

TITLE 52 SANITARY SEWER REGULATIONS

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PURPOSE AND JURISDICTION**52.01 PURPOSE AND REPEAL OF ORDINANCES:**

Ordinance #583 is an ordinance providing regulations for sanitary sewer service within the jurisdiction of the City of Box Elder. The Common Council of the City of Box Elder has deemed these regulations and controls to be reasonable and reasonably related to the needs of the residents of the Box Elder area for the purpose of promoting the health, safety, and general welfare of the community. Therefore, to eliminate conflict with these regulations, Ordinance #550 of the Box Elder Municipal Code is hereby repealed in its entirety.

52.02 JURISDICTION:

This Ordinance shall govern all territory within the municipal limits of the City of Box Elder and within those areas outside of the municipal limits of the City of Box Elder where the City of Box Elder is providing sanitary sewer service.

53.03 SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

52.04 DEFINITIONS:

For the purposes of this Ordinance, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive.

CITY: The City of Box Elder, South Dakota.

COUNCIL: The Common Council of the City.

QUALIFIED CONTACTOR: Any person, firm, partnership or corporation who is engaged in the act of construction, plumbing, electrical, excavation, etc. who is licensed and in good standing with the City of Box Elder.

SANITARY SEWER SERVICE REGULATIONS**52.10 ADMINISTRATIVE ENFORCEMENT:**

- A. The City through the Public Works Director is authorized and directed to enforce all provisions of this Ordinance.
- B. The City through the Public Works Director may designate inspectors or employees as necessary to provide sanitary sewer service.
- C. The Public Works Director or any duly authorized employee or agent of the City bearing proper credentials and identification shall be permitted, with reasonable notice, to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge of wastewater to the community system in accordance with the provisions of this title.
- D. The City shall have the power to enforce rules, adopt procedures and supplemental regulations in order to clarify the application of the provisions of this Ordinance. Such rules, procedures, and regulations shall be in conformance with the intent and purpose of this Ordinance and are subject to appeal to the Council where specifically allowed.
- E. The City, or their designee, is hereby authorized with reasonable notice to enter at all reasonable hours into any building within the jurisdiction of the City which is connected to the City's sanitary sewer system to ascertain if acts prohibited by this Ordinance are taking place. Refusal of such entry shall be grounds for immediate termination of water supply and/or sanitary sewer service by the City.
- F. Unauthorized sanitary sewer service connection shall be grounds for immediate termination of sanitary sewer service and/or water service without notice. Unauthorized connections may also result in an administrative citation and/or punishment as a Class II Misdemeanor. Prosecution of any criminal penalty hereunder shall not be construed as a waiver of any civil action for damages incurred by the City.
- G. The Public Works Director or duly authorized employee or agent are authorized to obtain information concerning commercial/industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater collection system.
- H. Any measurement, test, and/or analysis of the characteristics of water and waste to which reference is made in this title, 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. Any sampling method, location, time, duration and/or frequency is to be determined on an individual basis subject to the approval of the Public Works Director.

- I. A separate and independent building sewer shall be provided (Ref. SDCL 9-48-53) for every habitable structure. Old/existing sewer service lines may be utilized in conjunction with new structures only when they are found by the Public Works Director to be in good working condition, and meet South Dakota Plumbing regulations. It shall be the responsibility of the land owner to notify the Public Works Department and request an inspection.
- J. In the event a public sanitary sewer is not available, the structure shall be connected to an approved onsite private wastewater disposal system upon written approval from the Public Works Director.
- K. No person shall discharge to any natural outlet within the City any wastewater or other polluted waters, except in the case where suitable treatment has been provided in accordance with this Chapter.
- L. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater system and facilities. Any person found guilty of violating this provision shall be subject to administrative citations, civil action for lawful damages and/or class II misdemeanor citation(s).

