

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. GARBAGE

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CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Service calls; fees and charges

§ 50.01 SERVICE CALLS; FEES AND CHARGES.

(A) (1) Service call fees shall be charged for services performed by the city's Maintenance Department.

(2) Examples of such services subject to a fee being charged include, but are not limited to, turning water on and off, repairing water meters, checking water meter flow, checking sewer flow, locates (including curb stops, line trace and the like), opening dumps and pit pumping.

(3) Any and all fees, charges, deposits and other rates as set shall be charged to the contact person who requested the service.

(B) Fees to be charged shall follow the following schedule.

(1) All services provided for in-town customers during normal working hours, those hours being Monday through Friday, from 8:00 a.m. until 5:00 p.m., shall be charged at a rate of \$20 per hour per person.

(2) All services provided for in-town customers at a time other than normal working hours, those hours being after normal hours, weekends, holidays and the like, shall be charged at a rate of \$60 per hour per person.

(3) All equipment rates shall be figured with an operator. Rentals will not be allowed. Service calls shall be charged according to the fee schedule listed below.

<i>Item</i>	<i>Normal Hours</i>
Backhoe	\$60 per hour
Blade	\$60 per hour

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<i>Item</i>	<i>Normal Hours</i>
Dump trucks	\$50 per hour
Loader	\$60 per hour
Mower	\$50 per hour
Water truck	\$50 per hour

(Prior Code, § 13.16.010) (Ord. 1997-3-3, passed - -1997; Ord. 2003-7-7, passed - -2003; Ord. 2013-9-9, passed 11-5-2013)

CHAPTER 51: GARBAGE

Section

- 51.01 Garbage charge imposed
- 51.02 Unlawful depositing of garbage or refuse
- 51.03 Rubble site established

- 51.99 Penalty

§ 51.01 GARBAGE CHARGE IMPOSED.

Every one-family dwelling and multiple-unit dwellings or apartment buildings connected or receiving water from the municipal water system of the city waterworks system, through a water meter shall be subject to a garbage pickup charge in such amount as shall be established by resolution of the Council from time to time, to be collected monthly together with charges for water service, which monthly garbage pickup service charge shall be assessed for each single-family dwelling, multiple-family dwelling unit or apartment house units, even though only one water meter connection shall be made to the water system.

(Prior Code, § 13.08.010) (Ord. 271, passed - -1975)

§ 51.02 UNLAWFUL DEPOSITING OF GARBAGE OR REFUSE.

(A) It shall be unlawful for anyone who is not a resident of the city to deposit garbage or refuse in any form along curbs, streets or alleys of the city or at the city rubble site.

(B) It shall also be unlawful for anyone, resident or not, to deposit garbage or refuse in dumpsters located in the parks of the city or in dumpsters belonging to various commercial establishments of the city without expressed permission in writing to do so.

(C) (1) It shall also be unlawful to deposit yard waste or rubble of any type anywhere within the city for pickup by the garbage contractor.

(2) Such yard waste or rubble is to be hauled to a rubble dump.
(Prior Code, § 13.08.030) (Ord. 348, passed - -1992) Penalty, see § 51.99

§ 51.03 RUBBLE SITE ESTABLISHED.

(A) There is hereby established a rubble site for the depositing of trees, yard wastes, building materials, rocks, concrete, appliances, and bathroom fixtures for city residents only.

(B) (1) Charges for depositing in the rubble site by city residents will be set by resolution of the Council and must be paid to the city office.

(2) The charge for construction and demolition debris (non-burnable): concrete, brick, sheet rock, asphalt and fiberglass shingles, masonry, and the like shall be \$12 per axle per load.

(C) The following items cannot be accepted at the rubble site: loose plastic and Styrofoam, paper products, cans, sealant, adhesives, varnish, petro products, green and brown treated lumber, hazardous waste materials, tires, batteries, pesticides, insecticides, ash, chemical containers, paints (cans), foam rubber, pressurized containers, asbestos, household waste, poisons, medical supplies, and the like.

