

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

Chapter 8.01 - General Provisions  
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**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 Council. Such application shall contain the applicant's name, address and the uses for which such service is desired. A separate application shall be made for each premise to be served. The applicant shall abide by the rules and regulations established by the city relative to utility service in effect at the time of such application and as revised from time to time in addition to conditions and agreements as the City Council shall deem advisable.
- 8.0102 Same-Not Available to Debtors. The City may decline or cease to furnish utility service to any person who may be in debt to the City for any reason, except ad valorem taxes and special assessments.
- 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.
- 8.0104 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.

8.0105 Rates. Rates for the use of utilities furnished by the City shall be established by resolution by the Lennox City Council.

8.0106 Restoration of Service. All utilities disconnected for nonpayment must pay a reconnect fee as set by resolution by the City Council plus payment in full of the account before any utilities will be reconnected. Reconnections will be made only during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Utilities voluntarily disconnected shall also require a reconnect fee as set by the City Council and on file in the office of the Lennox Finance Officer.

8.0107 Owner, Lessee Liable. The owner of property, which is serviced by municipal utilities from the City, shall, as well as the lessee or occupant of the property, be liable to the city for the utility bills set forth in 8.0210, which may be recovered in an action against such owner, lessee or occupant or against any or all of them, jointly or severally. The provisions contained in 8.0210 and 8.0106 shall equally apply to the owner of the property as they do to the consumer/lessee or occupant.

8.0108 Tampering With City Equipment. Should the City discover damage to its equipment or an attempt to tamper with such equipment or an attempt to falsify the amount of water or sewer, or the amount due the City for utility service, the City may serve notice upon the consumer of a hearing that is to be held where the consumer may show cause why service should not be discontinued. This notice shall state the reason for the hearing and the time and place it is to be held.

Should the City Council find that a violation of this Section has occurred and that there is no justification for said violation, the City Council may order immediate termination of service and service shall be reinstated only upon conditions established by the City Council.

8.0109 User Responsible for Operation and Maintenance of Water and Sewer Lines. Each occupied residence must have a usable water and sewer service. The water, including the corporation valve(s) attached to the main or sewer line, including the user's connection to the sewer main (which includes water-tight wye in the sewer main) shall be the exclusive responsibility of the property owner. The user/owner bears all costs, whether new, repair, or replacement of existing water/sewer connections. All owners must, at their own expense, keep their service pipe, from the point of connection to the main, and all other equipment in good working order and properly protected from frost and other damage. The Water Superintendent may determine if corporation valves, which are no longer working properly need, to be replaced. Thirty (30) days after written notice from the Water Superintendent, if the shut-off valve has not been replaced, the Water Superintendent shall cause such repairs to be made and the cost of these repairs shall be assessed against the property. In the event that a property owner must excavate to repair a line, it shall be his responsibility to fill in such excavation to the

satisfaction of the City. It shall be the responsibility of the City to replace the pavement displaced by such excavation at the cost of the property owner.

*(Amended: Ordinance No. 553, 01-12-15)*

- 8.0110 City Not Liable for Damage. No claim shall be made against the City by reason of the breaking of any service pipe or equipment, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure, or ram of water from mains, and no reduction will be made from regular rates because of leaking pipes or fixtures. The city shall not be liable for damage or injury to person or property whether caused by fire, interruption of service, downed lines, blackouts, brownouts, discontinuance of service, or other utility-related problems which shall arise from mechanical breakdowns, electricity supply reductions, and act of God, or other cause beyond the control of the City.
- 8.0111 Powers and Authority of Inspectors. Superintendents and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing pertinent to utility service to the community system in accordance with the provisions of this Title.
- 8.0112 Utilities to Nonresidents. The City may provide utilities and a delivery system to areas outside of the City limits to include both residential and commercial use provided that the City complies with all state laws and regulations in doing so. All nonresident users of the City's utilities and delivery systems shall agree in writing to be bound by all of the requirements in Title 8.
- 8.0113 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 Water and Sewer Committee, 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 Committee, to the curb line from the distribution or collection main. Extension of distribution or collection mains shall be only as specified by the Committee in its discretion.

Any property owner may petition for a new hookup or connection to any city water and sewer line. The City Council, with the advice and consent of the Committee, 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 Committee 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 satisfaction of the City. It shall be the responsibility of the City to replace the pavement displaced by such excavation at the cost of the property owner.

- 8.0114 Water and Sewer Hookup Fees. An initial water and sewer hook-up fee shall be established by resolution by the Lennox City Council. This hook-up fee should be paid by all applicants for water and sewer service at the time of application.