52.11 APPLICATION FOR SANITARY SEWER SERVICE:

- A. Applications for sanitary sewer service accounts shall be made in person at the Utility Billing Office. Valid means of identification shall be required of the applicant.
- B. Applicants who have been approved for a sanitary sewer service account, are responsible for payment of all bills and or fees incurred in connection with the sanitary sewer service furnished by the City.
- C. Any customer whose application for a sanitary sewer service account is approved, is thereafter responsible for maintaining a valid mailing address with the Utility Billing Office, while the account is active.
- D. The signed application for sanitary sewer service account shall be deemed consent by the applicant to allow City employees access to the customer's premises, at all reasonable hours, for purposes of inspecting or fixing sanitary sewer service lines, to inspect, measure, or test sewage, and for any other purpose in connection with sanitary sewer service.
- E. The City shall require proof of an approved City Moving Permit before allowing the connection of sanitary sewer service to a factory-built home.
- F. The City may require a customer to grant or convey, or cause to be granted or conveyed, to the City a permanent easement and right-of-way across property

owned or controlled by the customer whenever said easement or right-of-way is necessary for the City to furnish sanitary sewer service to said customer or beyond, the customers property.

- G. The City may reject any application for a sanitary sewer service account that:
1. is not available under a standard sanitary sewer service rate;
 2. involves excessive sanitary sewer service costs; or
 3. may disrupt the supply of sanitary sewer service to other customers.
 4. Otherwise fails to comply with the conditions of this ordinance.

Any denial of sanitary sewer service under this Section may be appealed to the Council. Such appeals must be filed, in writing, with the Finance Officer within thirty (30) days of the date of the denial of sanitary sewer service.

- H. The City may also reject any application for a sanitary sewer service account, when the applicant is delinquent in payment for previous sanitary sewer service account(s), or is delinquent with other financial obligations to the City, or is otherwise currently in violation of this Ordinance.
- I. The City may, discontinue sanitary sewer service to the customer's property; for violation of any of the provisions of these regulations relating to application for a sanitary sewer service account, upon seven (7) days prior written notice by first class mail to the last known address of the customer.

52.12 CLASSIFICATION OF SANITARY SEWER SERVICE.

- A. **RESIDENTIAL:** This class of sanitary sewer service applies strictly to single-family dwelling units and may include residences where a home occupation use occurs.
- B. **BULK RESIDENTIAL:** This class of sanitary sewer service applies to multi-family dwelling units, such as duplexes, manufactured home courts, or multiple-dwelling buildings or developments, which are served by a master water meter.
- C. **COMMERCIAL:** This class of sanitary sewer service applies to all customers that are not classified as Residential, Bulk Residential, or Industrial.
- D. **INDUSTRIAL:** This class of sanitary sewer service applies to all customers engaged primarily in manufacturing or bulk material processing and are classified as industrial by the Public Works Department.
- E. **CONTRACTOR:** This class applies to licensed contractors who are currently building a structure and/or performing site improvements within the Box Elder service area, and are in need of sanitary sewer service at the building/project site. Qualifying contractors may receive sanitary sewer service at no charge during the construction phase. Upon completion of the construction phase of the project, the Contractors account shall be converted to a standard sanitary sewer service classification.

Prior to a contractor receiving a "Certificate of Occupancy" and/or "Final Inspection" the water meter shall be installed, and the contractor account will be converted to a standard account under Subsections A through D as applicable. At this time, the contractor will be billed the standard minimum monthly rate for sanitary sewer until said time the account is closed by the contractor or converted to an account of the new occupant/owner.

All contractors shall follow procedures established by the City for sanitary sewer use within this category.

- F. Failure of a contractor to convert a "Contractors Sanitary Sewer Account" to a standard account after receiving final approval for a project, may also result in issuance of an administrative citation and/or loss of contractor privileges under this Section.

52.13 FEES, CHARGES AND RATES.

Rates, fees and charges shall be allowable as provided in SDCL 9-48. The following are approved:

- A. TAP FEES are intended to cover the cost of parts (such as, but not limited to, cleanouts, pipe, tapping saddle, and backflow-prevention valve) and labor to connect to a City sewer main, when work is performed by the City and/or their authorized agent. All taps into City sewer mains will be performed by, or under the supervision of, the Public Works Department.

