

CITY OF SUMMERSET

ORDINANCE 30

SANITARY SEWER SERVICE SYSTEM

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Article I. General Provisions

30.010 Definitions.

APPROVING AUTHORITY. The director of public works or his or her duly authorized deputy, agent or representative.

BEDROCK. Solid rock underlying soil and loose rock fragments or locally exposed at the surface.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 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.

BUILDING SEWER (also house connection or service sewer). The extensions from the building drain to the public sewer or other place of disposal.

CITY. The city of Summerset, a municipal corporation of the State of South Dakota.

CLEAN WATER ACT. The Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, including all amendments thereto.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

DIRECTOR. The director of public works of the city of Summerset, or his or her authorized deputy, agent or representative.

DOMESTIC SEPTAGE. Septage generated from domestic wastewaters.

DOMESTIC WASTEWATER. Water-carried wastes from dwellings or wastewaters which are similar in physical, biological and chemical characteristics.

EASEMENT. An acquired legal right for the specific use of land owned by others.

EPA. The United States Environmental Protection Agency.

FLOATING OIL. Oil, fat or grease in a physical state such that it can be separated by gravity from wastewater in an approved pretreatment facility.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GROUNDWATER. The water below the earth surface which occupies the pore spaces in the saturated zone of a geologic stratum.

HAZARDOUS WASTES. Liquid wastes from generators containing materials or exhibiting specific properties identified in 40 C.F.R. pt. 261.

HOLDING TANK. A watertight, covered receptacle which is designed to receive and store wastewater and is accessible for periodic removal of its contents.

INDUSTRIAL USER. Any commercial, institutional or industrial operation that introduces industrial wastewaters into the city's wastewater facilities.

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

INTERFERENCE. Such disruption of the collection, treatment or sludge disposal processes or causes the city to violate its national pollutant discharge elimination system permit or which causes the accumulation of toxic metals or other substances in the sludge disposal areas.

MAY. Is permissive. (See shall.)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. The permit issued by EPA to the city which establishes water quality standards for the effluent of the city's treatment facilities as authorized by the Clean Water Act.

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

OWNER. The person owning the lot, parcel of land, building or premises connected to and discharging wastewater into the wastewater system of the city, and who is legally responsible for the payment of sewer service charges made against the lot, parcel of land, building or premises.

PERSON. Any individual, firm, company, association, governmental agency, society, corporation, group or political subdivision.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams contained in one liter of solution.

PREMISES. All the parcels of land included in the city in a single assessor's parcel number.

PROJECT TYPES:

REPLACEMENT. A project which replaces or repairs existing infrastructure with similar components having more or less the same capacity as the original.

IMPROVEMENT. A project which provides for increased capacity, or improved efficiency to existing systems. This type of project is located within the existing City service area, or corporate limits.

EXPANSION/ECONOMIC DEVELOPMENT. A project which extends sewer infrastructure to provide service for new developments.

SERVICE AREA. The geographic area in which the City currently provides an actual service. This contrasts with a planning service area in which the City may provide service in the future.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A sewer located in publicly-owned land or easements and controlled by the City of Summerset.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEPTAGE. A mixture of liquids and solid materials removed from a septic tank, portable toilet, recreational vehicle holding tank, Type III marine sanitation device, or similar system. The contents of vault privies and substances such as grease trap residues, interceptor residues, and grit and screenings are not included in this definition of septage.

SEPTIC TANK. A watertight, accessible, covered receptacle which receives wastewater from a building or facility sewer that allows solids to settle from the liquid, provides digestion for organic solids, stores digested solids through a period of retention, and allows a clarified liquid to discharge to additional treatment works for final treatment and dispersal.

SEWER. A pipe or conduit for carrying wastewater.

SHALL. is mandatory. (See may.)

SLUG. Any discharge of water, wastewater or industrial waste in which the concentration of any given constituent or in which quality of flows exceed for any period

of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flow from the source during normal operation.

STATE. The State of South Dakota.

STORM DRAIN (also **STORM SEWER**). A sewer which carries storm and surface waters and drainage, but which excludes wastewater and industrial wastes other than uncontaminated cooling water.

