

TITLE SIXTEEN UTILITIES AND FRANCHISES

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CHAPTER 16-1 MANAGEMENT AND OPERATION

16-1-1 CREATION OF THE OFFICE OF SUPERINTENDENT OF PUBLIC UTILITIES

The City owned public utilities of the City of Hosmer are its water and sewer systems. Subject to the supervision of the City Council, the City owned public utilities shall be operated by a City employee to be known as Superintendent of Public Utilities to be employed by the Mayor subject to the approval of the City Council at its first meeting in May of each year. The salary of such Superintendent shall be paid bi-monthly, and shall be such sum as shall be from time to time fixed by the City Council.

The mayor, with the approval of the City Council, shall employ such assistant or assistants as may be necessary for the regular dispatch of the work and business of this department. Such assistant or assistants shall be under the direct supervision of the Superintendent of Public Utilities.

*Authority:
SDCL §§ 9-35-1, 9-14-1 and 9-39-1.*

16-1-2 DUTIES OF SUPERINTENDENT OF PUBLIC UTILITIES

The duties of the Superintendent of Public Utilities shall be as follows:

- A. He shall be responsible for the maintenance and operation of the municipal water plant and its distribution system.
- B. It shall be his duty to keep the said Public Utilities in a good state of repair to the end that service to consumers may be interrupted as little as possible.
- C. He shall collect all bills against consumers for electric current and water, together with bills for merchandise, repairs and labor performed for consumers.
- D. He shall keep or cause to be kept, monthly log sheets on forms to be provided for that purpose on which shall be shown daily and hourly meter readings and such other

facts as may be required to complete such forms.

- E. He shall keep a ledger account of all bills payable and chargeable to either of the City's public utilities; he shall keep a record of all outstanding service deposit certificates. The forms of all such records and books of account to be kept by the Superintendent shall be prepared by the City Finance Officer and approved by the City Council.
- F. The Superintendent shall also, as a part of the report provided for in the preceding subsection, show the following facts:
 - 1. Total receipts and disbursements for preceding semi-annual periods;
 - 2. The condition of the property of each utility;
 - 3. Its requirements for proper maintenance;
 - 4. As to the water utility, the number of gallons of water pumped for preceding semi-annual period and number of gallons of water sold for such period.
- G. After the Superintendent of Public Utilities shall have read the water meters, he shall deliver the meter readings to the Finance Officer who shall compute and prepare consumer's bills in triplicate, the original of which shall be mailed to the consumers and the duplicate and triplicate copies delivered to the Superintendent of Public Utilities immediately thereafter; upon payment of consumer's bills the Superintendent shall receipt the original, duplicate and triplicate copies returning the original to the consumer; as soon after the 21st of each month as may be done, the Superintendent shall deposit all sums collected, listing the same on duplicate deposit slips, one copy of which he shall retain in his office and he shall deliver the other copy to the City Finance Officer taking his receipt therefore. He shall at the same time deliver the duplicate copy of the consumer's receipt to the City Finance Officer for his files.
- H. The Superintendent of Public Utilities and his assistants shall be subject to removal and discharge at any time for cause by the City Council.

Authority:

SDCL § 9-14-1; See Also Ch. 9-39 generally.

16-1-3

DUTIES OF CITY FINANCE OFFICER

The City Finance Officer shall prepare a report monthly, showing the amount of each consumer's bill, the date of payment, account number, name of consumer and the amounts due from each consumer separately for water and sewer charges.

Authority:

SDCL § 9-14-1; See Also Ch. 9-39 generally.

16-1-4

DELINQUENT BILLS

It shall be the duty of the City Finance Officer and the City's collecting agent to reconcile their books each month as soon after the 21st day of each month as conveniently may be done, and the City Finance Officer, as soon thereafter as possible, shall send out notices of delinquent bills.

Authority:

SDCL § 9-14-1 and Ch. 9-39 generally.

16-1-5**ONE PERSON HOLDING MORE THAN ONE OFFICE**

For purposes of convenience, the City of Hosmer may employ one person to hold any of the following offices, at any given time: City Finance Officer, City Treasurer, and Superintendent of Public Utilities.

