

TITLE 8 – WATER AND SEWER
[WATER SUPPLY SYSTEMS SDCL 9-47]
[SEWER SUPPLY SYSTEMS SDCL 9-48]

Chapter 8.01 – General Provisions
Chapter 8.02 – Water Provisions
Chapter 8.03 – Sewer Provisions
Chapter 8.04 – Sewer and Water Rates

CHAPTER 8.01 – GENERAL PROVISIONS

- 8.0101 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 Finance Office. 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 his application and as they may be revised from time to time in addition to conditions and agreements as the Council shall deem advisable.
- 8.0102 Same-Not Available to Debtors. The City may decline or fail to 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.
- 8.0103 Termination of Service. The City shall have the right to disconnect or refuse to connect any municipal utility service for the following reasons: (SDCL 9-47-1)
- A. Failure to meet the applicable provisions of law.
 - B. Violation of the rules and regulations pertaining to utility service.
 - C. Nonpayment of bills.
 - D. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
 - E. Tampering with any meter, seal, or other equipment controlling or regulating the supply of utility service.
 - F. Theft or diversion and/or use of service without payment therefore.
 - G. Vacancy of premises.

The City shall give the municipal utility service customer at least ten (10) days notice of the 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.

15 see 8.0104

8.0104 Customer Disputes. The procedure for customer disputes shall be as follows:

- A. Before the date of termination, the customer shall notify the Finance Officer orally or 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.
- B. Within five (5) days after the receipt of the customer's notice, the Finance Officer shall arrange an informal meeting with the customer. Based upon the municipal records, the customer's allegations and all other relevant materials available to the official the Finance Officer shall attempt to resolve the dispute, in a manner satisfactory to both the City and the customer.
- C. Within five (5) days after the meeting, the Finance Officer shall mail to the customer a copy of his or her decision resolving the dispute and within five (5) days of receipt of the notice, the customer may request, in writing, a formal hearing before the City Council. The formal hearing shall be held at the next regularly scheduled Council meeting.
- D. At the hearing, the City Council and the customer shall be entitled to present all evidence that is relevant and material to the dispute, be represented by counsel, and examine and cross-examine witnesses.
- E. Based upon the record established at the hearing, the City 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 City and the customer.

Utilization of this dispute procedure shall not relieve a customer's 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.

8.0105 Termination After Customer Disputes. Until the date of the Finance Officer's or the 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. When 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:

- A. Amount to be paid or violation under this Section;
- B. Date of notice of termination;
- C. Date of termination which shall be at least five (5) days after notice;
- D. 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.

8.0106 Termination Procedures. Except as provided in Section 8.0105 with respect to disputes, all terminations of municipal utility services for violations of Section 8.0103 shall follow these procedures:

- A. 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 Section 8.0103 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 containing (i) the amount to be paid or a statement of violation of Section 8.0103; (ii) the date of the notice of termination; (iii) the date of termination which shall be at least fifteen (15) days from the notice of termination; (iv) 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 Section 8.0103.
- B. (i) If prior to the date of termination when the termination is for nonpayment; (A) the municipal utility has not received complete payment of the amount shown on the notice of termination; or (B) the customer has not notified the municipal utility that disputes the correctness of all or part of the amount shown on the notice of termination, or (ii) if, prior to the date of termination for other violation of Section 8.0103, the customer has not notified the municipal utility that disputes the violation, then the municipal utility shall terminate municipal utility service provided to the customer on the date of termination.

8.0107 Provisions for Termination of Service. The municipal utility shall terminate service hereunder only during the hours of 9:00 a.m. to 3:00 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.

The City Finance Officer may agree to the partial payment of at least 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 Chapter.

8.0108 Service Taps – Extensions. Tapping of any water or sewer main for the purpose of making connection shall be done only by authorized personnel of the City. 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 and sewer facilities for hookups shall be provided, unless otherwise specified by the Council, to the curb line from the distribution or collection main. 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 for the total frontage to the petitioning property owners' lot line. This shall hereinafter be referred to as the extension line. The City Council may require said extension line to the farthest end of the petitioning property owners' lot line.