The Tap Fee shall be the cost of materials plus twenty (20%) percent, and seventy-five (\$75) dollars per man hour. (The fee amount does not include any site preparation, excavation or exposure of the sewer main to be tapped)

When sanitary sewer taps are preformed by a licensed plumber and/or sewer and water installer, there will be an inspection fee of fifty (\$50) dollars per tap, and no tapping fees will be charged. All inspection fees must be paid prior to any work being performed on the sanitary sewer system.

- B. SEWER FACILITY AVAILABILITY FEES are intended to defray the capital costs to the City's sanitary sewer system caused by the addition of new sanitary sewer service customers. Sanitary Sewer Facility Availability Fees shall be based on the water tap size, with the fee starting at \$250 per single family dwelling unit or its equivalent, as determined in accordance with the following chart.

| <u>Domestic Water Tap Size</u> | <u>SFRE</u> | <u>SSIF Total Fee</u> |
|--------------------------------|---------------|-----------------------|
| <u>1 "</u> | <u>1</u> | <u>\$250.00</u> |
| <u>1.5"</u> | <u>2.59</u> | <u>\$647.50</u> |
| <u>2"</u> | <u>4.08</u> | <u>\$1,020.00</u> |
| <u>3"</u> | <u>9.16</u> | <u>\$2,290.00</u> |
| <u>4"</u> | <u>16.29</u> | <u>\$4,072.50</u> |
| <u>6"</u> | <u>36.70</u> | <u>\$9,175.00</u> |
| <u>8"</u> | <u>65.25</u> | <u>\$15,562.50</u> |
| <u>10"</u> | <u>101.95</u> | <u>\$25,487.50</u> |

SFRE = Single Family Dwelling equivalent
SSIF = Sanitary Sewer Service Availability Fee

- C. Payment of Tap Fees and Sewer Facility Availability Fees are the responsibility of the project applicant.
- D. The schedule for sanitary sewer service user fees, rates and charges shall be:
 - 1. For all classes of service with a Box Elder water account the user fees shall be set in Appendix A and are based on water use average of November, December, and January. The derived fixed charge will be in effect until changed by resolution. Changes shall be no sooner than annually.
 - 2. For all classes of service without a Box Elder water account a flat rate of \$44.40 per dwelling unit or its equivalent unless further changed by resolution or ordinance.
 - 3. All classes of service are subject to surcharges per Appendix A. Surcharges may also be changed by resolution.
- E. The City’s Utility Billing Department will be responsible for collecting and recording all fees, charges, and rates.

52.14 BILLING AND COLLECTING:

- A. Bills for sanitary sewer service will be calculated in accordance with the City’s adopted sanitary sewer rate schedule, except where a customer orders sanitary sewer service turn-off less than one (1) month after sanitary sewer service turn-on. In such cases the minimum bill to the customer for that period shall be equal to the minimum charge for one (1) full month of sanitary sewer service.
- B. The initial or minimum charge as provided in the sanitary sewer rate schedule shall be made for each sanitary sewer service connection, regardless of location.
- C. Each sanitary sewer service connection will be assigned an individual account by the Utility Billing Department.

- D. Sanitary sewer service furnished for a given lot shall be used only on that lot (one single family dwelling unit or its equivalent, as determined by the City or the designee).
- E. Each class of sanitary sewer service must be separately billed.
- F. All commercial use for business purposes shall be billed separately from any residential use and vice versa, whether now in service or to be installed in the future.
- G. Bills are due on the fifteenth day of each month, and are delinquent after the 15th. All bills not paid by the 15th of the current month are subject to a \$2.00 late charge. If the 15th falls on a Saturday, Sunday, or on a holiday recognized by the City, the late charge will not be added to the bill until after 5:00 p.m. on the next scheduled working day of the Utility Billing Office. If payment is not received within 30 days of the billing date, the sanitary sewer service will be terminated.
- H. In the event of the discontinuance of such water service for non-payment of the sewer use charge, no water shall be turned on until all back sewer use bills and/or other chargers have been paid in full.
- I. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from responsibility for payment.
- J. Sewer use charges must be paid at the time accrued water charges are paid. Payment of sewer charges only will not restore or extend water service and water service charges.

52.15 STANDARDS.

A. REQUIRED INSTALLATION AND CONNECTION:

Any owner of any building or property used for human occupancy, employment, recreation, or other purpose which abuts any street, alley, or right-of-way in which there is currently located or may in the future be located a public sanitary sewer of the City shall, at the owner's expense, install suitable toilet facilities and connect said facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days of the date of official notice.