## **CHAPTER 8.02 - WATER PROVISIONS**

[WATER SUPPLY SYSTEMS SDCL 9-47]

- 8.0201 Permit. Any person desiring water service from the City shall make application to the City Finance Officer and shall furnish a hookup fee in an amount set by the City Council with that application as evidence that he or she will comply with all ordinances pertaining to such service. Upon the filing of the application and the payment of the permit fee and deposit, a permit shall be issued authorizing the connection to be made at the place provided for therein. No tap shall be made until a permit is issued therefore.
- 8.0202 Authorization Required to Tap Mains. No person shall be permitted to tap the distribution pipes or insert stop cocks or ferrules therein unless authorized by the Water Superintendent. No plumber or any other person shall make any attachment to any old pipe or water fixture on premises from which water has been off unless the City has reissued a permit for the same. Nor shall any plumber or other person make any alteration in any pipe or water fixture attached to the water works distributing pipes to conduct water into adjoining premises or into stables, baths, water closets, wash basins, cisterns, fountains, or for any other purpose whatever without application having first been made and written permit obtained. The plumber shall close the stop cock at the sidewalk at the completion of any job of plumbing work and return his permit.
- 8.0203 Lead-Free Pipes. No person shall be permitted to connect to the City's water main, except existing connections, unless the consumer provides, at his own expense, copper pipe, fitting and joints from the City's water main to the consumer's curb stop if it is an existing structure to which the after service is provided. If the consumer's existing water line connection needs to be repaired or replaced, and thus excavation conducted to expose the water line connection, then at that time, a lead-free pipe must be exposed or a copper pipe must be installed. All new or existing dwellings, business structures or improvements shall meet the appropriate federal and state statutory requirements for lead-free pipes, fittings and joints in its water distribution system, otherwise the City will not provide water service to that new or existing dwelling, business structure or improvement. The City assumes no liability for providing water service to consumers owning existing structures that may have lead pipes, fittings or joints, since all consumers in the city have been notified in writing of the potential for lead contamination in their water at their tap caused by their continued use of lead pipes, fittings and joints.
- 8.0204 Meter Required. All places supplied with water shall be metered by a meter of a type approved by the City Council installed at the cost of the owner or user. A monthly service charge, as set by resolution of the Lennox City Council, will be assessed for replacement and repair, but in no event less than fifty (50) cents per month, or part thereof, per meter.

- 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 Meter Sealed. Upon the installation of meters, they shall be sealed both at register box and couplings, with a form of seal designated by the City Council, and these seals must not be broken except upon its authority. Any person violating this provision shall upon conviction thereof be subject to the penalties provided in this ordinance (Section 11.0101).
- 8.0207 Repair and Return of Meters. The replacement or repair of meters shall be done without cost to property owners or users, unless occasioned by the property owner's or user's negligence, misuse, or violations of federal, state or city law, rule, ordinance or regulation.
- 8.0208 Replacing of Meters. The Water Superintendent shall determine if water meters which are no longer working properly need to be replaced. The City shall provide a new replacement meter and install said meter. Any additional repairs needed on the property owner's pipes or property to install such meter will also be at the expense of the property owner. With a new replacement meter, the property owner shall install a dual check valve approved by the American Water and Wastewater Association at the property owner's expense.

Any new or replacement encasement for underground meters must be of metal, concrete, or polyvinyl chloride (PVC) with an outside dial for guaranteed accessibility to city employees.

- 8.0209 Testing Meters. If the consumer doubts accuracy of any meter, he may have the meter tested by the City. If the meter is more than three (3) percent fast, proper deductions will be made from the bill for the preceding period. If the meter is more than three (3) percent slow, the proper amount will be added to the bill. If after testing the meter is shown to be accurate, the property owner shall be responsible for the all costs associated with the meter testing.
- 8.0210 Meter Reading. The City of Lennox shall be responsible for reading each customer's water meters monthly. Following said reading, the City shall bill the customer for any water service supplied. Any bill for water services which is not paid on or before the 5<sup>th</sup> day of the month following the month of the billing shall be delinquent. The amount of any penalties related to delinquency shall be set by resolution of the City Council. Failure of the customer to comply with the time of payment of water bills shall subject them to be shut off from water service in accordance with Section 8.0103.

*(Amended: Ordinance No. 571, 01-23-17)*

- 8.0211 Water - Restrictions. The City may limit or prohibit temporarily the use of water from the City distribution system for any purpose, except domestic purposes within the dwellings of consumers or in business establishments, during emergencies, in the event of plant breakdown, prolonged drought or shortage of water supply for any reason in order to maintain maximum fire protection efficiency. The Mayor shall authorize the imposition of these restrictions. The City will attempt to notify affected utility customers if time permits of any such limitation. Any person violating the terms of such prohibition or restriction after such notice shall upon conviction thereof be subject to the penalties provided in this ordinance (Section 11.0101). Water service to the premises involved may be discontinued entirely during emergency.

- 8.0212 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.
- 8.0213 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.
- 8.0214 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.
- 8.0215 Penalty. Any person violating any of the provisions of this Chapter shall, in addition to the ordinary penalties prescribed for violation of this ordinance, be subject to having water service turned off to the premises of such consumer, and service shall not be restored until there has been full compliance of this Chapter, and the payment of such penalties imposed and fees for restoring service as may be provided by this Chapter.
- 8.0216 Sale of Wells. The City may offer for sale six wells, Lennox City Parcel Nos. 098.51.24.1010, 098.51.12.4021, 098.51.14.4010, 098.51.13.A100, 098.51.12.B100, and 098.51.12.A100 for said sum as it deems appropriate but for no less than the depreciated value of the same and in an amount sufficient to cover any secured debt against said wells. The City shall, commensurate with such sale, retain the right to utilize said services in an emergency to the extent the needs of the City are not otherwise met. Sale proceeds are subject to SDCL § 16-13-8.