Any additional property owners desiring hookups from the extension lines thus paid for by the petitioning property owners shall reimburse the petitioning property owner for their pro rata share of the actual costs as provided herein. The pro rata share of the actual costs shall be determined by multiplying the actual costs by a fraction, the numerator of which is the total front footage of the additional property owner desiring a hookup from the extension line and the denominator of which is the total front footage provided by the extension line which was paid for by the petitioning property owner. Said charge to be paid by the additional property owners desiring hookups shall be payable only for the benefit of the petitioning property owner, and shall not run with the land. The actual costs referred to herein shall be documented by the petitioning property owner by paid receipts filed in the office of the City Finance Officer.

see
Resolution
2014-4

- 8.0109 Hookup Fees. An initial hookup fee at a minimum as specified by the City Council reflecting costs incurred, but in no event less than two hundred and fifty dollars (\$250.00) for water and three hundred and fifty dollars (\$350.00) for sewer, shall be paid to the City by all applicants for water and sewer service.

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 turning on 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 authorized personnel of the City.

- 8.0110 Extension of Lines. The City may serve water or sewer customers outside the municipal corporate limits solely at the discretion of the 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 and other fees as set forth and regulated by the City.
- 8.0111 Private Lines. Private water or sewer mains shall not be installed in the City unless authorized by the City Council. For the purposes of this section, the phrase "private water and sewer mains" shall be construed to include any rural water pipelines, pipes or waterlines.
- 8.0112 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.

- 8.0113 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 therefore 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 by said committee to insure 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.

- 8.0114 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. No backfill shall be placed until the work has been inspected, and backfilling on City streets, avenues, or alleys shall be according to approved specifications. Authorized personnel of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the department when the work is ready for final inspection and before underground portions are covered.

- 8.0115 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.

- 8.0116 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 backflow of the sewerage system, failure of water supply, interruption of service or any cause outside the direct control of the City.

- 8.0117 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.
- 8.0118 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.
- 8.0119 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 therefore from the City Council.
- 8.0120 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.
- 8.0121 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, violating 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.

CHAPTER 8.02 – WATER PROVISIONS
 [WATER SUPPLY SYSTEMS SDCL 9-47]]

- 8.0201 Duties of Utilities Superintendent. It is the duty of the Superintendent to:
- A. Carry out the provisions of all City ordinances and resolutions concerning the municipal water system;
 - B. Supervise the operation and maintenance of the water system;
 - C. Account to the City Council for any expenditures made in the discharge of his office;
 - D. Perform any other duties as may be assigned by the City Council or Mayor.
- 8.0202 General Regulations of Water System. The rules, regulations and water rates hereinafter named shall be considered a part of the contract with every person, company or corporation who is supplied with water through the water system of the City and every such person, company or corporation by taking water shall be considered to express his or their assent to be bound thereby. Whenever any of them, or such others as the City Council may hereinafter adopt are violated, the water shall be cut off from the building or place of such violation, although two (2) or more parties may receive water through the same pipe, and shall not be turned

on again except by order of the City Council or superintendent and upon the payment of expenses and other terms as the City Council shall demand.

- 8.0203 Water Meters. All water services being supplied from the distribution systems of the City shall be provided with a meter of a kind, size and type meeting the approval of the City Council. 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.
- 8.0204 Sealing of Water Meters. Upon the installation of meters, the meters shall be sealed both at the register box and couplings with a form of seal designated by the City Council. The seals shall not be broken except upon authority of the City Council or upon authority of its duly authorized agent. The residents of the property upon which meter is installed will be held responsible for the intactness of the seals and a fine will be imposed upon the resident of any property where the seal or seals may be found to be broken.
- 8.0205 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.
- 8.0206 Testing Meters. The consumer and/or owner of property may have the meter tested by depositing with the City Finance Office the sum, as set by Resolution of the City Council and kept on file with the City Finance Officer, to cover the cost of testing. Whenever any meter, upon being tested, shall be found to register one hundred two percent (102%) or more, the fee paid by said consumer for such inspection shall be repaid to said consumer, and an adjustment shall be made for the period of the inaccuracy known. If the period of inaccuracy is not known, the adjustment shall be paid for the period since the meter was last tested but not to exceed six (6) months. Should the meter be found to register less than one hundred two percent (102%), the sum deposited will not be returned.
- 8.0207 Estimate of Water Changes. If a meter fails to register for any cause, the amount charged for water during such period shall be estimated by the City Council, such estimate to be based on the average amount registered during a like period.
- 8.0208 Water Lines How Laid. All service lines shall be at least six (6) feet below the established grade of the street, avenue, or alley in which they shall be laid, and in all places at least six (6) feet below the surface of the ground. All plumbing fixtures, piping, or apparatus shall be installed with such material as to withstand safely the perils surrounding their conditions of operation and use.