This requirement shall only apply in the event said public sewer is located within Four (400) hundred feet of the property line (Ref. SDCL 9-48-53 & ARSD 74:53:01:07). No private sanitary sewer service lines shall exceed one-hundred (100') feet in length unless approved by the Public Works Director. Separate service lines shall be provided for each dwelling unit, structure or parcel, as defined in Title 152 Subdivision Ordinances.

All sanitary sewer lines, including private systems, must run at right angles to the street and may not run in the ROW parallel to the street. Service lines shall not cross adjoining

property lines and shall connect to mains fronting the property. Private Service lines may not cross adjoining properties even if located within private easements, unless

otherwise approved in writing by the Public Works Director. Where services lines are being replaced to bring properties into compliance, the new service line shall connect to a sewer main in the manner approved by the City.

- B. The Public Works Department shall install, or oversee the installation of, any sanitary sewer service line from the adjacent sewer main.
- C. The City shall not be responsible for inspecting the customer's sanitary sewer piping or apparatus within the customer's structure, this responsibility lies with the South Dakota State Plumbing Inspector.
- D. The City may refuse service until the customer's sanitary sewer service lines or piping are installed in such a manner as to prevent cross-connections or backflow, and all connections from other sources are disconnected.
- E. No person shall discharge or cause to be discharged, directly or indirectly, any unpolluted waters, including but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or other sources to any sanitary sewer, with the following exception:

The City, through the Public Works Director, in an emergency may by written notice approval, allow sump pump discharge into the City's sanitary sewer system. Additionally, basement sump pumps may be discharged into the sanitary sewer between November 1 and March 31, upon the written request of a customer, provided that, in the opinion of the Public Works Director, no storm sewer is available to reasonably accommodate the discharge. The Public Works Director shall document the basis for the approval.

- F. The City shall not be liable for damage of any kind whatsoever resulting from sanitary sewer service or the backup of sewage effluent on a customer's premises unless such damage results directly from gross negligence on the part of the City. The City shall not be responsible for negligence of third persons or forces or for interruption of sanitary sewer service.
- G. If a customer shall fail to properly repair any plugged or leaking sanitary sewer service line or other apparatus promptly upon receipt of a notice from the Public Works Director, or his designee, then the City may repair such line or apparatus and charge the customer for the costs of such repairs.
- H. The City shall not be liable for any damages resulting from:
 - 1. the breaking of any service lines or apparatus;
 - 2. any damage that may result from shutting off the sanitary sewer service for repairs; or
 - 3. the absence or malfunction of a backflow prevention valve on a customer's sanitary sewer service line.

4. Damage or plugging of service lines due to lack of maintenance by customer.
- I. Any owner of property upon which any structure is removed, demolished or raised shall be responsible for capping or plugging any sanitary sewer service lines. Said lines shall be capped at the point where the building sewer is tapped into the public main whenever possible, unless approved in writing by the Public Works Director. All plugs and/or caps shall be inspected by the Public Works Department prior to backfill.
- J. The size, shape, alignment, materials of construction, excavation methods, placement of piping, joint testing and backfilling of a sanitary sewer service line shall conform to the requirements of the South Dakota State Plumbing Code and other applicable requirements which may be prescribed by the Public Works Director.

Unless determined impractical by the Public Works Director, any building sewer shall be brought to the building at an elevation of no less than thirty (30") inches below grade and below the elevation of the basement footings. In any structure in which any building drain or waste line is too low to permit gravity flow to the public sewer main, sewage shall be lifted by means approved by the Public Works Director and discharged to the public main.

Any such piping and connections thereof, shall be made gastight and watertight, and verified by proper testing procedures approved by the Public Works Director in writing. Any deviation from the prescribed procedures and materials must also be approved in writing by the Public Works Director prior to installation.