Authority:

SDCL § 9-14-1.

16-1-6**DUPLICATE COPIES OF BILLS**

The City Finance Officer shall have the duty of mailing a duplicate copy of delinquent consumer bills to a collection entity chosen by the Council for purposes of collection.

Authority:

SDCL § 9-14-1.

16-1-7**CONSUMERS BILLS**

All consumer's bills for water, labor and material shall be due on the 10th day of the month following the month when such water, labor or materials was furnished and the same shall become delinquent on and after the 15th day of the month in which the same becomes due. It shall be the duty of the Superintendent of Public Utilities to shut off the water from the City's distribution systems on the 20th day of the month that the same becomes due without notice. No consideration shall be given to any consumers relative to the extending of time of payment of such bills except the same be granted by the City Council for cause at any regular or special meeting.

Authority:

SDCL § 9-35-1 and Ch. 9-39 generally.

CHAPTER 16-2

WATER

16-2-1 WATER METERS REQUIRED

It is hereby ordered that all water services being supplied from the waterworks distribution system of the City shall be provided with a water meter of a kind, size, and type meeting the approval of the City Council. It is further ordered that all water services installed shall be provided with a water meter as herein provided.

16-2-2 APPROVED WATER METERS REQUIRED: EXPENSE

All meters must be procured from the City or approved by the City and installed under the supervision of parties designated by the City Council. The costs of the meter and installation are to be borne by the owner of the property upon which meter is to be installed.

16-2-3 SEALING OF WATER METERS; PENALTY FOR UNSEALING

Upon the installation of meters, they shall be sealed both at the register box and couplings with a form of seal designated by the City Council. These seals shall not be broken except upon authority of the City Council or upon the authority of its duly authorized agent. The residents of the property upon which meter is installed will be held responsible for the intactness of these seals and a fine will be imposed upon the resident of any property where the seal or seals may be found to be broken.

16-2-4 METER READING

Meters will be read by parties designated by the City Council and the meters must at all times be accessible for reading.

16-2-5 RESPONSIBILITY FOR PAYMENT

The owner of the property where water service is supplied by the City will be held responsible for the payment of all water bills.

16-2-6 METERS READ MONTHLY: BILLING PROCEDURE

All meters will be read monthly by the water user and amounts due for water used will be due and payable on or before the tenth (10) of the month following the lapse of the preceding month. Failure to comply with the time of payment of water bills shall subject them to the

shutting off of the water service and same will not again be turned on until water bills in arrears have been paid for and an additional fee which is on file in the Finance Officer's office is paid to cover costs of shutting off and turning on water.

16-2-7

METER TESTING

The owner of property may have the meter tested by depositing with the City Finance Officer the sum to cover the cost of testing. It is provided that should the meter register one hundred two (102) percent or over, this sum will be returned to the property owner and settlement made on the basis of over registration of the meter but should the meter be found to register one hundred (100) percent or less, the sum deposited will not be returned.

16-2-8

ESTIMATE OF WATER CHARGES

If any meter fails to register for any cause, the amount charged for water during such period shall be estimated by the City, such estimate to be based on the average amount registered during a like period.

16-2-9

WATER SERVICE CONNECTIONS

When the property owner wishes a service pipe laid from the water main to curb box on either side of the main, he shall pay a tapping fee determined by the City Council for a three-fourths ($\frac{3}{4}$) inch service and all costs for larger taps, meter and labor. The costs shall include the proper guarding, refilling of trenches, excavation and replacement of blacktopping. Only City employees may make or supervise the tapping of the City Water Main.

16-2-10

RATES

The water meter rates shall be on file in the Finance Officer's office as the same are set by the City Council.

16-2-11

PAYMENT

Payments of all water bills shall be monthly and are due and payable and must be paid by the tenth (10) day of each month. A penalty charge will be imposed on all delinquent bills after fifteenth (15) day, and if not paid by the twentieth (20) day, the water will be turned off. The due date for payment will be shown on each water bill if the final payment date is a Sunday or a legal holiday observed by the City, then the payment must be received by midnight of the following day. In the event of shut-off, a reconnect fee as determined by the City Council shall be required.