(D) Depositing shall only be allowed during established hours when an attendant is on duty. (Prior Code, § 13.08.040) (Ord. 350, passed - -1993; Res. 1998-1, passed 4-20-1998) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violators of any provision of § 51.02 of this chapter shall be subject to a fine of not less than \$50, nor more than \$200.
(Prior Code, § 13.08.030)

(C) Unauthorized dumping at the site or along the county road leading to the site, as per § 51.03(D) of this chapter, will be subject to a fine of not less than \$250 per violation.
(Prior Code, § 13.08.040)
(Ord. 348, passed - -1992; Ord. 350, passed - -1993)

CHAPTER 52: WATER

Section

- 52.01 Connection application; tapping fee
- 52.02 Separate service connections
- 52.03 Installation of meters
- 52.04 Unlawful use of water
- 52.05 Claims for defective service
- 52.06 Consent to rules and regulations
- 52.07 Penalty for unpaid bills; discontinuance; reconnection fee
- 52.08 Installation of service
- 52.09 Check valves
- 52.10 Service pipes
- 52.11 Use in case of fire
- 52.12 Emergency restrictions
- 52.13 Rates; late penalty; deposit
- 52.14 Hydrant rentals
- 52.15 Curb stops and backflow devices
- 52.16 Low consumption standards

- 52.99 Penalty

§ 52.01 CONNECTION APPLICATION; TAPPING FEE.

Any person desiring water service from the water system of the municipality for premises not theretofore connected with the system shall apply for connection by obtaining non-refundable permit of \$200, said permit to be approved by city maintenance.

(Prior Code, § 13.04.010) (Ord. 1997-4-2, passed - -1997; Ord. 2003-7-7, passed - -2003; Ord. 2007-5-7, passed 6-4-2007; Ord. 2011-6-4, passed - -2011)

§ 52.02 SEPARATE SERVICE CONNECTIONS.

(A) Unless special permission (in writing) is granted by the City Council, each premises shall have a separate and distinct service.

(B) Multiple unit dwelling receiving water through a single water service line and one meter shall be billed for water service as follows: the total billing shall be divided by the number of units and each dwelling unit shall be billed on the basis of a single-family dwelling.
(Prior Code, § 13.04.020) (Ord. 288, passed - -1979; Ord. 2004-9-10, passed - -2004; Ord. 2007-5-7, passed 6-4-2007)

§ 52.03 INSTALLATION OF METERS.

The city shall require all users, both residential and commercial, to install meters and to pay the cost thereof to the city's Finance Officer, such cost to be determined from time to time by the City Council. Such meters shall be installed at such times and in such places as shall be deemed advisable by the city's Maintenance Supervisor.
(Prior Code, § 13.04.030) (Ord. 2003-7-7, passed - -2003)

§ 52.04 UNLAWFUL USE OF WATER.

(A) It is unlawful for any person to use water from any premises without the consent of the owner or to use water from the municipal water system, except through an authorized outlet.

(B) No person, except an authorized representative of the Water Superintendent, shall turn on or off or tamper with any water service connection.

(C) This will be enforced by ordinance with penalties.
(Prior Code, § 13.04.040) (Ord. 2003-7-7, passed - -2003) Penalty, see § 52.99

§ 52.05 CLAIMS FOR DEFECTIVE SERVICE.

All claims for defective service shall be made in writing and filed with the city's Water Superintendent on or before the tenth day of the month next succeeding such defective service and, if such claims are so filed, it shall be the duty of the city's Water Superintendent to investigate the facts alleged in such claim and determine the amount, if any, which should be refunded to such claimant by reason of such defective service and report such determination to the City Council and, if approved, such amount shall be allowed as a credit on the following bill or paid as other claims, but no claim shall be made against the city on account of any fire or any injuries to the person or property on any consumer of water under the provisions of this section.
(Prior Code, § 13.04.050) (Ord. 2003-7-7, passed - -2003)

§ 52.06 CONSENT TO RULES AND REGULATIONS.

