

## Chapter 29

### Sewer

#### Section 29-1 Sewer rates.

Single family residential users discharging normal strength domestic wastewater shall be charged for and paid at rates as set by resolution of the city council.

Commercial and institutional users discharging normal strength wastewater shall be charged for and paid at rates as set by resolution of the city council.

Multiple family dwellings and apartments discharging normal strength wastewater shall be charged for and paid at rates as set by resolution of the city council.

Mobile home courts discharging normal strength domestic wastewater shall be charged for and paid at rates as set by resolution of the city council.

Any non-residential user with Biochemical Oxygen Demand (BOD) and Suspended Solid (SS) greater than the average residential user's strength of 200 mg/l BOD and 250 mg/l SS shall pay a surcharge in accordance with the rates as set by resolution of the city council.

#### Section 29-2 Sewer excavations-Taps.

It shall be unlawful for any person, firm, or corporation to make or cause to be made, any excavation in the streets of the city, for the purpose of connecting any house or other building with a sewer drain, without first having obtained permission to make such excavation from the sewer superintendent of said city.

Any person desiring a new tap into the sewer line shall pay a sewer tap fee as set by resolution of the city council.

In making excavations in streets or highways for the laying of service sewer pipes or making repairs, the blanks or paving stones or earth must be deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along gutters.

No person shall leave any excavation made in the streets or highways open at any time without barricades.

#### Section 29-3 Refilling sewer excavations.

After sewer pipes are laid, in refilling the opening, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling, and this work, together with the replacing of sidewalks or ballasts, must be done so as to make the street at least as good as before it was disturbed and to the satisfaction of the street superintendent. No opening of streets will be permitted when the ground is frozen, unless by permission of the approving authority.

#### Section 29-4 Approval required prior to connection.

It shall be unlawful and it is prohibited for any plumber, owner or occupant of any premises, or any person, to make any connection of sewer drain with any main or lateral or to tap any main or lateral in the

city, unless such plumbing and pipes shall first have been approved by the approving authority of the city as being in conformity with the ordinances and regulations of the city.

#### **Section 29-5 Private wastewater disposal.**

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 29-7(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section;
- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the approving authority. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications approved by the South Dakota Department of Environment and Natural Resources, and other information as are deemed necessary by the approving authority. A permit and inspection fee as set by resolution of the city council shall be paid to the city at the time the application is filed;
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority or its agents shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two (2) working days of the receipt of notice by the approving authority;
- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the South Dakota Department of Environment and Natural Resources. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty three thousand five hundred sixty (43,560) feet, when potable water is supplied by a private water supply system, and twenty thousand (20,000) square feet when potable water is supplied by a public water supply. No septic tank or other private disposal system shall be permitted to discharge to any natural outlet;
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 29-7(D), a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Chapter, and any septic tanks and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material;
- F. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city; and
- G. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

#### **Section 29-6 Sanitary sewers, building sewers, and connections.**

- A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the approving authority;

- B. All costs and expenses incidental to the installation and connection of the building sewer shall be the responsibility of the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer;
- C. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned;
- D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements of this Chapter;
- E. The size, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the applicable rules and regulations of the city. In the absence of suitable provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the South Dakota Plumbing Code and the Design Criteria for Sanitary Sewers as published by the South Dakota Department of Environment and Natural Resources shall be followed;
- F. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer;
- G. No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer (unless such connection is approved by the approving authority for purposes of disposal of polluted surface drainage);
- H. The connection of the building sewer into the public sewer shall conform to the requirements of the applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the South Dakota Plumbing Code and the Design Criteria for Sanitary Sewers as published by the South Dakota Department of Environment and Natural Resources. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation;
- I. When the building sewer is ready for connection to the public sewer, the owner shall notify the approving authority. The connection shall be made under the supervision of the approving authority or his representative; and
- J. All excavations for building sewer installation shall be adequately guarded with barricades so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

**Section 29-7 Use of public sewers.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste;
- B. It shall be unlawful to discharge into any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance;
- C. Except as heretofore provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater;
- D. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two (200) hundred feet of the building;
- E. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the approving authority;
- F. Stormwater, other than that exempted in Section 29-7(E), and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority and in accordance with provisions of the current state and federal regulations to a storm sewer, combined sewer, or natural outlet;
- G. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
  - 2. Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works;
  - 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 wastewater works;

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; and
  5. Any wastewaters that would directly or indirectly result in a violation of the NPDES permit as issued to the city.
- H. The following described substances, materials, waters, or waste shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming this opinion as to the acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the approving authority are as follows:
1. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius;
  2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
  3. Wastewater containing floatable oils, fat, or grease;
  4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
  5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials;
  6. Any waters or wastes containing odor-producing substances exceeding limits that may be established by the approving authority;
  7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations;

8. Quantities of flow, concentrations, or both which constitute a slug, as defined herein;
  9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and
  10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- I. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 29-7(H) and which in the judgment of the approving authority may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the approving authority may:
1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge; and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 29-7(N).

When considering the above alternative, the approving authority may give consideration to the economic impact of each alternative on the discharger. If the approving authority 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 approving authority;

- J. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city council, they are necessary for the proper handling of liquid wastes containing floatable greases in excessive amounts as specified in Section 29-7(H), 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 approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms;
- K. Where pretreatment or flow-equalizing facilities are provided and required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense;

- L. When required by the approving authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the approving authority. The structure shall be installed by the owner at their expense and shall be maintained by them so as to be safe and accessible at all times;
- M. The approving authority may require a user of sewer services to provide information needed to determine compliance with this Chapter. These requirements may include:
  - 1. Wastewaters discharge peak rate and volume over a specified time period;
  - 2. Chemical analysis of wastewaters;
  - 3. Information on raw materials, processes, and products affecting wastewater volume and quality;
  - 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - 5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
  - 6. Details of wastewater pretreatment facilities; and
  - 7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer
- N. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the approving authority; and
- O. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment.

**Section 29-8 Malicious intent.**

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

**Section 29-9 Powers and authority of inspectors.**

- A. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection,

observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Chapter;

- B. The superintendent or other duly authorized employee is authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors;
- C. While performing the necessary work on private properties referred to in Section 29-9(A) the superintendent or duly authorized employee of the city shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the municipal employees, and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 29-7(L).
- D. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **Section 29-10 Hearing board.**

- A. A hearing board shall be appointed as needed for arbitration of differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the approving authority. The cost of the arbitration will be divided equally between the municipality and the sewer user.
- B. One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this ordinance.

#### **Section 29-11 Penalty.**

- A. Any person found to be violating any provision of this Chapter except Section 29-9 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section 29-11(A), shall be guilty of an offense for each day of such continuing violation and fined pursuant to Chapter 1, Sections 1-9 through 1-11.
- C. Any person violating any of the provisions of this ordinance shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violence.