SURFACE WATER. Water on the surface of the earth, as distinguished from groundwater. Some examples are lakes, ponds, rivers and streams.

SUSPENDED SOLIDS (SS). 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 using methods prescribed by EPA.

UNPOLLUTED WATER. Water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharging to the sanitary sewers and wastewater treatment facilities provided.

VAULT PRIVY. A structure which allows for disposal of human excreta into a watertight vault, provides privacy and shelter, and prevents access to the excreta by flies, rodents and other animals.

WASTEWATER. The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried chemical or solid wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and storm water that may be present.

WASTEWATER FACILITIES (also **WASTEWATER SYSTEM**). All facilities for collecting, pumping, transporting, treating and disposing of wastewater and wastewater sludge.

WASTEWATER TREATMENT WORKS. The facilities provided by the city to treat wastewaters as necessary to meet national pollutant discharge elimination system permit conditions and to comply with other environmental laws, rules and regulations.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

30.01.020 City sewer system—Supervision.

The city sewer system shall be under the supervision of the public works director who shall be responsible to the city commission.

30.01.030 Duties.

The public works director shall make or supervise and inspect and approve all taps of public sewers in addition to such other duties as shall be prescribed by the city commission or by the ordinances of the city.

30.01.040 When connection required.

The owner of each house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and is within 400 feet of a public sewer is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so. Any extension of city public infrastructure to accommodate required connections shall comply with adopted public works standards.

30.01.050 Unsanitary deposits prohibited.

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

30.01.060 Disposal of wastewater to storm sewers or natural outlet prohibited.

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewaters except where suitable treatment has been provided in accordance with this chapter.

30.01.070 Private wastewater disposal systems, etc., prohibited.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater. Private wastewater disposal systems may be permitted upon recommendation of the planning and zoning commission and approval of the city commission.

30.01.080 Responsibility—Breakage of lines.

In the event of breakage, leakage or obstruction of any city sewer main, the city shall be responsible for the replacement or repair of the main line. In the event of breakage of any sewer line running from a residence, business or any structure to the city main line, the owner or person having responsibility of the residence, business or structure, shall be responsible for its repair or replacement. If any person shall fail to promptly repair any leaky, clogged, or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the city to do so, the city may cause the service pipe to be

repaired and assess the actual cost of the repair plus an administrative charge of ten percent (10%) to the property.

30.01.090 Right of entry.

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

30.01.100 Right to information.

The director 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.

30.01.110 Entry onto certain easements.

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

30.01.120 Damage—Disorderly conduct.

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

30.01.130 Violations, penalty, liability.

(a) Any person found to be violating any provision of this article, 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 limits provided for in this article shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(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 city by reason of such violation.

Article II. Building Sewers and Connections

30.01.140 Authority to use, alter or make connection.

No person except city employees or contractors directly employed by the city who are authorized to do so by the director and other duly authorized employees of the city shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director.

30.01.150 Building sewer permit-Classes.

There shall be 2 classes of building sewer permits. One class shall be for residential dwelling units and the other shall be for commercial, institutional and industrial users. 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 director. A permit and inspection fee for residential, commercial, and industrial building sewer permits shall be paid to the city at the time the application is filed.

30.01.160 Responsibility for costs-Indemnification of city.

All costs and expenses incident to the installation, connection and maintenance 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.

30.01.170 Separate connections; adjoining properties.

A separate and independent building sewer shall be provided for each lot. The location of sewer service lines shall be in conformance with the city's standard specifications.

30.01.180 Use of existing building sewers for new buildings.

Existing building sewers may be used in connection with new buildings only when they are found on examination and testing by the Director and other duly authorized employees of the city to meet all requirements of this chapter.

30.01.190 Technical specifications.

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 back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or state. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

30.01.200 Building sewer elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the buildings sewer.

30.01.210 Inspection.

No sewer trench shall be filled or sewer pipe covered until the building sewer has been first inspected by the director and other duly authorized employees of the city. Persons making sewer connections shall give at least twenty-four hours' notice to the director of the time when such service sewer shall be ready for inspection. The director shall inspect such sewer within a reasonable time and if such service sewer is not properly laid or connected, the public works director shall order the same to be taken out and relaid.