Every person applying for water service from the municipality, and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules,

regulations and rates contained in this code and to any modification thereof, and to all new rules, regulations or rates duly adopted.

(Prior Code, § 13.04.060) (Ord. 2003-7-7, passed - -2003)

§ 52.07 PENALTY FOR UNPAID BILLS; DISCONTINUANCE; RECONNECTION FEE.

(A) A \$5 penalty shall be added to all unpaid water billings after the tenth day of the month in which they are due. Water service shall be discontinued on all billings, which remain unpaid after the twentieth day of the second month in which they are due.

(B) A notice of disconnection will be sent to the customer explaining the reason for disconnection, the disconnection date, the necessary action to prevent disconnection, and the penalties for reconnections. Such notice shall be sent by first class letter. If arrangements for payment are not made with Council or Mayor approval and the delinquent billing is not paid in full, the water service shall be terminated on the twentieth day of the second month in which they are due.

(C) A fee for reconnection of water service in the sum of \$35, plus \$1 per out-of-town mile to be charged both ways, shall be charged and payable before reconnection of services will be established.

(D) It will be the landlord's responsibility to notify his, her or its tenants to contact the city's Finance Officer for the purpose of establishing a water deposit and water account. If the city is not notified, the landlord will be held responsible for all charges accrued by the tenant. The city will not be responsible for monitoring changes in tenants.

(Prior Code, § 13.04.070) (Ord. 200, passed - -1979; Ord. 260, passed - -1973; Ord. 288, passed - -1979; Ord. 0396-1, passed - -1996; Ord. 1997-4-4, passed - -1997; Ord. 1999-3-1, passed - -1999; Ord. 2000-2-1, passed - -2000; Ord. 2003-7-7, passed - -2003)

§ 52.08 INSTALLATION OF SERVICE.

In installing water service, all taps, all new water services from excavations through meter installation shall be under the supervision of the city's Maintenance Supervisor.

(Prior Code, § 13.04.080) (Ord. 2003-7-7, passed - -2003)

§ 52.09 CHECK VALVES.

Check valves are required on all water connections to steam boilers or any other connections deemed by the city's Water Superintendent to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connections with the water system where the steam pressure may be raised in excess of 50 pounds per square inch.

(Prior Code, § 13.04.090) (Ord. 2003-7-7, passed - -2003)

§ 52.10 SERVICE PIPES.

All service connected with the water system from the water mains to the water meters shall be copper.

(Prior Code, § 13.04.100)

§ 52.11 USE IN CASE OF FIRE.

It is declared unlawful for any person in the municipality, or any person owning or occupying premises connected to the municipal water system, to use or allow to be used during a fire any water from said system, except for the purpose of extinguishing said fire; and, upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used, except for necessary household purposes during said fire.

(Prior Code, § 13.04.110) Penalty, see § 52.99

§ 52.12 EMERGENCY RESTRICTIONS.

(A) *General.* If the City Council or the Mayor finds that due to the inability of the city's water purveyor to provide its usual and customary supply or due to drought conditions or equipment failure, the city's water supply has or may become significantly depleted to the point where a sufficient supply of water to meet all customary and unusual demand may be threatened, the City Council, by resolution, or the Mayor by executive order, may declare a water advisory, water watch, water warning or water emergency, during which time the measures and provisions described herein shall be in effect to produce an orderly and equitable reduction of water consumption until, by resolution of the City Council or by order of the Mayor, the city declares the water advisory, water watch, water warning or water emergency to be ended. The term **WATER ALERT**, as used in this section, includes a water advisory, water watch, water warning or water emergency.

