

Chapter 22

WATER, SEWERS, AND SEWAGE DISPOSAL*

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ARTICLE I. IN GENERAL

Sec. 22-1. Extensions or connections.

Any extensions or connections to existing City water or sewer mains shall be made by or under the direction of the City Water Distribution Superintendent.

(Code 1953, 3.0202; Ord. No. 764, 3-18-74)

Sec. 22-2. Installation of service lines.

Any work performed by a plumber or contractor which includes installation of service lines connecting to the sanitary sewer main or water mains of the City shall also install tracer wire from the connection to said sanitary sewer main or water main to the structure in accordance with City specifications and standards.

(Ord. No. 1504, 4-11-11)

Secs. 22-3-22-15. Reserved.

ARTICLE II. WATER **

Sec. 22-16. Waterworks established.

There is hereby established a City waterworks system.

Sec. 22-17. Control.

The water superintendent under the direction of the Board of Commissioners shall have control and management of the City's waterworks system.

(Code 1953, 15.0101)

Cross reference-Restrictions on waterworks employees, 7-36.

Sec. 22-18. Tampering with system.

No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixtures, attachment or appurtenance of the water works of said City, or any public or private hydrant or water trough, or stopcock, meter, water supply or service

pipe, or any part thereof; nor shall any person deposit anything in any stopcock, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without the permission of the Board of Commissioners or except in cases regulated by Ordinance.
(Code 1953, 15.0110)

* **Cross references**-Buildings, Ch. 6; fire prevention and protection, Ch. 8; flood damage prevention, Ch. 8.5; unauthorized utility connections, 0 13-34; plumbing, Ch. 16, streets and sidewalks, Ch. 18; excavations, 18-43 et seq.; subdivisions, App. A.

****State law reference**-Water supply systems, SDCL 1967, Ch. 9-47.

Sec. 22-19. Hydrants.

AU hydrants erected in the City for the purpose of extinguishing fires are hereby declared to be public hydrants and no person, other than the members of the Fire Department and then only for the use and purpose of said department, or person specially authorized by the Board of Commissioners and then only in the exercise of the authority delegated by it shall open any of the said hydrants, or attempt to draw water from the same, or at any time uncover or remove any protection from any of the hydrants in said City or in any manner interfere with any of said hydrants.

(Code 1953, 15.0111)

Sec. 22-20. Unauthorized connections.

No consumer shall permit the owner or occupant of other premises to connect to his waterline except by special permission from the Waterworks Departments.

(Code 1953, 15.0117)

Cross reference-Unauthorized utility connections, 13-34.

Sec. 22-21. Service application and deposit.

(a) *Past due bills.* No person owing the City for past water bills will be furnished with water service until all past due water bills owing the City are paid in full.

(b) *Service application.* Any person desiring water service from the City shall apply at the City Finance Office on blanks provided for the purpose. The City Finance Office shall provide notice of same application to the City Water Distribution Superintendent; provided, that the person applying does not owe the City for any past water bills. It shall be unlawful for any person to take or use water from the City water distribution system without having made application and having paid the required deposit to the City. No person shall turn on or shut off water at any valve, curb cock, corporation cock or other place regulating the supply of water to any premises or part of the waterworks system except duly authorized employees of the Water Department; provided, however, that any licensed plumber may turn on or shut off water for the purpose of testing his work but shall leave the valve or curb cock in the same position in which he found it. A ten dollar (\$10.00) connection fee will be charged. The connection fee will also be charged to present consumers re-establishing water service at a new location in the City of Madison.

(c) *Deposit.* A deposit may be required from all residential and commercial consumers. Anytime a deposit is required of a consumer, the City Finance Office will hold said deposit

for twelve (12) months. If within the twelvemonth time period the consumer has not been delinquent on paying the water utility bill more than two (2) consecutive times, the deposit will be refunded to the consumer. If, however, the consumer has been delinquent, the City Finance Office will hold the deposit another twelve (12) months from the date of the last two (2) consecutive delinquencies and the above procedure will again be used. A deposit may again be required if a consumer's service is terminated for nonpayment.
 (Code 1953, 15.0127; Ord. No. 885, 7-16-70; Ord. No. 898, 1, 11-5-79; Ord. No. 934, 6-1-81; Ord. No. 967, 5-23-83; Ord. No. 971, 8-8-83; Ord. No. 1444, 9-24-07)

Sec. 22-22. Tap ons generally.

All taps onto the City's waterworks system shall be under the direction and supervision of the City.
 (Code 1953, 15.0123)

Sec. 22-23. Tap fee.

Every person desiring to tap onto the City's waterworks system shall pay such connection fee as is established by resolution of the Board of Commissioners.
 (Code 1953, 15.0105)

Sec. 22-24. Rates and charges.

WATER RATES:

- (A) The following rates (including a Base Rate, Surcharge A pledged to the 2004 Water Refunding Bond Issue and Surcharge B pledged to the 2012 State Revolving Fund Loan) are hereby established for consumers taking water from the municipal water system of the City of Madison and billed on a monthly basis:

The first 200 cubic feet are included in the minimum rate set forth below. Over 200 cubic feet, a base rate of \$1.147 per hundred cubic feet and Surcharge A of \$0.851 per hundred cubic feet shall apply immediately. Surcharge B of \$0.534 per hundred cubic feet shall apply beginning in January of the year 2014.