**16-2-12 SELLING OR SUPPLYING WATER TO OTHERS PROHIBITED:
EXCEPTION**

No occupant or owner of any premises to which water is supplied is allowed to supply or shall supply to any person or families any water from the City water system or permit the same to be taken except upon special permit from the City. Any consumer violating this provision will be charged the additional amount that such user or users would be charged if taking the water direct from the City. This amount is to be collected in the same manner and at the same rate as other water services.

16-2-13 AUXILIARY WATER SUPPLY

The City shall allow an auxiliary water supply for users under the following conditions:

- A. The connection shall be made at a point on the service line before the water is metered.
- B. The water supply line of the private system shall have a City approved back flow preventer (check valve) installed adjacent to the disconnect. The private system shall have curb stop valve and box installed on the water supply line in a location accessible to the City. The City shall have access to any curb stop valve and box located on private property.
- C. The disconnect shall be made in accordance with the South Dakota State Plumbing Code and inspected by the City. An approved disconnect is a swing arm, with union halves on each supply.
- D. The existing private system shall only be used during interruption of the municipal system with written authorization from the City.
- E. The auxiliary water source shall be tested for water quality and meet the standards of water used for public consumption set by the State of South Dakota. The results of the tests shall be furnished to the City.

16-2-14 USE OF MUNICIPAL WATER SYSTEM REQUIRED

The owner of every residence, business, structure, or building wherein water is used, abutting upon any street or alley in which municipal water mains are maintained, shall, at his own expense, connect such residence, business, structure or building to the municipal water system within thirty (30) days after notice to do so, provided the municipal water main is within two hundred (200) feet of his property line.

16-2-15 RESPONSIBILITY FOR MAINTENANCE OF DISTRIBUTION SYSTEM.

The City of Hosmer is responsible for the main up to the service shut off. The shut off and service liens to the household or business is the responsibility of the owner.

The owner shall keep their service pipe and fixtures connected to the water distribution system in good repair and protected from frost and must prevent all unnecessary waste. The owner shall at his option have a public or private contractor do the repairs to the shut off or service line at his own expense after notifying the City for such locating of water mains, service line, or other services such as cable, phone, and power lines.

In case of neglect or refusal of the owner or occupant to provide or repair the shut off within a

reasonable length of time from being notified, the City shall cause it to be done and charge the expense against the premises.

16-2-16

INVESTIGATION AND REPAIR OF WATER BREAKS.

If City employees investigate a water break on a presumed City main and find that it is a customer service line instead, the City employees will repair the leak and bill the homeowner for their services.

If a private contractor investigates a water break on a presumed customer serviced line and finds that it is the City main instead, he will be authorized to repair the main and be reimbursed by the City upon investigation by City employees first.

16-2-17

DEPTH OF SERVICE PIPES

There shall be a brass curb cock in each service pipe under the exclusive control of the City Council. Said curb cock shall be placed in the pipe on the outer side of the sidewalk, just inside the curb or at the alley line and no person except a direct employee of said City shall open or close or otherwise interfere with said curb cock. Such curb cock shall be provided with a box or tube or approved pattern and the top of each box or tube shall be placed on the level with the grade of the sidewalks or alleys and no premises shall be supplied without said box being in good order. In case of neglect or refusal of the occupant or owner to provide or repair the box within a reasonable time, when notified, the Water Department shall cause it to be done and charge the expense against the premises, to be collected with the water bill. Each service pipe, must be furnished with a stop cock and waste below the action of the frost, so situated that the water can be conveniently stopped and drained from the pipe to prevent freezing. There shall be also a stop cock in every attachment located at the first suitable point beyond the street or alley limits to enable consumers to turn the water off in case of accident to the pipe on the premises.

16-2-18

SERVICE PIPES SUPPLYING MORE THAN ONE PREMISE

Service pipes intended to supply two or more distant premises must be provided with separate curb cocks and shut off boxes for each premises on the outside of the lot line. When only one curb cock is used the persons controlling the same must pay the water bill of the parties who are supplied as separate water bills will not be made without separate curb cocks.

