

## **TITLE V: PUBLIC WORKS**

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## CHAPTER 50: WATER

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### **§ 50.01 METER REQUIRED; TYPE; REPAIR.**

(A) No water shall be sold or distributed unless the same is measured by a meter which shall be furnished and kept in repair by the city. Upon discovery of an unmetered water user, the user shall be billed at a rate of \$25 per month until the water usage can be metered. The unmetered water usage rate shall be effective 5 days after receiving written notification from the city and will continue in effect until a water meter is in place.

(B) The meter shall be of a kind which is approved by the City Water Commissioner, and shall be located in a reasonably accessible place.

(C) In the event that any meter used to measure water sold by the city becomes out of repair, receipt of notice from the City Finance Officer shall act as a command to the user to repair same within 10 days or the water supplied to such user shall be shut-off until such repairs are made; and, in case it should become necessary for the city to so shut-off a user's water, the user shall pay a service charge of \$1 for turning off the water and \$1 for turning the water back on, before service shall be restored to the user. (Prior Code, § 13.04.010) (Ord. 89, passed - -1989)

**§ 50.02 SECURITY DEPOSIT REQUIRED.**

Water users shall pay to the city a deposit of \$50 as security for the payment of the use of water, and shall not be entitled to the use of city water until the deposit is made; that the deposit or the portion exceeds the water bill then owed, shall be refunded to said users at such time as the use of water is discontinued.

(Prior Code, § 13.04.020) (Ord. 75, passed - -1985; Am. Ord. 206, passed 12-15-2008)

**§ 50.03 CONNECTION TO WATER MAINS.**

(A) Whenever the property of users of water within the city borders upon a street wherein are located water mains, the users shall make individual connections with the mains after first obtaining a permit from the city to dig and connect to the city main. The city reserves the right to refuse water to any user so located who fails to make an individual connection or first obtain a permit to dig and connect to the city water main.

(B) No person shall make any connection to any of the water mains of the city without having an outdoor plumbing license issued by the State of South Dakota. Any such water connection shall be made under the supervision of the City Water Superintendent.

(Prior Code, § 13.04.030) (Am. Ord. 206B, passed 6-1-2009)

**§ 50.04 WATER LINES; EXCAVATION, CONSTRUCTION AND REPAIR.**

(A) All excavations pertaining to water lines in any of the streets or street right-of-ways of the city shall be done under the supervision of the City Water Superintendent and follow the provisions found in §§ 90.075 through 90.081.

(B) The construction of all water lines in any of the streets of the city or any water connecting to the city mains shall follow the State of South Dakota Uniform Plumbing Code and the material shall be of good workmanship and construction, utilizing reasonable durable material, subject to inspection at all reasonable times by the City Water Superintendent. Piping for potable water shall be water pressure rated for not less than 160 psi at 73 degrees Fahrenheit from the city main line to curb stop.

(Prior Code, § 13.04.040) (Ord. 189, passed 3-6-2006; Am. Ord. 206B, passed 6-1-2009)

**§ 50.05 CITY WATER; PROHIBITED USES.**

City water shall not be used for any extensive siphoning or power purpose.  
(Prior Code, § 13.04.050)

**§ 50.06 WATER RATES.**

(A) Rates for the use of water for all users located within the corporate limits of the city are as follows for a 1-month length of billing:

1,000 gallons	\$12
2,000 gallons	\$15
3,000 gallons	\$18
4,000 gallons	\$21
5,000 gallons	\$24
6,000 gallons	\$27
After 6,000 gallons	\$2.50 per 1,000 gallons

(B) Rates for the use of the water system for all users located outside of the corporate limits of the city shall be 50% higher.

(C) Each non-metered residential unit of an apartment building shall be charged a flat fee of \$10 per month in addition to the regular water usage that is metered through a master meter.  
(Prior Code, § 13.04.060) (Ord. 69, passed - -1983; Am. Ord. 101, passed - -1992; Am. Ord. 185, passed 9-19-2005)

**§ 50.07 METER READINGS.**

(A) The city shall be responsible for the reading of the water meters, figuring total gallons used and the sending of each water consumer a bill for water used. Water meters are to be read once every 2 months.

(B) When, for any reason, a meter is not read at the regular time, the water user shall be charged at the date of the last regular meter reading.  
(Prior Code, § 13.04.070) (Ord. 73, passed - -1984)

**§ 50.08 PAYMENT OF BILLS; DISCONTINUANCE OF SERVICE; APPEAL.**

(A) All water bills shall become due the first of the month after the reading of the water meter, and if not paid on or before the fifteenth of the month, the discount of 10% will be lost and the amount will be added to the bill. A service charge of 1½ % per month will be added to any unpaid balance due.

(B) If payment plus the forfeiture amount of the discount is not received by the twentieth of the month, the following will occur: the water consumer will receive a written notice that service will be discontinued 30 days from the date of the dated notice unless:

(1) The bill is paid in full; or

(2) The consumer makes a partial payment of at least 25% of the bill and enters into a written agreement to pay the balance in 3-months' time.

(C) If the water consumer disputes the bill, he or she may file a written complaint with the City Council, service will be continued until the appeal is heard. Service will be continued for a single 30-day period upon receipt of a physician's certificate or notice from a public health or social services official that disconnection of utility service will aggravate an existing medical emergency.

(Prior Code, § 13.04.080) (Ord. 73, passed - -1984)

**§ 50.09 NEW TENANTS; WHEN PROPERTY OWNER LIABLE FOR WATER BILLS.**

The owner of property which is served by city water shall notify the City Finance Officer of all new tenants, and, in the event of failure to do so, the property owner shall be liable for the water furnished to the tenants. If the water bill shall become over 30-days' delinquent for the tenant's usage then the property owner shall become liable for the water supplied to his or her tenants and further water bills will be sent to the property owner for payment.

(Prior Code, § 13.04.090) (Ord. 74B, passed - -1985)

**§ 50.10 WHEN RE-ESTABLISHING SERVICE UNLAWFUL.**

When service of water has been shut-off or discontinued to any user for failure to furnish or repair meters, repair leaks in pipes, furnish deposit, pay water bills, pay penalties or service charges provided for in this chapter, it shall be unlawful for any person without the permission of the City Auditor or Water Commissioner to turn the water back on or re-establish such service in any manner.

(Prior Code, § 13.04.100) Penalty, see § 10.99

**§ 50.11 WATER SERVICE OUTSIDE CITY LIMITS.**

(A) There shall be no water services provided from the city water mains to areas outside of the city limits unless permission is received first from the City Council.

(B) All connections shall be made directly and individually to the city main and metered separately. The water meter shall be placed in a suitable place under the direction of the City Water Superintendent. Each water line connecting to the city water main shall have a shut-off valve located at a suitable place prescribed by the City Water Superintendent.

(Prior Code, § 13.04.110) (Ord. 99, passed - -1992)

(C) There shall be a \$100 hook-up fee to any area outside of city limits supplied or connected to the city's water main service.

(Am. Ord. 135, passed - -; Am. Ord. 147, passed 10-20-1997)

**§ 50.12 USE OF WATER MAINS FOR HEATING AND COOLING; WHEN PERMITTED; FEE.**

(A) Only buildings that are used for commercial purposes are eligible to use the city's water mains as a heating and cooling source.

(B) There shall be no connections to the city water main for heating or cooling purposes without first obtaining permission from the City Council. All plans for connecting to the city water mains for heating and cooling have to be shown to the City Council and approved.

(C) The water user shall be held liable for any contamination or damage to the city's water sources and mains arising from the use of a heating or cooling system using the city's water mains.

(D) The water user shall remit to the city a fee of \$.08 per square foot per year for the use of the city's water mains.

(Prior Code, § 13.04.120) (Ord. 100, passed 6-1-1992)

(E) Any commercial entity owning a building that obtains approval for the use of the city's water mains as a heating and cooling source shall execute a hold harmless agreement that shall be binding upon the owner and any successors, heirs, administrators, or assignees. The hold harmless agreement shall state that the owner of the commercial building shall be solely responsible and totally liable for any contamination or damage to the city's water sources and mains arising from the use of the heating and cooling system.

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(F) The commercial use entity owning a building who obtains approval for the use of the city's water mains as a heating and cooling system shall insure the quality of the water returning to the city's main by doing the following:

(1) Install taps on the influent and effluent lines of the heating and cooling system, the purpose of the taps shall be for the taking of water samples before the water has been discharged into the city's mains.

(2) The expense and costs involved in placing, installing, and maintaining the taps described shall be borne by the commercial entity owning the building using the city's water main for heating and cooling purposes.

(3) (a) Any commercial entity owning a building that uses the city's water main for heating or cooling purposes agrees to install the above mentioned taps and hereby consents to city inspectors obtaining water samples, both influent and effluent, from each building site for testing as follows:

1. Total Coliform monthly;
2. Lead 3 times per year (June, July, August);
3. Copper 3 times per year (June, July, August); and
4. Volatile organic chemicals (VOC) annually.

(b) The city shall take a sample of the water from the influent and effluent taps as set above and send the same to an appropriate laboratory for analysis to determine if there are any contaminants in the water caused by circulation through the heating and cooling system. Additionally, the laboratory costs for analyzing the water samples for contaminants as described above, shall be borne by the commercial entity owning the building that is using the city's water main for heating and cooling.

(4) The city shall take any other samples of the water from the influent and effluent taps as they deem necessary to insure the quality of the drinking water. The cost of these tests shall be at the expense of the city.

(G) If any contaminants or damage to the city's water sources or mains arises from the use of the heating or cooling systems, the city may disconnect the city's water mains from the cooling and heating system and prohibit further use by the commercial building of the water mains for heating and cooling.

(H) The provisions of this section shall apply to all users of the city's water main for heating and cooling, including those users connected to the city's water main for heating and cooling purposes prior to the adoption of this section.

(I) Any commercial entity that obtains permission from the city to use the water main for heating or cooling purposes agrees to hold the city harmless from any injuries, damages, or interruptions of business that might occur if it is necessary for the city to shut-off the water service to the commercial building for purposes of maintenance or repair upon water lines.

(J) Any commercial entity that uses the city's water main for heating and cooling purposes and does not comply with the above regulations for testing shall be in violation and as such, shall be guilty of a Class II misdemeanor each day such violation is committed, or permitted to continue, and shall constitute a separate offense and shall be punishable with a \$100 fine for each day.

(K) The use of the city's water main for heating and cooling purposes shall be available to all commercial building users until the city's water main cannot support such a use.

(Ord. 190, passed 3-20-2006)

### **§ 50.13 FEES; DISCONNECT AND RE-CONNECT FEES.**

When the owner of property which is served by city water wants the water service shut-off to that property due to a prolonged absence; the property owner will have a choice of either paying the minimum charge for each billing period or paying a \$10 disconnect fee and a \$10 reconnect fee when service is restored.

(Ord. 131, passed - -)



## CHAPTER 51: SEWERS

### Section

- 51.01 Connection to city sewer
- 51.02 Dumping material into sewers
- 51.03 Cesspool construction
- 51.04 Total cost of operation and maintenance; generation of revenue
- 51.05 User's wastewater contribution percentage; determination
- 51.06 Surcharge system for users with BOD and TSS; determination
- 51.07 User's wastewater service charge; determination
- 51.08 Payment of service charge and penalties
- 51.09 Review of service charge
- 51.10 Prohibited discharges
- 51.11 Clear water connections prohibited
- 51.12 New sewers and connections; proper design
- 51.13 Rates

### § 51.01 CONNECTION TO CITY SEWER.

(A) (1) A permit shall be obtained from the city before any excavations are made for connections to the city's sewer mains. The City Wastewater Superintendent shall have general supervision of all connections made to the city sewer mains. All excavations are subject to §§ 90.075 through 90.081.

(2) All connections made to the city sewer mains must be made by a person who has obtained an outdoor plumbing license from the State of South Dakota and must be made in a careful and skillful manner, utilizing materials and workmanship that meets the approval of the City Wastewater Superintendent.

(Prior Code, § 13.08.010) (Am. Ord. 207B, passed 6-1-2009)

(B) There shall be a \$100 hook-up fee to any area outside of the city limits, connected to the city's sewer main service.

(Ord. 136, passed - -; Am. Ord. 148, passed 10-20-1997)

(C) All abandoned or open connections to the city's sanitary sewer system must be covered or plugged, to the approval of the City Water Superintendent. The property owner will be assessed the cost of digging up the abandoned or open connection and properly closing the connection if left open.

(Ord. 194, passed 9-5-2006)

**§ 51.02 DUMPING MATERIAL INTO SEWERS.**

It is unlawful for any person to wilfully dump any coarse garbage or waste material into the sewers if such garbage and material would have a tendency to disrupt the flow in said sewer.

(Prior Code, § 13.08.020) Penalty, see § 10.99

**§ 51.03 CESSPOOL CONSTRUCTION.**

It is unlawful for any person, persons or corporation to build or construct any cesspool either on private or public ground within the corporate limits of the city unless the same is constructed and built so as to keep water and the contents of the same from soaking into the ground, and is built of good concrete or other material equally as good.

(Prior Code, § 13.08.030) Penalty, see § 10.99

**§ 51.04 TOTAL COST OF OPERATION AND MAINTENANCE; GENERATION OF REVENUE.**

(A) The city, or its city engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost 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.

(B) The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user'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 to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(Prior Code, § 13.08.040)

**§ 51.05 USER'S WASTEWATER CONTRIBUTION PERCENTAGE; DETERMINATION.**

(A) The city, or its city engineer, shall determine each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's volume contribution percentage. The amount used is the total average contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The city, or its city engineer, shall determine each user's average daily poundage of 5-day, 20° Centigrade biochemical

oxygen demand which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all 5-day, 20° Centigrade biochemical oxygen demand discharged to the wastewater system to determine each user's biochemical oxygen demand contribution percentage.

(B) The city, or its city engineer, shall determine each user's average suspended solids poundage which has been discharged to the wastewater, to determine the user's suspended solids contribution percentage. Each user's volume contribution percentage, biochemical oxygen demand contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total 5-day, 20° Centigrade biochemical oxygen demand and of the total suspended solids, respectively.

(Prior Code, § 13.08.050)

#### **§ 51.06 SURCHARGE SYSTEM FOR USERS WITH BOD AND TSS; DETERMINATION.**

The city, or its city engineer, will determine the average suspended solids (TSS), and biochemical oxygen demand (BOD) daily loadings for the average residential user. The city, or its city engineer, will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge, sufficient to cover the cost of treating such users above-normal-strength wastes. Normal-strength wastes are considered to be 200 ppm BOD and 250 ppm TSS.

(Prior Code, § 13.08.060)

#### **§ 51.07 USER'S WASTEWATER SERVICE CHARGE; DETERMINATION.**

Each nonresidential user's wastewater treatment cost contributions as determined in §§ 51.05 and 51.06 shall be added together to determine each user's annual wastewater service charge. Residential users may be considered to be 1 class of user and an equitable service charge may be determined for each such user based upon an estimate of the total wastewater contribution of this class of user. The Governing Body may classify industrial, commercial and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids, and 5-day, 20° Centigrade biochemical oxygen demand. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule adopted as part of this chapter.

(Prior Code, § 13.08.070)

**§ 51.08 PAYMENT OF SERVICE CHARGE AND PENALTIES.**

The city shall submit an annual statement to the user for the user's annual wastewater service charge or 1/12 of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The city shall add a penalty of 10% per month if the payment is not received by the city within 15 days. Should any user fail to pay the user wastewater service charge and penalty within 3 months of the due date, the city may stop the wastewater service to the property.  
(Prior Code, § 13.08.080)

**§ 51.09 REVIEW OF SERVICE CHARGE.**

The city shall review the total annual cost of operation and maintenance, as well as each user's wastewater contribution percentage, on an annual basis, and will revise the system as necessary to assure equity of the service charge system established in this chapter, and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present at a regularly scheduled meeting of the Governing Body such factual information, and the city shall then determine if the user's wastewater contribution percentage is to be changed. The city shall notify the user of its findings as soon as possible.  
(Prior Code, § 13.08.090)

**§ 51.10 PROHIBITED DISCHARGES.**

The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the wastewater treatment plant, is prohibited.  
(Prior Code, § 13.08.100)

**§ 51.11 CLEAR WATER CONNECTIONS PROHIBITED.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.  
(Prior Code, § 13.08.110)

**§ 51.12 NEW SEWERS AND CONNECTIONS; PROPER DESIGN.**

The size, slope, alignment, materials of construction of sanitary sewers and sewer connections, and the methods to be used in excavations, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Prior Code, § 13.08.120)

**§ 51.13 RATES.**

(A) Rates for the use of the sewer system for all users located within the corporate limits of the city are as follows for a 1-month length of billing:

1,000 gallons	\$11
2,000 gallons	\$13
3,000 gallons	\$15
4,000 gallons	\$17
5,000 gallons and above	\$20

(B) Rates for the use of the sewer system for all users located outside of the corporate limits of the city shall be 50% higher.

(Ord. 160, passed 7-2-2001; Am. Ord. 209, passed 8-3-2009)



## CHAPTER 52: AIRPORT

### Section

- 52.01 Air traffic and ground taxi pattern for aircraft
- 52.02 Buildings and hangars

### § 52.01 AIR TRAFFIC AND GROUND TAXI PATTERN FOR AIRCRAFT.

(A) Entrance to the field shall be made at an altitude of 800 feet above the field elevation.

(B) Entrance shall be made at a 45-degree angle to the downwind leg.

(C) Landing shall be made into the wind as shown by the wind direction indicator, except at such times during the course of student pilot training when cross-wind landings are made pursuant to flight training under the supervision of a licensed instructor.

(D) In the event the cross-wind landings are made, pursuant to flight training under a licensed flight instructor, planes making landings into the wind shall have the right-of-way.

(E) A 180-degree change in direction must be made after entrance into the downwind leg before a landing shall be made.

(F) After landing is made, all planes shall taxi on the righthand side of the runway to the hangar, flight line or tiedown.

(G) In tailing plane from point of tiedown, or hangar, to approach the point of take-off, the planes shall be kept to the righthand side of the runway.

(H) Incoming planes shall have the right-of-way at all times.

(I) Planes taxiing upon the runways, upon the approach of incoming planes, shall, if there is sufficient time to permit the same, be taxied to the righthand corner of the runway as viewed by incoming pilot of final approach, and from that point, aircraft shall be faced toward incoming aircraft at a 45-degree angle for run-up and pre-flight.

(J) No aircraft shall attempt to take off while an incoming aircraft is attempting to land.

(K) All take-offs shall be made into the wind as shown by the airport wind direction indicator, except cross-wind take-offs may be made in the course of student flight instructor or in the case where heavily loaded crop-spraying planes would create a danger to the residents of the city by being forced to take off on the northwest runway and causing it to reach an unsafe and low altitude as it came directly over the city; but such aircraft making a cross-wind take-off shall give the right-of-way to planes taking off into the wind.

(L) After take-off, aircraft shall climb to an altitude of 400 feet and make a 90-degree turn to the left, and after making the 90-degree turn to the left, aircraft intending to leave the field shall then turn to the right at a 45-degree angle, and those aircraft intending to return to the field for a landing shall turn to the left at a 90-degree angle and climb to an altitude of 800 feet, and from such point shall land as prescribed by the regular landing regulations set out in this chapter.

(M) Heavily loaded crop-sprayer airplanes shall not be bound by division (L) of this section if the requirements would possibly force the heavily loaded plane to make the dangerous 90-degree turn to the left while directly over the city.

(N) Aircraft in the traffic pattern have the right-of-way over aircraft wishing to enter such pattern.

(O) Aircraft flying over the airport without intending to land shall maintain an altitude of at least 1,500 feet.

(P) Aircraft when on the airport, shall taxi at a speed, and in such a manner, which will not endanger the occupants of said aircraft or other persons or property on or about such airport.  
(Prior Code, § 13.12.010)

## **§ 52.02 BUILDINGS AND HANGARS.**

(A) (1) No construction of any nature or the placement of any building or installation shall hereafter be made upon the airport, except upon a written permit to be issued by the City Finance Officer with the approval of the Council.

(2) The Council shall determine the location, material and design for all buildings, or installation of every nature made upon the report.

(3) The rental fee for the use of the ground upon which hangars or other buildings or installations are constructed or placed shall be set by the City Council. A lease agreement shall be written up between the city and the leasee with the rental fee as part of the agreement.  
(Am. Ord. 134, passed 1-15-1996)

(B) Any person using the airport for a commercial purpose, such as flight training, operating for hire, plane rentals, aircraft repairing, crop spraying, or any other business, shall pay a license fee of \$200 per year and shall be required to procure from the City Finance Officer a license for such purpose

before engaging in any such activities; but there is excepted from the operation of these provisions, the casual and occasional use of the airport for commercial purposes by anyone having leased airport facilities.

(C) No flyable aircraft shall be used or stored upon the airport unless it is duly licensed by the state. (Prior Code, § 13.12.020) Penalty, see § 10.99

