TITLE 8 – WATER AND SEWER

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CHAPTER 8.01 – GENERAL PROVISIONS

8.0101 Utility Service – Application Required. Any party desiring to tap into the city Water System or the Sewer System for premises not theretofore connected with the systems shall apply for a connection by obtaining and completing a tapping application available from the Finance Officer. Such application shall contain the applicant's name, address and telephone number, the address of the premises to be served and a description of the services desired. If the Tapping Application is subsequently approved by the City Council the applicant will pay a Tapping Fee. The Tapping Fee amount will be set by resolution and be kept on file in the office of the Finance Officer. The City's service for such fee shall include inspection of the water lines once the property has been prepared for such by the property owner.

8.0102 Unavailability of Service. The City may decline utility service to any person if:

A. The applicant fails to provide all application information;

B. The applicant fails to pay the required deposit and hookup fee;

C. The applicant is indebted to the City for any reason;

D. The utility service to the proposed premises does not fully meet all City and other lawful standards; or

E. The premises has an unpaid prior bill from the same or former occupant.

8.0103 Deposit. There shall be a refundable deposit of $140.00 payable to the City before any utility hookup. If the utility involved is a combination of water and sewer, only one deposit is required. Such deposit may be forfeited in whole or in part to pay any utility arrearages that may be due the City on account of default by the user. Otherwise the deposit shall be refunded, without interest thereon, at the time to be determined by the City. If a utility user who has either previously paid a deposit being held by the City, or has not previously paid the deposit but has been a user "in good standing" changes locations within the City, no new deposit shall be required, but the original deposit if any shall be sufficient for the new

location. In addition, if a utility user was a prior resident and utility user of the City and moves back into the City, and the person was a prior user "in good standing" of the City, the City Council may, but is not required to, waive the deposit.

8.0104 Service to Premises; Inspection required. Before allowing utility service to any premises the service, utility lines and pipes, meters, and any other utility apparatus shall be inspected. The results of such inspection shall be satisfactory to the City and shall fully meet all City, State and other lawful standards for construction, installation, use and regulation.

8.0105 Service Taps – Extensions. Tapping of any water or sewer main for the purpose of making connection shall be done by a plumber licensed by the State of South Dakota or a licensed contractor, as directed by the City Maintenance Supervisor. Distribution or collection mains shall be provided at the discretion of the City Council, in streets, avenues, or alleys abutting the property to be served. Water facilities for hookups shall be provided, unless otherwise specified by the City Council, to the curb line from the distribution or collection main. Extension of distribution or collection mains shall meet all City specifications including, but not limited to, the type and size of pipe, the location and depth of pipe, and the method of construction or installation. Any property owner may petition for a new hookup to any City water and sewer line. The City Council, in its discretion, may allow such hookup, provided that the petitioning property owner pays the cost for said hookup from the point it joins the City distribution or collection main for the total frontage to the petitioning property owner's property.

8.0106 Excavation Requirements. All excavations required for the installation of water and sewer facilities shall be open trench work or ditch, unless otherwise approved by the City Council. City personnel shall be allowed to inspect the work at any stage of construction, and the contractor or property owner shall notify the Maintenance Supervisor when the work is ready for final inspection and before any underground portions are covered. The Maintenance Supervisor shall have the power to approve the work or require changes. All installations of water and sewer lines shall be in compliance with federal, state, and local laws and regulations. No water and sewer line shall lie in the same trench unless the sewer line is well below the water line and meets all federal and state engineering specifications. No other utility (e.g., gas, electrical, etc.) shall be contained in the same trench, unless permitted by federal and state engineering specifications.

8.0107 Modification. No utility line, pipes, meter or other apparatus shall be modified in any way without the approval of the City, and then only in accordance with specifications and standards of the City and these

provisions. Any such modification shall be inspected by the Maintenance Supervisor.

8.0108 Private Utility Lines. No private utility, water or sewer line or pipe shall be installed, allowed or used with the City unless the same is authorized by the City. “Private” shall mean not a part of the authorized City utility system.