Where service pipes are found disconnected at the corporation stop at any main, they may be reconnected only by the City or on its order. No water main or service may be laid in the same trench with gas mains or other foreign conduits. Special

permission may be granted, however, when deemed advisable by the City Council, for laying of water lines in trenches with sewer lines, and then only with the placement of water lines well above sewer lines to prevent subsequent possible contamination of water mains.

8.0209 Meter Reading. All water meters are to be read once each calendar quarter and then recorded. The City will make periodic checks on the reading of the meters. Broken or malfunctioning meters are to be reported at once; if due to the user's negligence, it will be replaced at the user's expense.

8.0210 Payment of Water Rates. The owner of any property where water service is supplied by the City of Valley Springs will be held responsible for the payment of all water bills by the 20th day of each calendar quarter. Any bill for water and/or wastewater services which is not paid prior to the 21st day of the quarter in which it is due, shall be deemed to be delinquent and the water becomes subject to being shut off. A late fee of ten (\$10.00) dollars shall be added if payment is received after the 20th of the month following billing.

After a bill becomes delinquent, a notice of disconnection will be sent to the user. If the past due amount is not paid, a City employee will personally serve notice that the water shall be shut off to the delinquent property within ten (10) days of service of such notice. If after such personal notice, the delinquent property owner has not either paid the bill, together with the actual costs of personal service or appealed the water and/or wastewater charge to the City Council, the Superintendent shall then shut off water service.

An appeal of the water and/or wastewater charge may be had in the manner specified under Section 8.0104.

8.0211 Reconnection After Disconnection. In the event that any water service is disconnected for nonpayment of a bill, a disconnection fee of twenty-five dollars (\$25) shall be charged to the property owner. Every property owner shall have the right to have the same reconnected only upon the payment of the amount due plus an additional reconnection fee of twenty-five dollars (\$25).

8.0212 Voluntary Discontinuance of Service. Persons wishing to discontinue the use of any water service shall give written notice thereof at the City Hall. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

Persons wishing to temporarily discontinue the use of any water service shall give written notice thereof at the City Hall.

A disconnection fee of ten (\$10) dollars shall be charged to the property owner. At the time the property owner wishes to continue service, a ten (\$10) dollar fee shall be paid.

8.0213 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 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 shutoff it becomes the duty of the occupant of the premises to take prompt precautions to prevent damages.

- 8.0214 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.

- 8.0215 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.

- 8.0216 Use Assumed. All premises connected to any utility 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 utility service of the City.

- 8.0217 Dual Check Backflow Preventor. A dual check backflow preventor approved by the City Council shall be installed on the outlet side of the water meter on all new homes or buildings or anytime plumbing is changed within five feet (5') of the outlet side of said meter.

It shall be the owner's responsibility to maintain the dual check backflow preventor.

- 8.0218 Definition. "Water User" shall be defined as all residential and non-residential users including all households, apartment dwellers, housing units, industrial and commercial establishments. This term is not to include residents of a nursing home.

- 8.0219 Water Deposit. Every person desiring a supply of water from the city must make application therefore to the Finance Officer upon blanks to be furnished by said Finance Officer. Not more than one house, trailer, or apartment shall be supplied from one tap except by special permission by the City Commission. Prior to the commencement of water service, the user shall pay a seventy (\$70.00) dollar water service deposit, which shall be refunded at the termination of water service, less any

delinquent unpaid water charges. This rule shall be subject to change upon motion of the city council.