MINIMUM RATE: The minimum rate shall be determined by meter size and shall include 200 cubic feet of water which shall be paid monthly. The minimum rate, per meter size shall be as follows:

<u>Meter Size</u>	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>	<u>Surcharge B*</u>
5/8" & 3/4"	\$ 9.61	\$ 7.30	\$ 16.91	\$ 4.52
1"	31.43	19.08	50.51	13.50
1 1/4"	41.68	31.72	73.40	19.62
1 1/2"	61.60	46.75	108.35	28.97
2"	105.49	80.24	185.73	49.66
3"	233.44	177.52	410.96	109.87
4"	355.01	269.95	624.96	167.08

*Surcharge B for MINIMUM RATE shall apply beginning in January of the year 2014.

In addition to the above minimum rate, all services after the first service that are connected to a master meter shall be charged a base rate of \$4.23 per dwelling unit plus Surcharge A of \$2.72 per dwelling unit. Surcharge B of \$1.86 per dwelling unit shall begin in January of the year 2014.

(B) Outside City Limits – All customers residing outside of the City limits of the City of Madison, South Dakota, shall pay 50% above the aforesaid rates.

(C) Bulk Tank Loads – When purchased at the Water Treatment Plant, the following rate will apply:

\$5.00 per 1,000 gallons

(D) The portion of the Base Rate described in Paragraph (A) is to be utilized toward payment of the Lewis and Clark Water System as follows:

Over 200 cubic feet, a rate of \$0.081 cents per hundred cubic feet shall apply.

<u>Meter Size</u>	<u>Minimum Rate</u>
5/8" & 3/4"	\$.69
1"	1.81
1 1/4"	3.00
1 1/2"	4.42
2"	7.60
3"	16.81
4"	25.57

(E) Termination of Surcharges. Surcharge A shall remain in effect until the date on which the 2004 Water Refunding Bond Issue are paid in full. Surcharge B shall remain in effect until the date on which the 2012 SRF Loan and any obligations issued or incurred to refund the 2012 SRF Loan are paid in full.

(Code 1953, 15.0125; Ord. No. 800, 10-20-75; Ord. No. 992, A-D, 10-15-84; Ord. No. 1038, A-D, 11-24-86; Ord. No. 1063, A-D, 11-30-87; Ord. No. 1349, 2-9-04; Ord. No. 1450, 11-12-07; Ord. No. 1472, 11-24-08; Ord. No. 1486, 11-23-09; Ord. No. 1499, 11-22-10; Ord. No. 1520, 12-5-11; Ord. No. 1527, 4-30-12)

Sec. 22-25. Charges when meters fail to register.

In cases where meters fail to register the amount of water passing through them by being stopped up or from any cause whatsoever, the quantity used shall be determined and the charge made based upon the average amount during two (2) preceding periods of similar length. (Code 1953, 15.0120)

Sec. 22-26. Charges for building purposes.

The amount to be paid by contractors, builders or others desiring water for building purposes shall be based upon the rates fixed by the Waterworks Department. (Code 1953, 15.0118)

Sec. 22-27. Payment of the user's water service charges, penalties and discontinuance of service.

- (a) Payment of water bills rendered shall be due by the date as listed on the utility bill, but in no event shall be less than 10 days from mailing by the City Finance Office. The rates shall be five (5) percent greater on accounts unpaid by the due date stated on the bill.
- (b) Consumers who are delinquent on their water bills, will be immediately mailed a "notice of account delinquent", which will state that the consumer will be given seven (7) days to make payment, and if full payment is not received at the end of seven (7) days, proceedings will be implemented to terminate utility service.
- (c) If the consumer has not made full payment of the delinquent amount within the seven (7) days, as state in the "notice of account delinquent." The Electric Commissioner will direct the City Finance Officer, in writing, to issue a written notice to said consumer that service will be terminated after seven (7) days. Said notice will give the time and date disconnection will commence the exact dollar amount which is delinquent and must be paid to retain electric service, and state the reason upon which the disconnection is based. Unless the consumer has entered into a payment agreement with the City, utility service will be terminated on the date sent out in said notice if the delinquent amount as stated in the letter is not paid in full.
- (d) A water account which has been terminated by disconnection will be reinstated when requested by the customer and will be reinstated and when all billings on said account have been paid in full, including a reconnect/reinstatement charge of thirty dollars (\$30.00) for residential customers or seventy five dollars (\$75.00) for commercial or industrial customers if the water utility service is reinstated during the regular water department working hours or seventy dollars (\$70.00) for residential customers or one hundred fifty dollars (\$150.00) for commercial or industrial customers if the water utility service is reconnected after regular water department working hours.

(Code 1953, 15.0124; Ord. No. 975, 10-11-83; Ord. No. 1443, 9-24-07; Ord. No. 1482, 8-24-09)

Sec. 22-28. Meters.

All places supplied with City water shall be connected to an accurate and working water meter. The meters shall be of a type and model as approved by the City water superintendent. All new meter installations or replacements shall contain a "remote reader" to be located, in an accessible location approved by the City water superintendent. The water meter with remote reader shall be installed by a licensed plumber in accordance with all existing City and state plumbing Codes under the inspection of the City water superintendent. The complete cost of furnishing and installing the water meter with remote reader shall be borne by the owner. The plumber shall notify the City water superintendent when the meter has been installed and is ready for inspection and sealing. No person shall intentionally break the seal on a remote reader or water meter that has been sealed by the City Water Department. If a seal is accidentally broken the owner shall report the incident to the City Water Department within twenty-four (24) hours.