16-2-19

LAYING LARGER PIPES FOR FIRE PROTECTION

Anyone wishing to lay larger pipes with hydrants and hose couplings, to be used only in case of fire, will be permitted to connect with the street main at their own expense, upon application for permit to the City, and under the directions of the City Council, will be allowed to use the water, for fire purposes only, free of charge. No stand pipe will be allowed on the premises where water is not taken for other than fire purposes.

16-2-20 UNNECESSARY WASTE OF WATER

Hydrants, taps, hose, and other fixtures will not be permitted to be kept running when not in use. It is the duty of the Water Department to notify the consumers of the unnecessary waste of water on their premises. If within forty-eight (48) hours after being so notified that water is being wasted, the necessary repairs are not made, the Water Department shall forthwith shut off the water on the premises and before it shall be turned on, the consumer shall pay the reconnection fee as provided in this Chapter.

16-2-21 RIGHT OF ACCESS TO PREMISES FOR INSPECTION

The Chief of Police or any duly authorized person shall be allowed to enter and have free access at all reasonable hours to the premises, to ascertain the location or condition of all hydrants, pipes, or other fixtures attached to the waterworks. If he finds a waste on account of negligence or want of repairs, and if such waste is not immediately remedied, a notice in writing will be left at the premises. If necessary repairs are not made within twenty-four (24) hours thereafter, the water shall be turned off and before it shall be turned on again, the consumer shall pay the fine as provided in this Chapter.

16-2-22 CITY MAY SHUT OFF WATER FOR REPAIRS

The City reserves the right at any time to shut off the water on the main pipe for the purpose of repairing, making connections to, extending or cleaning the same. No claim shall be made against the City by reason of the breaking of the service pipe or service curb cock, or from any damage arising from shutting off the supply or repairing, laying or relaying main hydrants or other connections. The Water Department shall give such reasonable notice as shall be practicable.

16-2-23 PUBLIC HYDRANTS

All hydrants located in the City of Hosmer for the purpose of extinguishing fires are hereby declared to be public hydrants, and no person or persons, except members of the Fire Department, for the use and purpose of said department, and those duly authorized by the Water Department, shall draw water from the same. No person shall in any manner interfere with or injure any of the said hydrants.

16-2-24 WATER RESTRICTIONS

All water used for air cooling systems and lawn or garden sprinkling is subordinate to domestic use or fire protection and may be restricted by the City Council at any time should the scarcity of water or an emergency of any kind so require. Such restrictions shall be imposed by resolution of the City Council, and notice thereof given the public by publication of such restrictions and the extent thereof, in the official newspaper, and if possible, by radio announcement at least twenty-four (24) hours before the effective date of such restrictions. It shall be unlawful for any person, firm or corporation to use City water in the manner or at the time restricted by such resolution.

16-2-25**CONSUMERS OUTSIDE OF CITY LIMITS**

Water rates for consumers located outside City limits shall be the rate charged within the City plus an additional amount set by the City Council. The City Council reserves the right to refuse or restrict water service to consumers outside the City limits.

16-2-26**BUILDING OF WATER MAINS**

Whenever it is determined by the City Council, upon the Council's own initiative or upon the request by a landowner within the City, that construction and placement of a water main is necessary, the City Council may authorize construction and placement of said water main, for which the cost of the same shall be at the City's expense.

CHAPTER 16-3 WASTEWATER DISPOSAL SYSTEM

16-3-1

DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 twenty (20) degrees centigrade, expressed in milligrams per liter.

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 outside the inner face of the building wall.

BUILDING SEWER: shall mean the extension from the building drain to the public sewer or other places of disposal, also called house connection.

COMBINED SEWER: shall mean a sewer intended to receive both wastewater and storm or surface water.

EASEMENT: shall mean an acquired legal right for the specific use of land owned by others.

FLOATABLE OIL: shall mean 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.

GARBAGE: shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES: shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET: shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

MAY: is permissive.

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, as a pH value of seven (7) and a hydrogen-ion concentration of ten (10).

