

TITLE EIGHT

VIII. WATER AND SEWER

- Chapter 8.01 Waterworks and Sewer System as Public Utility
- Chapter 8.02 Municipal Water and Sewer System
- Chapter 8.03 Private Sewage Disposal Prohibited Unless Public Sewer System Not Available
- Chapter 8.04 Municipal Utility Users Subject to Rules of Service/Inspection
- Chapter 8.05 User to Pay Installation Costs
- Chapter 8.06 Application and Fee for Sewer and Water
- Chapter 8.07 Determination of Rates for Water and Sewer Services
- Chapter 8.08 Rates
- Chapter 8.09 Outside Watering Restrictions
- Chapter 8.10 Payment and Reading Due Dates
- Chapter 8.11 Delinquent Accounts
- Chapter 8.12 Water Meter Accuracy
- Chapter 8.13 Emergencies
- Chapter 8.14 Meter Audit
- Chapter 8.15 Temporary Disconnect
- Chapter 8.16 Owner, Lessee Liable
- Chapter 8.17 Sewer Discharges: Regulation of Sewer Use
- Chapter 8.18 Deposits
- Chapter 8.19 Penalties
- Chapter 8.20 Reserve Funds

Chapter 8.01 Waterworks and Sewer System as Public Utility

- 8.01.00** The combined waterworks and sewer system already operating shall continue in existence after this ordinance becomes effective as a public utility for municipal, industrial, and domestic uses for the inhabitants of Hill City residing within the municipal boundaries.

SDCL 9-49-1. 9-50-1 HC Ord 30, HC Ord Title 8, 2001
HC Ord. Title 8, 2006

Chapter 8.02 Municipal Water and Sewer System

- 8.02.00** All property within the City limits and within 200 feet of the municipal water and sewer mains shall be connected to the municipal water and sewer system. All property annexed into the City and within 200 feet of municipal

water and sewer mains shall likewise be connected to the municipal water system as soon as structures are located thereon.

HC Ord. (1991)
HC Ord. Title 8, 2001
HC Ord. Amendment (2004)
HC Ord. Title 8, 2006
HC Ord. Title 8.02 Amended, 03-09-09

Chapter 8.03
Private Sewage Disposal Prohibited Unless Public Sewer System Not Available

8.03.00 Construction or use of privies, septic tanks and other facilities for the disposal of sewage shall be prohibited within Hill City except if the public sewer system is more than 200 feet from the lot line of property owners, said owner may utilize a septic system provided said system complies with SDCL 34A-2-108 and acts amendatory thereto.

Owners of all buildings or their properties in Hill City shall be required at their own expense to install suitable toilet facilities and to connect such facilities directly to the proper municipal sewer main in accordance with this title provided the sewer main is within two hundred (200) feet of the property line. All installations shall meet the approval of the state plumbing inspector and comply with the state plumbing regulations.

After property has been annexed to the City, said property owners shall be required at their own expense to install suitable toilet facilities and to connect such facility directly to the proper municipal sewer main in accordance with this title as soon as structures are added to said property provided the sewer main is within 200 feet of the property line. All installations shall meet the approval of the state plumbing inspector and comply with the state plumbing regulations.

HC Ord 35
HC Ord Title 8, 2001
HC Ord 8.03 Amended 2001
HC Ord 8.03 Amended 2002
SDCL 9-48-53; 34A-2-108
HC Ord 8.03 Amended 2004
HC Ord Title 8, 2006

Chapter 8.04
Municipal Utility Users Subject to Rules of Service/Inspection

8.04.00 The public works superintendent shall inspect all sewer and water installation from the street to the residence or building served prior to the improvements being covered to ensure compliance with this title. The public works superintendent shall issue a letter of compliance or non-compliance after inspection.

HC Ord 35
HC Ord Title 8, 2001
HC Ord Title 8, 2006

Chapter 8.05
User to Pay Installation Costs

8.05.00 The cost of original installation of all pipes and plumbing between the municipal service mains and the user's curb stop and all extensions thereto and any sewer and water lines shall be borne by the user entirely. All such plumbing and service installations shall at all times be subject to inspection by the City. Upon final inspection of the installation, the service line and curb stop located in the public right of way and meter pit shall become the property of the municipality.

If the City finds repairs necessary from the service main and the user's curb stop, the repairs shall be made by the municipality provided the curb stop is within one foot of the user's lot line and also provided the repairs are not necessitated because of the negligence of the user. It is understood the municipality shall be responsible for the repairs as stated in order to preserve the street and sewer and water systems of the City.

It shall be mandatory for all service lines connected to the municipal water service to be metered. The City will furnish a meter and remote readout for up to a 1" line; for any line over 1" the difference in cost for a City approved meter and remote readout shall be paid by the property owner. Manufactured meter pits shall be required for all new construction.

The cost of installation is the responsibility of the property owner. If a meter or remote readout is damaged or destroyed due to negligence or carelessness, the cost of replacement shall be paid by the property owner.

Meters shall be placed in a location that is easily accessible for meter reading. The meter remote readout shall be attached to the meter at the time of the meter installation and mounted to the outside of the building at a location that is easily accessible for remote reading. It is the responsibility of

the property owner to notify the finance office of the date of installation and the location of the meter and the remote readout.

HC Ord 35 (1999)
HC Ord Title 8, 2001
HC Ord Title 8, 2006

Chapter 8.06

Application and Fee for Sewer and Water

8.06.00 Any person desiring water and/or sewer service for residential, church, or commercial property shall apply for connection on a form provided by the municipality. The application shall be filed with the City finance office with the designated tapping fees established by resolution and adopted by council. The fee shall entitle the applicant to connect with the water and/or sewer main at the applicant's expense. The connection shall be made under the supervision of the public works superintendent and inspected as herein provided.

HC Ord Title 8, 2001
HC Ord Title 8, 2006

Chapter 8.07

Determination of Rates for Water and Sewer Services

8.07.00 Rates to pay for all services and benefits furnished by the municipal water and sewer system shall be set by the governing body as provided by statute (SDCL 9-47-1; SDCL 9-48-2) and produce sufficient gross receipts to pay all costs, charges, maintenance, and depreciation. The governing body is authorized to change rates, charges, and rentals as provided by statute when necessary to cover the cost of operation.

HC Ord. Title 8, 2001
Amended Ord. 8.07, 2-13-06; HC Ord. Title 8, 2006

Chapter 8.08

Rates

8.08.00 Owners or occupants of property connected to municipal water and/or sewer systems shall pay for services rendered at a rate established by resolution and adopted by council.

Rates for the sale of bulk water shall be established by resolution and

adopted by council.

HC Ord. Title 8, 2001; Amended 8.08, 2-13-06; HC Ord Title 8, 2006;
HC Ord. Title 8.08 Amended, 03-09-09

Chapter 8.09 Outside Watering Restrictions

8.09.00 Outside watering of lawns and gardens by any form of sprinkler (not hand watering) by anyone connected to the Hill City water system shall be allowed only during the time prescribed and published by the City Council.

A violation of this ordinance shall be a Class II misdemeanor. Each incident will be considered non-compliance and the person or persons violating the water restrictions shall be fined an amount established by resolution and adopted by council.

Upon issuance of a third violation of this ordinance within a calendar year, water service shall be immediately disconnected. Water service shall not be resumed until after an agreement to comply with the water restrictions is signed by the person or persons in violation and payment of all charges is made. Violating accounts are subject to disconnect and reconnect fees.

Property with new sod or grass seed may water beyond the prescribed time established by City Council, but only upon notifying the finance office of the watering needs. Any other variance to the watering restrictions must be requested and submitted in writing and approved by the City Council.

HC Ord. Title 8, 2001
HC Ord. Title 8, 2006

Chapter 8.10 Payment and Reading Due Dates

8.10.00 It is the responsibility of customers to remit the amount due for the prior month's water and/or sewer services and to report their water meter reading to the Hill City finance office by the eleventh day of each month. If the eleventh day of the month falls on a weekend or holiday, all remittances and readings are due the following workday.

If the amount due for water and/or sewer services is not paid in full by the eleventh of each month, the account shall become delinquent and a ten per cent (10%) penalty fee shall be added.

If the meter reading is not submitted by the eleventh of each month, the usage shall be estimated based on prior utilization and a fee shall be assessed in the amount established by resolution and adopted by council. If the meter reading is not submitted for two or more consecutive months, the meter shall be read by the City and an additional fee established by resolution and adopted by council shall be charged for this service.

Customers may request arrangements for late payment of the water and/or sewer bill. The finance officer or designee shall review the request and shall have the authority to approve or deny the proposal. Late penalties shall not be assessed on accounts with an approved late payment arrangement, unless the terms of the arrangement are not fulfilled. Payment arrangements on already delinquent accounts shall include all applicable late penalties.

HC Ord. Title 8.10, 1-21-03

HC Ord. Title 8, 2006

Chapter 8.11 Delinquent Accounts

8.11.00 Payments not received by the finance office prior to the eleventh day of each month shall be considered delinquent and subject to disconnect. An evaluation of delinquent accounts shall be made and disconnect notices prepared and delivered. The customer shall be notified with a disconnect notice if the delinquent account is not paid in full within ten (10) days of the date of the notice, the water service shall be disconnected.

When the service has been disconnected, it shall not be turned on until all back charges, a delinquent account deposit, and a disconnect/reconnect fee shall have been paid.

Disputed charges shall be submitted in writing to the finance officer. The finance officer is authorized to correct any error in the account. The customer shall be given an opportunity to appeal the decision of the finance officer to the City Council. All appeals on disputed charges must be made within thirty (30) days of the decision of the finance officer and shall be brought before the City Council at the next available regularly scheduled meeting. Water service shall be continued until the appeal is heard.

Chapter 8.12 Water Meter Accuracy

8.12.00 If there is compelling evidence the meter and/or remote readout are not accurately measuring usage, a water customer may request the meter

and/or the remote be replaced. Replacement of meters shall be at the discretion of City personnel. If it is determined by City personnel the meter and/or remote are not accurately measuring usage, the finance officer shall investigate if any abatement of previously billed charges is necessary. The finance officer is authorized to make appropriate and necessary abatement adjustments to correct the erroneous meter readings.

Chapter 8.13 Emergencies

8.13.00 If an emergency exists, municipal water use within the City of Hill City may be immediately restricted effective upon an order by the Mayor of Hill City. Such order shall be reviewed at the next regularly scheduled council meeting by the City Council.

The Mayor may order the following:

- a. No water shall be used for commercial or personal car washing.
- b. All lawn and garden watering shall cease.
- c. All washing of sidewalks, streets and driveways shall cease.
- d. The filling of swimming pools, both commercial and private, including both permanent and temporary pools shall cease.

A violation of this ordinance shall be a Class II misdemeanor and subject to a fine established by resolution and adopted by council. Each incident is a separate violation subject to the penalty.

HC Ord. Title 8, 2001, HC Ord. Title 8, 2006

Chapter 8.14 Meter Audit

8.14.00 All meters shall be audited at least twice per year.

HC Ord Title 8, 2001, Amend 8.10 and 8.11.01, 1-21-03, HC Ord. Title 8, 2006

Chapter 8.15 Temporary Disconnect

- 8.15.00** If a water customer desires the service to be temporarily disconnected, a fee established by resolution and adopted by council shall be charged. A separate, but equal fee shall be charged for the water service to be re-connected.

HC Ord Title 8, 2001, HC Ord. Title 8, 2006

Chapter 8.16 Owner, Lessee Liable

- 8.16.00** The renter or lessee of private property shall be liable to the City of Hill City for the rates of all water and/or sewer. If said renter or lessee fails to pay said rates, the owner of said property shall be liable for making payment in full.

HC Ord. Title 8, 2001, HC Ord Title 8, 2006

Chapter 8.17 Sewer Discharges: Regulation of Sewer Use

- 8.17.00** It shall be unlawful for any person to discharge or cause to be discharged into any waste water sewer, any polluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or evaporated cooling water.

HC Ord. Title 8, 2001, HC Ord Title 8, 2006

Chapter 8.18 Deposits

- 8.18.00** All owners or occupants using municipal water and/or sewer services, including but not limited to, homes, commercial, and industrial facilities shall pay an account deposit in the amount established by resolution and adopted by council before commencement of service or continuation of service to a new party in a unit already served. The deposit shall be returned or applied to the account when use is terminated.

Owners may install separate meters in meter pits for use of water not contributing to sewer flow and charged at the water rate per gallon. Installation of additional meters shall be in compliance with existing national

and state plumbing codes. Installation shall be the responsibility of the user, and the separate account shall be charged a deposit in the amount established by resolution and adopted by council.

Delinquent accounts that have been disconnected shall be required to pay an additional security deposit prior to reconnection of service. This delinquent account deposit shall be established by resolution and adopted by council. The deposit shall be returned or applied to the account when use is terminated.

HC Ord. Title 8.19 Established, 03-09-09

Chapter 8.19 Penalties

- 8.19.00** Owners or occupants are required to have both a meter and remote readout installed, and they shall not remove, damage, or fail to install same. If a meter or remote readout is intentionally removed, damaged, or not installed, the City will immediately terminate the water service and fine the owner or occupant in the amount established by resolution and adopted by council.

HC Ord. Title 8.20 Established, 03-09-09

Chapter 8.20 Reserve Funds

- 8.20.00** Surcharges for the purpose of water and sewer system improvements may be established by resolution and adopted by council. Funds collected from such surcharges shall be deposited in a designated water or sewer reserve fund.

HC Ord. Title 8.21 Established, 03-09-09