8.0109 Extension of Lines. The City may serve a water or sewer customer outside the city limits solely at the discretion of the City Council. Said water and sewer lines shall be constructed and maintained by the customer, at the City’s specifications, with any parties connecting onto such lines being allowed to do so solely by the City, and any such connections being solely regulated and charged by the City. The City specifically reserves the right to recover or recoup its costs from any such customer. This provision shall not be construed to prohibit or restrict the City or any developer from cost recovery for its share of the extension.

8.0110 Responsibility of City. The City shall, unless otherwise provided herein, be responsible for all utility line and pipe repairs and replacements on the water and sewer mains themselves. All meters for measuring utility service use shall be approved and furnished by the City at the owner’s expense. The City shall pay all meter repairs and the cost of all meter testing, except as hereinafter provided. This provision shall not prohibit City repairs and replacements of lines or mains, and special assessment back to the benefiting property owners for the cost thereof.

8.0111 Responsibility of Property Owners. All utility line repairs and replacements from the main to and including the premises shall be the responsibility of the property owner. If the owner or user does not have or provide a water shut-off valve on his premises, the City may install one at the owner or user’s expense. 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 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 owner or user.

8.0112 Curb Stop Damage. Property owner or user has a duty to keep curb stops in good repair and working order. If the property owner or user does not keep the curb stop in good repair and working order, the City may repair or replace one at the owner or user’s expense.

8.0113 Restricted Use. The City shall have the right to restrict, interrupt or regulate service at any time during periods of emergencies, shortages, repair, or other legitimate purpose.

8.0114 Liability of City. The City shall not be liable for any damage to the property of any utility customer or any other person, due to backflow of the sewage system, failure of water supply, interruption of service, or from any cause outside the direct control of the City.

8.0115 Right of Entry. Any person authorized by the City shall have access at any time to all premises supplied with any water and sewer service by the City for the purpose of examination and repair, if necessary in order to protect the utility services from abusive use.

8.0116 Damage, Tampering, Trespass of Equipment. It shall be unlawful for any person to open, alter, molest, damage or tamper with, in any manner, any water hydrant, any utility line, pipe, metering device or other apparatus, whether electronic, digital, or mechanical, which is part of or used in connection with any water or sewer service provided by the City, or to break the seal of, or alter the register or mechanism of any meter, or to otherwise make any outlet or connection in any manner so that the water supplied by the City may be used or wasted without being metered.

8.0117 Unlawful Use. No person shall connect, turn on, turn off or disconnect any water or sewer service offered by the City, or remove, replace or repair any equipment connected to any such service, without specific City authorization to do so.

8.0118 Customer Sale. No City utility customer shall resell any City utility service without City authorization. This shall not apply to reimbursement for the same between landlord and tenant.

8.0119 Voluntary Discontinuance. Any property owner or user desiring to voluntarily discontinue service shall notify the Finance Officer in writing of the same. A disconnection fee, set by resolution, shall be charged prior to disconnection. When the Finance Officer has received notice and the disconnection fee then the City shall discontinue service within five (5) business days of receiving such written notice, however, any property with a residence that is vacant or vacant and for sale shall continue to be charged one-half of the minimum fee which is set by ordinance; the minimum fee is calculated based on the usage of 3,000 gallons. What a voluntary discontinuance does is to have the water service turned off at the curb stop. A reconnection fee, set by resolution, will be charged prior to the resumption of service.

8.0120 Owner's Liability. In the event of default by a renter or tenant the owner or landlord shall be liable for all sums due the City. The owner or landlord shall be liable for utility service to rental property in the interim between renters or tenants. In the interim between renters or tenants, providing the City has been properly notified and service has been terminated, the owner or landlord may pay one-half of the minimum fee which is set by ordinance and pay the normal utility rate for actual usage.

8.0121 Default. In the event of default by any utility user, in addition to termination of service, the City shall be entitled to collect all past due charges plus interest thereon at the maximum legal rate, and the City shall have the right to retain the user's deposit or fraction thereof to satisfy any utility debt to the City.

8.0122 Reconnection. Before any service is reconnected to the City's utility service, all prior fees, charges and interest, if any, shall be paid in full, as well as any additional deposit, if required by the City.

8.0123 Billing Procedure. City employees shall download water meter readings on or about the last working day of each month.