PROPERTY SHREDDED GARBAGE: 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 one-half inch in any dimension.

PUBLIC SEWER: shall mean a common 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.

SEWAGE: shall mean the spent water of a community. The preferred term is wastewater.

SEWER: shall mean a pipe or conduit that carries wastewater or drainage water.

SHALL: is mandatory.

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-hour concentration or flow during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN OR STORM SEWER: shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUPERINTENDENT: shall mean the superintendent of wastewater facilities of the City of Hosmer or his authorized deputy, agent or representative.

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 the laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATERS: shall mean 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.

WASTEWATER: shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

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.

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, water pollution control plant or sewage treatment plant.

WATERCOURSE: shall mean a natural or artificial channel for the passage of water either

continuously or intermittently.

16-3-2 USE OF PUBLIC SEWERS REQUIRED

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 or in any area under the jurisdiction of the City, any human or animal excrement garbage or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspools, or other facility intended or used for the disposal of wastewater.

The owners 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, are hereby required to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within sixty (60) days after date of official notice to do so provided that said public sewer is within two hundred (200) feet of the property line.

16-3-3 PROTECTION FROM DAMAGE

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of intentional damage to property.

16-3-4 POWERS AND AUTHORITY OF INSPECTORS

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

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

While performing the necessary work on private properties referred to herein, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposed of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

16-3-5 HEARING BOARD

The City Council shall act as a hearing board as needed for arbitration of differences between the Finance Officer and sewer users on matters concerning interpretation and execution of the provisions of this article by the Superintendent.

16-3-6 PENALTIES

Any person found to be violating any provisions of this article except section 16-3-3 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in (a) above shall be guilty of a misdemeanor and on conviction thereof shall be fined an amount not exceeding two hundred dollars (\$200.00) or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment for each violation.

Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

16-3-7 SEWER CONNECTION PERMIT: FEE

It shall be unlawful for any person to make connection with or tap any of the main or lateral sewers of the City without first having obtained a permit and paid the fee which is on file in the Finance Officer's office from the City Council or its duly authorized agent.

16-3-8 EXCAVATIONS

All excavations in the streets or alleys and under gutters or sidewalks for the purpose of making sewer connections shall be made, guarded and refilled according to the directions of the City and the main and lateral sanitary sewers shall be tapped only as directed by the City or duly authorized agent of the City Council, and not service sewer pipes shall be covered until inspected and approved by that officer.

CHAPTER 16-4

PRIVATE WASTEWATER DISPOSAL SYSTEM

16-4-1 PERMITTED

Where a public sanitary or combined sewer is not available under the provisions of section 16-3, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this division.

16-4-2 PERMIT REQUIRED

Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Finance Officer. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Finance Officer.

16-4-3 INSPECTION

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the sewer Superintendent. The sewer Superintendent shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the sewer Superintendent when the work is ready for final inspection before any underground portions are covered. The inspection shall be made within twelve (12) hours of the receipt of notice by the sewer Superintendent.

16-4-4 COMPLIANCE WITH STATE REGULATIONS

The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the department of health or water and natural resources. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the tank or cesspool shall be permitted to discharge to any natural outlet.

16-4-5 CONNECTION TO WASTEWATER SYSTEM

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in section 16-3, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

16-4-6 HEALTH AND SANITATION REQUIREMENTS

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

CHAPTER 16-5 BUILDING SEWERS

16-5-1 PERMIT REQUIRED

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Finance Officer.

There shall be two (2) classes of building sewer permits for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner 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 judgement of the Finance Officer.

All costs and expenses incidental to the installment and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the City does not and will not assume any obligations or responsibility for damage caused by or resulting from any such single connection aforementioned.

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 article.

16-5-2 CONSTRUCTION AND COST

The size, slope, alignment and 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 codes or other applicable rules and regulations of the City or the laws and regulations of the state. The cost of construction and placement of sewer mains shall be paid by the City and Landowner requesting the same on a cost share basis, with the Landowner paying 70% and the City paying 30% of said construction and placement, when said construction and placement of sewer mains is determined to be beneficial to the residents of the City by the City Council.