(Code 1953, 15.0113; Ord. No. 898, 2. 11-5-79)

Sec. 22-29. Owner responsible for pipes and fixtures.

The City Waterworks Department will not be responsible for private water pipes and/or fixtures. All owners must, at their own expense, keep their service pipe from the point of connection with

the City mains to their premises, and all other apparatus, in good working order free from unmetered leaks and properly protected from frost and other danger. For the purpose of this Section, "City mains" shall be defined to be only those water pipes with a nominal inside diameter of four (4) inches or larger. If leaks develop, the owner must at his own expense repair the leak within a reasonable time. If in the opinion of the City water superintendent the owner is negligent in repairing unmetered water leaks, the City water superintendent may order the work performed at once and all costs of such work shall be charged to and paid by the owner. No claims shall be made against the City by reason of the breaking of any of the service pipes or apparatus or from any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure. No reduction will be made from regular rates because of leaking pipes or fixtures.

(Code 1953, 15.0115; Ord. No. 898, 3, 11-5-79)

Sec. 22-30. Entry power; changing meters.

(a) The water superintendent or other officer or employee of the Waterworks Department shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine water pipes and fixtures, and the manner in which water is used.

(b) The Waterworks Department reserves the right to set or remove a meter or change its location whenever it is deemed advisable to do so.

(Code 1953, 15.0119)

Sec. 22-31. Liability of City.

The City shall not be responsible for accidents resulting from insecure boilers or from variation in the water pressure, or the ram of the water from the mains, or from collapse from any cause whatsoever.

(Code 1953, 15.0129)

Sec. 22-32. Contractual nature of application; penalty for breaking.

(a) The provisions of all Ordinances relating to water or water service shall be construed as a part of the contract with every person who is supplied with water, and every person so taking such water shall be construed by his so taking to be bound by them as a part of his contract with the City.

(b) Whenever any violation of such Ordinances occur, the water shall be cut off by the City to the facility where such violation occurs although two (2) or more persons are supplied thereby, and shall not be turned on again except by the order of the water superintendent and the payment of the expense of turning off and turning on, and such other terms as provided for by Ordinance, and after satisfactory understanding with the owner that no further violation shall occur.

(Ord. No. 898, 4, 11-5-79)

Sec. 22-33. Violations.

- (a) Any person found to be violating any provision of Chapter 22, Article 11 of the 1979 Revised Ordinances [this Code] and amendments thereto shall be served by the City with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this Section shall be guilty of a misdemeanor.
- (c) Any person violating any of the provisions of Chapter 22, Article 11 of the 1979 Revised Ordinances and amendments thereto shall become liable to the City for any expense, loss or damage occasioned the municipality by reason of such violation.
(Ord. No. 898, 5, 11-5-79)

Sec. 22-34. Severability and validity.

If any Section, subsection, sentence, clause or phrase of Chapter 22, Article 11 of the 1979 Revised Ordinances [this Code] or any amendments thereto is, for any reason, held to be unconstitutional, such shall not affect the validity of the remaining portion or portions of said article. The Board of Commissioners declare it would have passed this article, and each Section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses and phrases be declared unconstitutional.
(Ord. No. 898, 6, 11-5-79)

Sec. 22-35. Trunk water main hookup fee.

- (1) The City has caused the trunk water mains, as shown on Exhibit "W- 1995" to be extended for the purpose of interconnecting segments of the City's water main system and of providing water trunk mains to certain areas within the City. Any new hookups to these water mains after April 1, 1995, shall pay a hookup fee based upon the formula set forth in Section 2 of this Ordinance prior to a building water service permit application being approved.
(Ord No. 1088-A, 12-18-89; Ord. No. 1128, 12-30-91; Ord No. 1200, 3-27-95)
- (2) The unit charge shall be \$8.09 per linear foot to be increased by 3 ½% a year beginning in 2007 for the particular lot or tract of land to be secured. The hookup fee to be paid shall be determined based on the width of the subject tract of land or lot which abuts the adjoining respective street, avenue, alley, easement, etc. in which said trunk water main is located. However, in no case shall the hookup fee be based on a frontage width of less than fifty feet (50'). This Section shall be used to compute the hookup fee for all permit applications except those specifically set forth in Section 3 of this Ordinance.
(Ord. No. 1088-A, 12-18-89; Ord. No. 1128, 12-30-91; Ord No. 1200, 3-27-95; Ord. No. 1397, 3-20-06)

(3) The hookup fee shall be the sum of ten dollars (\$10.00) under the following circumstances:

- (a) To replace or repair an already existing water service.
(Ord. No. 1088-A, 12-18-89; Ord. No. 1128, 12-30-91; Ord No. 1200, 3-27-95)

(4) In the event the land owner feels the hookup fee as required by this Ordinance is unjust or unfair, said owner may make application to the City Commission for a reduction or abatement thereof. The reduction or abatement of said hookup fee shall be at the discretion of the City Commission and its decision shall be final.

(Ord. No. 1006, 1-3, 04-29-85, Ord. No. 1050, 1-4, 04-27-87, Ord. No. 1087, 12-18-89, Ord. No. 1127, 12-30-91; Ord No. 1200, 3-27-95)

(5) TRUNK WATER MAIN HOOK UP FEES SOUTHWEST MADISON. The City has caused the trunk water mains, as shown on Exhibit "Madison Water & Sewer-1997" to be extended for the purpose of providing sanitary sewer trunk mains to certain areas within the City as more specifically shown and specified in Exhibit "Madison Water & Sewer-1997".