52.16 DISCHARGE OR PROHIBITED MATERIALS:

No person(s) shall allow or cause to be discharged any of the following described water or waste to the public system:

1. Any gasoline, benzene, naphtha, fuel oil, or other similar flammable, combustible or explosive liquid, solid or gas;
2. Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either alone or by interaction of other wastes, that may contaminate sludge of the municipal sanitary system, injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any water or waste having a pH lower than 5.5 or higher than 9.0 or having any other chemical property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater system.
4. Solid or viscous substances in quantities of sizes causing obstructions to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Said prohibited materials shall include, but not be limited to, ashes, bones, cinders, sand, mud, whole blood, paunch manure, hair and fleshing, entrails, milk, whey, paper dishes, paper cups, milk containers, etcetera, either whole or ground by garbage grinders.

5. Any stormwater, surface water, ground water, roof run-off, subsurface drainage, sump pump discharge, cooling water, or untreated industrial waste unless such discharge is first approved by the Public Works Director.
6. Any harmful waters or wastes, whether liquid, solid, or gas, that are capable of obstructing the flow in the City's sanitary sewer system.

52.17 DISCHARGE ALLOWED WITH LIMITATION:

The following substances may not be discharged into the municipal sanitary sewer system without the prior written approval of the Public Works Director:

1. Wastewater having a temperature higher than one-hundred-fifty (150°) degrees Fahrenheit, sixty-five (65°) degrees Celsius;
2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
3. Wastewater from industrial facilities containing floatable oils, fat, or grease;
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to the sanitary sewer system, from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places, where garbage originates solely from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater treatment system exceeds the limits established by the Public Works Director for such materials;
6. Any water or wastes containing order-producing substances exceeding limits established by the Public Works Director in compliance with applicable state and federal regulations;
7. Any radioactive wastes or isotopes or such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state and federal regulations;
8. Quantities of flow, concentrations or both that constitute a slug, that may act as plug in the system;
9. Water or waste containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater treatment facility effluent cannot meet requirements of South Dakota Department of Environment and Natural Resources, Federal EPA or other agencies having jurisdiction over discharge to the receiving water; and
10. Any water or wastewater which, by interaction with other water or waste in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system, create a conditions deleterious to the structures and treatment processes, or contribute to the production of odors, floating materials or nuisance conditions in the wastewater collection and treatment system.

In the event any water or waste described in 1-10 above, are discharged or are proposed to be discharged into the public sewers and the Public Works Director determines that the said discharge may have a deleterious effect upon the wastewater

facilities, processes, equipment, or receiving water, or would otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may take any or all of the following actions:

1. Reject the waste;
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 added costs of handling and treating the waste not covered by existing taxes or charges established by ordinance or resolution. If the Public Works Director permits the pretreatment of waste flows, the design and installation of the treatment facility and equipment shall be subject to the review and approval of the Public Works Director.

Public Works Director shall have the authority to set limitations in writing, lower than the limitations established in the regulations set within this title, if the Public Works Director determines more severe limitations are necessary, to meet the objectives of this title. In determining whether more severe limitations are necessary, the Public Works Director shall be guided by the following factors:

1. The quantity of waste in relation to flows and velocities in the sewers;
2. The materials of construction of sewers;
3. The wastewater treatment employed;
4. The capacity of the wastewater treatment facility; and
5. The degree of treatability of the waste in the wastewater treatment facility.

52.20 CUSTOMER RESPONSIBILITIES:

- A. Every building in which plumbing fixtures are installed shall connect to a public sanitary sewer system if available. A public sewer system is available to a premise used for human occupancy if the property line of the premise is within four hundred (400') feet of the system infrastructure (ARSD 74:53:01:07). The City may condemn, pursuant to subdivision SDCL 9-12-1(2), any preexisting private sewers located within the municipality. Nothing in this title or other City ordinances requires the City to provide any municipal service outside of its municipal boundaries. (Ref. SDCL 9-48-53)
- B. The customer's responsibility for the sanitary sewer service line begins immediately at the City's sewer main and continues to the residence or business being served.
- C. All sanitary sewer service lines and fixtures connected to the City's sewer main shall be installed and kept in good working order and properly protected from frost and other danger by the customer. If proper protection is not given to the sanitary sewer service line, the customer shall make necessary repairs as directed, or the City will

perform said repairs and the property owner will be assessed the cost of repair or replacement parts and labor as determined by the Public Works Department.