16-5-3 ELEVATION

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.

16-5-4 SURFACE RUNOFF CONNECTIONS

No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to 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.

16-5-5 COMPLIANCE WITH CODES REQUIRED

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City, or the laws and regulations of the state. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

16-5-6 EXCAVATIONS

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

All excavations required for the installation of a building sewer shall be by open trench unless otherwise approved by the Superintendent. No backfill shall be placed until the work has been inspected by the Superintendent. Backfill shall be compacted to a density at least equal to that of the adjacent subgrade.

16-5-7 INSPECTION

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.

CHAPTER 16-6 DISCHARGE REGULATIONS

16-6-1 WASTES PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER SYSTEM

The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or interaction with other wastes, to contaminate the sludge of any municipal system or injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works, is hereby prohibited.

16-6-2 PROHIBITION OF CLEAR WATER CONNECTIONS

No person shall make connection of roof downspouts, exterior foundation drains, sump pumps, 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.

16-6-3 PROHIBITED DISCHARGES

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

Stormwater other than that exempted earlier in this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling waters or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

16-6-4

LIMITED DISCHARGES

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or qualities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations in (2.) below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors.

The limitations or restrictions on materials of characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

1. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil nonbiodegradable cutting oils or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in the kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable substances to such degree that any such materials received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both, which constitute a slug as defined in section 6-4-1.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any waters or wastes which begin interaction with other waters or wastes in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

16-6-5 POWERS OF SUPERINTENDENT

If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in section 16-6-4 and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 16-110.

When considering the alternatives in (1) above the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

16-6-6 INTERCEPTORS

Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the collected material and shall maintain records of the

dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

16-6-7 PRETREATMENT AND FLOW EQUALIZING FACILITIES

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

16-6-8 MONITORING

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

16-6-9 INFORMATION FOR COMPLIANCE

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

1. Wastewater discharge peak rate and volume over a specified time period;
2. Chemical analyses of wastewaters;
3. Information on raw materials, processes, and products affecting wastewater volume and quality;
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

16-6-10 STANDARDS FOR TESTING, MONITORING ETC.

All measurements, tests, and analyses of the characteristics of waters and wastes to which references are made in this article shall be determined in accordance with the latest edition of

"Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

16-6-11

AGREEMENTS NOT PROHIBITED

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

CHAPTER 16-7

RATES AND CHARGES

16-7-1 PURPOSE

The purpose of this division shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system and all or a portion of the costs for debt retirement. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as biochemical oxygen demand (BOD), suspended solids (SS), volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of costs to each user.

16-7-2 DETERMINING THE TOTAL ANNUAL COST

The City shall determine the total annual cost of operation, maintenance and financing of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost shall include but need not be limited to labor, repairs, equipment replacement, maintenance, modifications, power, sampling, laboratory tests, debt retirement and a reasonable contingency fund. The City shall allocate the total annual cost to the categories of volume annual cost, BOD annual cost and SS annual cost.

16-7-3 DETERMINING EACH USER'S WASTEWATER RATES

The City shall determine each user's average annual volume of wastewater which has been discharged to the wastewater system, the average annual volume of infiltration and inflow entering the wastewater system, and the total annual volume to the annual residential user volume and the annual infiltration and inflow volume to the annual residential user volume. The nonresidential user volume rate shall be the basic volume rate.

The City shall determine each user's average poundage of BOD which has been discharged to the wastewater system and the total annual BOD. The BOD rate shall be determined by dividing the BOD annual cost by the total annual BOD.

The City shall determine the user's average poundage of SS which has been discharged to the wastewater system and the total annual SS. The SS rate shall be determined by dividing the SS annual cost by the total annual SS.

16-7-4 DETERMINING CLASSIFICATION OF USERS

The City shall determine the average BOD and SS daily loadings for the average residential user. Normal strength wastes are considered to be two hundred (200) parts per million (ppm) BOD and two hundred fifty (250) parts per million (ppm) SS. Residential users may be considered to be one (1) class by use and an equitable service charge may be determined for

each user based on metered water consumption as hereinafter provided. The City may classify industrial, commercial and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, BOD and SS.