That the cost thereof has been apportioned to each lot or tract of land affronting or abutting thereon in accordance with the benefits derived and that each lot or tract will benefit from the construction or improvement and each shall be assessed the sum of \$2,240.00 as is determined to be the special benefits derived to each such lot or tract equal or greater than said amount. The determination as to special benefit derived by each such lot or tract is made in conformity pursuant to SDCL 9-43-7.

- (a) That the fee, as stated above, for initial property owners installing a hookup or connecting shall become due upon installation but need not be paid until March 1, 1998 and no later than November 1, 1998.
- (b) That each of the eleven (11) original lots or tracts may at this time only have installed one additional sewer main stub ins to their property at the initial cost of \$800.00 per hookup. An additional charge of \$1,440.00 will become payable when the service stub is activated.
- (c) That the total cost of any additional hookups after October 31, 1997 to any adjacent lots or tracts shall be in the sum of \$2,240.00 plus two (2%) percent per year. In addition owners shall pay all required plumbing expenses related to installing sewer service from sewer main to the lot or tract.
- (d) Future hook up connections fees of \$2,240.00 plus two (2%) percent per year. In addition owners shall pay all required plumbing expense related to installing water service from water main to building site.
- (e) That the fee as established above is based upon the total costs of this particular project reflecting the federal and state funds and grants used for a significant portion of the cost and may be amended from time to time by the City in the event of changes, additions, or modifications to the sewer main system.

- (f) That the fee as specified in this Section shall apply to each dwelling, commercial building, or any facility requiring sewer service irrespective of the number of dwellings, commercial buildings, or facilities located on any one lot or tract.

(Ord. No. 1007, 1-3, 4-29-85; Ord. No. 1049, 1-4, 4-27-87; Ord. No. 1059, 1-4, 10-26-87; Ord. No. 1088-A, 12-18-89; Ord. No. 1128, 12-30-91; Ord. No. 1200, 3-27-95, Ord. No. 1247, 10-13-97, Ord. No. 1248, 10-13-97)

Editor's note-Exhibit "W- 1995", referred to in paragraph (a) of 22-35 above, has not been included herein, but can be found on file for inspection by the public in the City offices.

Sec. 22-36. Use of water.

The Board of Commissioners of the City of Madison shall have the authority pursuant of SDCL 9-47 to regulate the use of water supplied to the City of Madison, South Dakota.
(Ord. No. 1071, 7-8-88)

Sec. 22-37. Prohibited uses of water.

The following uses of water are hereby determined to be non-essential and hereby prohibited:

- A. SWIMMING POOLS. Swimming pools not employing a filter and recirculating system.
- B. ESCAPE THROUGH DEFECTIVE PLUMBING. The escape of water through defective plumbing which shall mean the knowing permission for defective plumbing to remain out of repair.

(Ord. No. 1071, 7-8-88)

Sec. 22-38. Right of City to limit use.

- (1) Whenever the City faces a water shortage, the Mayor by public declaration may limit or prohibit the use of water for watering lawns or gardens, running air conditioners, or any other uses which in his or her discretion will deplete the water supply.
- (2) The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment may be regulated or prohibited by the Mayor.
- (3) This ordinance does not prohibit the washing or watering, when required for health and sanitary reasons established by local, state, or federal laws, statutes, rules and regulations.
- (4) Any person convicted of violation of this Ordinance shall be punished by a fine of not less than One dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment for not exceeding thirty (30) days or by both such fine and imprisonment. Each day any violation of this Ordinance continues shall constitute a separate offense.

(Ord. No. 1071, 7-8-88; Ord. No. 1351, 5-10-04; Ord. No. 1352, 5-10-04; Ord. No. 1512, 8-29-11)

Sec. 22-39. Abandonment of Water Service Lines.

It shall be the responsibility of the owner of water service line to terminate such service line at the City main when said service line is to be abandoned from use. Service lines are determined to be abandoned from use at the discretion of the Public Works Director to include, but not limited to:

- 1) when application is made to the City to demolish the structure that is served by the service line,
- 2) when new or replacement services are installed,
- 3) changes in platting or zoning of existing lots where services have been previously installed but will not be used.

- a) The owner shall incur all expenses to properly disconnect the service line at the corporation stop on the City main.
- b) Such work shall be inspected and approved by the City Water Department during normal business hours prior to the commencement of backfilling procedures.
- c) If the proper termination is not completed in a reasonable amount of time as determined by the City Water Department, the City shall have the authority to complete the proper termination at the expense of the owner.
- d) Any deviations to this ordinance for special circumstances may be considered by the Public Works Director and only approved under written agreement between the City and owner.

Editor's Note – The original section 22-39 was repealed in Ordinance 1351 on May 10, 2004 and is now being utilized again with the passage of Ordinance 1489 adopted on December 7, 2009.
(Ord. No. 1489, 12-7-09)

Sec. 22-40. Repealed.

(Ord. No. 1071, 7-8-88; Ord. No. 1351, 5-10-04)

Sec. 22-41. Repealed.

(Ord. No. 1071, 7-8-88; Ord. No. 1351, 5-10-04)

Sec. 22-42. Tapping water mains, fees.

- 1. The City shall establish by Resolution, from time to time, the unit charge for tapping of water mains within the City of Madison.
- 2. The City shall furnish the materials and labor to make the connection to the water mains. The fee for such services shall be established on the basis of the resolution as required by Section (1) of the Ordinance.