*(Amended: Ordinance No. 580, 11-27-17)*

## **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 procedures in five (5) days at twenty (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" - Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- 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 waste.
- 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 has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch (1.27 centimeters) in any dimension.
- 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 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 removable 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 stormwater 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. It shall be unlawful to discharge to any natural outlet within the City of Lennox, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City or within 200 feet of City sewer system.
- D. 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 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 Chapter, within 120 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

- E. The procedure for determining equitable sewer charges to be levied on all users which discharge wastewater to the City wastewater system is established by resolution by the City Council and kept on file in the office of the Lennox Finance Officer.

8.0303 Private Wastewater Disposal.

- A. Where a public sanitary sewer is not available under the provisions of Section 8.0302 (D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section (8.0303).
- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. 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 are deemed necessary by the Superintendent. A permit and inspection fee of twenty-five (\$25) dollars shall be paid to the City at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.
- D. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all the recommendations of the department of public health of the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet (1 acre). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 8.0303 (D), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. The City may notify the owner upon receipt of a complaint and the owner must comply within forty-eight (48) hours.
- G. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the City.

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 Superintendent.

- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner 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 Superintendent. A permit and inspection fee for a residential, commercial or industrial building sewer permit shall be paid to the City at the time the application is filed. The amount of the fee shall be set by resolution of the City Council, which is on file at the finance office.
- 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.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or 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. 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 Chapter.
- F. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be use in excavating, placing of the pipe, jointing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or applicable rules and regulations of the city and the State of South Dakota. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps 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. In certain locations or situations where surface water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer line may be permitted by the Sewer Superintendent.

Any person, owner, lessee or occupant who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of Section 8.0304(H) shall immediately remove that connection or correct that installation. If not removed or corrected within ten calendar days after notice of violation has been delivered personally or by certified mail to that person, owner, lessee or occupant, the City shall

impose a surcharge of five hundred dollars (\$500) per month on the sewer bill of the property owners who are not in compliance. All properties found during regular or periodic reinspection programs that violation Section 8.0304(H) will be subject, at the discretion of the City, to the imposition of the monthly fee for all months between the two most recent inspections.

*(Amended: Ordinance No. 545, 08-11- 2014)*

- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, and the State of South Dakota 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 Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

8.0305 Use of the Public Sewers.

- A. No person(s) 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 and the South Dakota State Department of Health.
- B. Stormwater other than that exempted under Section 8.0305 (A) 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 Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- C. 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, to create a

public nuisance, or to create any hazard or adverse effect on the waters receiving any discharge from the treatment works.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Lennox treatment works shall pay for such increased costs.

3. 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.
- 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, the sludge of any municipal system, or the wastewater treatment process or equipment, nor have an adverse effect on the receiving stream, nor otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations 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, 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 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oil, or products 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, definitions). 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 to such degree that any such material 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 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.
11. Wastewater having a pH less than 5.5 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment.

*(Amended: Ordinance No. 558, 07-13-15)*

- 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 Section 8.0305 (D) of this Chapter, 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 cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 8.0305 (K) of this Chapter. If the Superintendent permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and the South Dakota State Department of Environment and Natural Resources.
- F. 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 as specified in Section 8.0305 (E) (3), 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 the South Dakota State Plumbing Code, and shall be located so 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 captivated 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 owner personnel must be performed by currently licensed waste disposal firms.

- G. Where pretreatment or flow-equalization 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.
- H. 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 accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent.

The structures 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.

- I. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Chapter. 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 material through spills to the municipal sewer.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 Superintendent.
- K. No statement contained in this Section 8.0305 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 Destruction of Property. No person(s) shall maliciously, willfully or negligently 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 charge of disorderly conduct.

8.0307 Powers and Authority of Inspectors.

- A. 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 Chapter.
- B. 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.
- C. While performing necessary work on private properties referred to in Section 8.0307 (A), 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 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 Section 8.0305 (H).
- D. 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 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 Penalties.

- A. Any person found to be violating any provision of this chapter except Section 8.0306 shall be served by the City with written notice stating the nature of the violation and providing notice to the offender to permanently cease all violations within ten (10) days.
- B. Any person who shall continue any violation beyond ten (10) days shall be charged with violating the ordinance. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any provision(s) of this Chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violations, including attorney fees incurred to enforce these provisions.

8.0309 Wastewater Facilities Replacement Fund. A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund to provide sufficient funds for obtaining and installing equipment, accessories and appurtenances, during the useful life of the wastewater treatment facilities, necessary to maintain the capacity and performance for which such facilities are constructed.