30.01.220 Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. The permittee shall agree to assume responsibility for any public liability or property damage which may result from the work. Streets, sidewalks, parkways or other public property disturbed in the course of the work shall be restored in accordance with the design standards and standard specifications then currently in effect.

30.01.230 Abandoned sewer lines.

Abandoned sewer lines will be removed from the sewer main and the patch in the sewer line will be replaced pursuant to the current method approved by the public works department.

30.01.240 Connections outside city.

No sewer connection permit shall be issued after the effective date of this chapter to serve any property located outside the corporate limits of the city, except with specific approval of the City Commission.

30.01.250 Extension of public infrastructure to accommodate individual service connections.

Any extension of public infrastructure to accommodate individual service connections shall comply with Ordinance 15. The cost for installation of sewer infrastructure to a individual service or within a new development is the sole responsibility of the owner except for oversize cost as provided for in Ordinance #15. The city may, at the discretion of the City Commission, choose to pay for a portion of the cost to extend sewer infrastructure to a new development.

Article III. Sanitary Sewer System Use Regulations

30.01.260 Prohibited drainage in sanitary sewers.

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 stormwater may be polluted at times and may be discharged to the sanitary sewer by permission of the director.

30.01.270 Storm sewers and natural outlets.

Storm water, other than that exempted under section 30.01.260, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the director, to a storm sewer or natural outlet.

30.01.280 Discharges prohibited into public sewers.

No person 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 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 an adverse effect on the waters receiving any discharge from the treatment works. Any user discharging any toxic pollutants which cause an increase in the costs of managing the effluent or the sludge of the city's treatment works, shall pay for such increased costs.

(3) Any waters or wastes having a pH lower than (5.5) or higher than (9.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

30.01.290 Limited discharges in public sewers.

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 public works director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the public works director 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 public works director are as follows:

(A) Wastewater having a temperature higher than one hundred fifty (150) degrees F (sixty-five (65) degrees C);

(B) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin;

(C) Wastewater from a premise containing floatable oils, fat or grease;

(D) Any garbage that has not been properly shredded (see Section 30.01.010).

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;

(E) 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 public works director for such materials;

(F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the public works director;

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations;

(H) Quantities of flow, concentrations or both which constitute a “slug” as defined in this chapter;

(I) 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;

(J) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

30.01.300 Discretionary authority of director.

(A) 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 30.01.290, and in the judgment of the director, 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 director may:

(1) Reject the wastes,

(2) Require pretreatment to an acceptable condition for discharge to the public sewers,

(3) Require control over the quantities and rates of discharge, and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 30.01.430.

(B) When considering the above alternatives, the director shall give consideration to the economic impact of each alternative on the discharger. If the director 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 director.

30.01.310 Interceptors.

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in section 30.01.290(C), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

(B) All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

30.01.320 Drains in public garages and wash racks.

Every public garage or other place having a wash rack used for washing vehicles shall install a standard garage drain approved by the public works director. Such drain shall be so constructed and operated as to prevent mud, sand and other debris from being washed into the city sewer system and shall be kept in proper working order.

30.01.330 Pretreatment or flow equalization.

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 his expense.

30.01.340 Manholes.

When required by the director, 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the public works director. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

30.01.350 Information needed for compliance.

The director may require a customer of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (A) Wastewaters discharge peak rate and volume over a specified time period;
- (B) Chemical analyses of wastewaters;

(C) Information on raw materials, processes and products affecting wastewater volume and quality;

(D) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;

(E) A plot plan of sewers of the customer's property showing sewer and pretreatment facility location;

(F) Details of wastewater pretreatment facilities;

(G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

30.01.360 Sampling and testing.

All measurements, tests and analyses of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with rules, specified in 40 C.F.R. pt. 136, or in the absence of 40 C.F.R. pt. 136 methods, by methods contained with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the public works director.

30.01.370 Special arrangements.

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.