CHAPTER 8.03 – SEWER PROVISIONS
[SEWER SUPPLY SYSTEMS SDCL 9-48]

8.0301 Definitions.

- A. "Biochemical Oxygen Demand (BOD)" – 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.
- B. "Building Drain" – 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.
- C. "Building Sewer" – The extension from the building drain to the public sewer or other place of disposal, also called house connection.
- D. "Combined Sewer" – A sewer intended to receive wastewater and storm or surface water.
- E. "Easement" – An acquired legal right for the specific use of land owned by others.
- F. "Floatable 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 oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- G. "Garbage" – The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- H. "Industrial Wastes" – The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- I. "Natural Outlet" – Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- J. "pH" – 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} .
- K. "Properly Shredded Garbage" – 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 ½ inch (1.27 centimeters) in any dimension.

- L. "Public Sewer" – A common sewer controlled by a governmental agency or public utility.
- M. "Sanitary Sewer" – 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.
- N. "Sewage" – The spent water of a community. The preferred term is "wastewater."
- O. "Sewer" – A pipe or conduit that carries wastewater or drainage water.
- P. "Slug" – 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.
- Q. "Storm Drain" (sometimes called "Storm Sewer") – A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- R. "Superintendent" – The superintendent of all wastewater facilities of the City or his authorized deputy, agent or representative.
- S. "Suspended Solids" – Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is memorable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- T. "Unpolluted Water" – 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.
- U. "User" – All residential and non-residential users including all households, apartment dwellers, housing units, industrial and commercial establishments. This term is not to include residents of a nursing home.
- V. "Wastewater" – 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 storm water that may be present.

- W. "Wastewater Facilities" – The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- X. "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."
- Y. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

8.0302 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, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.
- B. 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.
- C. The owner 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, 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 60 days after date of official notice to do so, provided that said public sewer is within 400 feet of the property line.

8.0303 Private Wastewater Disposal.

- A. Where a public sanitary or combined sewer is not available under the provisions of 8.0302 I, 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 sewage disposal system the owner shall first obtain a written permit issued by the City Council. The permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the City and the Department of Water and Natural Resources, State of South Dakota. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. No connection from any private sewage disposal system shall be made with any public sanitary sewer under jurisdiction of the City.

- C. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 8.0302 I, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

8.0304 Sanitary Sewers, 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 Finance Officer.
- B. There may 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 or his agent shall make application on a 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 Sewer Superintendent. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is filed.
- C. All costs and expense incidental to the installation 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. The owner of the property is responsible for all plumbing and fixtures from the point of the connection to the sewer main to the structure or his premises. An initial hookup fee shall be paid to the City by all applicants for new service from the connection of their private service to a public sewer main. The City shall not be responsible for any expense in connection therewith. All hookup fees are set by the City Council and are collectable at the time of the issuance of a building permit.
- 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 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. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Superintendent, to meet all requirements of this ordinance.

- F. 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.
- G. No person(s) shall make connection of roof down spouts, 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 Sewer Superintendent for purposes of disposal of polluted surface drainage.
- H. 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.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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 Sewer Superintendent before installation.
- I. The applicant for the building sewer permit shall notify the Sewer 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 Sewer Superintendent or his representative.
- J. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.

8.0305 Use of the Public Sewers.

- A. Storm water other than that exempted herein and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Sewer Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Sewer Superintendent, to a storm sewer, combined sewer, or natural outlet. 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, 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.

- B. No person shall discharge or cause to be discharged any of the following water or wastes into any public sewers:
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 injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 3. Any waters or wastes having a pH lower than (5.5), or having any 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.
 5. The use of the sewer system of the City, for the disposal of crude oil, refined oil or any and all other petroleum products, shall be prohibited.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Council, they are necessary for the proper handling of wastes. Where installed, such interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Any user discovered to have discharged any toxic pollutants into public sewer facilities, in addition to other penalties as provided by ordinance and law, shall be responsible for all costs associated with treating or otherwise disposing of such pollutants.

