. Kingbrook debt service fee \$15.00 per month;
- b. Monthly charge \$40.00 per month plus \$5.75 per 1,000 gallons of water usage or fraction thereon.

#### 7-Plex Apartment

- a. Kingbrook debt service fee \$24.50 per month;
- Monthly charge \$49.50 per month plus \$5.75 per 1,000 gallons of water usage or fraction thereon.

#### 8-Plex Apartment

- b. Kingbrook debt service fee \$28.00 per month;
- c. Monthly charge \$53.00 per month plus \$5.75 per 1,000 gallons of water usage or fraction thereon.

## CHAPTER 12 WATER AND SEWER

### 16-Plex Apartment

- a. Kingbrook debt service fee \$56.00 per month;
- b. Monthly charge \$81.00 per month plus \$5.75 per 1,000 gallons of water usage or fraction thereon.

#### 12.8.24 PAYMENT OF WATER RATES

The minimum charge for the use of city water shall be payable on or before the 16<sup>th</sup> day of each month, and any payment not made on or before such date shall be delinquent, and a ten (10%) percent penalty shall be charged after the 16<sup>th</sup> day of each month. It shall be the duty of the Finance Officer or a city employee to shut off the water of all users in default. Every connection turned off or to be turned off as the Tuesday following the council's monthly meeting shall not be turned on again until payment of \$25.00 if reconnected during normal business hours, or \$50.00 if reconnected after normal business hours, plus the entire amount due (late and current), is received.

#### 12.8.25 METER DEPOSIT

Every consumer shall, prior to rccc1vmg water service deposit with the municipal Finance Officer, a meter deposit in the amount of \$100. Said meter deposit shall be held in a separate fund by the municipal Finance Officer as a guarantee of payment of water charges. Whenever service to a consumer is discontinued, the balance due the City for water service to said customer, together with penalties, if any, shall be deducted from said deposit and the balance of said deposit refunded to said customer.

#### 12.8.26 WATER SERVICE TO RENTAL PROPERTIES

Owners who lease or rent premises shall be responsible for having accessible curb stops per City specifications and for all bills for water service. Owners of such rental property shall be ultimately liable to the City for any unpaid bills of the owner's tenants.

#### 12.8.27 NOTICE TO CONTINUE OR DISCONTINUE REQUIRED

All owners or consumers desiring to continue or discontinue the use of water shall give notice thereof to the Finance Officer. Owners must give notice to the Finance Officer of any change of owners or occupants.

#### 12.8.28 RECORDS

The Finance Officer shall keep an accurate record of all meter readings of each consumer, and all accounts and payments for water used, or other labor or supplies furnished by the city and shall collect the same when due.

#### 12.8.29 INSPECTION OF WATER MAINS

All construction, design and materials shall be inspected and approved by the City or its agent when water mains are constructed under private contract, and shall be in accord with the specifications of the City.

## CHAPTER 12 WATER AND SEWER

### 12.8.30 REIMBURSEMENT TO CITY FOR COSTS

The contractor constructing water mains under private contract shall reimburse the City for all administrative and inspection costs incurred by the City during the private construction of water mains.

### 12.8.31 LEAKS AND WASTE

No allowance will be made on any water bill for excessive use occasioned by leaks or waste.

### 12.8.32 OWNER'S LIABILITY

The owner(s) of private property which is connected to the city water service shall be liable to the city for any water service bill used upon such premises whether such service was used by the owner(s) or the owner's lessee or occupant of the premises.

**FIRST READING:** NOVEMBER 4<sup>TH</sup>, 2019

**SECOND READING:** DECEMBER 2<sup>ND</sup>, 2019

**PUBLISHED:** DECEMBER 11<sup>TH</sup>, 2019

Mayor Andy Wienk

Finance Officer Brenda Nesseim