- D. The customer's piping and apparatus shall be installed and maintained by the customer, at the customer's expense, in a safe and efficient manner and in accordance with the City's Rules and Regulations, with the Sanitary Regulations of the State Board of Health, and with the State Plumbing Codes. All work performed shall be subject to inspection and approval by the City.
- E. The customer shall guarantee proper protection of the City's property placed on the customers' premises and shall permit access to such property by representatives of the City.
- F. In the event of loss or damage to the property of the City or any accident or injury to persons or property resulting from; the negligence or wrongful act of the property owner, customer, his agents, or employees; all damages for cost of necessary repairs or replacement parts and other lawful damages shall be reimbursed the City by the responsible party. The City shall be indemnified for any negligence and damage caused by the responsible party.
- G. Contractor performing work within the City of Box Elder, shall be responsible for any damages incurred by the City from the contractor's digging, installing, or maintaining the sanitary sewer service line from the City's sewer main. Contractors shall obtain a Contractor's License from the City before commencing work.
- H. Contractor shall be responsible to obtain a Sewer and Water Permit, as required by the City Water and Sewer Service Line Regulations, before installing, repairing, extending, or altering a sanitary sewer service line or individual or on-site wastewater disposal system.
- I. It shall be deemed a violation of this Ordinance for any person to place or deposit, or permit to be placed or deposited, upon public or private property within the jurisdiction of the City any sewage or industrial wastes.
- J. It shall be deemed a violation of this Ordinance for any person to damage, break, destroy, uncover, deface, remove, obstruct, alter, or tamper with any portion of the City's sanitary sewer system or to interfere with the use of, or flow of sewage through, the City's sanitary sewer system.
- K. Any parcel of land within the jurisdiction of City of Box Elder in which sanitary sewer is not available, may at the owner's expense and in compliance with State and City regulations, install and maintain an individual or on-site wastewater system to dispose of all sewage and/or industrial wastes from the premises, if approved in writing by the Public Works Director.

In the event that the City subsequently installs a sewer main within four hundred feet (400') of said property, the owner shall, at the owner's expense, install and connect a sanitary sewer service line to the City sewer main and discontinue use (in compliance with State regulations) of the individual or on-site wastewater system

within 30 days of City notice to do so. If the owner fails to install such service line after notice to do so, the City may install said service line and charge the cost against the property as a special assessment. It shall be deemed a violation of this Ordinance for any person to install or utilize an individual or on-site wastewater system within the jurisdiction of the City except as provided in this Title.

- L. The City through the Public Works Director, may require a property owner, at the owners expense, to install and maintain a grease, soil, or sand interceptor where necessary for the proper handling of liquid wastes containing excessive grease, flammable wastes, concentrated BOD levels, sand, or other ingredients that may be harmful to the City's sanitary sewer system.
- M. In the event the Public Works Director permits, in writing, the pretreatment or equalization of waste flow, the design and installation of the necessary equipment shall be subject to the review and approval by the South Dakota Department of Environment and Natural Resources and the Public Works Department or their designee.

52.21 GREASE, OIL AND SAND INTERCEPTORS:

At a minimum, grease, oil and/or sand interceptors shall be a required installation for all restaurants, commercial kitchens, vehicle wash facilities, or similar uses.

Grease, oil and sand interceptors shall also be provided in the event the Public Works Director determines that they are necessary for the proper handling of liquid waste containing floatable grease in excessive amounts, as specified in this ordinance, or any flammable waste, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Any interceptor shall be of a type and capacity approved by the Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

All owner(s) shall be responsible for the maintenance of said interceptors and for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to review by the Public Works Director. Any removal and hauling of the collected materials shall be performed by a licensee of the South Dakota Department of Environment and Natural Resources.

53.21.01 MAINTENANCE OF PRETREATMENT FACILITIES:

In the event pretreatment or flow-equalizing facilities are provided or required for any water or wastewater, they shall be continuously maintained in a satisfactory and effective operation by the owner, at the owner's expense.