- C. The disposal by any and all persons of garbage, cans, washers, filters and other foreign debris into the sanitary sewer system of the City shall also be prohibited.
- D. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities 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 health, public property, or constitute a nuisance. The Sewer Superintendent may set limitations lower than those established in the regulations below if in his opinion more severe limitations are necessary to meet the above objectives.

In determining 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 or characteristics of waste 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 150° Fahrenheit (65° Celsius).
2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable 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 (see 8.0301 (K)). 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 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 or toxic substances such that as received in the composite wastewater at the wastewater treatment works, it 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 Sewer Superintendent.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Superintendent in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
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 water or wastes which, by interaction with other water 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.

- E. 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 8.0305 D, and which in the judgment of the Sewer 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 Sewer 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 cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 8.0305 (J) of this article.

When considering the above alternative the Sewer 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.

- F. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner at his expense.
- G. When required by the Sewer 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 to facilitate observation, sampling, and measurement of the wastes. Such structure shall be accessible 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.

- H. The Sewer Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. This information may include:
1. Wastewater discharge peak rate and volume over a specified time period.
 2. Chemical analyses of wastewaters.
 3. Raw materials, processes, and products affecting wastewater volume and quality.
 4. Quantity and disposition of specific materials important to sewer use control.
 5. A plot plan showing sewer and pretreatment facility locations on the user's property.
 6. Details of wastewater pretreatment facilities.

7. Details of systems to prevent and control spills of materials into the municipal sewer.

- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Sewer Superintendent.
- J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

8.0306 Prohibited Acts. No person(s) shall willfully or negligently damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

8.0307 Powers and Authority of Inspectors.

- A. The Sewer 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 ordinance.
- B. The Sewer 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.
- C. While performing necessary work on private properties referred to in 8.0307 (A) above, the Sewer 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 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 as required in 8.0305 (G).
- D. The Sewer 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 purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. Entry and all subsequent work shall be in accordance with the terms of the easement pertaining to the private property involved.

- 8.0308 Proper Design and Construction of New Sewers and Connections. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Uniform Building Code or other applicable rules and regulations of the City and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

All sanitary sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal, vitrified clay sewer pipe, ASTM specification (C13-441) or equal; PVC: or other suitable material approved by the City Council. Additional requirements may be provided when any part of a building sewer is located near a water service pipe, or where the sewer is exposed to damage by tree roots or unstable ground.

The size and slope of sanitary sewer shall be subject to the approval of the City Council, but in no event shall the diameter be less than four inches. The slope of such pipe shall be not less than one eighth inch per foot.

Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. No sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. The connection of the sanitary sewer into the public sewer shall be made at the "y" branch, if such branch is available at a suitable location. Where the public sewer is greater than twelve inches in diameter, and no properly located "y" branch is available, a neat hole may be cut into the public sewer to receive the sewer connection, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. Smooth, neat joint shall be made, and the connection made secure and watertight. The connection into the public sewer shall be made under the supervision of the Water and Sewer Superintendent.

- 8.0309 Disconnection. When a disconnection from the sanitary sewer is made, the sewer service shall be closed to the satisfaction of the Water and Sewer Superintendent. Closure shall be at the curb line on residential property and at the property line on commercial property.

8.0310 Penalties.

- A. Any person found to be violating any provision of this ordinance except 8.0306 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.
- B. Any person who shall continue any violation beyond the time limit shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any provision(s) of this ordinance shall be liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

8.0311 Validity.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

CHAPTER 8.04 – SEWER AND WATER RATES

8.0401 Purpose. The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class.

8.0402 Total Annual Operation and Maintenance Cost. The City, or its engineer, may determine the total annual costs of operation and maintenance of the wastewater system necessary to maintain the capacity and performance, during the useful life of the treatment system, for which it was constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

8.0403 Determining Each User's Wastewater Contribution Percentage. The City, or its engineer, may determine for each user or user class the average daily volume of discharge to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The City or its

engineer also shall determine for each user or user class the average daily poundage of 5-day 20-degree Centigrade Biochemical oxygen Demand (BOD) discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine such user's BOD Contribution Percentage.