The City shall classify nonresidential users as those establishment discharging wastes to the wastewater system with BOD and SS strengths greater than normal strength wastes. The service charge shall be determined for each nonresidential user based on metered waste volume discharged to the wastewater system, the BOD rate, and the SS rate. The waste volume for establishments without waste flow metering installations may be based on metered water consumption estimates prepared by the City or other methods as determined by the City.

16-7-5 REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE

The City shall review the total annual costs of operation, maintenance and financing of the wastewater system and each user's wastewater rates not less often than every two (2) years. Revisions shall be made to the system as necessary to ensure equity of the service charge system established herein and to ensure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user such as an industry as completed in-plant modifications which would change that user's contribution, the user can present at a regularly scheduled meeting of the City Council such factual information. The City shall then determine if the user's contribution is to be changed.

16-7-6 NOTIFICATION

Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services.

16-7-7 PROCEDURE FOR ESTABLISHING RATES: BILLING RESIDENTIAL, COMMERCIAL AND OTHER USERS

All users shall be billed monthly. The rates established shall be as follows:

Residential users: The charge shall be based on a flat charge to each user as the same is set by the City Council.

Apartment complexes, nursing homes, and hospitals: The charge shall be based on a flat charge as the same is set by the City Council after determining the amount of water usage of each user.

Commercial users: The charge shall be based on a flat charge as the same is set by the City Council after determining the amount of water usage of each user.

16-7-8 USER'S WASTEWATER RATES AND CHARGES

The City shall establish rates of charge for all residential, commercial, nonresidential,

and other users which shall be on file in the Finance Officer's office.

16-7-9

USER'S WASTEWATER RATES AND CHARGES

The City shall establish rates of charge for all residential and nonresidential users which shall be on file in the Finance Officer's office.

CHAPTER 16-8

GARBAGE and RUBBLE

16-8-1 LOCATION AND USE OF RUBBLE SITE

The City Council shall select and establish as a rubble site, suitable lots or parcels of land outside the City limits and until otherwise ordered, all straw, manure, leaves, ashes, and other rubbish which may be removed from public or private premises shall be deposited at the rubble site so established; provided however that no dead carcass, carrion, filth from any privy box or vault, or from any cesspool or offensive garbage shall be deposited on such dumping grounds; and provided, further that nothing in this section shall be deemed to prohibit the deposit of ordinary stable manure on any private lot or parcel land from for fertilizing purposes only. If any person shall remove to and deposit on any lots or parcel of land other than the rubble site which may be established in the manner aforesaid, any straw, manure, leaves, ashes, or other rubbish, contrary to the provision of this section, he shall be punished by fine not to exceed five hundred (\$500) dollars and or thirty (30) days jail.

16-8-2 ITEMS ALLOWED AT RUBBLE SITE

The City Council shall establish guidelines and rules pursuant to South Dakota Law for items allowed to be deposited at the rubble site, fees for the deposit of the same, hours of operation, and any other matters of importance relating to the operation of a City rubble site.

16-8-3 LEAVING EXPOSED

It shall be unlawful for the owner or occupant of any lot or tenement within the City of Hosmer to throw or leave exposed upon any lot or within the street or alley adjoining said premises, any vegetable, fruit or animal matter or any slop or filth whatever, solid or fluid.

16-8-4 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

GARBAGE: the word garbage as used in this chapter shall mean any non-hazardous waste generated in households, commercial and business establishments, institutions, and light industrial process wastes including kitchen and table refuse, cardboard boxes, paper, metal cans, glass, and plastic.

YARD WASTE: the term yard waste as used in this chapter shall mean any leaves, grass clippings, trees, brush, pruning and other natural organic matter discarded from yards and gardens.

CONSTRUCTION AND DEMOLITION WASTE: this term as used in this chapter shall mean any materials resulting from the construction, remodeling, repair or demolition of

buildings, pavements, sidewalks and other structures such as wood, concrete, sheetrock, carpet, shingles, asphalt, brick, plaster, piping and steel.