If the City is unable to obtain the water meter reading via downloading from the 'radio read system', then the City shall investigate why the reading is not being received. If the meter shows signs of tampering, then the City has the right to approximate the reading and may, but is not required to, add an additional 'estimation' fee or a tampering fee to the billing (these fees are set by separate resolution)

Water bills shall be mailed to customers on or about the 1st or 2nd work day of each month.

Regardless of when bills are mailed, all water bills shall be paid on or before the 21st day of the month by having payment, in full, in the office of the Finance Officer on or before 4:00 o'clock p.m. of said date. If the 21st falls on a Saturday, Sunday or legal holiday, payment shall be due the next succeeding business day.

The 22nd day of the month, or the next business day, will be called a "day of grace." Payments made before 4:00 o'clock p.m. on the day of grace will be the same as if paid before 4:00 o'clock p.m. on the 21st.

On the day following the Day of Grace, there shall be a $10.00 per month late charge added to each bill remaining unpaid. These bills are now considered past due.

In addition, the City may charge interest at the maximum legal rate from the due date of the bill, until payment in full.

Payment Agreement. Any person unable to fully pay any water, sewer or other city utility bill, on account of financial or economic hardship not occasioned by his or her own wasteful acts may make timely, written request to the Finance Officer to have any bill or bills or part thereof set up on a payment arrangement plan of so much per week or month as the Finance Officer shall allow. If the Finance Officer so chooses, he or she may defer the matter to the City Council for its action on any such request. Any payment plan shall be as specified by the Finance Officer or the City Council, and shall be strictly adhered to by the person requesting the same. So long as the applicant abides by the payment plan, the City shall not consider termination of service. In addition, the Finance Officer or City Council, as the case may be, may but is not required to waive all or any portion of the late charges and/or interest, for any person abiding by the payment plan.

8.0124 Customer Disputes. In the event any City utility customer shall have a complaint or dispute about utility service, billings, or any other matter pertaining to the City providing utility service to the customer, the customer shall notify the Finance Officer in writing, within thirty (30) days of the date the billing statement is issued, specifying therein the specifics of the complaint or dispute. The Finance Officer shall investigate the matter, and shall within a reasonable time, contact the customer and attempt to resolve the matter. If after attempted resolution of the matter, the customer is not satisfied, he shall have the Finance Officer include the matter on the agenda of the next City Council Meeting, whereat the customer shall appear and state his case before the City Council. The City Council shall consider the matter and decide the issue then or at its next City Council Meeting, if more time or information is necessary. While any dispute is in process of resolution the customer shall continue to abide by all of the provisions of this Title.

8.0125 Application of Payments. Unless otherwise applied by the Finance Office on any bill, all payments received by the City for water, sewer or other utility service (i.e., solid waste) shall be applied, irrespective of how designated by the customer, in the order of the oldest bill first, the next oldest bill, etc.; and in the application of payments thereto, payment shall be applied in the following order:

A. Deposit;

B. Interest, if any, added to the bill;

C. Late charges, if any, added to the bill;

D. The sewer portion of the bill;

E. Solid waste fee;

F. Sales tax; and then

G. The water portion of the bill.

8.0126 Termination of Service. The City shall have the right to terminate utility service to any customer or refuse reconnection to any customer for any of the following reasons:

A. Discovery by the City of material misinformation in the customer's original application for service that may prejudice the City in continuing service to the customer;

B. Nonpayment of any utility bill for one billing period and the total due, both current and past due, is more than $140.00;

C. Deterioration of the service system to the customer's premises to such an extent that water would be wasted or sewage leaking if service continued;

D. Failure of the owner of the premises or user thereof to keep the lines, pipes and other apparatus, including meter, in proper repair;

E. Tampering with the meter or any part of the system without proper authorization;

F. Reselling or diverting any utility service without proper approval therefore; or

G. Vacancy of the premises.

8.0127 Termination Procedure. If the City believes there is proper cause for termination of any utility service, the following procedure shall be used:

A. The Finance Officer or City Council shall give the customer written notice of proposed termination specifying the reason therefore, and setting the date of termination at least ten (10) calendar days from the date of the letter. If the reason for termination is nonpayment of any utility bill, the notice shall contain the amount due the City, including charges and interest. The letter shall state acceptable corrective action such as:

1. Payment of the bill in full;

2. Making a partial payment of the bill and entering into a written agreement to pay the balance over a period of time agreeable to the City;

3. Disputing the bill in writing; or

4. Filing a written appeal prior to the termination date.

B. If an appeal or dispute is filed then service shall continue until the dispute or appeal is heard by the City Council.