52.21.02 STRUCTURE REQUIRED FOR INDUSTRIAL WASTE:

Any owner of any property serviced by the City sanitary sewer and generating industrial waste, shall install a suitable structure together with such necessary meters and other

appurtenances in the structure to the facilitate the observation, sampling and measurement of waste.

Said structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans and specifications approved by the Public Works Director. The structure shall be installed by the owner at owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

52.22 ADOPTION OF STANDARD METHODS FOR EXAMINATION OF WATER AND WASTEWATER:

Any measurement, test, and/or analysis of the characteristics of water and waste to which reference is made in this title, 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. Any sampling method, location, time, duration and/or frequency of testing is to be determined on an individual basis, subject to approval of the Public Works Director.

53.23 COMPLAINTS AND ADJUSTMENTS:

- A. If the customer believes his sanitary sewer service bill to be in error, the customer shall present his claim, in person, at the Utility Billing Office before the bill becomes delinquent.
- B. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service, as heretofore provided. The customer may pay such bill under protest and said payment shall not prejudice his claim.
- C. In the event that a residential, bulk residential, commercial, or industrial class customer receives an "extraordinarily large" sanitary sewer bill, which such customer cannot reasonably be expected to pay due to "financial hardship", the Finance Office shall have the authority to allow for the payment of the remaining amount over a period of up to four (4) months, without interest or any penalties accruing, provided for in resolution 09-36.

SERVICE CHANGES

52.30 CHANGE OR DISCONTINUANCE OF SANITARY SEWER SERVICE.

- A. Not less than three (3) days prior notice must be given by the customer or owner, in person or in writing, at the Utility Billing Office to discontinue sanitary sewer service or to change occupancy.
- B. The outgoing customer shall be responsible for all sanitary sewer service charges up to the time of departure or the time specified for departure, whichever period is the longest.
- C. The City reserves the right to discontinue sanitary sewer service without notice for the following reasons:

1. Upon a finding of fraud, abuse, or intentional discharge into the sanitary sewer system of harmful waters or wastes.
 2. Customer's willful disregard of the City's rules and regulations after having received notice at least twenty-four (24) hours in advance of a violation.
 3. Emergency repairs.
 4. Insufficiency of sewer system capacity due to circumstances beyond the City's control.
 5. Unauthorized tapping into a City sewer main or introducing sewage into a sanitary sewer service line that has been previously turned off by the City.
 6. At the direction of law enforcement authorities.
 7. Strike, riot, fire, accident, or any unavoidable cause.
 8. Failure of the customer or property owner to pay delinquent water charges after three days notice.
- D. Any person willfully using the City's sanitary sewer services without the prior permission of the City shall be assessed a minimum penalty of \$100.00 plus the cost of estimated sanitary sewer services during the period the sanitary sewer system use was not approved. Each day an owner or lessor of the property fails to contact the City may constitute a separate violation.

52.31 AGREEMENTS FOR SPECIAL CIRCUMSTANCES:

No provision contained in this title shall be construed as preventing any special agreement or contractual agreement between the City of Box Elder and any industrial/commercial entity, whereby that waste of unusual industrial strength or character may be accepted by written agreement with the City for treatment. Any special agreement under this Section shall be approved by the City Council. Nothing herein shall be construed to prevent intergovernmental cooperation under SDCL 9-48-32.1.

52.32 APPEAL PROCESS:

Any person aggrieved by a decision of the Public Works Director made under this title may appeal the decision within 7 days to the City Council. The City Council's decision shall be final.

VIOLATIONS

52.90 VIOLATIONS AND PENALTIES

A violation of any provision of this Ordinance or any amendment thereto, or failure to perform any act required hereunder, may be issued an administrative citation, and/or a Class II Misdemeanor criminal citation. In addition to any penalty assessed herein or any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case including any costs incurred to remedy the violation. Any citation issued under this chapter, or the payment of any criminal penalty shall not be deemed a waiver of a civil action for damages incurred by the City.

BE IT FURTHER ORDAINED by the Common Council of the City of Box Elder that this Ordinance shall become effective in accordance to law.

CITY OF BOX ELDER

SEAL:

ATTEST:

Larry Larson
Mayor

Nicole Schneider
Finance Officer

First Reading: October 17, 2017

Second Reading:

Published:

Effective: