

# TITLE 8

## UTILITIES REGULATION

Chapter 8-1: Sewer System

Chapter 8-2: Water System

### **CHAPTER 8-1: SEWER SYSTEM**

#### **8-1-1: Definitions.**

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

- (a) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- (b) “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (c) “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (d) “City” shall mean the City of Clear Lake, South Dakota.
- (e) “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- (f) “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- (g) “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (h) “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (i) “Industrial wastes” shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

- (j) “Natural outlet” shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (k) “May” is permissive (See “shall,” Subsection (s)).
- (l) “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- (m) “pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.
- (n) “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- (o) “Public sewer” shall mean a common sewer controlled by a governmental agency or public utility.
- (p) “Sanitary sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (q) “Sewage” is the spent water of a community. The preferred term is “wastewater”, Sec. Y.
- (r) “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.
- (s) “Shall” is mandatory (See “may,” Subsection (k)).
- (t) “Slug” shall mean any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (u) “Storm drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (v) “Superintendent” shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the City, or their authorized deputy, agent, or representative.

- (w) “Suspended solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.
- (x) “Unpolluted water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (y) “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institution, together with any groundwater, surface water, and storm water that may be present.
- (z) “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (aa) “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.”
- (bb) “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**8-1-2: Use of Public Sewers Required.**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (c) 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 on any lot with the nearest point less than 250’ from the sanitary sewer system.  
*Updated 09.04.2018 – Ord. No. 557*
- (d) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the

future be located a public sanitary or combined sewer of the City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 180 days after date of official notice to do so, provided that said public sewer is within 250 feet of the property line.

- (e) It shall be unlawful for any person(s) as owner or agent to rent for use as a residence any property and it shall be unlawful for any person(s) to occupy as a residence any property as herein defined without said residence having a connection to the City of Clear Lake's sewer system by which all waste from the human body can be disposed of through the connection to said sewer.

### **8-1-3: 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 service, and (b) for commercial service. In either case, the owner(s) or their agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. The fee for the sewer permit above mentioned shall be \$200.00 for each sewer tap connection. Property not assessed for or not having been fixed by special Ordinance of the City of Clear Lake shall pay to the municipal finance officer as a special tapping fee such sum as such property would be justly assessed on account of the construction of such sewer, had such property been in the district taxed, said amount to be determined by the City Council prior to the granting of any such permit. The applicant for such permit described above shall set forth in said written application the legal description of the property facing or abutting upon the street where such sanitary sewer service is to be connected and state whether such connecting sewer runs to a residence, apartment house, commercial or industrial building.  
*Updated 8.8.17 – Ord. No. 540*
- (c) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection

aforementioned.

- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.
- (f) The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and State of South Dakota. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.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 public sewer. The owner shall be responsible for all installation, operation, and maintenance costs.
- (h) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the superintendent for purposes of disposal of polluted surface drainage.
- (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- (j) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or their representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the works shall be restored in a manner satisfactory to the City.

**8-1-4: Use of the Public Sewers.**

- (a) No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent.
- (b) Storm water other than the exempted under Section 1, Article IV 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(s) shall discharge or cause to be discharged any of the following described water or wastes to 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 other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, medical products, 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, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in their opinion much more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation

to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials 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 degrees Fahrenheit (65 degrees Celsius).
- (2) Wastewater containing more than 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 Ordinance 8-1-1(n)). 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 in this Chapter.
- (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 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 Ordinance 8-1-4(d), 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 subsection (j) of this section.

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

- (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 subsection (d) (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 shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) 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(s) personnel must be performed by currently licensed waste disposal firms.
- (g) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at their expense.
- (h) When required by the superintendent, the owner(s) 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 structure shall be installed by the owner at their expense, and shall be maintained by them so 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 ordinance. These requirements may include:
  - (1) Wastewaters discharge peak rate and volume over a specified time period.
  - (2) Chemical analysis 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 of the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (j) All measurements, tests, and analysis 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 time, durations, and frequencies are to be determined on an individual basis subject to approval by the superintendent.
- (k) 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.

#### **8-1-5: Destruction of Facilities.**

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

#### **8-1-6: 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 private properties for the purposes of inspection, observations, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- (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 the necessary work on private properties referred to in subsection (a) of this ordinance, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Ordinance 8-1-4(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 or duly executed facilities agreement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities appurtenant to said easement or facilities if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement or other agreement pertaining to the private property involved.

**8-1-7: Penalties.**

- (a) Any person found to be violating any provision of this ordinance (except ordinance 8-1-5) 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 permanently cease all violations within the period of time stated in such notice.
- (b) Any person violating any of the provisions of this ordinance shall become liable to the City for any damage, expense (including any utility bill for sewer service), or loss incurred by the City resulting from a violation. A \$25 penalty shall also be charged each month for each violation unless a penalty is being assessed for the late payment of a water bill.

*Updated 4.6.21 – Ord. No. 597*

**8-1-8: 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 Chapter shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**8-1-9: Ordinance in Force.**

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

**8-1-10: Surcharge Rate Schedule for Above Normal Strength Wastes.**

The City of Clear Lake, or its Engineer, has determined that the average Total Suspended Solids (TSS) and 5-day Biochemical Oxygen Demand (BOD) daily loadings for the average residential user are 250 ppm BOD and 250 ppm TSS. The City of Clear Lake, or its Engineer, has assessed a surcharge rate for all non-residential (commercial) users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such users' above normal strength wastes. Such users will pay an additional service charge of 30 cents per 1,000 gallons for each 25 ppm over 250 ppm of BOD and 30 cents per 1,000 gallons for each 25 ppm over 250 ppm TSS.

**8-1-11: Rate Schedule.**

Residential users of the municipal sewer system shall be charged \$45.00 per month commencing the 9<sup>th</sup> day of February, 2021. A residential owner or occupant with a property located outside the city limits of Clear Lake which has been authorized and is being serviced by the city for sewer service shall be assessed a sewer charge twice the foregoing sum commencing on the same date.

Any commercial users within the city limits with flows no greater than the average residential user's flow of 3,000 gallons per month and with BOD and TSS no greater than the average residential user's strength of 250 ppm BOD and 250 ppm TSS will pay the same rates set forth hereinbefore for residential users. Any commercial users not within the city limits with flows no greater than the average residential user's flow of 3,000 gallons per month and with BOD and TSS no greater than the average residential user's strength of 250 ppm BOD and 250 ppm TSS will pay twice the charge set forth herein.

Any commercial users with volumes greater than the average residential user will pay an additional charge of 30¢ per 1,000 gallons per month for all flows greater than the average residential user's flow of 3,000 gallons per month commencing the 9<sup>th</sup> day of February, 2021.

Any commercial user with BOD and TSS greater than the average residential user's strength of 250 ppm BOD (biochemical oxygen demand) and 250 ppm TSS (total suspended solids) will pay a surcharge in accordance with the rates shown in 8-1-10: Surcharge Rate

## Schedule for Above Normal Strength Wastes.

No service shall be furnished by the city sewer system to property which is located outside the established city limits unless the occupant or owner of such premises makes application to the City Council for approval to receive such service and pay the fees that are established by this ordinance. The minimum fee set forth herein shall be timely paid each month whether the sewer service is used or not.

*Updated 2.9.21 – Ord. No. 592*

### **8-1-12: Sewer System Inspections.**

The rates for all users of the sanitary sewer system operated and owned by the City of Clear Lake shall increase to \$60.00 per month commencing the 1<sup>st</sup> day of April, 2010, unless the owners of all properties served by the municipal sanitary sewer system, including mobile homes and mobile home courts and vacant lots, contact the city superintendent for an inspection date during which the property will be inspected for any possible water intrusion by any means, and also check for sump pumps and tile systems that discharge or drain in any way into the sanitary sewer system. However, it shall be permissible to allow groundwater or precipitation runoff into the sanitary sewer system from the 1<sup>st</sup> day of November each year through the 31<sup>st</sup> day of March of the following year. Furthermore, any groundwater or precipitation runoff that is allowed into the sanitary sewer system by any means will have to be timely repaired to the satisfaction of the City of Clear Lake. A sewer compliance certificate will be issued to the property owner after the property has been inspected and approved or repaired, and a copy of the sewer compliance certificate shall be filed with the city finance officer so the property's sewer rates will not be raised, but rather, remain the same or revert back to the sewer rates provided by Ordinance 8-1-11.

### **8-1-13: Sewer Use.**

(a) Purpose.

The purpose of this ordinance shall be to generate sufficient revenue to pay all cost for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength Biochemical Oxygen Demand and Total Suspended Solids (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).

(b) Determining the Total Annual Cost of Operation and Maintenance.

The City of Clear Lake, or its Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment

works, for which such works were designed and constructed. The total annual

costs of operation and maintenance shall include, but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory test, and a reasonable contingency fund.

(c) Determining Each User's Wastewater Contribution Percentage.

The City of Clear Lake, or its Engineer, shall determine for each user or user class the average daily volume of wastewater discharged 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 of Clear Lake, or its Engineer, shall determine for each 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 of Clear Lake, or its Engineer, shall 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.

(d) Determining a Surcharge System for Users with Excess BOD and TSS.

The City of Clear Lake, or its Engineer, will assess a surcharge rate for all non-residential (commercial) 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 250 ppm TSS. (See Ordinance 8-1-10 for the surcharge rate structure for such above normal strength waste discharges.)

(e) Determining Each User's Wastewater Service Charge.

The average monthly wastewater flow from residential connections was determined from the metered water use for three (3) consecutive winter months using the water meter readings taken in December, January and February. Water meters shall be read every month by the city to assess any applicable surcharge.

Each non-residential (commercial) user's wastewater treatment cost contributions as determined in subsections (c) and (d) shall 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 of each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, Total Suspended Solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule set forth in Ordinance 8-1-11.

(f) Wastewater Facilities Replacement Fund.

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

(g) Payment of the User's Wastewater Service Charge and Penalties.

The City shall submit a monthly statement to the user for the user's monthly wastewater service charge. All bills shall be deemed delinquent twenty days after the date of the original billing. Should any user fail to pay the user wastewater service charge within forty-five days of the due date, the City shall stop the wastewater service to the property. A penalty fee of \$10.00 dollars shall be charged to restore and reconnect such service to the property concerned.

(h) Review of Each User's Wastewater Service Charge.

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained 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 attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modification which would change that user's Wastewater Contribution Percentage, the user can present, at a regularly scheduled meeting of the governing body, 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 findings as soon as possible.

(i) Notification.

Each user will be notified, at least annually, in conjunction with a regular bill, of

the rate and that portion of the user charges which are attributable to wastewater treatment services.

(j) Wastes Prohibited from Being Discharged to the Wastewater Treatment System.

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or 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 or have any adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.

(k) Prohibition of Clear Water Connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff of groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(l) Proper Design and Construction of New Sewers and Connections.

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulation 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 latest edition of the A.S.T.M. and Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.

(See Ordinance 8-1-3 regarding additional requirements covering the proper design and construction of the City's sanitary sewers, building sewers, and connections.)

(m) 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.

(n) Ordinance in Force.

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

## **CHAPTER 8-2: WATER SYSTEM**

### **8-2-1: Control.**

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

### **8-2-2: Waterworks Fund.**

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

### **8-2-3: Water Supply.**

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

### **8-2-4: Fire Hydrants.**

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

### **8-2-5: Unauthorized Use.**

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

### **8-2-6: Injury to System.**

It shall be unlawful to break, deface, injure, mar, interfere with or disturb any apparatus, building, fixtures, machine, attachments or appurtenances of the waterworks, or any hydrant,



stop cock box, meter, water supply or service pipe or any part thereof, or deposit anything in any stop cock box, or commit any act tending to impair or obstruct the intended use of any of the above property without the permission of the City Council except as provided otherwise herein.

**8-2-7: Water Tower.**

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

**8-2-8: Excavations.**

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

**8-2-9: Regulations and Rules.**

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

**8-2-10: Application for Water Use.**

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

**8-2-11: Installation.**

All service water pipes from the main to the point where the meter is installed shall be of copper. Such connections shall be with brass fittings or wiped joints and an eighth of an inch larger than the taps that supply them. In addition, there shall be installed a shut off valve and curb box at a point six inches inside the inside line of the sidewalk if such installation is possible, or otherwise such installation shall be on the curb line. Meters recording the amount of water used and drain cock shall be installed by the applicant. The fee for tap in service into the municipal water main shall \$200.00.

*Updated 8.8.17 – Ord. No. 541*

**8-2-12: Construction.**

Construction from the property lines of the main shall be made by the city, and the applicant shall pay for the actual cost of said construction, including labor and materials. Except as hereinafter provided, copper pipe is required in making connections with the municipal water mains from the mains to the curb. Said pipes shall be as follows: copper pipe 1", 1 ¼", 1 ½", or

2" bore, Type K soft tubing to stand a minimum of 150 pounds pressure per square inch. Or 1", 1 ¼", 1 ½", or 2" IPS PE (inside pipe size Polyethylene) PE 3408, PE4710, 200 PSI ASTM SDR-7, NSF listed or approved equal. Fittings to be compression type with stainless steel stiffeners. No deviation from the sizes, strength and weights of copper pipe or IPS PE tubing to be used between the main and curb as above specified will be permitted. Type K copper tubing or IPS PE tubing as specified above shall be used when installing the water service from the curb stop to the water meter. The service shall be ample size to serve all fixtures at all times. The service minimum size shall conform to the State Plumbing Code, or a 1" minimum. Copper pipe between the curb stop and the meter may be installed with sweat joints providing they are installed by a licensed plumber. All services must be installed six feet below the surface of the ground or finished grade. The connection between the property line to the place where the water is used shall be done by the applicant, subject to the inspection and approval by the City Council or its agent before being covered.

*Updated 8.8.17 – Ord. No. 542*

**8-2-13: Assessment of Costs.**

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

**8-2-14: Meter Failure.**

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

**8-2-15: Removing Meters.**

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

**8-2-16: Only One Service to Tap.**

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

**8-2-17: One Family to Tap.**

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

**8-2-18: House Boilers.**

All house boilers shall be constructed with a vacuum valve at the top inlet pipe, and shall

be sufficiently strong to bear the pressure of the atmosphere when under a vacuum. The top cocks and other appurtenances must be sufficiently strong to bear the pressure and ram of water in the mains.

**8-2-19: Running Water.**

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

**8-2-20: Keeping Service in Repair:**

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

**8-2-21: Inspections and Reading Meters.**

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

**8-2-22: Watering Yards.**

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

**8-2-23: Water Rates.**

Commencing the 9<sup>th</sup> day of February, 2021, the monthly charge for the use of city water shall be \$20.00 per billing cycle for each tap, plus \$7.25 per 1000 gallons or part thereof. The water rates for users located outside the city limits shall be double the foregoing rate and surcharge. The minimum fee set forth herein shall be timely paid each month whether the water service is used or not unless the property has been foreclosed upon or vacated and the property placed on the market for sale. Exceptions to discontinue water service billing may be made with Council approval if a property becomes unlivable and proof is received that the service will be capped off or until the structure has been rebuilt or replaced.

The sum of \$300.00 shall be required if a water service is reconnected.

*Updated 2.9.21 – Ord. No. 593*

**8-2-24: Payment of Water Rates.**

The charge for the use of city water shall be payable on or before the 20th day of each month and any payment not timely made shall be delinquent. A \$25 penalty shall be charged after the 20<sup>th</sup> day of each month on each account. It shall be the duty of the Finance Officer or a city employee to shut off the water of all users in default. Every connection turned off, or to be turned off as of the Tuesday following the council's monthly meeting, shall not be turned on again until payment of a \$50 fee if reconnected during normal business hours, or a \$100 fee if reconnected after the normal business hours, plus the entire amount due (late and current) has been paid in full.

*Updated 2.9.21 – Ord. No. 594*

**8-2-25: Meter Deposit.**

Every user, prior to receiving water service, shall deposit the sum of \$300.00 with the municipal Finance Office. The meter deposit shall be held in a separate fund by the municipal Finance Officer as a guarantee of payment of water charges, with \$100.00 being credited to the user's first bill. Whenever service to a user is discontinued, then the balance due to the City for water service to the user, together with penalties, if any, shall be deducted from the deposit and the balance of the deposit refunded to the user.

*Updated 2.9.21 – Ord. No. 595*

**8-2-26: Water Service to Rental Properties.**

Owners who lease or rent premises shall be responsible for having accessible curb stops per city specifications and for all bills for water service, and in the case of apartments or other multiple family dwellings, a separate curb stop for each unit is required. Owners of such rental property shall be ultimately liable to the city for any unpaid bills of the owner's tenants. Those owners requesting information on a tenant's bill will provide a properly executed document giving the city authority to release information to the owner.

**8-2-27: Notice to Continue or Discontinue Required.**

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

**8-2-28: Records.**

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

**8-2-29: Inspection of Water Mains.**

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

**8-2-30: Reimbursement to City for Costs.**

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

**8-2-31: Leaks and Waste.**

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

**8-2-32: Owner's Liability.**

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