C. If the matter is corrected prior to the termination date then, the termination procedure shall cease, and the parties shall resume normal business-customer relations.

D. If the matter is not corrected or an appeal or dispute is not filed prior to the termination date, service will be terminated.

E. Municipal utility service shall be continued for a single thirty (30) day period upon receipt of a physician's certificate of 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.

F. If a customer files an appeal the City Council may continue service, terminate service, or continue service with such added stipulations as the situation may call for, including increasing the deposit amount to protect the City.

G. Following the City Council's decision on the appeal or dispute, written notice thereof shall be given to the customer. If the decision is to terminate or continue service with stipulations, the notice shall state clearly the decision and the date it will take effect. The effective date shall be at least seven (7) days after the notice is given.

H. If the original cause is not corrected by the effective date, termination or continuation with stipulations shall take place on said date, without further notice.

I. Any customer desiring reinstatement or elimination of any restrictions or stipulations, shall make application as described in Section 8.0102 hereof. Before allowing reinstatement or removal of restrictions or stipulations, the City shall require the customer to make a showing that he/she can fully comply with this title.

J. Before any reconnection, the customer shall pay the deposit described in Section 8.0103 and any additional deposit required by the City to guarantee the customer's full compliance. On reconnection the City shall be entitled to set any additional requirements in order to avoid prior the termination problems.

8.0128 Violations. In the event of violation of any of the provisions of this title, the City shall, in addition to any other legal remedy, have the right to prosecute any violator as described in the applicable sections of this title. Each day in violation shall constitute a separate offense.

CHAPTER 8.02 – WATER PROVISIONS

8.0201 Water Meters/Outside Readers. Water meters shall be installed in all new and existing buildings using municipal water service at the direction of the City and at the expense of the owner. The Maintenance Supervisor or his staff shall install, replace, and repair household water meters, as approved by the City Council.

8.0202 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, or dangerous conditions or animals on the premises prevent such access, the City, in its discretion, may estimate the water use, shut off the water, make additional charges, or take other action as may be necessary to determine water usage and operate the system. An additional fee of $15.00 shall be added to the billing statement when any person authorized by the City Council to read water meters is required to estimate the water use for any of the above stated reasons.

8.0203 Testing Meters. The owner of property may have his or her water meter tested by making written request to the Finance Officer, and following approval by the City Council. Meter testing shall be at the City's expense. Subsequent or repeated requests for testing shall be approved only if the City Council feels there is reason to do the same. If the City Council approves subsequent or repeat tests, and no improper meter reading is found, the City may require the user or customer to pay for the subsequent test.

If any meter fails to register properly upon testing, the amount overcharged or undercharged for water use during such period shall be estimated by the City Council, such estimate to be based on the average amount registered during a like period.

8.0204 Water Rates. The following rates are hereby established for each consumer taking water from the municipal water system:

$7.60 per 1000 gallons of water usage per month, subject to a monthly minimum charge of $22.80, if less than 3000 gallons is used in the month. (Ord. 250 11/10/15)

8.0205 Billing Adjustment. Upon application of any water customer, the City Council may adjust a water bill for the limited reason of an abnormally high water usage caused by a verifiable water leak. To avail himself of this provision, the customer must contact the Finance Officer within thirty (30) days of the date of the abnormally high bill and request, in writing, an adjustment for the reason stated. The City Council may consider adjustment of the bill if it finds the following:

A. The leak can be verified by the Maintenance Supervisor or other authorized person;

B. The leak was not caused by the customer's negligence;

C. The customer did not previously know about the leak and had no reason to suspect the same;

D. The customer previously kept the utility service in proper repair, and upon discovery or suspicion of the leak did everything in his/her power, in a timely manner to either fix the same or prevent further water loss; and

E. The abnormally high bill is at least double any of the prior twelve (12) consecutive monthly bills.

If the City is satisfied with the above findings, the City Council may but is not required to adjust the bill in the following manner:

A. The customer shall pay a "normal" bill based upon the highest monthly usage for the past twelve (12) months;

B. In addition thereto, the customer shall pay the cities cost plus $.20 per 1000 gallons or fraction thereof for the usage above and beyond the highest monthly usage used in subparagraph a above.

The Sewer portion of the bill shall be based on the "normal" bill only, described in Sub-paragraph (a) above.

8.0206 Water User/Consumer/Customer Defined. The general rule for billing for utility service to any utility user(s), consumer(s), or customer(s) shall be that each separate meter shall give rise to a separate utility bill and a

separate minimum charge. The following shall constitute the only exceptions to this rule.

A. Where the location is an apartment, trailer court or other multi-user locale such that one meter serves the entire location although there may be many "customers", the City shall have the authority but not the obligation to declare any such location as multi-user, and there shall be as many "users/consumers/customers" as there are rental or other units thereat, as determined by the City Council.

B. The City, on application of any person, may make any other exception, for good cause, as it may deem appropriate.

8.0207 Joint Liability. In the event two or more customers are supplied with water from the same service pipe, if any of the parties fail to pay any water bill when due, or to comply with any rule of the City, the City shall have all rights and remedies against any of the 'joint" users until such charge is paid, or the rules strictly complied with, all such services being deemed the joint obligation of all persons that are a part thereof.

CHAPTER 8.03 – SEWER PROVISIONS

8.0301 Sanitary Sewer Required. A separate and independent sanitary sewer 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, in which event 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 and approved by the City.
A separate and independent sanitary sewer is not currently required West of the Big Sioux River nor at any other location determined by the City Council to be impossible to install.

8.0302 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 Maintenance Supervisor, to meet all requirements of this title.

8.0303 Septic Tanks Prohibited. No septic tanks or any other means of sewage disposal other than approved sanitary sewers shall be allowed in use within the city limits of the City.

8.0304 Private Disposal System. No connection from any private sewage disposal system shall be made with any public sanitary sewer under jurisdiction of the City.

8.0305 Unlawful Acts.

A. Prohibition of clean water connections. 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, including discharging of sump pumps into floor drains. An exception for sump pumps may be granted by the City Council at the recommendation of the Maintenance Supervisor during the winter months of November, December, January, February, and March. Any resident wishing to request this exception must submit a written request to the Finance Officer for review by the Maintenance Supervisor and inclusion on the City Council Agenda.

B. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with applicable state or federal law.

C. The disposal by any person of garbage, petroleum products, and other foreign debris into the sanitary sewer system of the City shall also be prohibited, except the disposal of food waste into a common household kitchen garbage disposal in proper operating order.

D. The discharge of any waters containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal system, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Baltic treatment works shall pay for such increased costs.

8.0306 Sewer User Charge. The charge for use of the City's sanitary sewer system shall be computed as follows:

A. The sewer charge will be determined by the metered water usage, will be proportionate to the services rendered, and involves consideration of the strength and quantity of the sewage. The charge shall be $7.86 per 1000 gallons of water usage per month, subject to a monthly minimum charge of $23.58 (Ord. 251 11/10/16). The sewer charge for usage for the months of May, June, July, and August, shall be computed based upon the monthly average of the water usage for the preceding January, February, March and April of the same year, or the actual monthly usage, whichever is less, but shall not be less than the monthly minimum charge. The sewer charge shall apply to all uses of the City's sanitary sewer system except as hereinafter provided.

B. The monthly and minimum sewer charge described above shall be based on a per residential or commercial unit and not per meter basis, such that if there is more than one user per meter (i.e., rental property, mobile home park, etc.), the charge shall be computed on a per unit or per user basis, and not on a per meter basis. No unit shall pay less than the minimum charge, which is based on the usage of 3,000 gallons.

C. In the event there is insufficient information to reasonably calculate the monthly average of water usage for January, February, March and April of any year, the average shall be based on estimates and calculations prepared by the Finance Officer, again on a per unit or per user basis.

D. This paragraph was deleted by Ordinance #207, Adopted May 13, 2008.

E. Sewer charges shall be billed and be due and payable with and as described for water bills, including late fees and interest on unpaid bills.