(Ord. No. 1116, 4-18-91)

ARTICLE III. SEWERS AND SEWAGE DISPOSAL*

DIVISION I. GENERALLY

Sec. 22-43. Definitions.

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

BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

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 outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Combined sewer. A sewer receiving both surface runoff and sewage.

Garbage: Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Industrial wastes: The liquid wastes from industrial processes as distinct from sanitary sewage.

Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the flow conditions normally prevailing in municipal sewers, with no particle greater than one-half inch in any dimension.

Public sewer: A sewer in which all owners of abutting properties have equal, rights, and is controlled by public authority.

Sanitary sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm waters as may be present.

Sewage treatment plant.- Any arrangement of devices and structures used for treating sewage.

Sewage works: AU facilities for collecting, pumping, treating, and disposing of sewage.

Sewer. A pipe or conduit for carrying sewage.

Slug: Any discharge of water, sewage, or industrial waste 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 of flows during normal operation.

Storm drain: (sometimes termed storm sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent. The superintendent of sewage collection, or his authorized representative.

Suspended solids: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 840, 11.0101, 12-5-77)

State Law Reference-Sewer systems, SDCL 1967, Ch. 9-48.

Sec. 22-44. Illegal deposits generally.

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste.

(Ord. No. 840, 11.0102(1), 12-5-77)

Sec. 22-45. Cesspools, privies, etc.

Except as otherwise provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other such facility intended or used for the disposal of sewage.

(Ord. No. 840, 11.0102(3), 12-5-77)

Sec. 22-46. Treatment required.

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

(Ord. No. 840, 11.0102(2), 12-5-77)

Sec. 22-47. Connections.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his 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 article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

(Ord. No. 840, 11.0102(4), 12-5-77; Ord. No. 860, 9-11-78)

Cross reference-Unauthorized utility connections, 13-34.

Sec. 22-48. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand, and 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 readily and easily accessible for cleaning and inspection.

(Ord. No. 840, 11.0105(6). 12-5-77)

Sec. 22-49. Destruction, etc.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage system.

(Ord. No. 840, 11.0106, 12-5-77)

Sec. 22-50. Entry powers and inspections by City.

- (a) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in subsection (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 asserted against the company and 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 herein.
- (c) 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 sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. No. 840, 11.0 107, 12-5-77)

Sec. 22-51. Violations.

- (a) Any person found to be violating any provision of this article except Section 22-49 shall be served by the City with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this Section shall be guilty of a misdemeanor.
- (c) Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the municipality by reason of such violation.
(Ord. No. 840, 11.1117, 12-5-77)

Sec. 22-52. Abandonment of Sanitary Sewer Service Lines.

- (a) It shall be the responsibility of the owner of a sanitary sewer service line to terminate such service line when it is to be abandoned from use. Termination of such line(s) shall be performed by installing a cement concrete plug at a point in the service line that is directly behind the curb, or by other approved manner or location as deemed appropriate by the City Sewer Department.
- (b) Service lines are determined to be abandoned from use at the discretion of the Public Works Director to include, but not limited to: 1) when application is made to the City to

demolish the structure that is served by the service line, 2) when new or replacement services are installed, 3) changes in platting or zoning of existing lots where services, or portions of, have been previously installed but will not be used.

- (1) The owner shall incur all expenses to properly terminate the sanitary sewer service line.
- (2) Such work shall be inspected and approved by the City Sewer Department during normal business hours prior to the commencement of backfilling procedures.
- (3) If the proper termination is not completed in a reasonable amount of time as determined by the City Sewer Department, the City shall have the authority to complete the proper termination at the expense of the owner.
- (4) Any deviations to this ordinance for special circumstances may be considered by the Public Works Director and only approved under written agreement between the City and owner.

(Ord. No. 1492, 5-3-10)

Secs. 22-53-22-62. Reserved.

DIVISION 2. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 22-63. When required.

Where a public sanitary sewer is not available under the provisions of Section 22-47 of this Code, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

(Ord. No. 840, 11.0103(1), 12-5-77)

Sec. 22-64. Permit and permit fees generally.

Before commencement of construction of a private sewage 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 ten dollars (\$10.00) shall be paid to the City at the time the application is filed.

(Ord. No. 840, 9 11.0103(2). 12-5-77)

Sec. 22-65. When permit effective; inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any state 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.

(Ord. No. 840, 11.0103(3), 12-5-77)

Sec. 22-66. Standards.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Environmental Protection. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty-three thousand five hundred sixty (43,560) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 840, 11.0103(4), 12-5-77)

Sec. 22-67. Abandonment.

(a) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 22-47 of this Code, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled as provided for herein.

(b) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. No. 840, 11.0103(5), 12-5-77)

Sec. 22-68. Operation and maintenance.

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

(Ord. No. 840, 11.0103(6), 12-5-77)

Sec. 22-69. Effect of division.

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

(Ord. No. 840, 11.0103(7), 12-5-77)

Secs. 22-70-22-75. Reserved.**DIVISION 3. SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS****Sec. 22-76. Permit required.**

No unauthorized person 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.

(Ord. No. 840, 11.0104(1), 12-5-77)

Sec. 22-77. Permit application, fee, etc.

There shall be two (2) classes of building sewer permits:

(a) Class 1 for residential and commercial service, and

(b) Class 2 for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential, commercial building, or industrial building sewer permit shall be paid to the City at the time the application is filed.

(Ord. No. 840, 11.0104(2), 12-5-77)

Sec. 22-78. Separate and independent building sewer required.