(B) *Non-essential water use.* The following activities relating to water use deemed to be non-essential water uses and are subject to regulation, restrictions or prohibition pursuant to terms of this section:

(1) *Washing outdoor surfaces.* The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces, except by container not exceeding five-gallon capacity or pursuant to exception granted under ordinance;

(2) *Washing mobile equipment.* The washing of automobiles, trucks, trailers, trailer houses, railroad cars or any other type of mobile equipment, except where required by health and sanitary requirements and except from water contained in a container not exceeding five-gallon capacity or from a hose equipped with and automatic shutoff device at the end from which water is taken. This division (B)(2) does not include commercial vehicle washing facilities operating at fixed locations, unless specified in resolution or executive order declaring water alert;

(3) *Cleaning buildings.* The washing of the inside and outside of dwellings and buildings, except pursuant to an exception granted under this section;

(4) *Ornamental fountains.* The operation of any ornamental fountain or other structure making a similar use of water unless equipped with a re-circulating device;

(5) *Swimming pools.* The filling and operation of any swimming and wading pools not employing a filter and re-circulating system;

(6) *Watering yards, lawns or gardens.* The day and time for sprinkling, watering or irrigating of yards, lawns or gardens by any method may be regulated or prohibited;

(7) *Water vegetation.* The sprinkling, water or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetable, flowers or any other vegetation by any method may be regulated or prohibited; and

(8) *Cleaning equipment and machinery.* The washing and cleaning of any business or industrial equipment and machinery, except where required by health and sanitation requirements and except pursuant to an exception granted under this section.

(C) *Alert levels and declaration of alert.*

(1) *Water advisory.* A water advisory may be declared when future water shortages are anticipated. This typically occurs when the area has experienced light winter snowfalls, or little or no spring rains. These factors together with high temperatures and limited amounts of forecasted precipitation may lead to a water advisory declaration. The water advisory may be declared to ensure that the needs of the city's water customers currently or in the foreseeable future are adequately met. Indicators of the need to declare a water advisory include:

(a) Notification from the city's water purveyor that sustained water treatment plant production is at near 80% capacity and current and forecasted conditions warrant the limit or curtail all nonessential use of water;

(b) Extended periods of hot and dry weather are forecasted; and

(c) Noticeable increases in the average and peak demands for water consumption.

(2) *Water watch.* A water watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the city's water system or its water purveyor to meet the needs of the city's customers currently or in the foreseeable nature. Indicators of the need to declare a water watch include:

(a) Notification from the city's water purveyor that sustained water treatment plant production is near 85% capacity and current and forecasted conditions warrant the limitation or curtailment of all non-essential use of water;

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(b) Extended periods of hot and dry weather have already occurred and continuation of conditions is forecasted; and

(c) Increases in the average and peak demands for water consumption continue and are trending upwards towards more usage.

(3) *Water warning.* A water warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the city's water system or its water purveyor to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to declare a water warning include:

(a) Notification from the city's water purveyor that sustained water treatment plant production is at near 90% capacity and current and forecasted conditions warrant the limitation, curtailment or the prohibition of selected or all non-essential use of water;

(b) Extended periods of hot and dry weather have already occurred and continuation is forecasted; and

(c) Increases in the average and peak demands for water consumption continue and are trending upwards towards more usage.

(4) *Water emergency.* A water emergency may be declared when a water shortage or equipment failure poses an imminent and severe threat to the ability of the city's water system or its purveyor to meet the needs of its customers. The likelihood of areas running out of water is great. Indicators of the need to declare a water emergency include:

(a) Notification from the city's water purveyor that sustained plant production is greater than 95% capacity, and current and forecasted conditions warrant limitations, curtailment or the prohibition of all non-essential use of water;

(b) Extended periods of hot and dry weather have already occurred and continuation of the conditions is forecasted; and

(c) Increases in average and peak demands for consumption continue and are trending upwards more usage.

(5) *Method of publication of advisory.* The city shall make the declaration of a water alert known to its water customers through posting a notice on the front door at City Hall and by public announcement through newspaper, radio, television, the internet and other mass media that a water advisory has been declared. If a water emergency is declared, the city shall in addition to the foregoing methods of notification use such additional means of notification as may exist and which are practical, including phone calls to homes and businesses, door-to-door notification and public emergency notification systems.

(D) *Actions by alert level.*

(1) *Water advisory.* If a water advisory is declared, the following restrictions shall take effect 24 hours after declaration:

(a) Outdoor watering of any kind is restricted to the hours of 8:00 p.m. to 7:00 a.m. and city water customers are requested to voluntarily limit their outdoor watering to three times per week; and

(b) City water customers are requested to voluntarily minimize or discontinue non-essential water uses.

(2) *Water watch.* If a water watch is declared, the following restrictions shall take effect 24 hours after the declaration:

(a) Outdoor water of any kind is restricted to the hours of 8:00 p.m. to 7:00 a.m. City water customers shall limit their watering activities to two times per week. Homes or business fronting on the north and east shall be permitted to water Tuesday and Saturday at the above times and homes or business fronting south and west shall be permitted to water Wednesday and Sunday at the above times; and

(b) All other non-essential water use shall be discontinued.

(3) *Water warning.* If a water warning is declared, the following restrictions shall take effect immediately upon declaration:

(a) Outdoor watering of any kind is restricted to the hours of 8:00 p.m. to 7:00 a.m. Water customers shall limit their watering activities to one time per week. Homes or business fronting north and east shall be permitted to water Wednesday at the above times and homes or business fronting south and west shall be permitted to water Sunday at the above times; and

(b) Other non-essential water use such as those described in the section titled “non-essential water use” shall be discontinued unless a specific waiver is granted by the city.

(4) *Water emergency.* If water emergency is declared, the following restrictions shall take effect immediately upon declaration:

(a) All outside water use, except for human consumption, sanitation and firefighting is prohibited. This prohibition includes all non-essential water uses. The Mayor is authorized to close municipal swimming pool if that closure is included in the water alert declaration;

(b) All commercial and industrial use of water not essential in providing products or a service is prohibited; and

(c) Water use not necessary for the preservation of life or the general safety or welfare of the community is prohibited.

(E) *Permitting the reasonable use of water.* The City Council or Mayor may grant an exception to any of the prohibitions contained in this section if said water use is necessary to maintain appropriate health and sanitation conditions.

(F) *Exception permits.* Upon written application by a water user, the Mayor may grant a permit for uses of water otherwise prohibited by this section would:

(1) Would cause an unnecessary and undue economic or other hardship to the applicant; or

(2) Would cause an emergency condition affecting or threatening the health, sanitation, fire protection or safety of the applicant.

(Prior Code, § 13.04.120) (Ord. 2007-8-6, passed 8-20-2007)

§ 52.13 RATES; LATE PENALTY; DEPOSIT.

(A) All new water users shall hereafter be required to pay a deposit of \$100 to ensure payment of water accounts. This deposit is to be paid before the water is activated. The deposit shall be subject to forfeit for non-payment of two months of service. Said deposit will be refunded when service is discontinued if the account has been paid in full or after five years of good payment record. This will commence starting 1-1-2005.

(B) Monthly payments for the use of water shall be due on the tenth day of each month. Monthly rates for the use of water shall be effective 1-1-2020 and are established as follows.

(1) A basic monthly fee of \$18 per month per water-consuming unit will be charged. This fee does not include any water usage.

(2) Consumption of water within the city limits will be billed at the rate of \$0.55 per hundred gallons of water used. This will be effective 1-1-2020.

(3) A basic monthly fee of \$27 per month per water-consuming unit outside the city limits will be charged. This fee does not include any water usage.

(4) Consumption of water outside the city limits will be billed at the rate of \$0.60 per hundred gallons of water used. This will be effective 1-1-2020.

(C) All water accounts shall be deemed delinquent if not paid by the tenth day of the calendar month for which the payment is due. A penalty of \$5 shall be assessed on all delinquent accounts not paid by the tenth day.

(Prior Code, § 13.04.130) (Ord. 256, passed - -1977; Ord. 259, passed - -1973; Ord. 266, passed - -1974; Ord. 280, passed - -1976; Ord. 288, passed - -1979; Ord. 300, passed - -1981; Ord. 363, passed 1994; Ord. 0596-2, passed - -1996; Ord. 1997-12-1, passed - -1997; Ord. 1999-3-1, passed - -1999; Ord. 2003-7-7, passed - -2003; Ord. 2004-11-13, passed 11-15-2004; Ord. 2008-08-11, passed 9-2-2009; Ord. 2019-10-07, passed 11-4-2019)

§ 52.14 HYDRANT RENTALS.

Any person wishing to rent a hydrant must first make a deposit of \$500, which will be held by the city's Finance Officer. This deposit shall be returned at the time the hydrant is no longer in use and all bills have been paid. Said renter shall show proof of liability insurance. Hydrant hook-ups must be verified in location by the city's Maintenance Supervisor/staff. Water from this hydrant will be charged at a rate equal to the current water rates and is due on a monthly basis. Any and all fees, charges, deposits and other rates as set will be charged to the contact person who requested them.

(Prior Code, § 13.04.150) (Ord. 1997-4-3, passed - -1997; Ord. 2003-7-7, passed - -2003)

§ 52.15 CURB STOPS AND BACKFLOW DEVICES.

(A) *Curb stop definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACKFLOW DEVICE. A device designed to restrict water flow into the water system.

CORPORATION. A device designed to connect a water service sized two inches or smaller to a water main.

CROSS-CONNECTION. A connection or arrangement of piping or appurtenances through which water of questionable quality or from a source other than the city's water system, wastes or other contaminants could possibly flow back into the city water system because of reversal flow.

CURB BOX. A device designed to control provide access to a curb stop.

CURB STOP. A device designed to control the flow of water within a service line from a water main.

METER. A device that records gallons of water used.

WATER MAIN. A pipe, or system of pipes and fittings, designed and used to distribute water to the water service of any customer.

(B) *Backflow device.*

(1) A backflow device must be installed on all new and replacement water lines.

(2) No cross-connections between any private water system and the city's water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private water system.

(C) *Curb stop responsibility.*

(1) *City.* The city shall maintain ownership of the water main, the corporation, the curb box and the curb stop on the city's side of the property line.

(a) All curb stops in need of repair before 5-1-2011 shall be the responsibility of the owner.

(b) The city shall maintain and repair, at its expense, the water main, the corporation, the curb box and the curb stop.

(2) *Property owner.* Property owners shall bear responsibility for their water system beginning at the curb box facing their property line and ending with their home water pipes, including the cost of installation, maintenance, repair, replacement or abandonment; except that:

(a) Installation of the meter shall be performed by the city. The cost of the meter and any costs associated with its installation and repair shall be the responsibility of the property owner; and

(b) The city shall at all times have the right to inspect, repair or otherwise service the meter, pipes and equipment.

(Ord. 2011-3-3, passed 4-4-2011)

§ 52.16 LOW CONSUMPTION STANDARDS.

(A) The purpose of this section is to ensure that the best practicable technology and management techniques are used to reduce water use in the area served by the city. This section is intended to comply with Pub. Law No. 102-575 being the Reclamation Projects Authorization and Adjustment Act of 1992, as well as paragraph 7A of the water supply contract entered into with the Mid Dakota Rural Water System, Inc., dated 7-6-1993.

(B) No person may install any new plumbing fixture which exceeds the following water use standards:

Bathroom faucet	1.5 gallons per minute at 20-80 PSI
Commercial lavatory	1.5 gallons per minute at 20-80 PSI
Kitchen faucet	2.5 gallons per minute at 20-80 PSI
Shower head	2.5 gallons per minute at 20-80 PSI
Toilet	3.0 gallons per flush
Urinal	1.0 gallon per flush

(C) This section shall not apply to fixtures purchased prior to the effective date of this code for a specific application.

(Prior Code, § 13.04.170) (Ord. 352, passed - -1993) Penalty, see § 52.99

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The penalty for violation of § 52.04 of this chapter will be \$100 and re-establishment of water deposit shall be required if found guilty of any violation.

(Prior Code, § 13.04.040)

(C) Every police officer, employee and official of the city shall, in connection with his or her duties imposed by law, diligently enforce the provisions of § 52.12 of this chapter. A violation of § 52.12 of this chapter shall be punishable by a fine of not to exceed \$100. If necessary to protect the city's water supply, the city may also install a water restricting device or discontinue water service to the offender.

(Prior Code, § 13.04.120)

(D) Unless otherwise provided in § 52.15 of this chapter, any violation of the provisions of § 52.15 of this chapter shall constitute a misdemeanor, punishable by a fine up to \$100. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water service to a violator and the right to obtain injunctive relief in a court of law.

(E) A violation of § 52.16 of this chapter shall be punishable by a fine not exceeding \$200 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. In addition to any fine or imprisonment, the court shall order the non-conforming fixture to be replaced or repaired within 20 days.

(Prior Code, § 13.04.170)

(Ord. 352, passed - -1993; Ord. 2003-7-7, passed - -2003; Ord. 2007-8-6, passed 8-20-2007; Ord. 2011-3-3, passed 4-4-2011)

CHAPTER 53: SEWERS

Section

- 53.01 Fees; rates
- 53.02 Connection application
- 53.03 Sump pumps

- 53.99 Penalty

§ 53.01 FEES; RATES.

(A) Sewer fees shall be payable each month with the water bill. Each establishment connected to the sewer collection system of the city shall be required to remit the full amount of rental fee with the monthly water bill. Multiple-unit dwellings discharging sewerage through a single sewer line will be billed for each unit.

(B) Monthly rates for the use of sewer collection system of the city are established as follows (effective date 12-22-2014):

- (1) Up to 5,000 gallons of water usage: \$17;
- (2) Five thousand gallons to 10,000 gallons: \$26; and
- (3) Over 10,000 gallons the rate will be \$26, plus \$1 per 1,000 gallons.

(C) Sewer fees are based on the average number of gallons of water used between October and April in order not to penalize those who irrigate during the summer months. The monthly charges are as follow, again based on a per household unit.

(D) Sewer fees are payable in advance as rent.

(E) All RV parks with five or more hook-ups will be charged \$8 per hook-up per year. (Prior Code, § 13.12.010) (Ord. 326, passed - -1988; Ord. 362, passed - -1994; Ord. 0596-1, passed - -1996)

§ 53.02 CONNECTION APPLICATION.

(A) Any person desiring wastewater service from the wastewater collection system of the municipality for premises not theretofore connected with the system shall apply for connection by obtaining a non-refundable permit of \$200. This permit will allow for the city to provide the services of wastewater collection line size, location, depth, type of pipe (clay, PVC) and the city right-of way. This permit shall be valid for ten working days, after which a new permit and fee must be obtained. Such permit shall give an exact description of the premises to be served. Such permit will be filed with the city's Finance Officer. The entire cost of connecting to the wastewater collection system shall be the responsibility of the applicant. The connection from premises service line to the city's collection line will be made under the supervision of the City Supervisor/staff.

(B) The entire cost of connecting and extension of wastewater collection line shall be the responsibility of the applicant. The project will be done under the supervision of the City Maintenance Supervisor/staff. All material and workmanship will be warranted for one year from completion. (Ord. 2011-6-7, passed 6-6-2011)

§ 53.03 SUMP PUMPS.

(A) *Purpose.* The City Council finds that the discharge of water from roof, surface, ground water sump pump, footing tile or swimming pool or other natural precipitation of the city sanitary sewage system will, and has on numerous occasions in the past, flooded and overloaded the sanitary sewage system to such an extent as to cause significant and grave damage to the waste treatment plan and sanitary sewer system. Such damage is caused by the backup of sewage into the lift station and private properties. The City Council, therefore, finds it essential to the minimization of damage to property that the provisions of this section be strictly enforced to avoid emergencies in the future.

(B) *Prohibition against discharges into sanitary sewer system.* No water from any roof, surface, ground water, sump pump, footing tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces and the like, a sump pump discharge system, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A **PERMANENTLY INSTALLED DISCHARGE LINE** shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

(C) *Exceptions.* In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer, may be maintained from November 1 to April 1. In no case shall any connection to the sanitary sewer be maintained from April 1 to November 1. Exceptions will be granted by permit on a case by case basis as determined by the City Inspector.

(D) *Disconnection.* Before any person, firm or corporation having a roof surface, ground water, sump pump, footing tile or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed in an effective, workmanlike manner, as approved by the city.

(E) *Inspection.*

(1) Every person owning improved real estate that discharges into the city's sanitary sewer system shall be subject to city employee(s) inspections of his or her buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow his or her property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this division (E)(1) shall make the necessary changes to comply with this division (E) and such changes shall be verified by city employee(s).

(2) In lieu of having inspection by a city employee(s), the property owner shall furnish a certificate from a licensed plumber in a form acceptable to the city certifying that the property has no prohibited discharge into the municipal sanitary sewer system.

(F) *Future inspections.*

(1) Inspections shall be performed by city employees(s) in an unsystematic, random manner of any property owner that owns improved real estate which is connected to the city's sanitary sewer system. Such property owner shall, within 30 days after written notice from the city:

(a) Allow an employee of the city to inspect both the inside and outside of buildings located on the property to confirm that there is no prohibited discharge into the municipal sanitary sewer system; or

(b) In lieu of having inspection by a city employee, the property owner may furnish a certificate from a licensed plumber, in a form acceptable to the city, certifying that the property has no prohibited discharge into the municipal sanitary sewer system. Failure to provide such certificate of compliance within the above time shall make the property immediately subject to the surcharge hereinafter provided for until the property is inspected and/or compliance is met, including any penalties and remedies that the city has provided in its policies and codes, by way of assessments, and administrative expenses in achieving compliance.

(2) The Council may, by resolution, provide for a waiver by reason of hardship from the requirements of this section.

(G) *Waivers.*

(1) The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this section where strict enforcement would cause

undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This would also include cases that would not be practical or feasible to correct the clear water discharge problem.

(2) Application for waivers pursuant to this section shall be addressed in writing to the city's Finance Office. The applications shall, at minimum, identify the property for which the waiver is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the City Council shall make its decision on the matter and send a copy of such decision to the applicant by regular mail.

(3) Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sanitary sewer system for the time specified in the City Council's written decision. The applicant will be required to agree to pay an additional fee for the additional sewer service, along with the regular monthly charge. Fees for this service will be based on estimated yearly average amounts discharged to the sanitary sewer.

(Ord. 2011-9-13, passed 11-7-2011) Penalty, see § 53.99

§ 53.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) All properties found to have violated § 53.03 of this chapter will be subject to the following penalties.

(1) A surcharge of \$100 for each month until the property owner submits proof to the city that the property is brought into full compliance.

(2) In addition to the \$100 charge, a property owner or other person who is not in compliance with § 53.03 of this chapter may be mailed, by regular mail, a notice that such violation shall cease and desist within a time limit provided by the City Council.

(3) If such violation does not cease and desist by the established time limit, the person violating § 53.03 of this chapter shall be guilty of a misdemeanor.

(Ord. 2011-9-13, passed 11-7-2011)