Article IV. Service Charges

30.01.380 Purpose.

The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the capital costs and operation and maintenance of the complete wastewater system. The costs shall be distributed to all customers of the system in proportion to each customer's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the customer's maintenance costs to each

30.01.390 Determining the total annual cost of operation and maintenance.

The director 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 tests and a reasonable contingency fund.

30.01.400 Sewer tap permit.

Owners of property desirous of discharging to the sanitary sewer, within the corporate limits of the city, shall have a licensed plumbing contractor make application,

in writing, to the city. Such application to state the name of the owner, a description of the premises, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least 2 days before the work is to be commenced. A permit shall be issued after the application is approved by the director of public works or his or her designee, and payment is made for connection fees as provided for in this chapter.

30.01.410 Sewer tap fees.

A single-family residential tap fee shall be one thousand dollars (\$1,000) and any other use shall have a tap fee of two thousand dollars (\$2,000), and provide for the following: An initial field inspection of the private sewer service line from the sewer stub to the structure, mileage, administrative tracking and card drawing.

30.01.420 Sewer connection fees.

Upon recommendation by the Director, the City Commission may by resolution impose sewer construction fees on individual properties in certain identified, unserved areas when properties in such area are benefited by the installation of a sewer. All users in such service area shall pay an additional sewer construction fee prior to connecting to the sewer. This sewer connection fee shall be in addition to the ordinary tap fees imposed by this chapter. The city may enter into agreements assigning the cost of installation of sewer water mains to serve such service areas. The ordinance codified in this section implements authority granted in SDCL § 9-48-15.

30.01.430 Industrial waste permit fees.

Each permittee shall pay an annual administrative fee of \$500 effective for all permits.

30.01.440 Sewer use charge.

Minimum rate and monthly charge.

(A) All wastewater and industrial waste discharged to the wastewater facilities shall be paid for by the tenant or owner of the premises served, according to the following schedule:

- (1) Residential Class - \$18.65 per dwelling unit
- (2) Commercial and Industrial Class - \$64.35 per service

(B) There is established and imposed, pursuant to the authority of SDCL Ch. 9-40, a surcharge upon sewer service, the proceeds of such surcharge to be used for the payment of the principal of and interest on bonds issued under the authority of SDCL Ch. 9-40. No portion of the proceeds of such surcharge shall be expended for any purpose other than retiring sewer bonds until all of such bonds have been retired. The surcharge shall be imposed at the rate of \$10.35 per sewer account. The charge shall be in addition to any rate per unit charges imposed under subsection A of this section.

(C) Any customer requesting sanitary sewer service from the city shall be required to make one of the following deposits based upon the type of service required:

1. All commercial accounts: one hundred dollars (\$100.00);

2. Residential accounts where the customer does not own the property being served, to be referred to as “residential rental accounts”: one hundred dollars (\$100.00);
3. Residential accounts where the customer does own the property being served, to be referred to as “residential owner accounts”: fifty dollars (\$50.00);
4. Delinquent accounts: one hundred dollars (\$100.00).

B. The city finance officer shall, at his or her sole and unlimited discretion, have the ability to waive the deposit in consideration of the customer’s previous record of prompt payment to the city for utility services. Letters of reference from other utility companies are not acceptable in lieu of utility deposit.

C. A delinquent account deposit shall be required at such time as the customer had prior service with the city, and had such service disconnected for nonpayment; or if collection efforts outside the normal procedure for the finance office (small claims action, lien on the property or collection agency action) were taken; or if customer had four late utility payments (not consecutive) with any twelve (12) month period.

D. The finance officer shall deposit such moneys in a separate account and interest earned thereon shall be the property of the city. At such time as sanitary sewer service shall be terminated, the city finance officer shall promptly refund any such deposit to the water customer; provided however, that all accounts are paid in full. In the event that the water customer and owner of any trust deposit shall fail to pay his or her utility billings to the city before the same may be delinquent, then the finance officer shall have the right to withdraw such trust fund and apply to any obligation. This remedy shall be in addition to any other remedies the city shall have for the collection of such moneys and the right to terminate such service upon nonpayment by the water customer.