WHITE GOODS: the term white goods as used in this chapter shall mean any large household appliances such as refrigerators, ranges, air conditioners, water heaters, washing machines, and dryers.

HAZARDOUS WASTE: the term hazardous waste as used in this chapter shall mean any waste with chemical or biological properties that make it a potential threat to human health or the environment.

GARBAGE CONTAINER: a garbage container as used in this chapter shall mean a water tight metallic or plastic can of not more than thirty (30) gallon capacity and should not exceed eighty (80) pounds when filled, having a handle on each side and a tight fitting lid. Such containers must be maintained so as to prevent the ingress and egress of flies, with the outside free and clean of grease or decomposed matter. Containers of a larger capacity must be approved by the City Council or garbage contractor.

16-8-5

RECEPTACLES

It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the City of Hosmer, to provide and keep in good condition, separate receptacles for receiving and holding, without leakage, the garbage that may accumulate from his premises.

16-8-6

WHERE KEPT

Such garbage receptacle shall be kept outside of the buildings and within the lot lines, adjacent to the alley, if possible and it shall be unlawful to place any such garbage receptacle in the street, alley, or public places.

16-8-7

ASHES

The City Council shall make rules and regulations for the keeping and storing of ashes and other rubbish upon private premises in said City and for the removal thereof and it is hereby declared unlawful for any person or persons to violate the provisions of such rules and regulations as adopted by the City County for the storage, keeping or removal of garbage, ashes and rubbish.

16-8-9

DUTY OF PERSON HAULING GARBAGE

It shall be the duty of all persons hauling garbage in the City to thoroughly clean up all the garbage in the immediate vicinity of the place from which the garbage is removed, and to see that none of the garbage is dropped or liquid matter permitted to escape from the receptacle in which it is being hauled, on to the streets or alleys of the City.

16-8-10

PURPOSE

The purpose of this ordinance is to prohibit the dumping or disposal of any objects or garbage on or with the City of Hosmer.

16-8-11**NUISANCE**

Every accumulation of garbage or rubbish which is deposited, kept, burned or transported at any place in the City of Hosmer in violation of this chapter is hereby declared a public nuisance, and any person who maintains or permits the maintenance of such nuisance, shall upon conviction there, be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment, pursuant to SDCL § 9-19-3.

16-8-12**BURNING GARBAGE OR RUBBISH**

No person, firm, association, or corporation shall burn or cause to be burned within the City limits of the City of Hosmer, any debris, garbage, rubbish, rubble or other combustible material, except in a furnace, incinerator, or fireplace constructed for such purpose and which burning facility must be located within an enclosed structure used as a personal dwelling or public or private place of business.

16-8-13**COLLECTION**

All garbage accumulated in the City of Hosmer shall be collected, conveyed and disposed of by the designated representative of the City of Hosmer, and no person, firm, or association other than the designated representative of the City of Hosmer shall collect or haul garbage within the City, unless prior permission is granted by the City Council.

16-8-14**FREQUENCY OF COLLECTION**

Garbage shall be collected from every residence and business within the City limits at least once each week, and more often as deemed necessary.

16-8-15**COLLECTION CLASSIFICATIONS**

The collection of garbage and rubbish in the City of Hosmer shall be divided into two major classifications, namely, residential and commercial, with the City Council being able to reclassify commercial users based upon such commercial users amount and type of garbage. The residential classifications shall include all private residences housing not more than one (1) family. The commercial classifications shall include all other garbage collections. Notice of such classifications shall be on file with the City Finance Officer.

16-8-16**COLLECTION FEES**

The monthly fee provided by this chapter for the collection of garbage will be set by the City Council annually and on file with the City Finance Officer with the user being notified of the charge. The garbage fee will be added to the monthly water and sewer bill and due accordingly with such payments. Failure to pay such bill in a timely manner will result in ramifications provided for in section 16-2-11.

16-8-17**CITY CONTRACT**

The City of Hosmer shall contract with a private individual, firm, or association, for the collection, hauling, and disposal of garbage on or within the City of Hosmer. Such contract is to be made pursuant to the laws of the State of South Dakota, by the City Council.