A separate and independent building sewer shall be provided for every building; 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.

(Ord. No. 840, 11.0104(4), 12-5-77)

Sec. 22-79. Use of old building sewers.

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.

(Ord. No. 840, 11.0 104(5), 12-5-77)

Sec. 22-80. Size, slope, etc., of building sewer.

The size, slope, alignment, materials of construction of sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing Codes or other applicable rules and regulations of the City. 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 WP.CF. Manual of Practice No. 9 shall apply.

(Ord. No. 840, 11-.0104(6), 12-5-77; Ord. No. 886, 7-16-79)

Sec. 22-81. Elevation and lifts.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor footing. 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.

(Ord. No. 840, 11.0104(7), 12-5-77)

Sec. 22-82. Roof downspouts, foundation drains, etc.

No person shall make connection of roof downspouts, exterior 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.

(Ord. No. 840, 11.0104(8). 12-5-77)

Sec. 22-83. Connection to public sewer-specifications.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the WP.CF. Manual of

Practice No. 9. and such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(Ord. No. 840, 11.0104(9), 12-5-77)

Sec. 22-84. Same-notice of and supervision.

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 shall be made under the supervision of the superintendent or his representative.

(Ord. No. 840, 11.0104(10), 12-5-77)

Sec. 22-85. Costs, expenses and liabilities arising from connections.

All costs and expenses incident 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.

(Ord. No. 840, 11.0104(3), 12-5-77)

Sec. 22-86. Excavations.

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.

(Ord. No. 840, 11.0104(11), 12-5-77)

Sec. 22-87. Trunk sewer main hookup fee.

- (1) The City has caused the trunk sewer mains, as shown on Exhibit "S-1995" to be extended for the purpose of providing sanitary sewer trunk mains to certain areas within the City. Any new hook ups to these sanitary sewer mains after April 1, 1995 shall pay a hook up fee based upon the formula set forth in Section 2 of this Ordinance prior to a building sewer service permit application being approved.
(Ord. No. 1087, 12-18-89; Ord. No. 1127, 12-30-91; Ord. No. 1199, 5-1-95)
- (2) The unit charge shall be \$9.71 per linear foot to be increased by 3 ½% a year beginning in 2007 for the particular lot or tract of land to be secured. The hookup fee to be paid shall be determined based on the width of the subject tract of land or lot which abuts the adjoining respective street, avenue, alley, easement, etc. in which said trunk water main is located. However, in no case shall the hookup fee be based on a frontage width of less than fifty feet (50'). This Section shall be used to compute the hookup fee for all permit applications except those specifically set forth in Section 3 of this Ordinance.
(Ord. No. 1087, 12-18-89; Ord. No. 1127, 12-30-91; Ord. No. 1398, 3-20-06)
- (3) The hookup fee shall be the sum of \$10.00 under the following circumstances:
 - (a) To replace or repair an already existing sanitary sewer service.
(Ord. No. 1127, 12-30-91)
- (4) In the event the land owner feels the hookup fee as required by this Ordinance is unjust or unfair, said owner may make application to the City Commission for a reduction or abatement thereof. The reduction or abatement of said hookup fee shall be at the discretion of the City Commission and its decision shall be final.
(Ord. No. 1006, 1-3, 4-29-85, Ord. No. 1050, 1-4, 4-27-87; Ord. No. 1087, 12-18-89; Ord. No. 1127, 12-30-91)

- (5) Trunk sewer main hook up fees Southwest Madison. The City has caused the trunk sewer main, as shown on Exhibit "Madison Water & Sewer - 1997" to be extended for the purpose of providing sanitary sewer trunk mains to certain areas within the City as more specifically shown and specified in Exhibit "Madison Water & Sewer - 1997". That the cost thereof has been apportioned to each lot or tract of land affronting or abutting thereon in accordance with the benefits derived and that each lot or tract will benefit from the construction or improvement and each shall be assessed the sum of \$2,240.00 as is determined to be the special benefits derived to each such lot or tract equal or greater than said amount. The determination as to special benefit derived by each lot or tract is made in conformity pursuant to SDCL 9-43-7.
- (a) That the fee, as stated above, for initial property owners installing a hookup or connecting shall become due upon installation but need not be paid until March 1, 1998 and no later than November 1, 1998.
- (b) That each of the eleven (11) original lots or tracts may at this time only have installed one additional sewer main stub into their property at the initial cost of \$800.00 per hookup. An additional charge of \$1,140.00 will become payable when the service stub is activated.
- (c) That the total cost of any additional hookups after October 31, 1997 to any adjacent lots or tracts shall be at the sum of \$2,240.00 plus two (2%) percent per year. In addition owners shall pay all required plumbing expense related to installing sewer service from sewer service from sewer main to the lot or tract.
- (d) Future hook up connection fees of \$2,240.00 plus two (2%) percent per year. In addition owners shall pay all required plumbing expense related to installing water service from water main to building site.
- (e) That the fee as established above is based upon the total cost of this particular project reflecting Federal and State funds and grants used for a significant portion of the cost and may be amended from time to time by the City in the event of changes, additions, or modifications to the sewer main system.
- (f) That the fee as specified in this Section shall apply to each dwelling, commercial building, or any facility requiring sewer service irrespective of the number of dwelling, commercial buildings, or facilities located on any one lot or tract.

(Ord. No. 1248, 10-13-97)

Editor's note-Exhibit "S", referred to in paragraph (a) of 22-87 above, has not been included herein, but can be found on file for public inspection in the offices of the City.