E. Fees, charges, and rates for sewer services, connections, and tap fees may be changed per resolution by the City of Summerset Council of Commissioners whose authority to do so is granted by the State of South Dakota SDCL 9-48-15.

(30.01.440 Amended November 20, 2008 by Ordinance 30-A effective December 17, 2008))

30.01.441 Wastewater Treatment System Service Fee

A Wastewater Treatment System Service Fee may be charged on all monthly accounts of the Summerset Sanitary Sewer Service System. The fee will be established as an Enterprise Fund. The purpose of the Wastewater Treatment System Service Fee will be to provide funding for the wastewater management of the system and to generate sufficient revenue for future expansion, for anticipated area growth and development, and to fund emergency situations and address life safety issues, flooding and infrastructure damage. Upon recommendation by the Public Works Director, fees may be imposed. Fees may be determined per resolution by the City of Summerset Council of Commissioners whose authority to do so is granted by the State of South Dakota SDCL 9-48-15.

30.01.442 Wastewater Treatment Repair and Maintenance Fee

A Wastewater Treatment Repair and Maintenance Fee may be charged to all users of the Summerset Sanitary Sewer Service System. The purpose of the fee shall be to maintain the wastewater treatment system. Upon recommendation by the Public Works Director, fees may be imposed. Fees may be determined per resolution by the City of Summerset Council of Commissioners whose authority to do so is granted by the State of South Dakota SDCL 9-48-15.

(30.01.442 Amended September 16, 2010 by Ordinance 30-D effective October 16, 2010)

30.01.450 Billing.

The sewer use billing shall be monthly and shall be based on the rates determined in § 30.01.440. The city shall assess a five-dollar (\$5.00) penalty if the payment is not received by the city within fifteen (15) days. Each customer shall be notified by mail of the delinquent account along with the attachment of penalty. After notification and if the delinquent account is not paid within ten (10) days, the city shall take all legal remedies to collect the over due bill.

30.01.455 Property Owner Service Fee Responsibility

All fees, charges, and rates for sewer services, connections, and tap fees are the responsibility of the property owner. In the event that a renter's monthly fees are in arrears, the property owner/landlord shall be held responsible for any and all fees, late charges, and filing fees as have been incurred on the account.

(30.01.455 Amended November 19, 2009 by Ordinance 30-B effective December 26, 2009)

30.01.460 Wastewater customers outside the city limits.

All customers of wastewater services provided by City of Summerset, outside the corporate limits, shall be governed by all rules, regulations and ordinances in effect within the city concerning the same, and shall be charged the rate of one and one-half times the rate for in-town customers in the same customer class category as determined by the city commission except for those serviced by the wastewater treatment plant prior to adoption of this ordinance.

Article V. Private Wastewater Disposal

30.01.470 Private disposal.

Where a public sanitary sewer is not available under the provisions of Section 30.01.040 and the owner has received approval as required in Section 1.01.070, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Bulk Users

All bulk users of wastewater services provided by the City of Summerset, shall be governed by all rules, regulations and ordinances in effect within the City concerning the

same, and shall be charged the rate as determined and set by the Summerset City Commission.

(30.01.470 Amended November 19, 2009 by Ordinance 30-C effective December 26, 2009)

30.01.480 Permit.

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the director. 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 director. A permit and inspection fee of one thousand dollars (\$1,000.00) shall be paid to the city at the time the application is filed and will be considered a sewer tap fee as identified in Section 30.01.400.

30.01.490 Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the director. The director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the director.

30.01.500 Compliance with state and county requirements.

All minimum lot size requirements and the type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the South Dakota Department of Environment and Natural Resources and the Meade County.

30.01.510 Sewer connections—Availability of public sewer.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer as provided in Section 30.01.040, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material as required by the state.

30.01.520 Operation and maintenance.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

30.01.530 Additional requirements.

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

Dated this 21st day of August, 2008.

ATTEST:

Rebecca J. Phillips
Finance Officer

Brad Shelly
Mayor

(SEAL)

Vote: Butler: Aye
Shelly: Aye
Wager: Aye

First Reading: August 7, 2008
Second Reading: August 21, 2008
Publication: