

Title 13

PUBLIC SERVICES

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Chapter 13.04

SERVICE SYSTEM GENERALLY*

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* Prior history: Prior code §§ 4-101ô 4-136 and Ords. 365, 368, 435, 436, 460, 480, 484, 561, 575 and 580.

13.04.010 Water departmentô Supervision.

The water department shall be under the supervision of the public works director, who shall be responsible to the common council. (Ord. 603 (part), 2004)

13.04.020 Public works directorô Duties.

The public works director shall be responsible for the management and operation of the water system, wells and treatment facilities of the city, as well as supervision and control over all persons employed by the city. He shall read or supervise the reading of all meters, turn on and off water connections, shut off water from any residence or business for nonpayment of water charges, notify the appropriate common council of the violation of any water ordinances, and perform such other duties as assigned to him by the city council. The public works director may hire contractors as necessary and consult with engineers for advice. (Ord. 603 (part), 2004)

13.04.030 Public works directorô Reports.

The public works director shall make an oral report to the common council at the regular meeting covering the work completed, and shall make such recommendations as seem proper for the efficient operation of the water system and improvements of the same. (Ord. 603 (part), 2004)

13.04.040 Water departmentô Authority.

The public works director or any employee of the water department shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purposes of reading meters, examining water pipes and fixtures, to set or remove a meter or change its location whenever necessary.

If at any time the proper city official is not allowed to enter the premises, the water service shall be disconnected until such time as access is allowed. (Ord. 603 (part), 2004)

13.04.050 Map of water mains.

The water department shall keep and maintain a map on which is shown a complete diagram of all city mains, the size of the mains, and such other information as advisable by the public works director. (Ord. 603 (part), 2004)

13.04.060 Locating water main lines.

Any person excavating in the city will be required to notify the water department and request all city utility lines be located at least twenty-four (24) hours in advance. The accurate location of lines is not guaranteed. The location will be done to the best of the water department's ability. Anyone damaging a water line of any kind in the city will be responsible for the repairs of it and other costs incurred. (Ord. 603 (part), 2004)

13.04.070 Licensed plumbers only to do work.

Only a duly licensed plumber, his employee or an employee of the water department shall be permitted to do any work on any pipes or connections in any way connected with the city water supply. All such plumbers shall be governed by state and city regulations that are now in force or that may be adopted, or as State Plumbing Code prescribes. (Ord. 603 (part), 2004)

13.04.080 Issuance of permits.

The public works director may issue permits for excavations or laying of service as provided in the foregoing section and only after compliance with the following:

A. Where there is no existing tap to the city water mains or an additional or different tap is to be made, application is made in writing to the community development director, the public works director, or city finance officer by the owner or agent of the property to be served. The application shall designate the name, address, legal description of the property, the kind and size of tap to be made, and the nature of the water use, and if residential use, specify the number of families or residences to be served thereby, and shall be accompanied by the fee as set forth in an amount set by resolution of the common council.

B. All persons are required to give two weeks advance written notice before tapping into a water main line.

C. No tap shall be made of any city water mains except by employees of the Custer City water department, or under their supervision. The city will provide the curb box and curb stop. Installation of the service line, curb stop and curb box to the main will be at the expense of the property owner per city requirements; and any maintenance, repair or replacement of the service line from the curb stop to the structure shall be the responsibility of the property owner; any maintenance, repair or replacement of the service line from and including the curb stop to the main line shall be the responsibility of the city. The property owner shall place a shutoff, hand valve and check valve at the meter so as to isolate the meter for repair or replacement.

D. The plumbing and shutoff valves must be approved by the public works department prior to being accepted to the city water system. All meters shall be purchased through the city.

E. No cross-connection will be made to the city potable distribution system that would allow contamination. (Ord. 603 (part), 2004)

13.04.090 Guarding excavations.

No excavation in any public place shall be left open overnight, unless appropriate barriers are provided, which shall be approved by the public works director. (Ord. 603 (part), 2004)

13.04.100 Standard service pipe connection.

The standard connection with the main shall be copper or approved two hundred (200) pound test roll plastic pipes from curb stop. In the event the streets are paved, the owner of the property having the water service shall replace galvanized pipes with copper or approved two hundred (200) pound test roll plastic pipes where the same would be under paving. No glued plastic pipe joints will be allowed underground. (Ord. 603 (part), 2004)

13.04.110 Depth of service pipes.

Within the limits of the street, the service pipes shall be laid not less than six feet below the lowest part of the gutter. (Ord. 603 (part), 2004)

13.04.120 Copper pipes substituted.

When noncopper service pipes in the city leak, copper or approved plastic pipes shall be used to replace existing lines rather than repairing old pipe. (Ord. 603 (part), 2004)

13.04.130 Breakage of linesô Responsibility.

In the event of the freeze up or breakage of a water line between the water main and the curb stop, the city shall be responsible for the maintenance or repair of the line. In the event of freeze up or breakage of a water line between the curb stop and the residence, business or structure, the person having ownership or responsibility for the premises shall be responsible for the maintenance or repair of the line, and the city shall have no responsibility for breakage or repair of such line. Repairs will commence within twenty-four (24) hours of detection of a leak. (Ord. 603 (part), 2004)

13.04.140 More than one consumer from one service.

Two or more premises with separate owners shall not be supplied from the same service pipe unless each has its own curb box at the sidewalk or at an approved alternate location. Owners who lease or the person in whose name the account is in shall be responsible for water used in the premises. If more than one meter is placed on a service pipe, the meter shall be set so that no one of them shall measure water which has passed through another meter. (Ord. 603 (part), 2004)

13.04.150 Extension of water pipes.

Plumbers must not extend water pipes from one premises to another without permission of the council or its duly authorized agent. (Ord. 603 (part), 2004)

13.04.160 Stops required.

A. All persons having connections with the city water mains must have a curb stop at an approved location for each house, trailer or commercial facility serviced.

B. It is unlawful for any person, without written application and approval, to the public works director, the community development director, or city finance officer, to turn on and/or off any curb stop within the city, except in emergency situations. (Ord. 603 (part), 2004)

13.04.170 Water meters.

A. 1. All dwellings or places supplied with water from the city system shall be metered with a meter of acceptable size and workable hand valve on each side of the meter. Meters will be purchased from Custer City.

2. In new installations where the placement of a meter inside the building is not possible, a meter pit shall be installed by the property owner at his expense with previous approval of the public works director.

B. Any owner of a dwelling or property supplied with water from the city water system may purchase from Custer City a meter of acceptable size to measure all water which does not flow into the municipal sewer system and which shall not be assessed a sewer charge under the following conditions:

1. The meter shall be approved by the public works director, and installed in accordance with all applicable laws, both local and state, by the owner and at his expense;

2. The meter shall be read by Custer City employees for any discrepancies when appropriate. If no discrepancies are found, credit shall be calculated and applied to the property owner's account. However, any meter found to have been tampered with shall cause a forfeiture of any such sewer system credit claimed for that individual meter;

3. All water metered and not subject to the city sewer fees shall not be sold, bartered or gifted to anyone not personally entitled to use the city water system. (Ord. 603 (part), 2004)

13.04.180 Duty and responsibility of owner.

A. A suitable place for meters, safe from frost or other damage and accessible for examination must be provided by and at the expense of the property owner. In any case where the meter and/or remote box and wire is injured by freezing or otherwise damaged by act or neglect of the property owner, it shall be repaired and the expense thereof shall be paid by the owner of the premises. In case of neglect, tampering, removal of meter, refusal to repair, or refusal to pay expenses thereof, the water supply will be turned off and not turned on until such costs and a fee of fifteen dollars (\$15.00) are paid.

B. For meters that are one and one-fourth inches or larger, the maintenance of the meters shall be the responsibility of the property owner as directed by the public works director.

C. Anti-backflow devices (check valves) will be installed at the property owner's expense by the property owner, as determined by the city council. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.190 Testing meters on request of customer.

Upon written request of the customer liable for the payment for water used on the premises, the water department will test the meter supplying the premises after a twenty-five-dollar (\$25.00) fee is paid. The customer requesting the test may be present when the test is made and in all cases the public works director will report the results. If the meter is found to be defective, the twenty-five-dollar (\$25.00) fee will be refunded as well as a proper adjustment based on an average consumption of the customer for the past two-month period only. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.200 Meters failing to register.

A. In cases where meters fail to register the amount of water used, an estimated charge shall be imposed based upon the average used by similar households during the two or more preceding years of similar length and during a similar time of year.

B. Defective meters at residences will be replaced at city expense as soon as possible. Defective meters one and one-fourth inches and larger will be replaced at owner's expense as soon as possible. (Ord. 603 (part), 2004)

13.04.210 Accessibility to meters.

City water customers shall keep water meters accessible to the city official whose job it is to read the meter, repair or remove the meter. Meters are read on a monthly basis by each water customer. Custer City water department personnel are required to take an annual reading of each metered account. (Ord. 603 (part), 2004)

13.04.220 Interfering with fire hydrants.

Only employees of the water or fire department shall open, take any water from or in any way interfere with, injure, break or deface any public fire hydrant in the city except by permission of the public works director. Requester will supply appropriate meter and backflow prevention device. (Ord. 603 (part), 2004)

13.04.230 Emergency water limitations.

The public works director may, with the consent of the council, limit or prohibit temporarily the use of city water for any purpose, except domestic purposes within the consumer's dwelling, in an emergency. (Ord. 603 (part), 2004)

13.04.240 Sprinkling.

The use of water for street, lawn or garden sprinkling is subordinate to domestic use or fire protection, and may be restricted by the city at any time by resolution of the common council. No sprinkling shall be done during a fire. (Ord. 603 (part), 2004)

13.04.250 Violation of restrictions on water use.

In the event that the city shall have enacted by appropriate resolution, restrictions limiting the use of water by owners or consumers within the city, of water service provided by the city, restricting its use from certain uses including but not limited to street, sidewalk, lawn or garden sprinkling; or limiting any of the uses to certain days and times, and the customer or consumer shall violate the rules and limitations of the resolution limiting water use, then and in that event, the following measures may be taken by the appropriate officials of the city:

A. Upon the first violation, the owner or consumer shall be notified by letter of the violation, and that subsequent violations shall invoke the penalties as provided in this section.

B. Upon a second violation, and after having been given notice of the first violation, the owner or consumer shall be required to pay an amount equal to his or her water bill for the months in which the violation is alleged to have occurred. The penalty shall be paid with the regular water bill, and nonpayment shall subject the owner or consumer to the remedies as set forth in Section 13.04.330 of this chapter.

C. Upon a third violation, and after having been given notice of the first and second violation, the owner or consumer shall be subject to a penalty of three times the water bill. The penalty shall be paid with the regular water bill, and nonpayment shall subject the owner or consumer to the remedies as set forth in Section 13.04.340 of this chapter. (Ord. 603 (part), 2004)

13.04.260 Application for water service.

A. Written application for water service shall be made to the city finance office by the customer together with a security deposit in an amount set by policy of the common council. Such deposit shall be recorded by the city finance officer and receipts issued to the applicant. Upon discontinuance of the service, the customer shall be entitled to a refund of such deposit, less such part applied toward payment of current or delinquent utility bills.

B. Application for water service made after two o'clock (2:00) p.m. will result in a turn-on the following workday unless an emergency should exist and after-hour charges set by the city council will be imposed. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.270 Notice for discontinuance required.

A. Customers desiring to discontinue the use of water shall be required to give written notice to the city finance office, and regular rate shall be continued until such notice is given. The customer is responsible for all water consumption and shall be responsible for all charges incurred for water consumption. Water service will not be resumed on the property until the account is paid in full.

B. Notice for discontinuance made after two o'clock (2:00) p.m. will result in a shutoff or final reading of meter on the following workday unless an emergency should exist. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.280 Fees—New water accounts.

A fee of ten dollars (\$10.00) shall be charged for each new water account. This fee shall be chargeable to each customer desiring water service. An account shall be considered new whenever there is a change of the customer. This fee is not refundable. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.290 Water service deposits.

A. Any customer requesting water service from the city shall be required to make one of the following deposits based upon the type of service required:

1. All commercial accounts: one hundred dollars (\$100.00);
2. Residential accounts: fifty dollars (\$50.00);
3. Rental accounts: one hundred dollars (\$100.00).

B. The city finance officer shall, at his or her sole and unlimited discretion, have the ability to waive the deposit in consideration of the customer's previous record of prompt payment to the city for utility services. Letters of reference from other utility companies are not acceptable in lieu of utility deposit.

C. A delinquent account deposit of one hundred dollars (\$100.00) shall be required in addition if the customer has had prior service with the city, and had such service disconnected for nonpayment, or if collection efforts such as small claims action or collection agency action were taken, or if the customer had four late utility payments (not consecutive) with any twelve (12) month period.

D. The Custer City finance officer shall deposit such moneys in a separate account and interest earned thereon shall be the property of the city. At such time as water service shall be terminated, the city finance officer shall promptly refund any such deposit to the water customer; provided, however, that all accounts are paid in full. In the event that the customer shall fail to pay his or her utility billings to the city before the same may be delinquent, then the Custer City finance officer shall have the right to withdraw such trust fund and apply to any obligation. This remedy shall be in addition to any other remedies the city shall have for the collection of such moneys and the right to terminate such service upon nonpayment by the customer. (Ord. 681, 2011; Ord. 652 (part), 2008; Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.300

13.04.300 Account must be paid before water turned on.

No customer shall be permitted to be connected to the water system until all past water accounts are fully paid. (Ord. 620 (part), 2005: Ord. 603 (part), 2004)

13.04.310 Water rates.

A. Rates for water services shall be charged to each customer as provided by ordinance adopted by the Custer City common council. The customer shall be required to remit the minimum monthly fee for the periods of time that the structure is not occupied.

B. Customers who are seasonal in nature, less than year-round service, shall be required to remit the minimum monthly fee for the periods of time that service is discontinued, and shall remit the regular fee for actual consumption for the periods of time that service is in use.

C. The city council shall establish water and sewer rates that will generate the amount of money needed to pay for the proportional amount of the total water and wastewater budget that reflects the percentage of water and effluent (sewer) used by the collective commercial community and the collective residential community.

D. Abandonment of Service. Abandonment of service requires the system to be shutoff in conjunction with Section 13.04.270 (notice for discontinuance required) with the written statement (form) being filed on the property with the Custer County register of deeds office. When this procedure is completed, the minimum monthly utility charge will be waived. At the time the property owner decides to have the utility lines reactivated, there will be the normal and customary charges as associated with Section 13.04.080 (issuance of permits). (Ord. 620 (part), 2005: Ord. 603 (part), 2004)

13.04.320 Payment and reading due dates.

A. It is the responsibility of all customers, except those customers that have been supplied radio read meters, to remit the amount due for the prior month's charges for water services per the billing card and to read, report, and return their water meter reading to the Custer City finance office, between the first and the eleventh day of each month on the billing card.

B. All bills or charges for water shall be paid at the Custer City finance office on or before the eleventh day of the month, and if not so paid, the account shall become delinquent and a ten-dollar (\$10.00) penalty fee added thereto. If the eleventh day of the month falls on the weekend, payment will be due the preceding Friday by five p.m. Delinquent accounts are further addressed in Section 13.04.330. Customers shall be entitled to make written arrangements for late payments, with the approval of the finance officer, for reasons such as, but not limited to, being out of town or seasonal accounts, medical reasons or a death in the immediate family, and a late payment fee shall not be charged or may be removed. A late payment fee of ten dollars (\$10.00) shall be assessed to those accounts that have made payment arrangements for charges that are delinquent and not paid in accordance with such payment arrangements.

C. Failure of any customer to make the required monthly water meter reading report to the city finance office shall have their usage estimated and a fifteen-dollar (\$15.00) penalty fee added thereto. (Ord. 620 (part), 2005: Ord. 603 (part), 2004)

13.04.330 Delinquent accounts.

A. Payments not received by the city finance office prior to the eleventh day of each month shall be considered delinquent and subject to disconnection. Per city code, "friendly reminder notices" are prepared on the twelfth of each month, or the following work day, on unpaid account balances over twenty dollars (\$20.00) reminding utility customers of the delinquent balance and the scheduled shutoff date. The "friendly reminder notice" is a two-part form and the original will be mailed to the customer by first class mail and the second part will be retained in the city finance office. The "friendly reminder notice" allows ten (10) days for payment. The ten (10) days may be altered due to the fact the city does not disconnect services on Fridays, weekends, a day preceding a holiday, or a holiday; disconnection of services will then be scheduled for the next work day following. Payment(s) arrangements are accepted on disconnect notices if paid in full prior to the next utility billing date. A "final utility notice" of disconnection shall be completed and signed by the city administrator, the finance officer, or mayor for all accounts to be disconnected. The "final utility notice" shall be hand-delivered to the owner or resident the day before the scheduled shutoff or if no person is present to receive the "final utility notice," the "notice" shall be posted on the main entrance door of such property. A late payment fee of ten dollars (\$10.00) shall be assessed to those accounts that have received a hand-delivered final utility notice. Payment on the account is due prior to one p.m. on the scheduled shutoff day. If payment is not received prior to one p.m. on the scheduled shutoff day, water department personnel will disconnect services immediately. Water department personnel cannot make arrangements of any type with the customer at the property. Any such arrangement may only be made with the city finance office in writing.

B. Once the services have been disconnected for nonpayment, reestablishment of services with the city requires the following:

1. The account must be paid in full (zero balance);
2. The utility customer must pay a turn-on fee of twenty-five dollars (\$25.00), if restored during normal water department working hours of seven a.m. to three p.m., Monday through Friday;
3. The customer will be required to pay a seventy-five-dollar (\$75.00) fee per turn-on, if services are restored after normal water department working hours of seven a.m. to three p.m., Monday through Friday.

C. Appeals on disputed charges shall be addressed to the Custer City finance officer, by written notice, between the hours of eight a.m. and five p.m., Monday through Friday. The finance officer is authorized to correct any errors in the account. The customer shall be given an opportunity to appeal the decision of the finance officer if the appeal is denied at this level. The next step to appeal disputed charges shall be the city administrator or mayor; if there is still no resolution, then it will be brought before the Custer City common council at its next regularly scheduled meeting and service shall be continued until the appeal is heard.

D. Payment plan arrangements for past due accounts will be:

Residential – current bill amount in full each month plus a monthly percentage of the delinquent amount large enough to settle the account within the maximum time limit of one year;

Commercial – current bill amount in full each month plus a monthly minimum of ten (10) percent of the delinquent amount. Failure to comply with the payment plan arrangement will result in immediate shutoff without notice. (Ord. 715, 2012; Ord. 652 (part), 2008; Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.340 Water customers outside the city limits.

All customers of water supplied by the Custer City waterworks outside the corporate limits shall be governed by all rules, regulations and ordinances in effect within the city concerning the same, and shall be charged the rate of one and one-half times the rate for in-town customers in the same customer class category as determined by the city council. (Ord. 620 (part), 2005; Ord. 603 (part), 2004)

13.04.350 Privately owned wells.

Whereas the city is dependent upon a number of shallow wells for its municipal water supply, and whereas the water supply for the city is extremely limited, particularly in years of drought, and whereas any other privately owned wells within the city would acquire water from the same water source, and any private withdrawal from any such private well would withdraw water needed for the municipal water system, and further, that it is necessary to protect the municipal water supply and distribution system from contamination resulting from cross-connections with privately owned wells, and all with the purpose of insuring equitable distribution of clean water and its related costs to include water for fire protection to the residences and businesses of the city:

A. No new privately owned wells will be permitted within the city, except as follows:

1. Wells used exclusively for heat transfer systems (heat pumps);
2. Wells for domestic water supply or purposes when municipal water service is not reasonably available.

B. No property or facility will be permitted to be served simultaneously by a privately owned well and the municipal water supply for domestic service. Privately owned wells are permitted for outside irrigation systems and heat transfer systems provided they are physically separated from the domestic service with no pipes, valves or fittings connecting the two systems together. All properties and facilities that are served domestic water from a privately owned well following the passage of the ordinance codified in this chapter will be permitted to continue in service, but all physical connection to the municipal water system must be severed.

C. All properties and facilities currently receiving domestic, irrigation or heat pump water from privately owned wells, and all future wells, whether for outside irrigation or heat transfer systems, shall have no pipe, valve or fitting connecting any of these systems with the municipal water system. Privately owned wells and the municipal water system must have no physical connection.

D. When an existing privately owned well is discontinued from service by the owner for a period of ninety (90) days, the well will be permanently discontinued and will not be permitted to operate again. Discontinuance does not mean merely turning off a valve or faucet. It is intended to mean that the owner of the well had demonstrated or otherwise indicated no further use of the well and does not intend to resume its use. (Ord. 603 (part), 2004)

13.04.360 Review of each customer's water service charge.

The city shall review the total annual cost of operation and maintenance as well as each customer's water contribution percentage not less often than every two years and will revise the water system charge as necessary to assure equity of the service charge system established in this chapter and to assure that sufficient funds are obtained to adequately operate and maintain the water treatment works. (Ord. 603 (part), 2004)

Chapter 13.08

WATER SERVICE RATES AND CHARGES

Sections:

- 13.08.010 Rates and charges.**
- 13.08.020 Water conservation credit.**

13.08.010 Rates and charges.

There shall be charged by the city, effective for the January 2016 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for water services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms based upon the usage of water. The rates shall be as follows:

- A. 1. Operation and Maintenance - Residential (Single-family).

Gallons Used	Water Charge
2,000 (minimum)	\$9.23

On amounts of water used over two thousand (2,000) gallons, add six dollars and fifty cents (\$6.50) per thousand gallons used to the water charge.

- B. 1. Operation and Maintenance - Commercial and Multifamily.

Gallons Used	Water Charge
2,000 (minimum)	\$20.85

On amounts of water used over two thousand (2,000) gallons, add seven dollars and seventy-five cents (\$7.75) per thousand gallons used to the water charge.

C. In addition to the charge for water services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms, there shall be a surcharge for the services of the facilities financed.

1. Bond Redemption - Miscellaneous. The following surcharge is imposed pursuant to SDCL 9-40-15 to pay, redeem and discharge the 2004 SRF Loan in the amount of eight hundred thousand dollars (\$800,000.00).

Residential (Single-family), Commercial, and Multifamily.

Operation and Maintenance - Residential (Single-family).

Gallons Used	Bond Charge
2,000 (minimum)	\$2.64

On amounts of water used over two thousand (2,000) gallons, add sixty-one cents (\$0.61) per thousand gallons used to the bond charge.

2. Bond Redemptionô Rural Utilities Service. In addition to such charges as may be necessary to pay the expenses of operation and maintenance of the city's water system, each user of the water system shall pay a surcharge according to the following schedule, which shall be subject to adjustment from time to time by resolution of the city council as necessary to redeem and discharge a bond in the amount of two million ninety-one thousand four hundred twenty-three dollars (\$2,091,423.00) to be issued to the United States of America, acting through the Rural Utilities Service (RUS), over a period of forty (40) years at an interest rate of 4.375% (the "RUS Bond"), and a bond anticipation note (the "BAN") issued in anticipation of the RUS Bond, the proceeds of which are to be used for replacement and improvement of the city's water distribution system:

Residential (Single-family), Commercial, and Multifamily.

Operation and Maintenance ô Residential (Single-family).

Gallons Used	Bond Charge
2,000 (minimum)	\$2.11

On amounts of water used over two thousand (2,000) gallons, add one dollar and fifty-nine cents (\$1.59) per thousand gallons used to pay and redeem the RUS Bond.

Such surcharge shall be segregated from all other funds of the city, and shall be and is pledged to secure the repayment of the RUS Bond and the BAN, and shall be used for no other purpose. This surcharge is enacted pursuant to SDCL 9-40-15.

(Ord. 767, 2015: Ord. 754, 2014: Ord. 746, 2014: Ord. 698, 2011: Ord. 668, 2009: Ord. 662, 2009: Ord. 652 (part), 2008: Ord. 634, 2006: Ord. 618, 2005: Ord. 603 (part), 2004: Ord. 553, 2002: Ord. 516, 1999: Ord. 485, 1997: Ord. 462, 1996: Ord. 445, 1995: Ord. 381, 1992: Ord. 373, 1992: Ord. 364, 1991: prior code § 4-132 (part))

13.08.020 Water conservation credit.

All customers who use less than two thousand (2,000) gallons of water each month of the calendar year shall receive a water conservation credit for the following year. This would be reflected per usage and billing procedures of the city, which bills for the previous months usage. In accordance therewith, such credit would be determined by the city in January each year, and would become effective on the February billing for January's usage. The credit shall consist of the sum of \$1.50 per month for the calendar year.

(Ord. 709, 2012)

Chapter 13.12

SEWER SERVICE SYSTEM GENERALLY

Sections:

- 13.12.010 City sewer system—Supervision.**
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- 13.12.040 Issuance of permits.**
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- 13.12.060 Inspection.**
- 13.12.070 Filling.**
- 13.12.080 Sewer repair.**
- 13.12.090 Refuse prohibited.**
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- 13.12.110 Minimum grade.**
- 13.12.120 Materials used in sewers and connections.**
- 13.12.130 Construction over sewer and water lines.**
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13.12.010 City sewer system—Supervision.

The city sewer system shall be under the supervision of the public works director who shall be responsible to the appropriate common council.

(Ord. 603 (part), 2004: prior code § 5-101)

13.12.020 Duties.

The public works director shall make or supervise and inspect and approve all taps of public sewers in addition to such other duties as shall be prescribed by the common council or by the ordinances of the city.

(Ord. 603 (part), 2004: prior code § 5-102)

13.12.030 Excavations for service sewers—Permits.

No person shall make any excavation in the streets, alleys, public property, or lay any service sewer therein without first obtaining a permit therefor from the public works director.

(Ord. 603 (part), 2004: prior code § 5-103)

(Custer Supp. No. 14, 3-16)

city, and shall only vote on matters within that three-mile jurisdiction. The mayor or one member of the city council

13.12.040 Issuance of permits.

The public works director may issue permits for excavations or laying of service sewer as provided in the foregoing section and only after compliance with the following:

A. Application shall be made, in writing, to the public works director or the community development director showing the applicant's name, address, type of construction, materials to be used, estimated time of completion, location of proposed excavation and such further information as may be required by the appropriate common council committee, city council or the public works director.

B. The permit shall entitle the owner to have a tap of the public sewer made or supervised and inspected by the public works director as well as entitle the owner thereof to perform the acts therein authorized. If such use is for residential purposes, the application shall state the number of families or residents to be served thereby, and such tap and sewer use shall be limited to the number of families or residences served thereby, and as set forth in the application.

C. 1. There is imposed a special sewer use assessment charge, which the charge shall be considered as a payment and as a condition of obtaining service, and for the payment of costs incurred in the construction within the 1990 sewer assessment district for the facilities to which the customer shall now be connected; and any fees so imposed shall be dedicated to the fund and to the repayment of the obligation for the construction of facilities within the sewer assessment district or to the maintenance of the same on certain properties and connections to the Custer City sewer main as set forth in this chapter, charges being as follows:

a. Commercial. All properties used for commercial purposes are located within commercial zones: seven thousand two hundred dollars (\$7,200.00).

b. Light Commercial. All properties occupied as a residence, but also having a substantial simultaneous commercial use: five thousand one hundred dollars (\$5,100.00).

c. Residential. All property used principally for residential purposes: three thousand one hundred dollars (\$3,100.00).

d. Multifamily Developments.

i. Trailer Parks. All trailer parks within the 1990 Custer sewer district shall be subject to an assessment of six thousand two hundred dollars (\$6,200.00) for the first two trailers, plus two hundred dollars (\$200.00) for each additional trailer or trailer spot to be utilized. If an assessment has been paid or imposed under this subsection for the Custer sewer district, the amount of the assessment collected or imposed up to the amount of six thousand two hundred dollars (\$6,200.00), shall be credited to the assessment made under this subsection.

ii. Apartments. All multifamily apartments within the 1990 Custer sewer district shall be subject to an assessment of six thousand two hundred (\$6,200.00) for the first two units; and the sum of two hundred dollars (\$200.00) for each additional family unit within the development. Credit shall be given for any assessment paid or imposed pursuant to the provisions of this subsection up to the sum of six thousand two hundred dollars (\$6,200.00).

2. The following property shall be subject to the special sewer use assessment charge:

a. Upon all properties within the 1990 sewer assessment district that are further subdivided or where on additional structures including residences and business structures requiring sewer connections are added, and which the structures or subdivided properties would have been subject to a separate assessment had they existed at the time of the 1990 special assessment, notwithstanding the fact that the subdivided properties are included in the whole of the property which was subject to one assessment.

b. Upon all properties that are not within the district but shall hereafter request to connect to the Custer

City sewer system and shall utilize or connect to the sewer mains within the district that were constructed as a part of the 1990 sewer district and assessment. The sewer connection charge shall be reduced by any amount of a special assessment that shall be imposed upon the properties for the construction of the additional sewer main and facilities.

3. Special sewer use assessment charges shall not be considered as a connection or sewer tap fee as set forth in Chapter 13.16, which shall remain in full force and effect. Any commitment of the city to provide a free sewer tap or connection to any individual hereafter requesting connection to the Custer City sewer system shall be allowed as a credit in the amount as set forth in Chapter 13.16 as the then existing sewer connection or tap fee, against the special sewer use assessment charge imposed under this subsection. The city council may also at its discretion waive the imposition of the sewer tap or connection fee as set forth in Chapter 13.16, in any instance when the special sewer use assessment charge is imposed. (Ord. 603 (part), 2004; Ord. 359, 1991; Ord. 350, 1990; prior code § 5-104)

13.12.050 Specifications.

The size, slope, 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 building and plumbing codes or other applicable rules and regulations of the city. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 603 (part), 2004; prior code § 5-105)

13.12.060 Inspection.

No sewer trench shall be filled or sewer pipe covered until the service sewer has been first inspected by the public works director or his assistant. Persons making sewer connections shall give at least eight hours' notice to the public works director of the time when such service sewer shall be ready for inspection. The public works director shall inspect such sewer within a reasonable time and if such service sewer is not properly laid or connected, the public works director shall order the same to be taken out and relaid. When such service sewer is completed, approved, and permission granted, the owner or person in charge shall be allowed to use the same. (Ord. 603 (part), 2004; prior code § 5-106)

13.12.070 Filling.

The filling of earth around and on top of all connecting pipes with lateral or main sewers shall be done in a manner to obtain the greatest compaction possible. Earth shall be laid and tamped in regular layers not exceeding twelve (12) inches in depth up to the road surface and the street or alley shall be left in as good of a condition, whether paved or unpaved, as it was prior to the laying of such pipe. (Ord. 603 (part), 2004; prior code § 5-107)

13.12.080 Sewer repair.

Whenever any sewer connecting a building with a common sewer or another drain becomes obstructed, broken or out of order in any way, the person in charge of the premises drained by such sewer shall within forty-eight (48) hours after notice from the public works director, reconstruct, repair or cleanse such sewer. In case of neglect or refusal the public works director shall report the same to the common council who shall cause such sewer to be reconstructed, repaired or cleansed at the expense of the person in charge who shall be charged in the manner as for a special assessment. Further, in the event that any person, firm, partnership or corporation is responsible for the obstruction of any city trunk or other sewer line, the person, firm, partnership or corporation shall be charged for the appropriate repair in the same manner as for a special assessment. (Ord. 603 (part), 2004: prior code § 5-108)

13.12.090 Refuse prohibited.

No one shall deposit or permit to be deposited in any sewer connected with a public sewer any garbage, hair, ashes, foodstuffs, rags, automobile oil or grease or any other thing whatsoever except feces, urine, necessary closet paper, liquid housewater and domestic garbage processed by an approved disposal unit. Further, no one shall permit or allow the roof drain on any structure to drain into the sewage system. (Ord. 603 (part), 2004: prior code § 5-109)

13.12.100 Connections to sewer main.

All sewer systems of every business, residence or other property within the city shall be connected to the Custer City sewage treatment system. Cesspools, septic systems and drop toilets are specifically prohibited. All sewer connections shall be in accordance with the ordinances of the city and shall be approved by the public works director. (Ord. 603 (part), 2004: Ord. 349, 1990: prior code § 5-110)

13.12.110 Minimum grade.

All sewers outside of buildings must be laid in the ground of sufficient solidity for a proper foundation and in a trench with a uniform grade of not less than one-eighth inch to the foot and one-fourth inch if practicable. (Ord. 603 (part), 2004: prior code § 5-111)

13.12.120 Materials used in sewers and connections.

The main soil pipe and its branches shall be of plastic pipe or such other pipe approved by the South Dakota State Plumbing Board. (Ord. 603 (part), 2004: prior code § 5-112)

13.12.130 Construction over sewer and water lines.

No person shall construct or erect any building or structure over or upon lateral or trunk city sewer line or water main. (Ord. 603 (part), 2004: prior code § 5-114)

13.12.140 Interference with natural drainage.

No person shall construct or alter any building or other construction over, upon or immediately adjacent to any natural drainage so as to obstruct such natural drainage except upon the written approval of the public works director who may require such provisions for the natural drainage as may appear to be necessary. (Ord. 603

(part), 2004: prior code § 5-115)

13.12.150 Dimension of house or building drain.

All house and building drains shall be at least four inches in diameter.

(Ord. 603 (part), 2004: prior code § 5-116)

13.12.160 Drains in public garages and washracks.

Every public garage or other place having a washrack used for washing vehicles shall install a standard garage drain approved by the public works director. Such drain shall be so constructed and operated as to prevent mud, sand and other debris from being washed into the city sewer system and shall be kept in proper working order. (Ord. 603 (part), 2004: prior code § 5-117)

13.12.170 Cross-connections.

No faucet, connection, valve or like appliance so constructed as to form a cross-connection, directly or indirectly, between a safe drinking water supply and an unsafe or questionable water supply, shall be permitted. No licensed plumber or any other person shall make any cross-connection to the water system of the city, either outside or inside the corporate limits, with any other water system, supply from a well, cistern or any other source whatever, nor from the city water system to any drain pipe, sewer pipe or septic tank. (Ord. 603 (part), 2004: prior code § 5-118)

13.12.180 Cesspool drainage into streets and gutters prohibited.

It is unlawful for any person to allow any cesspool or septic tank to drain into any of the streets and gutters of the city. (Ord. 603 (part), 2004: prior code § 5-119)

13.12.190 Responsibility of Breakage of lines.

In the event of breakage, leakage or obstruction of any city sewer main, the city shall be responsible for the replacement or repair of the line. In the event of breakage of any sewer line running from a residence, business or any structure to the city main line, the owner or person having responsibility of the residence, business or structure, shall be responsible for its repair or replacement. If any person shall fail to promptly repair any leaky, clogged, or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the city to do so, the supply of city water may be immediately shut off from the premises of all water customers on that line, and shall remain off until the necessary repairs have been made. The city shall not be liable for any damage resulting from the shutting off of the water, and no deductions shall be allowed from regular water rates during the period that the water is shut off. The water supply shall not again be turned on to the premises until all work ordered by the city has been satisfactorily completed and a fee of twenty dollars (\$20.00) paid for turning the water off and on. In addition, the city may cause the service pipe to be repaired and assess the actual cost of the repair plus an administrative charge of ten percent (10%) to the property. (Ord. 603 (part), 2004: prior code § 5-121)

13.12.200 Use of sewer system effluent water.

A. All persons having a tap on the Custer City sewage effluent discharge line and having the right to withdraw water therefrom shall do so only upon notification and under the direction of the Custer City public works department. It shall be specifically prohibited that any such person shall open or operate the tap line valve or leave it open without the consent and supervision of the Custer City public works department. It is recognized that if the valve is opened or left open when the line is not charged, that damage may occur to the line or to the person or persons in the vicinity of the line or valve when the line is charged.

B. Any use of the Custer City sewer effluent water shall be for purposes as approved by the Department of Health of the state, and the customer shall be strictly responsible for any and all use, distribution and storage of the effluent water. The customer shall be strictly liable for any loss or liability occasioned by the withdrawal, use, storage or distribution of the sewer water effluent, or damage to the city system occasioned by improper withdrawal.

C. Prior to distribution of any effluent under this agreement, the customer/owner of any property served by the tap or the owner of any right to receive water from the sewer effluent system shall first execute a copy of this section acknowledging receipt of a copy of same and further agreeing to be bound by the provisions thereof. (Ord. 603 (part), 2004; Ord. 341, 1990; prior code § 5-122)

Chapter 13.16

SEWER SYSTEM USE REGULATIONS*

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* Prior ordinance history: Ord. 296.

Article I. Definitions

- 13.16.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees C, expressed in milligrams per liter.

"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 walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

"Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

"May" is permissive (see "Shall").

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse,

pond, ditch, lake or other body of surface water or groundwater.

"Person" means any individual, firm, company, association, society, corporation or group.

"pH" means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" means a common sewer controlled by a governmental agency or public utility.

"Public works director" means the director of wastewater facilities of the city, or his authorized deputy, agent or representative.

"Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

"Sewage" means the spent water of a community. The preferred term is "wastewater."

"Sewer" means a pipe or conduit that carries wastewater or drainage water.

"Shall" is mandatory (see "May").

"Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

"Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

"Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

"Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 603 (part), 2004)

Article II. Use of Public Sewers Required

13.16.020 Unsanitary disposal of waste.

It is 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. (Ord. 603 (part), 2004)

13.16.030 Unlawful discharge of sewage.

It is unlawful to discharge to 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 chapter. (Ord. 603 (part), 2004)

13.16.040 Privies, septic tanks, etc.

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater without prior permission from the public works director. (Ord. 603 (part), 2004)

13.16.050 Sewer connections required.

The owner(s) 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 city, is 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 ten (10) days after date of official notice to do so; provided, that the public sewer is within two hundred (200) feet of the property line. (Ord. 603 (part), 2004)

Article III. Private Wastewater Disposal

13.16.060 Private disposal.

Where a public sanitary or combined sewer is not available under the provisions of Section 13.16.050, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article. (Ord. 603 (part), 2004)

13.16.070 Permit.

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the public works director. A permit and inspection fee of one hundred fifty dollars (\$150.00) shall be paid to the city at the time the application is filed. (Ord. 603 (part), 2004)

13.16.080 Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the public works director. The public works director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the public works director. (Ord. 603 (part), 2004)

13.16.090 Compliance with state recommendations.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the South Dakota Department of Water 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 thirty thousand (30,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 603 (part), 2004)

13.16.100 Sewer connections - Availability of public sewer.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 13.16.090, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal

facilities shall be cleaned of sludge and filled with suitable material. (Ord. 603 (part), 2004)

13.16.110 Operation and maintenance.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 603 (part), 2004)

13.16.120 Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 603 (part), 2004)

Article IV. Sanitary Sewers, Building Sewers and Connections

13.16.130 Permits.

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the public works director. (Ord. 603 (part), 2004)

13.16.150 Costs borne by owner.

All cost and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 603 (part), 2004)

13.16.160 Separate installations.

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, court, yard 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. (Ord. 603 (part), 2004)

13.16.170 Inspection of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works director, to meet all requirements of this chapter. (Ord. 603 (part), 2004)

13.16.180 Specifications of building sewers.

The size, slope, 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 building and plumbing codes or other applicable rules and regulations of the city. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 603 (part), 2004)

13.16.190 Elevation—Lift.

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. (Ord. 603 (part), 2004)

13.16.200 Surface drainage.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or

13.16.200

indirectly to a public sanitary sewer unless such connection is approved by the public works director for purposes of disposal of polluted surface drainage. (Ord. 603 (part), 2004)

13.16.210 Specifications for connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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 public works director before installation. (Ord. 603 (part), 2004)

13.16.220 Inspection.

No sewer trench shall be filled or sewer pipe covered until the service sewer has been first inspected by the public works director or his designated agent. Persons making sewer connections shall give at least eight hours' notice to the public works director of the time when such service sewer shall be ready for inspection. The public works director shall inspect such sewer within a reasonable time and if such service sewer is not properly laid or connected, the public works director shall order the same to be taken out and relaid. When such service sewer is completed, approved, and permission granted, the owner or person in charge shall be allowed to use the same. (Ord. 603 (part), 2004)

13.16.230 Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights 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. (Ord. 603 (part), 2004)

Article V. Use of the Public Sewers

13.16.240 Prohibited drainage in sanitary sewers.

No person(s) 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 and may be discharged to the sanitary sewer by permission of the public works director. (Ord. 603 (part), 2004)

13.16.250 Drainage in storm sewers.

Stormwater other than that exempted under Section 13.16.240 and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the public works director, to a storm sewer or natural outlet. (Ord. 603 (part), 2004)

13.16.260 Prohibited discharges in public sewers.

No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;
- C. 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;
- D. 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. (Ord. 603 (part), 2004)

13.16.270 Limited discharges in public sewers.

The following described substances, materials, waters, or waste shall be limited in 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 public works director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the public works director 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 public works director are as follows:

- A. Wastewater having a temperature higher than one hundred fifty (150) degrees F (sixty-five (65) degrees C);
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fat or grease;

D. Any garbage that has not been properly shredded (see Section 13.16.010). 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;

E. 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 public works director for such materials;

F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the public works director;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations;

H. Quantities of flow, concentrations or both which constitute a "slug" as defined in this chapter;

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable 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;

J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes. (Ord. 603 (part), 2004)

13.16.280 Requirements for discharge of special wastes.

A. 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 13.16.270, and which in the judgment of the public works director, 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 public works director 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 13.16.330.

B. When considering the above alternative, the public works director shall give consideration to the economic impact of each alternative on the discharger. If the public works director 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 public works director or city engineer. (Ord. 603 (part), 2004)

13.16.290 Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 13.16.270(C), 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 public works director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) 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 public works director. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. (Ord. 603 (part), 2004)

13.16.300 Pretreatment or flow equalization.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense. (Ord. 603 (part), 2004)

13.16.310 Manholes.

When required by the public works director, the owner(s) 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 public works director. The structure 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. (Ord. 603 (part), 2004)

13.16.320 Information needed for compliance.

The public works director may require a customer of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewaters discharge peak rate and volume over a specified time period;
 - B. Chemical analyses of wastewaters;
 - C. Information on raw materials, processes and products affecting wastewater volume and quality;
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - E. A plot plan of sewers of the customer's property showing sewer and pretreatment facility location;
 - F. Details of wastewater pretreatment facilities;
 - G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (Ord. 603 (part), 2004)

13.16.330 Sampling and testing.

All measurements, tests and analyses 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 public works director. (Ord. 603 (part), 2004)

13.16.340 Special arrangements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 603 (part), 2004)

Article VI. Protection from Damage

13.16.350 Damageô Disorderly conduct.

No person(s) shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 603 (part), 2004)

Article VII. Powers and Authority of Inspectors

13.16.360 Inspectionsô Right of entry.

The public works director 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. (Ord. 603 (part), 2004)

13.16.370 Information concerning industrial processes.

The public works director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public or the information in question might result in an advantage to competitors. (Ord. 603 (part), 2004)

13.16.380 Liability.

While performing the necessary work on private properties referred to in Section 13.16.360, the public works director or duly authorized employees 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 city employees, and the city shall indemnify the company against loss or damage to its property by city 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 13.16.310.

(Ord. 603 (part), 2004)

13.16.390 Easements.

The public works director 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 the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 603 (part), 2004)

Article VIII. Violation—Penalty

13.16.400 Notice of violation.

Any person found to be violating any provision of this chapter except Article VI 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.

(Ord. 603 (part), 2004)

13.16.410 Penalty.

Any person who shall continue any violation beyond the time limit provided for in Section 13.16.400, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 603 (part), 2004)

13.16.420 Liability of violators.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Ord. 603 (part), 2004)

Chapter 13.20

SEWER SERVICE CHARGES*

Sections:

- 13.20.010 Purpose.**
- 13.20.020 Determining the total annual cost of operation and maintenance.**
- 13.20.030 Determining each customer's wastewater contribution percentage.**
- 13.20.040 Determining a surcharge system for customers with excess BOD and TSS.**
- 13.20.050 Surcharge rate schedule for above-normal strength wastes.**
- 13.20.060 Determining each customer's wastewater service charge.**
- 13.20.070 Wastewater facilities replacement fund.**
- 13.20.080 Wastewater facilities replacement fund schedule.**
- 13.20.090 Payment of the customer's wastewater service charge and penalties.**
- 13.20.100 Review of each customer's wastewater service charge.**
- 13.20.110 Notification.**
- 13.20.120 Wastes prohibited from being discharged to the wastewater treatment system.**
- 13.20.130 Rates and charges.**
- 13.20.140 Wastewater customers outside the city limits.**

* Prior history: Prior code § 5-120 and Ords. 297, 315, 330, 342, 337, 394, 424, 435, 486, 517 and 575.

13.20.010 Purpose.

The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the capital costs and operation and maintenance of the complete wastewater system. The costs shall be distributed to all customers of the system in proportion to each customer's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the customer's maintenance costs to each customer or customer class.

(Ord. 603 (part), 2004)

13.20.020 Determining the total annual cost of operation and maintenance.

The public works director, or its city engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

(Ord. 603 (part), 2004)

13.20.030 Determining each customer's wastewater contribution percentage.

A. The public works director, or its city engineer, shall determine for each customer or customer class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such customer's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The public works director, or its city engineer, shall determine for each customer or customer class the average daily poundage of five-day twenty (20) degree centigrade biochemical oxygen demand (BOD) discharged to the wastewater system which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine such customer's BOD contribution percentage.

B. The public works director, or its city engineer, shall determine for each customer or customer class the average daily total suspended solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such customer's TSS contribution percentage. The volume contribution percentage, BOD contribution percentage and TSS contribution percentage for each customer or customer class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total five-day twenty (20) degree centigrade BOD and total TSS, respectively. (Ord. 603 (part), 2004)

13.20.040 Determining a surcharge system for customers with excess BOD and TSS.

The public works director, or its city engineer, will assess a surcharge rate for all nonresidential customers discharging wastes with BOD and TSS strengths greater than the average residential customer. Such customers will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. Normal strength wastes are considered to be two hundred fifty (250) ppm BOD and two hundred fifty (250) ppm TSS. The surcharge rate structure for such above-normal strength waste dischargers is attached in Section 13.20.050. (Ord. 603 (part), 2004)

13.20.050 Surcharge rate schedule for above-normal strength wastes.

The public works director, or its city engineer, has determined that the average total suspended solids (TSS) and five-day biochemical oxygen demand (BOD) daily loadings for the average residential customer are two hundred fifty (250) ppm BOD and two hundred fifty (250) ppm TSS. The public works director, or its city engineer, has assessed a surcharge rate for all nonresidential customers discharging wastes with BOD and TSS strengths greater than the average residential customer. The surcharge will be sufficient to cover the costs of treating such customers' above-normal strength wastes. Such customers will pay an additional service charge of twenty-five cents (\$0.25) per one thousand (1,000) gallons for each twenty-five (25) ppm over two hundred fifty (250) ppm of BOD and twenty-five cents (\$0.25) per one thousand (1,000) gallons for each twenty-five (25) ppm over two hundred fifty (250) ppm TSS. (Ord. 603 (part), 2004)

13.20.060 Determining each customer's wastewater service charge.

Each nonresidential customer's wastewater treatment cost contributions as determined in Sections 13.20.030 and 13.20.040 shall be added together to determine such customer's annual wastewater service charge. Residential customers may be considered to be one class of customer and an equitable service charge may be determined for each customer based on an estimate of the total water consumption of this class of customer. (Ord. 603 (part), 2004)

13.20.070 Wastewater facilities replacement fund.

A reserve fund called the wastewater facilities replacement fund is established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (twenty (20) years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed (see

Section 13.20.080). (Ord. 603 (part), 2004)

13.20.080 Wastewater facilities replacement fund schedule.

The reserve fund called the wastewater facilities replacement fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of no less than fifty-eight thousand three hundred sixty dollars (\$58,360.00) per year obtained from the wastewater utility fund at the end of each fiscal year. (Ord. 603 (part), 2004)

13.20.090 Payment of the customer's wastewater service charge and penalties.

Each customer shall read his water meter between the first and eleventh day of each month and shall pay his monthly wastewater service charge in conjunction with his total monthly utility billing. The city shall assess a five-dollar (\$5.00) penalty if the payment is not received by the city on or before the eleventh day of each month. Each customer shall be notified by mail of the delinquent account along with the attachment of penalty. After notification and if the delinquent account is not paid within ten (10) days, the city shall disconnect water service to the customer and/or stop wastewater service to the property. (Ord. 603 (part), 2004)

13.20.100 Review of each customer's wastewater service charge.

The city shall review the total annual cost of operation and maintenance as well as each customer's wastewater contribution percentage not less often than every two years and will revise the water system charge as necessary to assure equity of the service charge system established in this chapter and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. (Ord. 603 (part), 2004)

13.20.110 Notification.

The wastewater treatment services budget shall be published annually in the city's legal newspaper to serve as notice to each customer of the costs associated with wastewater collection and treatment in determination of customer charges. (Ord. 603 (part), 2004)

13.20.120 Wastes prohibited from being discharged to the wastewater treatment system.

A. The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or 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 is prohibited.

B. Each customer which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the wastewater treatment works shall pay for such increased costs.

(Ord. 603 (part), 2004)

13.20.130 Rates and charges.

There shall be charged by the city, effective for the January 2016 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms, based upon the usage of water. The rates shall be as follows:

A. 1. Operation and Maintenance ô Residential (Single-Family).

Gallons Used	Wastewater Charge
2,000 (minimum)	\$19.95

On amounts of water used over two thousand (2,000) gallons, add two dollars and nineteen cents (\$2.19) per thousand gallons used to the wastewater charge.

B. 1. Operation and Maintenance ô Commercial and Multifamily.

Gallons Used	Wastewater Charge
2,000 (minimum)	\$23.43

On amounts of water used over two thousand (2,000) gallons, add six dollars and thirty-three cents (\$6.33) per thousand gallons used to the wastewater charge.

C. In addition to the charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms, there shall be a surcharge for the services of the facilities financed.

1. Bond Redemptionô 2012 SRF. The following surcharge is imposed pursuant to SDCL 9-40-15 to pay, redeem and discharge the 2012 SRF Loan in the amount of nine hundred twenty-five thousand nine hundred and nineteen dollars (\$925,919.00) until such loan is paid full. This charge shall be charged by the city, commencing with the November 2014 billing, upon passage and publication of the ordinance codified in this chapter as provided by law.

	Monthly Fee Charged
Residential (Single-family), Commercial, and Multifamily	\$5.00

(Ord. 768, 2015: Ord. 755, 2014: Ord. 725, 2012: Ord. 697, 2011: Ord. 669, 2009: Ord. 603 (part), 2004)

13.20.140 Wastewater customers outside the city limits.

All customers of wastewater services provided by Custer City, outside the corporate limits, shall be governed by all rules, regulations and ordinances in effect within the city concerning the same, and shall be charged the rate of one and one-half times the rate for in-town customers in the same customer class category as determined by the city council.

(Ord. 603 (part), 2004)

(Custer Supp. No. 8, 3-10)

Chapter 13.24

WATER AND SEWER RATE CLASSIFICATIONS*

Sections:

- 13.24.010** **Classifications.**
- 13.24.030** **Application for reclassification when.**
- 13.24.040** **Compliance.**
- 13.24.050** **Abandonment of service.**
- 13.24.060** **Service reduction.**

* Prior ordinance history: Ords. 378 and 575.

13.24.010 Classifications.

A. Residential customers are considered to be one class of customer. For the purpose of this section, a residential customer means any single independent family, and irrespective of whether living in a one-family residence, mobilehome, or any other type of residence, if such residence is served by an independent connection to the municipal water and wastewater system of the city.

B. Commercial, multiple-family residence, and mobilehome parks are considered to be one class of customer. For the purpose of this section, a multiple-family residence includes duplexes, four-plexes, apartment buildings, and any structure or series of structures that contain multiple residential units that collectively discharge their domestic waste into a single, independent connection to the municipal wastewater system of the city. For the purposes of this section, a mobilehome park is two or more mobilehomes that collectively discharge their domestic waste into a single, independent connection to the municipal sewer system. For the purpose of this section, all other customers not specifically designated in subsections A and B of this section will be classed as commercial.

C. All customers of the municipal wastewater system whose origin is within the corporate boundaries of the city and whose water supply did not originate from the city's municipal water system shall be charged a fee for the use of the municipal wastewater system. This fee shall be based on the proportion of the flow that the customer generates in relation to the total flow of the system. The fee shall be this percentage applied to the current year's total operation and maintenance budget for the city wastewater treatment and collection system.

D. Out-of-Town Customers. The water and wastewater service charge for all out-of-town customers of the municipal water and wastewater system shall be one and one-half times the rate for in-town customers in the same customer class categories. (Ord. 603 (part), 2004)

13.24.030 Application for reclassification when.

Customers, upon notification of benefit, who are affected by this chapter may apply for reclassification after the effective date of the ordinance codified in this chapter. (Ord. 603 (part), 2004)

13.24.040 Compliance.

All future construction of any structures which would fall into the categories set forth in Section 13.24.010 shall be required to comply with the mandates of this chapter. Existing structures which fall within the categories set forth in Section 13.24.010 of this chapter shall be required to comply with the mandates of this chapter. (Ord. 603 (part), 2004)

13.24.050 Abandonment of service.

Abandonment of service requires the system to be physically disconnected at the property line at minimum along with notification to the Public Works Director. The shut off must be done in conjunction with Section 13.04.270 (notice of discontinuance required) with the written statement (form) being filed on the property with the Custer County register of deeds office. When this procedure is completed, the minimum monthly utility charge will be waived. At the time the property owner decides to have the utility lines reactivated, there will be the normal and customary charges as associated with Section 13.04.090 (tap and connection charges). (Ord. 687, 2011; Ord. 603 (part), 2004)

13.24.060 Service reduction.

All residential and commercial customers whose home is not occupied for a period of thirty (30) consecutive days or more shall present a written request for water shutoff in order to have their water and wastewater bill reduced during the period. In order to reinstate water and wastewater service, the customer shall present a written request therefor, at which time the rate reduction will terminate. The following reduced rates will apply for residential customers: water charge ô six dollars and fifteen cents (\$6.15); bond charge ô two dollars and sixty cents (\$2.60); wastewater charge ô six dollars and seventy cents (\$6.70). The following reduced rates will apply for commercial customers: water charge ô seven dollars and thirty-eight cents (\$7.38); bond charge ô two dollars and sixty cents (\$2.60); wastewater charge ô eight dollars and ninety-four cents (\$8.94). (Ord. 718, 2012; Ord. 603 (part), 2004)

Chapter 13.26**THEFT OF CITY TRASH COLLECTION SERVICE****Sections:**

- 13.26.010** **Trash collected from outside city limits.**
- 13.26.020** **Public waste containers.**
- 13.26.030** **Exemptions and penalties.**

13.26.010 **Trash collected from outside city limits.**

No person shall place, throw, discard, leave or deposit any waste or trash collected from any location outside the city in any residential or public trash or waste container, pail package, or bundle in the city in such manner, or under such circumstances, as to indicate an intent that it be collected and removed by an employee of the city or a firm under contract with the city to provide residential or public trash collection services in the city. (Ord. 737, 2013)

13.26.020 **Public waste containers.**

No person shall dispose of any trash or waste into any public trash or waste container placed by the city along any of the streets, alleys, sidewalks or other public places in the city except such trash as accumulated by members of the general public in the normal course of using the public areas and ways of the city. (Ord. 737, 2013)

13.26.030 **Exemptions and penalties.**

A. Nothing in the above shall prohibit any person from depositing designated recyclable materials in the proper recyclable containers at any recycle center in the city.

B. Penalties. Any person convicted of violating any provisions of this chapter by any court of competent jurisdiction shall be assessed a penalty as follows:

1. First offense: a fine not less than one hundred dollars (\$100.00) not more than one hundred fifty dollars (\$150.00).
2. Second offense: a fine of not less than one-hundred fifty dollars (\$150.00) nor more than two hundred dollars (\$200.00).
3. Third and subsequent offenses: a fine of not less than two hundred dollars (\$200.00) nor more than two hundred fifty (\$250.00).
4. In addition, all person convicted shall pay court costs and any other applicable assessments. (Ord. 737, 2013)