Secs. 22-88-22-92. Reserved.

DIVISION 4. PROHIBITED WASTES

Sec. 22-93. Generally.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

- (b) Storm water 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. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

(Ord. No. 840, 11.0 105 (1)(2), 12-5-77)

Sec. 22-94. Items totally prohibited.

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

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes 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 sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
- (c) 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 sewage works.
- (d) Any 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 sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. No. 840, 11.0105(3), 12-5-77)

Sec. 22-95. Items superintendent may prohibit.

- (a) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or equipment, will contaminate the sludge of any municipal systems, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.
- (b) The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
 - (2) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.

- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any waters or wastes having a pH in excess of 9.5.
- (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations.
- (9) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs," as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
(Ord. No. 840, 11.0105(4). 12-5-77; Ord. No. 886, 7-16-79)

Sec. 22-96. Actions superintendent may take with reference to certain discharges.

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 22-95 of this Code, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent with the approval of the City Commission may:

- (1) Reject the wastes,
- (2) Require pre-treatment 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.

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 and subject to the requirements of all applicable Codes, Ordinances, and laws. (Ord. No. 840, 11.0105(5), 12-5-77)

Sec. 22-97. Preliminary treatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 840, 11.0105(7), 12-5-77)

Sec. 22-98. Control manhole.

When required by the superintendent the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole 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. (Ord. No. 840, 11.0105(8), 12-5-77)

Sec. 22-99. Measurements and tests.

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. No. 840, 11.0105(9), 12-5-77)

Sec. 22-100. Special agreements.

No statement contained in this division 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, subject to payment therefore, by the industrial concern. (Ord. No. 840, 11.0105(10), 12-5-77)

Secs. 22-101-22-110. Reserved.

DIVISION 5. RATES AND CHARGES

Sec. 22-111. Determining the total annual fixed, operation and maintenance costs.

- (a) The Board of Commissioners shall determine the estimated total annual fixed, operation and maintenance costs of the wastewater system. The total annual fixed costs shall include billing, meter reading, administrative and general costs associated with administration of the wastewater system. Total annual operation and maintenance costs shall include but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power, chemicals and materials, sampling and laboratory testing, studies and reports by special consultants, principal and interest of bonds payable from revenues of the wastewater system as such principal and interest become due, and an adequate reserve fund.
- (b) The total annual operation and maintenance costs shall be allocated by percentage to each of the three parameters, namely: flow (volume), biochemical oxygen demand (BOD5), and suspended solids (TSS).

Sec. 22-112. User classification.

There shall be three (3) classifications of users of the wastewater system as follows:

- (1) Class I: Residential users.
- (2) Class II: Industrial and commercial establishments that discharge wastewater with an average daily five-day/twenty (20) centigrade biochemical oxygen demand not exceeding two hundred (200) milligrams per liter and/or average daily suspended solids not exceeding two hundred fifty (250).
- (3) Class III. Industrial and commercial establishments that discharge wastes that exceed the parameters of Class II users.
(Ord. No. 840, 11.0109, 12- 5-77)

Sec. 22- 113. Determining the wastewater system fixed cost service charge.

The Board of Commissioners shall determine the fixed cost service charge by dividing the total annual fixed cost, as determined by Section 22-111, by the total number of Class I, II and III users connected to the municipal wastewater system at the time of determining annual user charges. One-twelfth of the service charge so computed shall be charged to each user of the wastewater system for each month or fraction thereof, of use as the minimum fixed cost service charge.

(Ord. No. 840, 11.0110, 12-5-77)

Sec. 22-114. Determining the wastewater system operation and maintenance incremental service charge.

The Board of Commissioners shall determine the incremental cost of operation and maintenance of the municipal wastewater system per one hundred (100) cubic feet of water consumption, by dividing one-third of the total annual costs of operation and maintenance, as determined by 11.0108, by the total four (4) month volume of water consumption, in one hundred (100) cubic feet units, of all wastewater system users determined from water meter readings during the previous winter period of December first to March thirty-first.

(Ord. No. 840, 11.0111, 12-5-77)

Sec. 22-115. Determining the wastewater system five-day/twenty centigrade biochemical oxygen demand and suspended solids surcharge.

The Board of Commissioners shall determine the user's average daily poundage of five-day/twenty (20) centigrade biochemical oxygen demand which has been discharged to the wastewater system in excess of a strength of two hundred (200) milligrams per liter which shall then be divided by the average daily poundage of all five-day/twenty (20) centigrade biochemical oxygen demand discharge to the wastewater system, to determine the user's biochemical oxygen demand contribution percentage. The Board of Commissioners shall determine the user's average daily poundage of suspended solids which has been discharged to the wastewater system in excess of a strength of two hundred fifty (250) milligrams per liter which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine the user's suspended solids contribution percentage. The biochemical oxygen demand contribution percentage and the suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total five-day/twenty (20) centigrade biochemical oxygen demand and the total suspended solids, respectively. The sum of these two (2) wastewater treatment cost contributions shall be the surcharge. (Ord. No. 840, 11.0112, 12-5-77)

Sec. 22-116. Determining each user's total wastewater service charge.