The City or its engineer may determine for each user or user class the average daily Total Suspended Solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS Contribution Percentage. The Volume Contribution Percentage, BOD Contribution Percentage and TSS Contribution Percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total 5-day 20-degree centigrade BOD and TSS, respectively.

8.0404 Determining a Surcharge System for Users with Excess BOD and TSS. The City may assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above normal strength wastes. Normal strength wastes are considered to be 250 ppm BOD and 275 ppm TSS. The surcharge rate structure for such above-normal strength waste dischargers shall be set by resolution of the City Council.

8.0405 Determining Each User's Wastewater Service Charge. Each non-residential user's wastewater treatment cost contribution as determined in Sections 4 and 5 may be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The City Council may classify industrial, commercial, and other non-residential establishments as a residential user, provided the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, TSS, and BOD.

8.0406 Payment of the User's Wastewater Service Charge and Penalties. The City may submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly wastewater utility billing. The owner of any property where wastewater service is supplied by the City of Valley Springs will be held responsible for the payment of all wastewater bills by the 20th day of each calendar quarter. Any bill for water and/or wastewater services which is not paid prior to the 21st day of the quarter in which it is due, shall be deemed to be delinquent and the water becomes subject to being shut off. A late fee of ten (\$10.00) dollars shall be added if payment is received after the 20th of the month following billing.

After a bill becomes delinquent, a notice of disconnection will be sent to the user. If the past due amount is not paid, a City employee will personally serve notice that the water shall be shut off to the delinquent property within ten (10) days of service of such notice. If after such personal notice, the delinquent property owner has not

either paid the bill, together with the actual costs of personal service or appealed the water and/or wastewater charge to the City Council, the Superintendent shall then shut off water service.

An appeal of the water and/or wastewater charge may be had in the manner specified under Section 8.0104.

- 8.0407 Review of User's Wastewater Service Charge. The City may review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage every two years and revise the system as necessary to assure equity of the service charge system and to assure sufficient revenue to adequately operate and maintain the wastewater treatment works. The City shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributed to that class for the next year and adjust the rate accordingly.

If a significant user has completed in-plant modifications which would change that user's Wastewater Contribution Percentage, the user can present, at a regularly scheduled meeting of the City Council, such factual information and the City shall then determine if the user's Wastewater Contribution Percentage is to be changed. The City shall notify the user of its finding as soon as possible.

- 8.0408 Notification. Each user may 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.

- 8.0409 Rate Schedule, Deposits and Classification of Users.

A. Establishment of Rates. The utility rates shall be established by Resolution of the City Council and kept on file in the office of the City Finance Officer. Rates may be modified at any time during the year and shall be effective on the first day of the billing cycle following the effective date of the resolution. The utility meter rates shall be structured to provide sufficient funds to cover the following costs:

1. Cost of current operation and maintenance.
2. Amounts necessary for working capital.
3. Amounts necessary to make payments of principal and interest on all obligations.
4. Amounts necessary for a reasonable reserve for depreciation, and which shall be used solely to pay for capital improvements necessary to off-set current depreciation.
5. Amounts necessary to fund a reserve account.
6. Amounts necessary to fund a surplus account.

B. Deposits. All revenue collected from the utility shall be deposited into such utility account pursuant to and in conformance with the Municipal Accounting Standards published by the Department of Legislative Audit.

C. Classification of Users. Classifications of users for billing purposes, deposits, rates and any other purpose shall be established by Resolution of the City Council.

8.0410 Delinquent Water Bills. The Municipal Finance Officer shall be authorized to certify to the Office of the Minnehaha County Treasurer all unpaid and delinquent water and/or sewer fees due to the City for purposes of collection by the County Treasurer in the following year pursuant to SDCL 34A-6-29.

All water and/or sewer services shall be deemed to be rendered to both the named customer and to the owner of record of the real estate which is occupied by the named customer.

8.0411 Validity. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.