

## **CHAPTER 11.4 – SEWERS**

### **Chapter 11-1 Water**

#### **11-1-1 Installation of Meters**

The City of Mobridge, through the Water Department, shall have the right to at any time install a meter on any service connected with the City Water mains and from the time of such installations the meter rates established by the Ordinance of said City shall affect and apply to water delivered through such service; provided, that if the water rates for such premises shall have been paid in advance at existing flat rates, a credit for the expired time for such advance payment in proportion to the whole time thereof, shall be allowed upon meter rates.

Water meters up to and including three quarter inch shall be furnished and installed by the City, free of charge to the consumer, but any meters larger than a full three quarter inch meter, shall be furnished and paid for by the user and installed by the City; provided, however, that any meters so furnished by the users shall be of such kind and quality as specified and approved by the Water Department of the City of Mobridge.

- A. The City shall charge a consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non-business hours. Where only a meter reading is required on a new service because the water was not previously turned off, the City shall charge the consumer a fee set by resolution of the City Council for doing so during business hours and a fee set by resolution of the City Council for doing so during non-business hours.

#### **11-1-2 Duty and Responsibility of Owner or Occupant**

A suitable place, safe from frost or other damage and accessible for examination must be provided for said meter at the expense of the owner or occupant, and in all cases where the meter is injured by freezing or were it is otherwise damaged by the act or neglect of the owner or occupant of the premises or of his/her agent or servants, the cost of repairing or replacing the same shall be paid by the owner or occupant, and in case of neglect or refusal to pay the same on demand, the water supply may be turned off and shall not be again turned on until such consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non-business hours is paid to the City of Mobridge.

#### **11-1-3 Each Building to Have Separate Cut-Off**

Every separate building must have its own separate cut-off placed at the outside edge of the sidewalk or in the alley; provided, that when two or more buildings are already supplied through one service connection and one cut-off, such service may be continued until separate services and cut-offs are ordered, but if the water rates for any of said buildings shall become delinquent and so remain for a period of fifteen days, the water supply may be cut off from all of said buildings and shall not be again turned on until such delinquent rates and a consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non/business hours are paid. The Water Department may order separate service connection for any such buildings so already supplied through one service if or whenever the City main has been laid in the street adjacent to said building.

#### **11-1-4 One Meter**

The supply of water through each separate service must be recorded by one meter only, for which only one bill will be rendered by the City. If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set by the owner or consumer at their own expense and they must assume all responsibility of maintaining and reading the same.

#### **11-1-5 Notice**

In case of the breakage or stoppage or any other irregularity in the meter installed by the City, the owner or consumer is to immediately notify the Water Department and any necessary repairs will be made under its supervision.

#### **11-1-6 Testing Meters on Request of Consumer.**

Upon the written request of any owner or consumer, the Water Department will test the meter supplying the premises. The owner or consumer may, if desired, be present when the test is made. The result of the test will in all cases be reported to the owner or consumer requesting the test. If the test of the meters shows that it fails to register correctly within two percent on a flow equal to one-eighth of the diameter of the service, the water department shall make a charge or allow a credit in proportion to the error for all water registered in excess of the minimum amount allowed by the established rates.

#### **11-1-7 Protection of Meter**

Where a meter has been placed on a pipe connected to a boiler or other hot water apparatus, a check valve must be placed between such meter and the boiler or hot water apparatus which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for such damages.

#### **11-1-8 City Not Liable for Damages**

The City of Mobridge will not be responsible for damages caused by the breaking of a meter or from any accidents resulting from variation in water pressure or the ram of the water in the mains.

#### **11-1-9 Penalty for Interference**

Every Person who shall break or deface the seal of any water meter, or who shall obstruct, alter, injure or prevent the action of any water meter, or who shall make any connection by means of a pipe or otherwise with any main or pipe used for the delivery of water to a consumer in such manner as to take water from said main or pipe used for the delivery of water to a meter, or who shall use any water so obtained, or who shall with intent to defraud, make any connection or reconnection with such main or pipe, or turn it on or off or in any manner interfere with any valve, stop cock or other appliance connected therewith, shall upon conviction thereof be fined not less than \$75.00 not more than \$100.00 or be imprisoned not more than thirty days, or be subjected to both such fine and imprisonment, in the discretion of the Court.

### **11-1-10 Permits**

No person, firm or corporation shall make any extension to or alteration of any water tap, main pipe or other fixture without first having obtained a written permit so to do, and a full report of such work must be made within 24 hours after the completion of said work.

The Owners of property desirous of using water from the municipal disturbing pipes shall make application in writing, either by themselves or their authorized agents, to the Superintendent of Waterworks. The applicant to state the size of the tap, kind of service pipe to be used and the description of the premises and name of the owner.

Such application to be accompanied by the connection or tapping fee in the sum of One Hundred Thirty-Five Dollars (\$135.00) for a three quarter (3/4) inch tap; the sum of Two Hundred Seventy-Five Dollars (\$275.00) for a one inch tap. (2005ORD820) (2002 ORD 791)

### **11-1-11 Depth of Service Pipes**

Within the limits of the street, service pipes shall in no case be laid at a depth less than six feet below the lowest part of the gutter. The water and sewer lines may be in the same trench if kept 12" apart per the National Plumbing Code (10-6).

### **11-1-12 Curb-Stop and Shut-Off Valve**

There shall be a brass curb-stop in each service pipe under the exclusive control of the City. Said curb-stop shall be placed in the pipe under the boulevard at the outer side of the sidewalk area, just inside the curb or at the alley line, and only persons authorized by the Water Superintendent shall open or close or otherwise interfere with said curb-stop. Such curb-stop shall be provided with a box or tube of approved pattern, and the top of each box or tube shall be placed on the level with the grade of the sidewalk or alley, and no premises shall be supplied water services without said box being in good order.

Each service pipe must be furnished with a shut-off valve, approved by the Water Department, situated below the action of the frost so that the water can be conveniently shut off. There shall also be a shut-off valve in every attachment located at the first suitable point beyond the street or alley limits to enable consumers to turn the water off in case of accident to the pipes on the premises.

It shall be the obligation of the owner of the property which will receive the water services to install, repair and replace the curb-stop and shut-off valve(s). In case of neglect or refusal of the owner to provide or repair the curb-stop within a reasonable time after being notified, the Water Department shall cause it to be done and charge the expense as a special assessment against the premises to be served by the water line.

In case of neglect or refusal of the owner to provide or repair the shut-off valve(s) within a reasonable time after being notified, the Water Department shall cause water service to the premises to be terminated until such time as the replacement or repair has been completed and the shut off and turn on fees have been paid.

### **11-1-13 Guarding Excavations**

No excavation in any street or public place shall be left open over night, except in cases of necessity in which the Water Department must maintain suitable barriers and signals of warning during the night.

### **11-1-14 Return of Plumber**

All plumbers shall make full returns of the ordinary and special uses to which water is designated to be applied under any permit granted by the City, with a description of all apparatus and arrangements for using the water in every case. This return is to be made by the plumber who does the work, within forty-eight hours after the completion of said work, to the City Water Department. For any misrepresentations or omissions in the statement of the work done, or appurtenance set, through which there may be water used, the plumber may be suspended or his license may be revoked.

### **11-1-15 Penalties**

Any person who shall lay any water service pipe or introduce into or about any building or on any grounds, any water pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing with the pipes of the City Waterworks, or preparing them for such connection with a view of leaving such premises supplied with water by such water-works, or who shall make any addition to or alterations of any water pipes, water closet, stop-cock or other fixtures or apparatus for the supply of any premises with water without first having obtained a permit in writing for doing such work from the Water Department in the City of Mobridge, shall be subject to fine as provided in this Ordinance.

### **11-1-16 Rent Must Be Paid Before Water Turned On**

The water will not be turned on in any house or private service pipe, until the applicant shall have paid the rent due and shall exhibit his receipt therefore.

### **11-1-17 Right of Access to Premises for Inspection**

The Chief of Police or such other person as he or she may direct shall be authorized to enter and have free access at all reasonable hours to premises, to ascertain the location or condition of all hydrants, pipes or other fixtures attached to the waterworks; and in case he or she finds waste on account of negligence or want of repairs, and if such waste is not immediately remedied, the water leading to such premises shall be turned off. It shall be the duty of said officers, in case they discover any defect in the private service pipe or in the street, to give notice in writing to be left at the premises, and if necessary repairs are not made within twenty-four hours thereafter, the water shall be turned off, and shall not be turned on again until a consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non/business hours has been paid to the Finance Officer of the City of Mobridge.

### **11-1-18 Must Repair Connections**

Persons taking water from the distributing pipe must keep their service and fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all unnecessary waste, or the water will be shut off. No abatement shall be allowed from the price charged or agreed upon by reason of the breaking, nor will the City of Mobridge, its Mayor or City Council, in any case be liable or responsible for any damage growing out of the stoppage of such water or any insufficient supply of the same as the quality

or quantity. All persons using water from the waterworks for any purpose whatever will do so at their own risk.

**11-1-19**      **Notice to Discontinue**

Any person desirous of discontinuing the use of water must give notice in writing to the Water Department, on or before the day to which the rent has been paid, or they will be charged with water rent to the next rent day.

**11-1-20** **Service Pipes Supplying More Than One**

Service pipes intended to supply two or more distant premises must be provided with separate curb-cocks and shut-off boxes for each premises on the outside of the lot line, or when only one curb-cock is used, the person or persons controlling the same must pay the water rent of the parties who are thus supplied, as separate water rates will not be made without separate curb-cocks.

**11-1-21** **Laying Larger Pipes for Fire Protection**

When proprietors of lumber yards, manufacturers, halls, stores, hotels or public buildings, regular customers from the waterworks, wish to lay larger pipes with hydrants and hose coupling, to be used only in case of fire, they will be permitted to connect with the street main at their own expense, upon application for permit to the City Water Department, and under the direction of the City Council, will be allowed to use the water, for fire purposes only, free of charge. No standpipe will be allowed on the premises where water is not taken for other than fire purposes.

**11-1-22**      **Unnecessary Waste of Water**

Hydrants, taps, hose, water closets, urinals, bath and other fixtures will not be permitted to be kept running when not in use, and it is hereby made the duty of the Water Department to enforce this section, and also to notify the consumers of the unnecessary waste of water on their premises. If within forty-eight hours after being so notified that water is being wasted, the necessary repairs are not made, the Water Department shall forthwith shut off the water on the premises and before it shall be turned on, the consumer shall pay the fine as provided in this Ordinance.

**11-1-23**      **City May Shut Off Water for Repairs**

The City reserves the right at any time to shut off the water on the main pipe for the purpose of repairing the same, making connection, or extension to the same, or for the purpose of cleaning the same, and it is expressly understood that no claim shall be made against the City by reason of the breaking of the service pipe or service curb-cock, or from any damage arising from shutting off the supply for repairing, laying or relaying main, hydrants or other connections. It is hereby made the duty of the Water Department to give such reasonable notice as shall be practicable.

**11-1-24**      **Changing Pipes to Conform with Ordinance**

Pipes and appurtenances already put in which are not put in accordance with the

provisions of this chapter must be made to comply with the rules laid down in this chapter, and if not complied with in a reasonable time, the water supply will be cut off.

**11-1-25**            **Public Hydrants**

All hydrants located in the City of Mobridge for the purpose of extinguishing fires in said City, are hereby declared to be public hydrants, and no person or persons, other than members of the Fire Department of said City, for the use and purposes of said Department, and those especially authorized by the Water Department, shall draw water from the same, or in any manner interfere with or injure any of said hydrants. Any person violating any of the provisions of this section shall be deemed guilty of a Class 2 Misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 or imprisonment in the County Jail not to exceed 30 days, or by both such fine and imprisonment. (2003ORD802)

**11-1-26**            **Enforcement of Rules**

It shall be the duty of the water department, Chief of Fire Department and all persons in the employ of the City having police papers to enforce the foregoing rules by making prompt complaint before the City Council against all persons violating said rules.

**11-1-27**            **Water Department – Definition – Duties**

The term “Water Department” when used in this Ordinance, shall be constructed to mean that department of the city government having charge and control of the municipal waterworks, and any and all property pertaining thereto, of the City of Mobridge; and it shall be the duty of said department to see that the same is protected from unnecessary damage and loss, and to keep said waterworks in good running order and repair and said department shall make a monthly report of its activities, etc., to the City Council or more often if requested, of all its acts and doings in and about the same, and a record shall be kept of all matters which will show at all times the true state and condition of said office.

**11-1-28 Removing or Disturbing Covers of Meters-Penalty**

Plumbers and other persons are prohibited from removing, disturbing, uncovering or in any way exposing meters for the purpose of making repairs, thawing pipes, or any other purpose, whether owned by the City of Mobridge or by the owners or consumers, and any person or persons violating any of the provisions of this section shall upon conviction thereof be fined in a sum not exceeding \$100.00, and liable for any loss or damage occurring by reason of such violation.

**11-1-29 Regulations for Openings**

In case any person, firm or corporation, owning property fronting upon any of the streets, alleys or avenues mentioned in this Ordinance, shall show to the Water superintendent that they have failed to install water, sewer and gas connections prior to the laying of the pavement, in said streets, alleys and avenues through any sufficient cause, or that the sewer, water and gas mains already installed on said streets, alleys or avenues have become defective and in need of repair, or in case any public service corporation shall desire to open said pavement for the laying of mains or conduits, they shall make application for permit for such excavation as provided in this Ordinance; provided, that if such excavation

contemplates installation of water or sewer services, the water department shall be notified of such application by applicant prior to the granting of such permit.

### **11-1-30 Restrictions- Sprinkling- Air Conditioning**

All water used for air-cooling systems, lawn or garden sprinkling is subordinate to domestic use or fire protections and may be restricted by the City Council at any time, shall scarcity of water or an emergency of any kind so require. Such restrictions shall be imposed by resolution of the City Council, and notice thereof given the public by publication of such restrictions and the extent thereof, in the official newspaper, and if possible, by radio announcement at least twenty-four hours before the effective date of such restrictions, and it shall be unlawful for any person, firm or corporation to use City water in the manner or at the times restricted by such resolution.

### **11-1-31 Installation of Underground Sprinkling Systems**

The following rules and regulations are established for the installation of underground sprinkling systems:

1. A building permit shall be obtained by any person from the Building and Zoning Officer prior to installation of a sprinkling system.
2. All installations shall comply with the requirement of the National Standard Plumbing code, 1990 Edition and amendments thereto in the future.
3. All connections to the City water system or private wells shall be inspected by a licensed plumber prior to use.
4. All sprinkler systems installed shall have back flow preventers and safety valves properly installed as to not allow any water to drain back into a well or city water system. If such appurtenances are found to be missing from a system, the system will be shut down until such time as the system needs compliance.
5. Enforcement of these provisions shall be in accordance with this Ordinance.

## **CHAPTER 11-2-WATER RATES**

### **11-2-1 Water Rates for Business and Commercial Uses Within the City Limits**

All owners and occupants of premises used for business or commercial purposes located in the City limits and connected with the municipal system, including individuals, partnerships, corporations, associations, schools and any and all other benevolent charitable and nonprofit corporations, associations or organizations shall pay for the water consumed upon its premises, and for availability of water service, an amount set by resolution of the City Council.

### **11-2-2 Water Rates for Metered Residential Uses-Including Trailer Courts Within the City Limits**

All owners and occupants of residential premises and churches located within the city limits which are connected to the municipal water system and have a water meter, shall pay for water consumed thereon and for the availability of water service, an amount set by resolution of the City Council.

**11-2-3 Water Rates for Un-metered Residences and Lots Within the City Limits**

(A) All owners and occupants of residential premises or lots located within the City limits which do not have a water meter and which said residential premises are connected with the municipal water system shall pay for the water consumed thereon, and for the availability of water service an amount set by resolution of the City Council.

(B) All owners of residential and commercial premises or lots located within the City limits upon which there is located a Structure as defined in the Mobridge City Zoning Ordinances and which have water or sewer lines onto the property which are turned off and are not providing water services to the property during periods of 45 continuous days or more, shall be assessed a monthly charge to be set by resolution for the availability of the water and sewer services, which charges shall also include a surcharge and a Water and Sewer extension charge. Said charges shall continue for each month thereafter in which the water service to said premises is disconnected at the street connection. The service availability rates as stated herein shall become effective immediately for those properties which meet the above conditions and shall become effective for other properties (excluding new residential construction) 45 days after the City has received notification by the property owner to disconnect the water service. The service availability rate as stated herein shall become effective for properties upon which new residential construction is commenced one (1) year after the building permit for said construction is issued. All charges as set forth herein shall be billed at the time of the next water billing cycle after said charges become effective. The service availability rates as stated in this section shall not apply to vacant lots upon which no Structure is located. Failure to pay the charges as stated herein shall cause a lien upon the premises so effected and the City shall not reconnect water services to the premises until all such charges are paid in full unless the City Council shall waive some or all of said delinquent charges.

**11-2-4 Reserved.**

**11-2-5 Water Rates for All Business-Commercial- Residential and Trailer Court Purposes Outside the City Limits**

Water rates for all business, commercial, residential and trailer court purposes outside the city limits; connected with the municipal water system for the consumption of water and for the availability of water service for said purpose is fixed at the same Rate as within the City limits, except that the minimum monthly or quarterly Rate for such as therein provided shall be an amount set by resolution of the City Council. All excess water used over the minimum shall be at the same Rate as provided within the City limits.

**11-2-6 Fixing Special Rates**

Wherever, by reason of special circumstances, the City Council finds the foregoing rates for any user or purpose, and whether within or without the City limits, are unjust or inequitable as applied to certain premises, said rates, if in the opinion of the City Council, be either too high or too low the City Council, by resolution, may fix and establish a fair and equitable Rate for such premises during the period of such special circumstances, or may authorize the Mayor to enter into a contract for the sale of water at a fixed Rate as provided in said contract for such use.



### **11-2-7 Meter Reading and Billing**

All meters for residential, commercial uses and trailer courts within and without the City limits shall be billed on a monthly basis.

### **11-2-8 Special Fund**

In addition to the quarterly water statements for water used during said period at the rates herein fixed there shall be billed and collected from each water user the sum of \$0.50 per month, which sum is set aside in a special fund for sanitary purposes, repair, maintenance and extension of water and sewer mains. If such water user is connected to the City of Mobridge sanitary sewer, whether it be billed and collected with each quarterly billing, the sum of \$20.00 per month, except in the case of multiple users additional sewer rental shall be billed and collected as provided by Ordinance. All sums collected as sewer rental shall be set aside in a special fund for disbursement as provided in Ordinance No. 564 and as provided by Ordinance No. 577 and 706 as to:

### **11-2-9 Annexation - Termination**

That any water services serving property outside the corporate limits of the City of Mobridge on or after October 6, 1975 shall be continued in accordance with existing ordinances and/or as per contract between such water user and the city of Mobridge. In the event the property receiving water services shall refuse or neglect to petition for annexation to the City of Mobridge, after notice in writing by mailing is given, said water services shall be terminated 90 days after mailing of said notice unless said property is annexed within that period of time.

### **11-2-10 Special Rates for Specific Water Users**

All Owners or occupants of premises outside the city limits located on the trunk water main installed in 1965 from Mobridge Rodeo, Inc., Rodeo Grounds, to the Mobridge Municipal airport and Armory and through, over and across which premises said trunk water main is laid, and through, over and across which premises, or a part thereof, and easement has been given the City of Mobridge for the installation, maintenance, use and upkeep of said trunk water main; and, who shall have paid the City of Mobridge, the front foot cost of said truck water main shall pay for the water consumed upon said premises, and for the availability or water services the same minimum and over minimum Rate per month as shall be charged owners or occupants of premises located within the City limits of the city of Mobridge, SD, connected with the water system.

### **11-2-11 Special Water Main Tapping Fees for Lands Abutting on Armory Water Main Extension Project No. 64-8; and Providing for Collection and Disposition of Fees Collected**

Whereas, the City of Mobridge has paid all of the cost for the construction of a trunk water main as described and located in Armory Water Main Extension, Project No. 64-8, generally described as located in the first 15 feet of the land adjacent to U.S. Highway No. 12 commencing at a point within said 15 feet, 596 feet West of the East boundary line of Lot B in the SW1/4SW1/4 of Section 20, Township 124 North, Range 79, Walworth County, South Dakota, owned on the date of the adoption hereof by Mobridge Rodeo, Inc.; thence east to the section line between section 20 and 21; thence North 1950 feet on said section line right-of-

way to a point 1950 feet north of the said trunk water main as laid in the front 15 feet of Lot 1, Block 1 of James L. Jackson plat of Block 1, 2 and 3 in the SE1/4 Section 21, Township 124, Range 79, and which point is west of the Mobridge Municipal Airport where said trunk water main under said Armory Water Main Extension Project No. 64-8 leaves the Section line right-of-way and extends East into the Mobridge Municipal Airport and Armory grounds; and

Whereas, the contract cost of installing said trunk water main was \$2.10 per lineal foot,

Whereas, all land abutting thereon is benefited thereby; and

Whereas, it is the general policy of the City of Mobridge to charge the cost of Trunk Water Mains to abutting properties benefited thereby and making use thereof in a sum equal to the cost of the installation thereof;

Now thereof, be it ordained that in addition to all other tapping fees provided by ordinance, there shall be charged to abutting property from said Trunk Water Main the sum of \$2.10 per front foot, according to the number of front feet in each plated tract, lot or area abutting upon said water main as follows:

- (1) the east 596 feet of Tract B in SW1/4SW1/4 Section 20, Twp. 124, Rge. 79.
- (2) 155.5 feet, Lot 1 in SW1/4SE1/4 Section 20, Twp. 124, Rge. 79.
- (3) 145 feet, Lot 9 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (4) 46.2 feet in each of lots 3,4,5,6,7 and 8, in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (5) 52.75 feet, Lot2 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (6) 66 feet, lot 1 in W1/2E1/2SE1/4 Section 20, Twp. 124, Rge. 79.
- (7) 0.5 feet each, Lot 1,2,3 and 4, in Block 1 James L. Jackson plat SE1/4SE1/4 Section 20, Twp. 124, Rge. 79.

Property on both sides of the Trunk Water Main Located in the section line right of way between Sections 20 and 21 receive equal benefits by the construction and installation thereof, the cost of installation \$2.10 per foot shall be divided equally by property on each side thereof, or at the Rate of \$1.05 per front foot, as to the following lots, tracts and lands as now plated.

- (1) 150 feet, Lot 1, Block 2, James L. Jackson Plat in SE1/4Se1/4 Section 20, Twp. 124, Rge. 79.
- (2) 56.1 feet, Lot 1, Block 3, James L. Jackson Plat in Se1/4, Section 20, Twp. 124, Rge 79.
- (3) 50 feet each, Lots 2 to 18, both inclusive, Block 3, James L. Jackson plat SE1/4, Section 20, Twp. 124, Rge. 79.
- (4) 630 feet in the SE1/4 Section 20, Twp. 124, Rge. 79 North of and abutting Block 3, James L. Jackson Plat of Blocks 1,2 and 3 in SE1/4, Section 20, Twp. 124, Rge. 79.
- (5) 1950 feet front on section line between Sections 20 and 21 in Twp. 124, Rge 79 commencing at the SW corner of the SW1/4 of said Section 21, thence extending North along said section line right of way a distance of 1950 feet.

It is further provided that if any of said lots, tracts or parcels of land shall be officially subdivided, platted or replatted, and such subdivision, plat or replat, or part of parcel thereof abutting said trunk water main, and desire to tap into same, the special tapping fee herein provided shall be at the same Rate as the lot, tract or parcel of land from which said

subdivision, plat or replat was made and according to the number of front feet abutting upon said trunk water main of the lot or tract requesting tapping privileges and benefits.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of such property abutting upon said trunk water main before said trunk water main shall be tapped to serve said lot, tract or area shall receive benefits and the use thereof. All special tapping fees paid hereunder shall be deposited in the general fund of the City.

#### **11-2-12 Special Areas**

That in addition to all water rates as provided by Ordinance all persons, firms, or corporations tapped into and receiving water from the trunk water main east of the booster pressure water pump located at the quarter line – Section 21 on US Highway and extending to the Indian Creek Campground shall pay to the City of Mobridge the cost for all electrical energy to operate said booster pump. The cost to be prorated to each user according to the gallon usage of each user as the same relates to the total gallons used by all users tapped into said trunk water main. The cost thereof shall be billed to each water user with the regular water billing as provided by Ordinance and shall be collected by the City Finance Officer in the same manner as all other water bills.

#### **11-2-13 Delinquent Water Rents**

All water accounts inside or outside the City limits of Mobridge, shall be payable at the office of the City Finance Office, and if not paid within fifteen (15) days after the same becomes due, shall become delinquent and a penalty of 5% shall be added to said bill. If the water bill and penalty are not paid within five (5) days after becoming delinquent, the water shall not be turned on again until all back rents and penalty, together with a consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non/business hours is paid. No notice shall be required when water rents will become due or delinquent. The City Council shall have the right at any time to adopt rules and regulations governing the use of water furnished by the City.

#### **11-2-14 Leaks and Waste**

No allowance will be made on water bills for the excessive use occasioned by leaks or waste within the premises of the consumer.

#### **11-2-15 Owner – Lessee Liable**

The owner of private property, which property has upon it pipes connected with the City waterworks to convey water upon such property shall, as well as the lessee or occupant of the premises, be liable to the City of Mobridge for the rents or rates of all water from said waterworks used upon said premises, which may be recovered in an action against such owner, lessee or occupant or against any or all of them.

#### **11-2-16 Section 1 – Purpose**

The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the water treatment plant waste disposal system. The costs shall be distributed to all users to the water treatment plant waste disposal system in

proportion to each user's water usage to insure a proportional distribution of operation and maintenance costs to each user.

**11-2-16 A Section 2 – Determining the Total Annual Cost of Operation and Maintenance**

The City of Mobridge shall determine the total annual costs of operation and maintenance of the water treatment plant waste disposal 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 and a reasonable contingency fund.

**11-2-16 B Section 3 – Determining Each User's Service Charge for the Water Treatment Plant Waste Disposal System**

Each user's water treatment plant waste disposal system cost contributions shall be determined by the total water usage of the individual user which shall determine the user's annual service charge each user's water treatment plant waste disposal system cost contribution will be assessed in accordance with the following Rate schedule:

A. Estimated Total Annual Operation and Maintenance Costs Bi-Annually

Administration (815)

Billing – 1/10 Salary of Water  
Billing Clerk \$1400.00

Water-Waste Water Supt. – 1/10 of  
Salary of Supt. 30000.00

Power & Pumping (812)

Electrical Power 375.00

Water Plant (811)

Salaries – ¼ of total salaries of water treatment plant operators estimated to be spent on waste disposal system of water treatment plant. This includes time to empty lime sludge from one decant pond per year. No equipment cost because City owns necessary equipment.

Repairs – Supplies 200.00

Contingencies 400.00

TOTAL \$20,244.00

B. Current Annual Town Water Usage

Approximate 1979 water gallonage billed – 204,700,000 gallons – 204,700 M. Gal.

C. Rate Schedule

Cost/M Gal. = \$20,244.00 = \$0.099 + \$0.10/M. Gal.  
204,700 M. Gal.

Note: A minimum charge for the minimum gallons used may be charge such as:

- a. 2000 gal. Or less/month = \$0.10 x 2 = \$0.20
- b. Un-metered residence \$67.50/quarter = 6,000 gsl./2 quarter = \$0.10 x 6 = \$0.60
- c. etc.

**11-2-16C Section 4 - Payment of User's Water Treatment plant Service Charge and Penalties**

The City shall submit a monthly, quarterly, or annual statement to the user for the user's current water treatment plant waste disposal system service charge and it will be included with the regular water and/or waste water utility billing. The City shall add a penalty of 5 percent per user service charge and penalty within two months of the due date, the City may stop the water service to the property.

**11-2-16D Section 5 – Review of Each User’s Water Treatment Plant Service Charge**

The City shall review the total annual cost of operation and maintenance as well as each user’s Water Treatment Plant Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the treatment works.

**11-2-16E Section 6 - Notifications**

Each user will be notified, annually, with publication in the local newspaper, of the Rate and that portion of the user charges, which are attributable to the water treatment plant services.

**11-2-17 Section 1**

The City of Mobridge shall fence the waste disposal lagoons at the Waste Water Treatment Plant and lagoons located on the real estate described as Tracts A and B in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirteen (13) in Township One Hundred Twenty Four (124) North, Range Eighty (80), West of the 5<sup>th</sup> P.M., Walworth County, South Dakota located outside the City limits of Mobridge and shall affix no trespassing signs on all fences.

**11-2-17A Section 2**

It shall be unlawful for any unauthorized person or persons to enter upon or cause any damage to Waste Water Treatment Plant, waste disposal lagoons, structures, buildings or fences belonging to the City of Mobridge located on the above described land.

**11-2-17B Section 3**

Any person violating the provisions of this Ordinance shall be deemed guilty of a Class 2 Misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 or imprisonment in the County Jail not to exceed 30 days, or by both such fine and imprisonment.

**CHAPTER 11-3 SEWER AND WATER CONNECTIONS – SPECIAL RATES**

**11-3-1 Special Tapping Fees in Lieu of Special Assessments**

In addition to the regular tapping fees for water and sewer provided in Chapters 11-1 and/or 11-2, the following tapping fees for connections of property to sewer and water mains as established by special Ordinance Nos. are hereby continued and the charges set forth in said Ordinances shall remain in full force and effect.

<u>Lot No.</u>	<u>Addition</u>	<u>Amount</u>	<u>Water Main</u>
15A 3	Eklos 3 <sup>rd</sup>	30.60	30.60
25B	Eklos 3 <sup>rd</sup>	106.95	106.95

**(1) Water Mains, Trunk, Tapping**

In addition to all other tapping provided by Ordinance there shall be assessed and collected against all lots or parts of lots within the City limits of the City of Mobridge making application for tapping on the trunk water mains extending from the City Water Treatment plant to the City elevated water storage tanks a front footage fee equal to the cost per front foot of laying six inch water main in the City of Mobridge on the date of such application as shall be determined by the City Council by the cost of all labor and material per foot for laying such six inch water main by the City at the last date next preceding such application, when the City shall have laid six inch water main.

A regular tapping fee as provided by Ordinance together with a front footage fee equal to the cost per foot of all labor and materials for laying seventy five (75) feet of six inch water main, on the date of the application for such tapping, as shall be determined by the City Council by the cost per foot for laying such six inch water main the City at the last date next preceding such application when the City shall have laid six inch water main, shall be charged each dwelling house or individual not in the City limits of the City of Mobridge for The privilege of tapping any of the trunk water mains extending from the City Water Treatment plant to the City elevated storage tanks.

**(2) Mobridge Community Hospital**

Mobridge Regional Hospital, fka Mobridge Community Hospital, having paid for the installation of sewer mains in Mobridge sewer district No. 5 of the Tenth Avenue West from Tenth Street to Fourteenth Street, that in addition to all other tapping fees as provided by Ordinance, a special tapping fee of \$1.369 per foot be paid by all abutting property owners, for each contiguous front foot of said owners property abutting upon said street or public highway for tapping into said sewer main, and that in addition to all other tapping fees as provided by Ordinance, a special tapping fee of \$2.219 per foot be paid by all abutting property owners, for each contiguous foot of said owners property abutting upon said public highway for tapping into said water main.

The above special tapping fee shall be paid to the City Finance Officer by the owner or owners of any such property abutting upon said avenue and public road before the sewer and/or water main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received under this Ordinance to the Mobridge Regional Hospital.

**(3) Eklos Addition, Rinehart Addition, Larson's Rearrangement, and Goodman Quality Hill Addition**

The City of Mobridge having installed trunk sewer mains in the public streets upon which the hereinafter described City lots abut, and having paid for same from City general funds, and not having collected special assessments from said abutting property pursuant to the general policy of said City for the construction of said trunk sewer mains; and it having been determined that the actual cost thereof is \$1.00 per front per foot, there is hereby levied against each of the hereinafter described lots, or parts of lot, a special sewer tapping fee of \$1 per front foot, to-wit:

Eklo's First Addition:

Lots 3B, 3C, 4A, 4b, 4C and 5

Eklo's Third Addition:

Lots 3B, 4B, W 1/2 5, along the side W 1/2 5, along the side E1/2 5, E 140' lot 32 and lot 33A, 15B, 20, 21A, 22, 29B long side, 29C long side and 29D

Rinehart Addition: Lots 16, and 17

Larson's Rearrangement: Lots 1, 2, 3, 8, 9, 10 and 11

Goodman Quality Hill Addition: Lots 12 and 13, Block 2

The above special water and/or tapping fees shall be paid in addition to all other tapping fees provided by City Ordinance and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the sewer and/or water main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall pay said money as received by him under this Ordinance to the City Water and Sewer Extension fund.

**(4) Main Street from Fourteenth to Fifteenth**

Leo Bell of Mobridge, South Dakota, having paid for the installation of sewer mains, consisting of a trunk line sewer, on Main Street from Fourteenth Street north to Fifteenth Street the cost therefore being \$2.00 per foot; and, said trunk sewer mains having been installed in the City trunk sewer mains; that in addition to all other tapping fees as provided by Ordinance, a special tapping fee of \$1.00 per foot be aid by all abutting property owners, for each contiguous front foot of said owner's property abutting upon said public street for tapping into the said sewer main.

The above special tapping fee shall be paid to the City Finance Officer by the owner or owners of any such property abutting upon said street before the sewer main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received under this Ordinance to the said Leo Bell of Mobridge, South Dakota.

**(5) Shor Acres Addition & Bell Aire Addition**

That in addition to all other tapping fees provided by Ordinance there shall be charged to and collected from the hereinafter described lots in Shot Acres Addition and in Bell Aire Addition to the City of Mobridge the following special trunk water main tapping fee and the following trunk sewer line tapping fee for and at the time of tapping into and using said trunk water main and/or said trunk water sewer line. The amount of said special tapping fee being determined by the total cost of all labor and material for the installation of said trunk water main and the cost of all labor and material for the installation of said trunk sewer line as hereinbefore stated divided by the abutting property on both sides and the number of front footage of each lot or tract abutting thereon, as follows:

SHOR ACRES (1/2 of \$3.65 per foot or 1.825 per foot) (1/2 of \$3.35 per foot or 1.675 per foot)

<u>LOTS</u>	<u>FOOTAGE</u>	<u>WATER</u>	<u>FOOTAGE</u>	<u>8" SEWER</u>
105	117.18	213.86	117.18	196.28
104	150	273.75	150	251.25
103	124.62	227.43	417.48	208.75
102	149.90	273.57	149.90	251.09

**BELL AIRE ADDITION - BLOCK 2**

12	70	127.75	70	117.25
13	70	127.75	70	117.25
14	70	127.75	70	117.25
15	70	127.75	70	117.25
16	82.5	150.57	82.5	138.19

In any of said lots, tracts of parcels of land shall be subdivided, platted or replatted and the owner thereof shall make application to tap into said trunk water main or trunk sewer line the special tapping fee Rate herein provided shall be chargeable against said tract according to the number of front feet in said tract abutting on the trunk water main and/or trunk sewer line.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of said property abutting upon said trunk water main and/or trunk sewer line before said trunk water main and/or before said lot, tract or area shall receive the benefits and use thereof.

All special tapping fees paid under this Ordinance shall be deposited in the General Fund of the City of Mobridge.

**(6) Thompson's Out lots 1, 2, 23 and 24**

Henry Krebs of Hosmer, South Dakota has paid for the installation of trunk line water mains and sewer mains in 13th Street from the west boundary line of Thompson's Out lots 1 (northside) and 24 (southside) to the East boundary line of Thompson's Out lots 2 and 23; and,



Said trunk sewer and water mains upon attachment to the City of Mobridge sewer and water system and become a part thereof under the management and supervision of the City of Mobridge, South Dakota, and the abutting property owners to said trunk line water and sewer have not paid their proportionate share for the installation thereof.

That in addition to all other tapping fees as provided by Ordinance there is hereby levied and established a special tapping fee against that portion of lots 1, 2, 23, and 24 in Thompson's Out lots Addition of \$2.10 per front foot for tapping trunk water main; and \$1.85 per front foot for tapping sewer trunk main lying in that part of 13th Street between the West boundary line of Lots 1 and 24, Thompson's Out lots Addition and the East boundary and the line of Lots 2 and 23, Thompson's Out lots Addition.

The tapping fee herein provided shall be paid to the City Finance Officer of the City of Mobridge, South Dakota prior to the approval of the application of the owners of any of the abutting property to tap said trunk water main and/or sewer main for private water and/or sewer connection for the use and benefit of the abutting lots or parts of lots. That upon receipt thereof the City Finance Officer shall pay such special tapping fee to Henry Krebs of Hosmer, South Dakota, his heirs or assigns.

#### **(7) Thompson's Out lot Addition (westside) - Lot 24**

Lawrence G. Schaeftbauer and Bonnie Schaeftbauer, Mobridge, South Dakota, have paid in full all cost of labor and materials for the installation of a trunk water main in Third Avenue West from the center of the Thirteenth Street Intersection extending north a distance of 180 feet; and, the actual cost of labor and material for the installation thereof was \$5.20 per lineal foot and no special assessment has been collected from abutting property pursuant to the general policy of the City of Mobridge for the construction of water mains. Therefore, there is hereby levied against all property abutting on both sides of said water main a special water-tapping fee of \$2.60 per front foot.

The property abutting said trunk water main and the front footage thereof upon said which special tapping fee is levied is as follows:

#### THOMPSON'S OUT LOTS ADDITION

Lot 24 - South 150 Feet

The above special water tapping fee shall be paid in addition to all other tapping fees provided by City Ordinance and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the trunk water main shall be tapped for the use and benefit of such abutting property or property owner; and the City Finance Officer shall forthwith pay and deliver all monies received as a special tapping fee under this Ordinance to the said Lawrence G. Schaeftbauer and Bonnie Shaeftbauer as reimbursement to them for the actual cost of all labor and material for the installation of said trunk water main.

#### **(8) SHOR ACRES**

That in addition to all other tapping fees provided by Ordinance, there shall be charged to abutting property a special tapping fee for tapping into and using water from said trunk

water main the sum of \$2.20 per front foot; and for tapping or connecting to and using the trunk sewer main, the sum of \$3.00 per front foot; according to the number of front feet in each plotted tract, lot of area abutting upon said water main, and sewer main, being the following described real property: Lots One, Two, Three, Twenty-one, Twenty-two, Twenty-three, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, Forty-seven, Forty-eight, Forty-nine, One Hundred Fifteen, One Hundred Thirty-one, One Hundred Thirty-two, One Hundred Thirty-three, One Hundred Thirty-four, One Hundred Thirty-five, One Hundred Thirty-six, One Hundred Thirty-seven, One Hundred Thirty-eight, A, B, C, and D, Shor Acres Addition to the City of Moberge South Dakota.

Property abutting on both sides of the trunk water main and trunk sewer main in said project No. 67-1 receive equal benefits by the construction and installation thereof, the cost of installation of water main at \$2.20 per lineal foot and the cost of said sewer main at \$3.00 per lineal foot shall be divided equally and chargeable to the property on each side thereof at the Rate of \$1.10 per lineal foot for water main and \$1.50 per lineal foot for sewer main.

It is further provided that if any of said lots, tracts or parcels of land shall be officially subdivided, plotted, or replotted, and such subdivision, plat or replat shall be filed of record, any such subdivision, plat or replat or part or parcel thereof abutting said water main and said sewer main which shall request to tap into same, the special tapping fee herein provided shall be at the same Rate as the lot, tract or parcel of land from which said subdivision, plat or replat was made and according to the number of front feet abutting upon said trunk water main and said trunk sewer main of the latter parcel requesting tapping privileges and benefits.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of such property abutting upon said trunk water main and said trunk sewer main before any trunk water main shall be tapped or said trunk sewer main shall be tapped to service said lot, tract, or parcel of land, and/or before said tract of parcel of land shall receive benefits from the use thereof.

All special tapping fees paid hereunder shall be deposited in the General Fund of the City of Moberge, South Dakota.

### **(9) Indian Creek Project**

For subdivisions, then and in that event, the special tapping fees shall be for seventy five (75) foot frontage and shall service no more than one water user thereon.

If it is further provided that if any of said rural lands, tracts or parcels of land shall be officially subdivided, plotted or replotted and such subdivision, plat or replat or part or parcel thereof abutting said trunk water main, and making application for tapping said trunk water main the special tapping fee herein provided shall be at the Rate of \$2.40 per front foot, fronting and abutting upon the right of way wherein said trunk water main has been laid; and no more than one water user shall at any time take water from such tap.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of such property abutting upon said trunk water main before said trunk water main shall be tapped to service said land, lot, tract or area, and/or before said land, lot, tract or area shall receive benefits from the use thereof.

All special tapping fees paid hereunder shall be deposited in the general fund of the City of Mobridge.

**(10) Shor Acres Addition**

The City of Mobridge, South Dakota having installed trunk water mains in the public streets upon which the hereinafter described City lots abut, and having paid for same from City general funds, and not having collected special assessments from said abutting property pursuant to the general policy of said City for the construction of trunk water mains; and it having been determined that the actual cost thereof is \$2.40, per front foot, there is hereby levied and assessed against each of the hereinafter described lots, or parts of lots, a special water tapping fee of \$2.40, per front foot, to-wit:

Shor Acres Addition to the City of Mobridge, South Dakota

<u>Lot Number</u>	<u>Abutting Front Feet</u>	<u>Amount</u>
109	150	\$360.00
110	150	\$360.00
111	150	\$360.00
112	150	\$360.00
113	140	\$336.00
114	138	\$331.00
115	162	\$390.00
116	145	\$348.00
117	145	\$348.00
118	145	\$348.00
119	145	\$348.00
120	145	\$348.00
131	110	\$264.00
"D"	167.5	\$882.00

That said special water tapping fee shall be paid in addition to all other tapping fees provided by the City Ordinance, and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the water main shall be tapped for use and benefit of such abutting property owner; and, the City Finance Officer shall pay said money as received by him under this or Finance, to the City Water Extension Fund.

**(11) Northwest Townsite Co.'s Second Addition Blocks 20 and 21**

That there is hereby levied and assessed against each of the hereinafter described lots or parts of lots a special water tapping fee of \$1.10 per front foot. Add ordinance 456

That said special water tapping fee shall be paid in addition to all other tapping fees provided by City Ordinance, and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the water main shall be tapped for use and benefit of such abutting property owner; and, the City Finance Officer shall pay said money as received by him under this Ordinance to Eugene Kraft, for reimbursement for the cost of said trunk water main.

**(12) Northwest Townsite Co's Third Addition Blocks 37 and 38**

The City of Mobridge having installed trunked sewer mains in the public streets upon which the hereinafter described city lots about, and having paid for same from City General Funds, and not having collected special assessments from said abutting property pursuant to the general policy of said City for the construction of said trunk sewer mains; and, it having been determined that the actual cost thereof is \$2.75, per front foot, there is hereby levied against each of the following described lots, or parts of lots, a special sewer tapping fee of \$1.38 per front foot;

Northwest Townsite Company's Third Addition - Block 37:

LOT NUMBER	FRONT FEET	UNIT PRICE	TOTAL
1	50	1.38	\$69.00
2	50	1.38	\$69.00
3	50	1.38	\$69.00

Northwest Townsite Company's Third Addition – Block 38:

LOT NUMBER	FRONT FEET	UNIT PRICE	TOTAL
10	50	1.38	\$69.00
11	50	1.38	\$69.00
12	50	1.38	\$69.00

The City of Mobridge having installed trunk water mains in the public streets upon which the hereinafter described city lots abut, and having paid for same, from the City General Fund, and not having collected special assessments from said abutting property pursuant to the general policy of said City for the construction of such trunk water main, and it having been determined that the actual cost thereof is \$2.60, per foot, there is hereby levied against each of the hereinafter described lots, or parts of lots, a special water tapping fee of \$1.30, per front foot;

Northwest Townsite Company's Third Addition – Block 37:

LOT NUMBER	FRONT FEET	UNIT PRICE	TOTAL
1	50	1.30	\$65.00
2	50	1.30	\$65.00
3	50	1.30	\$65.00
4	50	1.30	\$65.00
5	50	1.30	\$65.00

Northwest Township Company's Third Addition – Block 38:

LOT	NUMBER	FRONT FEET	UIT PRICE	TOTAL
7	50	1.30	\$65.00	
8	50	1.30	\$65.00	
9	50	1.30	\$65.00	
10	50	1.30	\$65.00	
11	50	1.30	\$65.00	
12	50	1.30	\$65.00	

The above special water and/or sewer tapping fees shall be paid in addition to all other tapping fees provided by City Ordinance and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the sewer and/or water main shall be tapped to said trunk line sewer and/or water main for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall pay all money received by him under this special tapping fee Ordinance, to the City of Mobridge General Fund.

**(13) Third Avenue West**

Whereas, by request of Q.P. Coleman, the City of Mobridge has laid an eight inch trunk water main in the public right of way extended Third Avenue West North of the City limits from 20<sup>th</sup> Street to 18<sup>th</sup> Street known as Q.P. Coleman Extension No. 1 and from 18<sup>th</sup> Street to 17<sup>th</sup> Street known as Q.P. Coleman Extension No. 2; and,

Whereas, it was agreed between the City of Mobridge and the said Q.P. Coleman that Q.P. Coleman would pay the City of Mobridge that part of the cost of said trunk water main as would be the cost of a six inch water main laid in said right of way, excluding projected intersections and cost of fire hydrants; and,

Whereas, the City of Mobridge further agreed to protect the said Q.P. Coleman for his expense in the payment of the laying of said trunk water main by adopting a special tapping fee ordinance as to all abutting property tapping into said water main; and

Whereas, the cost to Q.P. Coleman of a six inch water main on Third Avenue West from projected 20<sup>th</sup> Street to 18<sup>th</sup> Street, being Q.P. Coleman Extension No. 1 is \$2.20, per foot; and,

Whereas, the cost to Q.P. Coleman of a six-inch water main on Third Avenue West from projected 18<sup>th</sup> Street to 17<sup>th</sup> Street, being Q.P. Coleman Extension No. 2 is \$2.95, per foot;

Now, therefore, be it ordained by the Common Council of the City Of Mobridge, South Dakota;

That in lieu of special assessments being levied in payment of the trunk water main laid in Third Avenue West from projected 20<sup>th</sup> Street to 17<sup>th</sup> Street, in addition to the regular tapping fees provided by these Chapters, all property abutting on Third Avenue West from projected 20<sup>th</sup> Street to 18<sup>th</sup> Street, being in Q.P. Coleman Trunk Water Extension No 1 shall pay a special tapping fee of \$1.10, per foot of property fronting on said Third Avenue West owned by the person requesting to tap the trunk water main; and , in addition to the regular tapping fees provided by these chapters, all property abutting on Third Avenue West from projected 18<sup>th</sup> Street to 17<sup>th</sup> Street, being in Q.P. Coleman Trunk Extension No.2, shall pay a special tapping fee of \$1.48, per foot of property on said Third Avenue as owned by the person requesting to tap said trunk water main.

The above special tapping fee shall be paid to the City Finance Officer by the owner or owners of each or any said tracts of land abutting upon said trunk water main, extensions; and all sums received from said special tapping fee shall be paid by the City Finance Officer to Q.P. Coleman or his assigns. All fees to be paid before tapping.

**(14) Eleventh Avenue East Between Second Street and Third Street East**

That in lieu of special assessments being levied in payment of the trunk water main laid in 11th Avenue East from Second Street to Third Street in addition to the regular tapping fees provided by Chapter 11-1 and Chapter 11-2 of the 1967 Revised Ordinances of the City of Mobridge, South Dakota as amended, all property abutting on Eleventh Avenue East between Second Street and Third Street being Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block Twelve (12), and Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block Eleven (11) of C.A. Draeger's Addition to the City of Mobridge, South Dakota, shall pay a special tapping fee of \$1.50 per front foot of property fronting on said Eleventh Avenue East as owned by the person requesting to tap said trunk water main.

The above special tapping fee shall be paid to the City Finance Officer by the owner or owners of each or any of said tracts of land abutting upon said trunk water main extension prior to the tapping therein; and all sums received from said special tapping fee shall be paid by the City of Treasure to Erhart Rohrbach, his successors of or assigns.

**(15) Special Water Main and Special Sewer Main Tapping Fees**

Be it ordained by the Common Council of City of Mobridge, South Dakota:

(1) That in addition to all other tapping fees provided by Ordinance, a special trunk sewer main tapping fee of \$1.50, per front foot is hereby levied against the following lots located in Eklo's Second Addition to the City of Mobridge, South Dakota, to-wit:

Lots 10F, 10E, 10D and 9F

In payment of the pro-rata share of the cost to said lots for the installation of six inch trunk sewer main adjacent to said real property.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of any such property abutting upon said trunk sewer main before the sewer main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received as such tapping fee to William W. Bosch of Mobridge, South Dakota, who has advanced the full cost of the installation of said trunk sewer main.

(2) That in addition to all other tapping fees provided by the Ordinance, a special trunk water main tapping fee of \$1.75, per front foot, and a special trunk sewer main tapping fee of \$1.75 per front foot is hereby levied against the following lots located in Belle Aire Addition to City of Mobridge, SD, to-wit: Lot 8 in Block 2

In payment of pro-rata share of cost to said lots for the installation of six inch trunk water main and the eight inch trunk sewer main adjacent to and servicing said lots.

The special water main tapping fee and sewer main tapping fee herein provided shall be paid to the City Treasurer by the owner or owners of any such property abutting upon said trunk water main and said trunk sewer main before the water and/or sewer main shall be tapped for the use and benefit of such abutting property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received under this Ordinance to Willis Sackreiter, who has hereto for paid the full amount of the cost of installation of said trunk water main and trunk sewer main.

(3) That in addition to all other tapping fees provided by Ordinance, a special trunk sewer main tapping fee of \$1.50, per front foot is hereby levied against the following lots located in East Side Addition to the City of Mobridge, SD, to-wit: Lots 10, 11, 12, 13, 14 and 15

In payment of the pro-rata share of the cost to said lots for the installation of the six-inch sewer main abutting said lots.

The special sewer tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of said property abutting upon said trunk sewer main before the sewer main shall be tapped for the use and benefit of such abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received under this special tapping fee to Gary Jensen of Mobridge, South Dakota, who had advanced the full amount of the cost of said trunk sewer main.

(4) That in addition to all other tapping fees provided by Ordinance, a special trunk water main tapping fee of \$1.75, per front foot, and a special trunk sewer main tapping fee of \$1.75, per front foot is hereby levied against the following lots located in Shor Acres Addition to the City of Mobridge, SD, to-wit: Lots 81, 82, 107 and 108

In payment of the pro-rata share of the cost of said lots for the installation of the six-inch trunk water main and the eight-inch trunk sewer main adjacent to said lots.

The special trunk water main tapping fee and the special trunk sewer main tapping fee shall be paid to the City Finance Officer by the owner or owners of such lots before the water main and/or sewer main shall be tapped for the use and benefit of said abutting property or property owner; and, the City Finance Officer shall forthwith pay and deliver all monies received from such tapping fees to Darrel Bender of Mobridge, South Dakota, who has heretofore advanced the full amount of the cost of installation of said trunk water main and trunk sewer main.

**(16) Lots Abutting on Both Sides of Third Avenue West from the Man Hole at Thirteenth Street and Extending north 1100 Feet**

Be it ordained by the Common Council of the City of Mobridge, South Dakota:

Whereas, Lyle B. LaFromboise and Karen J. LaFromboise of Part A, Pierre, South Dakota, have paid in full all cost of labor and materials for the installation of a trunk sewer main in Third Avenue West from the Thirteenth Street intersection man hole extending north a distance of 1100 feet; and,

Whereas the actual cost of all labor and material for the installation thereof was \$5.115, per lineal foot and no special assessment has been collect from abutting property pursuant to the general policy of the City of Mobridge for the construction of trunk sewer mains;

Now, therefore, there is hereby levied against all property abutting on both sides of said trunk sewer main a special sewer-tapping fee of \$2.558, per front foot.

The property abutting said trunk sewer main and the front footage thereof upon which said special tapping fee is levied is as follows:

**THOMPSON'S OUT LOTS ADDITION:**

Lot 24 -264 feet  
Lot 25-264 feet

**BELL AIRE SECOND ADDITION, FIRST SUBDIVISION:**

Lot 7-50 feet  
S. 20 feet of Lot 8-20 feet  
N.40 feet of Lot 8-40 feet  
S. 45 feet of Lot 9-45 feet  
N.15 feet of Lot 9-15 feet  
Lot 10-60 feet  
Lot 11-60 feet  
Lot 12-60 feet  
Lot 20-395.88 feet

**PRESENT EXISTING PLATTED LOTS ABUTTING THIRD AVENUE WEST NORTH OF THE MOBRIDGE CITY LIMITS:**

Lot 1-117 feet  
Lot 2-117 feet  
Lot 3-117 feet  
Lot 4-138.88 feet  
Lot 5-165.38 feet  
Lot 6-324.33 feet

The above special sewer tapping fee shall be paid in addition to all other tapping fees provided by City Ordinance and shall be paid to the City Finance Officer by the owner or owners of any such abutting lots before the trunk sewer main shall be tapped for the use and benefit of such abutting property of property owner; and the City Finance Officer shall forthwith pay and deliver all monies received as a special tapping fee under this Ordinance to the said Lyle B. LaFromboise or Karen J. LaFromboise as reimbursement to them for the actual cost of all labor and material for the installation of said trunk sewer main.

**(17) Skyline and Fairview Addition**

(1) That in addition to all other tapping fees provided by Ordinance, a special trunk water main tapping fee of \$2.75 per foot is hereby levied against the following described lots located in the following additions to the City of Mobridge, South Dakota, to-wit:

**Skyline Addition:**

Lots Five (5), Six (6), vacated Ninth Street of 66 feet, Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) in Block One (1)

**Fairview Addition:**

Lots Five (5), Six (6), Seven (7) and Eight (8) in Block One (1)

Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) in Block Two (2)



In payment of pro Rata share of the cost of said lots for the installation of the six-inch trunk water main adjacent to and servicing said lots.

The special tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of any such property abutting upon said trunk water main before the water main shall be tapped for the use and benefit of such abutting property or property owners; and the City Finance Officer shall forthwith pay and deliver all monies received as such tapping fee to Francis A. Johnson of Mobridge, South Dakota, who has advanced the full cost of the installation of said trunk water main.

(2) That in addition to all other tapping fees provided by Ordinance, a special trunk sewer main tapping fee of \$2.50 per front foot is hereby levied against the following lots located in the following additions to the City of Mobridge, South Dakota, to- wit:

Skyline Addition to the City of Mobridge:

Lots Five (5), Six (6), vacated Ninth Street of 66 Feet, Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and vacated Ninth Street 66 Feet in Block One (1)

Fairview Addition to the City of Mobridge:

Lots Four (4) and Five (5), Block One (1), Lots Twelve (12) and Thirteen (13), Block Two (2)

In payment of the pro rata share of the cost of said lots for the installation of the eight-inch trunk sewer main adjacent to and servicing said lots.

The special sewer tapping fee herein provided shall be paid to the City Finance Officer by the owner or owners of said property abutting upon said trunk sewer main before the sewer main shall be tapped for the use and benefit of said abutting property or property owners; and, the City Finance Officer shall forthwith pay and deliver all monies received under this Ordinance to Francis A. Johnson, who has paid heretofore the full amount of the cost of installation of said trunk sewer main.

### **(18) GREENWOOD CEMETERY**

By request of Jerome T. Feist and Janice A. Feist, husband and wife that they be allowed to install a six inch water main in accordance with City specifications, along the south side of Greenwood Cemetery extending east from the present City of Mobridge main a distance of 1,000 feet, and, at their expense, excluding costs of fire hydrants; and,

The City of Mobridge has agreed to protect said Jerome T. Feist and Janice A Feist their expense in the payment of the laying of said water main by adopting a special tapping fee ordinance as to all abutting property tapping into said trunk water main, except the City of Mobridge; and,

The Cost of Jerome T. Feist and Janice A Feist of the 1,000 feet of six inch water main is \$5.00 per foot; and,

The City of Mobridge shall control all tapping of said six inch main and no tapping is to be done of the six inch main line or any line tapped into said sic inch line without the consent of the City of Mobridge; and,

The City of Mobridge shall have no responsibility for maintenance of said line and further makes no guarantee of water pressure in said line; and,

Jerome T Fiest and Janice A. Fiest shall consent to the annexation of their property to the City of Mobridge whenever the City decides to annex said territory.

Now therefore, be it ordained by the Common Council of the City of Mobridge, South Dakota;

That in lieu of special assessments being levied in payment of the trunk water main laid along the south side of the Greenwood Cemetery extending East from the present City water main a distance of 1,000 feet, in addition to the regular tapping fees provided by Chapter 11-1 and 11-2 of the Revised Ordinances of the City of Mobridge, South Dakota, 1967, as amended, all property, except the City of Mobridge property, abutting the water main projected East along the south side of the Greenwood Cemetery, being Feist trunk water main extension #1, shall pay a special tapping fee of \$2,500 per front foot of property fronting on said line owned by the person requesting to tap the trunk water main.

The above special tapping fee shall be paid to the City Finance Officer by the owners of each or any of the said tracts of land abutting upon said trunk main extension; and all sums received from said special tapping fee shall be paid by the City Finance Officer to Jerome T. Feist and Janice A. Feist or their assigns. All fees to be paid before tapping.

That the City of Mobridge shall control all tapping of said six inch main and no tapping is to be done on the six-inch main or any time tapped into said six-inch line without the consent of the City of Mobridge. That the City of Mobridge shall have no responsibility for the maintenance of said six-inch line installed by Jerome T. Feist and Janice A. Feist and further the City makes no guarantee of water pressure in said line.

That Jerome T. Feist and Janice A. Feist consent to the annexation of their property described as Tract One (1) of Neumeyer's Addition to Walworth County, South Dakota, located in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Seventeen (17) in Township One Hundred Twenty-four (124) North, Range Seventy-nine (79), West of the Fifth Principal Meridian, containing 8.14 acres, more or less at such time as the governing body of the City by resolution shall deem it to the best interest of the municipality that said territory be annexed to said City limits.

### **11-3-2 Supplemental Appropriation**

The City of Mobridge in its 1974 Annual Appropriation Ordinance did not provide funds with which to purchase a capital investment in the Water Department of the City of Mobridge, SD consisting of an eight inch trunk water main from the municipal water treatment plant to the Montana Dakota Utilities Company elevated steel water storage tank, and all easements relating thereto, the MDU settling basin and pumps located in the municipal water treatment plant and the MDU 51 percent ownership of the water well in which municipality owns the

other 49 percent interest, for the sum of \$15,000.00, payable in three annual installments of \$5,000.00, each.

Now therefore, this Supplemental Appropriation Ordinance in the sum or \$5,000.00, to be used as part payment in the purchase of the Montana Dakota Utilities Company eight inch trunk water main extending from the municipal water treatment plant to the Montana Dakota Utilities Co. elevated steel water tank together with assignments of easements, if any, in connection therewith, the Montana Dakota Utilities Company settling basin and pumps located in the municipal water treatment plant and the Montana Dakota Utilities Company 51 percent ownership of the water well in which the City of Mobridge now owns a 49 percent interest. Revenue in payment of said Supplemental Appropriation Ordinance is to be appropriated from Revenue Sharing funds heretofore received by the municipality.

## **CHAPTER 11-4 – SEWERS**

### **11-4-1 Definitions**

As used in this Ordinance, unless the context otherwise requires.

- A. **“City”** means the City of Mobridge or its officers or employees authorized to perform the functions to which there is reference.
- B. **“Sewage”** means water-carried wastes from residences, institutions, business buildings and other establishments.
- C. **“Sewer”** means a pipe or conduit for carrying sewage.
- D. **“Public Sewer”** means a sewer common to the public and which is controlled by public authority.
- E. **“Municipal sewage system” or “System”** means the entire sewage system of the City including the collection of sewage and industrial wastes, treatment and disposal thereof.
- F. **“Sanitary Sewer”** means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- G. **“Industrial waste”** means the liquid wastes resulting from any commercial manufacturing or industrial operation as distinct from sewage.
- H. **“Building drain”** means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- I. **“Building sewer”** means the extension from the building drain to the public sewer or other place of disposal.
- J. **“Person”** means an individual, corporation (public or private), partnership or association.

- K. **“User”** means the owner, lessee or occupant of the premises connected to the municipal sewage collection system.
- L. **“Service”** means connection to the municipal sewage collection system and the right to the use of its facilities whether or not the facilities are in fact used.
- M. **“Notice”** means a notice in writing directed to the owner or other person affected for the time specified by this Ordinance, stating briefly the condition, which is the reason for the notice and the consequences, which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is directed or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

**11-4-2 Use of the Municipal Sewer System Required**

- A. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under its jurisdiction, any sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within the City, or any area under the city’s jurisdiction, any sewage or industrial waste unless it has been suitably treated as provided hereinafter.
- C. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool or such facility intended or used for the disposal of sewage.
- D. The owner of every residence, business or industrial building in the City abutting upon any street or alley in which public sewers are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer is within 100 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the City shall provide for the installation of such sewer and charge the cost against the property as a special assessment.
- E. So long as a public sewer is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the City and with all requirements of the Department of Public Health of the State of South Dakota. At such time as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.
- F. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of the Ordinance is declared to be a public nuisance and the City may abate the same in the manner provided by law.

**11-4-3 Building Sewer and Connections and Street Excavations Relating Thereto**

- A. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit.
- B. All applications for sewer permits shall be made to the Water Superintendent by the person employed to do the work. The application shall be accompanied by a plan and drawings showing the proposed work.
- C. Before permit is given on the application, the City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Common Council and the applicant has paid to the City Finance Officer a permit or regular tap fee, or if special tapping fee Ordinance shall affect said property permit the amount of said special tapping fee, the City Finance Officer shall issue the permit.
- D. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted, at any time within six months after date of the granting thereof. The applicant shall notify the Water Superintendent of the progress of the work at such stages during the construction as the City may direct and in particular shall notify the Water Superintendent when the building sewer is complete and ready for connection with the public sewer, which shall not be later than one year from the date of the issuing of said permit. The City shall be given an opportunity to inspect the work after it is completed.
- E. All connections with the public sewer shall be made with cast iron, vitrified clay tile, P.V.C. or A.B.S. plastic pipe, and shall comply with plumbing standards, if any, provided by the City Ordinance or laws or regulations of the State of South Dakota. All joints and connections shall be gas and watertight. The size, slope and depth of the building sewer shall be subject to the approval of the City, but in no event shall the internal diameter be less than four inches, and a slope of one-quarter inch to the foot shall be used wherever practical. The connections of the building sewer with the public sewer shall be made with an approved tapping saddle.
- F. Each building shall be separately and independently connected with the public sewer.
- G. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- H. The applicant shall indemnify and save harmless the City from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit, require the applicant to file a corporate surety bond for a period of two years.

#### **11-4-4 Service Charges**

(A) All owners and occupants of residential, apartments, mobile homes, hotel and Motels with and without combined apartments and sleeping rooms and business connections and Commercial connections to the Mobridge City municipal sewer system

shall, on a monthly basis, pay for the use thereof and for the availability of the sewer service an amount set by resolution of the City Council.

B) Wherever, by reason of special circumstances, the City Council finds the foregoing rates for any user or purpose, and whether within or without the City limits, are unjust or inequitable as applied to certain premises, said rates, if in the opinion of the City Council, be either too high or too low the City Council, by resolution, may fix and establish a fair and equitable Rate for such premises during the period of such special circumstances, which may be established by Resolution.

### **Surcharge Fees:**

Out of the fees set forth above, there shall be removed and placed in a separate segregated account the monthly sum of \$2.80 for each sewer connection which amount shall be deemed a surcharge for the sole purposes of repayment of the Clean Water State Revolving Fund loan C461016-04 all as set forth in the Resolution NO. 13-03. The \$2.80 surcharge shall remain and continue to be placed in the separate segregated account until the Revenue Bonds for the Clean Water State Revolving Fund loan C461016-04 are fully paid.

### **11-4-5 Use of the Public Sewers**

- a. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to such storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.
  - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (2) Any waste waters or wastes containing toxic or poisonous solids, liquids or gases in Sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in wastes as discharged to the public sewer.
  - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - (4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

- d. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plan and other pertinent factors.

The substances prohibited are:

- (1)** Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- (2)** Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- (3)** Any garbage that has not been properly shred. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the (Superintendent).
- (4)** Any waters or waste containing strong acid iron pickling wastes or concentrated planting solutions whether neutralized or not.
- (5)** Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirements to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (6)** Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7)** Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (8)** Any waters or wastes having a pH in excess of 9.5.
- (9)** Materials which exert or cause:
  - (a) Unusual concentrations of inert suspend solids (such as, but not limited to, Fullers earth, lime slurries, lime residues) or of dissolved solids ( such as, but not limited to sodium chloride and sodium sulfate.)

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetables tanning solutions.)

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

**(10)** Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

e. If any water or wastes are discharged or proposed to be discharged to the Public sewers which waters contain the substances or possess the characteristics enumerated in paragraph D of this Section and within the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance the Superintendent may:

- (1)** Reject the waters;
- (2)** Require the pretreatment to an acceptable condition for discharge to the public sewers.
- (3)** Require control over the quantities and rates of discharge; and/or,
- (4)** Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of paragraph J of this section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

f. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

g. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

h. When required by the Superintendent the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole,



when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the (Superintendent). The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

- i. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.
- j. No Statement contained in this section shall be construed as any special agreement or arrangement between the City and any industrial concern whereby and industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefore by the industrial concern.

#### **11-4-6 Guidelines to Establish an Equitable Sewer Users Fee**

1. Sewer users Rate to be determined by prorating the total costs incurred among the users.

2. Sewer users charges to be based on quantity and quality.

3. Sewer user's classification:

(a) Within the corporation limits:

- 1. Domestic
- 2. Institutional
- 3. Commercial
- 4. Industrial

(b) Outside corporate limits:

- 1. Domestic
- 2. Institutional
- 3. Industrial
- 4. Recreational

4. Definitions:

(a) Total cost:

1. Operation and maintenance costs derived from historical data plus estimated plant replacement costs to be determined from the previous year's records and any anticipated cost changes must be reconciled to the estimated annual total costs which shall be the hydraulic unit cost.
2. The total cost as determined above shall be divided by the total flow in gallons as recorded by the flow meter at the waste treatment plant.

(b) Quality standards:

1. The annual average BOD suspended solids pH and coliform count as determined by weekly sample analysis of the plant influent.
2. Average sample of plant organic, chemical equilibrium shall be excluded from the average.
3. The source of plant influent detrimental to the operation of the plant shall be determined by available methods.

(c) Quality evaluations:

1. Sewer charges shall be based on the quantity of water used as determined by water meter readings modified to exclude flows not directed into sewage system.
2. Contributors to the City sewage system who may obtain part or all of their supply from sources other than the Moberg water system shall install and maintain such measuring and recording devices in their sewer discharge as may be required by the City Council.

(d) Rate evaluation:

1. Unit rates shall be established for the various user classifications based on a predetermined average quality and quantity for each class considered and their relations to the community.

(e) Pretreatment requirements:

1. Sewer users contributing unacceptable flows in the sewage system shall be required to construct, operate and maintain, at their expense, such pretreatment sampling and measuring plant as shall be required by the City Council.

(f) References:

Federal Guideline  
Equitable Recovery of Industrial Waste Treatment Costs in  
Municipal Systems, October 1971 or as subsequently amended  
U.S. Environmental Protection Agency  
Office of Water Program  
Washington, D.C. 20460

**11-4-7 Other provisions**

- a. Any duty or authority imposed on or given to the City Finance Officer may be performed and exercised by any employee of the City, designated by resolution of the common Council, which resolution of the common Council, which resolutions shall specify the duties and authority of the employee and to that extent the City Finance Officer will be relieved of his/her obligations herein.
- b. The City Finance Officer and other duly authorized employees and agents of the City shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this Ordinance.
- c. Nothing in this Ordinance shall contractually bind the City.
- d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

**11-4-8 Penalties**

Violation of any of the provisions of 11-4-2, 11-4-3 and 11-4-5 of this Ordinance shall constitute a misdemeanor and any violator shall be fined not in excess of \$ 200.00. Conviction shall not preclude civil liability to the City for any damage caused the City by the illegal act.

**11-4-9 Establishing Fees and Regulations for Sewer Usage Outside the City Limits**

- a. Each owner or occupant of premises located outside the City limits of the City of Mobridge, South Dakota, connected to and using the City of Mobridge truck sewer system and facilities, shall pay a monthly sewer fee of two times the monthly sewer rental charge set for a similar user within the City limits of Mobridge, South Dakota.
- b. All other parts of this chapter where applicable shall apply to sewer users outside the City limits of the City of Mobridge, South Dakota.

**11-4-10 National Plumbing Code to Govern**

All provisions of the National Plumbing Code adopted in this Ordinance, insofar as said Code relates to sewers, shall govern and take precedence over this chapter, and in the event that any provisions of this chapter conflict with said National Plumbing Code, the provisions of said Code shall govern.

**11-4-11 Cesspools, Septic Tanks and Drainage Fields**

That all applications for construction of dwelling, business or commercial improvements where no direct sanitary sewer connection is available and cesspools, septic tanks and drainage fields are to be constructed shall require full compliance with all rules,

regulations and requirements of the State of South Dakota Environmental Protection Agency under Chapter 34-4-1 of the South Dakota Compiled Laws of 1967 as amended effective march 1, 1975 and no application shall be approved by the Common Council except that the same shall be subject to said regulations and subject to inspection during construction for proof of compliance therewith.

Upon completion before such cesspool, septic tank and drainage field is put into use and operated the owner shall obtain a certificate from the City of Mobridge Zoning Officer.

#### **11-4-12 Annexation – Termination**

That any sewer services serving property outside the corporate limits of the City of Mobridge on the effective date shall be continued in accordance with existing Ordinances and/or as per contract between such sewer user and the City of Mobridge. In the event the property receiving sewer services shall refuse or neglect to petition for annexation to the City of Mobridge, after notice in writing by mailing is given, said sewer services shall be terminated 90 days after mailing of said notice unless said property is annexed within that period of time.

## **TITLE 12 – FRANCHISES AND EASEMENTS**

### **CHAPTER 12-1 – MDU**

#### **CHAPTER 12-2.1 – CABLE COMMUNICATIONS**

### **CHAPTER 12-1 – MDU**

#### **12-1-1 Section I**

For convenience, herein, said municipal corporation is designated and referred to as “Municipality” and Montana-Dakota Utilities Co. is designated and referred to as “Grantee”. Any reference to either includes their respective successors and assigns.

#### **12-1-2 Section II**

There is hereby granted to Montana-Dakota Utilities Co., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys, and public grounds of the municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, an electric distribution system for transmitting and distributing electric energy for all public and private uses.