- (a) The owner or occupant of each residential premise connected to the municipal water works and wastewater system shall pay for the use and availability of such wastewater disposal service, a user service charge computed by multiplying the incremental cost, as determined by Section 22-114 by the volume of water consumed in one hundred (100) cubic feet units,
- (b) for a unit of time, plus a minimum fixed cost per month, as determined by Section 22-113. The wastewater user service charge for any residential user shall be the average amount of the charges for wastewater service determined from four (4) water meter readings during the previous winter period of November 1st through March 31st.
- (b) For any new Class I user, a charge shall be made on the non-base period monthly water meter readings and pursuant to this Section from the time such wastewater system connection is made or is begun, until the base period for the purpose of determining said maximum charge shall have occurred.
- (c) Except as otherwise provided in subsection (c), the owner or occupant of each industrial and commercial premise connected to the municipal waterworks and wastewater system, meeting the criteria of Section 22-112 for a Class II user, shall pay for the use and availability of such wastewater disposal service, a user service charge computed by multiplying the incremental cost, as determined by Section 22-114, by the volume of water consumed in one hundred (100) cubic feet units, for a unit of time, plus a minimum fixed cost per month as determined by Section 22-111.
- (d) The Board of Commissioners may classify industrial and commercial establishments as Class I, residential user, provided that the wastes from these establishments are equivalent to the wastes from a residential user with respect to volume, suspended solids and five-day/twenty (20) centigrade biochemical oxygen demand.
- (e) The owner or occupant of each premise connected to the municipal water-works and wastewater system for both water and wastewater disposal service whose average daily five-

day/twenty (20) centigrade biochemical oxygen demand of the wastewater discharge to the system exceeds two hundred (200) milligrams per liter or whose average daily suspended solids of the wastewater discharge to the system exceeds two hundred fifty (250) milligrams per liter shall pay a user charge as computed in subsections (c) and (d), plus a surcharge determined in accordance with the provisions of Section 22-115.

- (f) In the event that any premise which discharges any such wastes into the, wastewater disposal system is not connected to the municipal waterworks and therefore has no municipal water meter, or meter acceptable to said superintendent, then, and in such case the amount of water so used shall be otherwise determined by the superintendent in order to determine the wastewater user service charge as provided in this Section or the owner or other interested person at his expense shall install and maintain a meter acceptable to the superintendent for said purpose.

(Ord. No. 840, 11.0113, 12-5-77; Ord. No. 1442, 9-24-07)

Sec. 22-117. Payment of the user's wastewater service charges, penalties and discontinuance of service.

- (a) Payment of wastewater bills rendered shall be due by the date as listed on the utility bill, but in no event shall be less than 10 days from mailing by the City Finance Office. The rates shall be five (5) percent greater on accounts unpaid by the due date stated on the bill.
- (b) Consumers who are delinquent on their wastewater bills, will be immediately mailed a "notice of account delinquent", which will state that the consumer will be given seven (7) days to make payment, and if full payment is not received at the end of seven (7) days, proceedings will be implemented to terminate utility service.
- (c) If the consumer has not made full payment of the delinquent amount within the seven (7) days, as state in the "notice of account delinquent." The Electric Commissioner will direct the City Finance Officer, in writing, to issue a written notice to said consumer that service will be terminated after seven (7) days. Said notice will give the time and date disconnection will commence the exact dollar amount which is delinquent and must be paid to retain electric service, and state the reason upon which the disconnection is based. Unless the consumer has entered into a payment agreement with the City, utility service will be terminated on the date sent out in said notice if the delinquent amount as stated in the letter is not paid in full.

(Ord. No. 840, 11.0114, 12-5-77; Ord. No. 1441, 9-24-07)

Sec. 22-118. Review of each user's wastewater service charge.

The City shall review the total annual fixed, operation and maintenance costs as well as each user's wastewater classification and surcharge for Class III users on an annual basis to assure equity of the service charge system established herein. If a Class III user, such as an industry, has completed in-plant modifications which would change the user's biochemical oxygen demand and/or suspended solids contribution percentages, the user can present at a regularly scheduled meeting of the Board of Commissioners such factual information and the City shall then determine if the user's biochemical oxygen demand and/or suspended solids contribution percentages are to be changed. The City shall notify the user of the findings as soon as possible. The owner or occupant of any commercial or non residential premises who by reason of special

WATER, SEWERS, AND SEWAGE DISPOSAL Art. III. 22-119.

circumstances finds the foregoing user's wastewater service charges unjust or inequitable as applied to his premises may take written application to the City Commission stating such circumstances and requesting a different basis of charges for wastewater service to his premises, in which case the City Commission shall investigate the circumstances and afford hearing to all interested parties and shall by resolution fix and establish fair and equitable service charges for such premises if the normal charges are found to be inequitable to the owner or occupant. (Ord. No. 840, 11.0 115, 12-5-77)

Sec. 22-119. User charges.

(A) User's Charges shall be as follows:

	<u>2012</u>
(1) a. Fixed Fee per month – residential	6.75
b. Fixed Fee per month – business	13.51
(2) Volume Fee per one hundred cubic feet	3.81
(3) Bulk Septic Sewage Tank Loads	
(a) Minimum Fee (0 to 1000 gallons)	3.00
(b) Fee per 1000 gallons	3.00
(4) BOD	0.18/lb.
(5) TSS ⁵	0.15/lb.

(B) 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.

(Ord. No. 840, 11.0116, 12-5-77; Ord. No. 886, 7-16-79; Ord. No. 991, 10-15-84; Ord. No. 1039, 11-24-86; Ord. No. 1062, 11-30-87; Ord. No. 1415, 11-20-06; Ord. No. 1424, 4-16-07; Ord. No. 1521, 12-5-11)

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