

## **TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND RUBBISH**

**51. WATER**

**52. SEWERS**



## **CHAPTER 50: GARBAGE AND RUBBISH**

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**GENERAL PROVISIONS****50.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The City of Whitewood.

**COLLECTOR.** The same as **COLLECTOR OF REFUSE**.

**COLLECTOR OF REFUSE.** A person holding a license from the city to collect garbage and rubbish as provided in this chapter.

**COMMERCIAL UNIT.** Any type of business unit, which has a permanent location. Each separate office and each separate business is one separate **COMMERCIAL UNIT** regardless of how many of the units might be in the same building. Each motel, hotel, tourist court, church, school building and hospital shall be deemed to be a **COMMERCIAL UNIT**. Dormitories and rooming houses at which the roomers also obtain their meals shall be deemed to be a **COMMERCIAL UNIT**.

**DUMPSTER.** A container used to dispose of a large mass of rubbish or garbage that can be attached to the collectors truck to facilitate the emptying of the dumpster.

**FAMILY DOMESTIC UNIT.** Any single independent family unit irrespective of the number of persons constituting such family, but shall not include a situation where one or more independent families may be living together in any single residence or abode, but in such situation each of such independent families shall be deemed and regarded as a separate and distinct **FAMILY DOMESTIC UNIT**, each independent family unit living in multiple dwelling residences, apartment houses or any type of residence including trailer, houses shall each be deemed a **FAMILY DOMESTIC UNIT** for the purpose of this subchapter. Rooming houses at which the roomers do not obtain their meals shall be deemed to be one **FAMILY DOMESTIC UNIT**.

**GARBAGE.** Includes kitchen refuse, an accumulation of animal and vegetable matter which attends the preparation, cooking, and eating of food, and including cans, bottles, ashes.

**MULTIPLE DWELLINGS.** A structure designed or used for residential occupancy by two or more families living independently of each other.

**PERSON.** Every person, firm, partnership, association institution and corporation.

***RUBBISH.*** Includes paper, boxes and cartons, all household wastes other than garbage, all wastes from commercial units, clipped grass, tree leaves and other wastes from gardens and lawns, trimmings of trees, and all nonperishable wastes, but shall not include building wastes and dead trees or limbs or branches therefrom.

(Prior Code, ' 14.0101)

**' 50.02 COMMON COUNCIL MAY ADOPT SYSTEM FOR COLLECTION AND DISPOSAL.**

The Common Council of this city shall have the power and duty to provide for the removal of garbage and rubbish by either system provided for in this title.

(Prior Code, ' 14.0102)

**' 50.03 LICENSE; COLLECTORS OF REFUSE.**

The Common Council is hereby empowered and authorized to issue licenses for the term not to exceed five years to persons who shall be known as collectors of refuse. The collector shall have the duty and power to provide for the removal and disposal of the garbage and rubbish found in the city under the rules and regulations as herein provided at his or her expense. The Common Council shall have the right to make inspections from time to time of the collection and disposal process and to set up what rules and regulations they think are necessary to achieve sanitary and desirable process. The collector shall furnish his or her own equipment to carry on his or her duties. The Common Council may determine the number of licenses to be issued. The license shall contain the conditions under which the licensee is to operate.

(Prior Code, ' 14.0103)

**' 50.04 LICENSE; ADVERTISE, BIDS.**

In granting a license to collect the garbage and rubbish, the city may advertise for written, sealed bids. The sealed bids shall contain a description of the kind of equipment, which will be used to collect and dispose of the garbage and rubbish. The Common Council shall have the right to reject any and all bids, which may be received.

(Prior Code, ' 14.0104)

**' 50.05 LICENSE; BOND.**

Any such license entered into as provided herein shall be further conditioned that such bidder shall furnish a corporate surety bond to the city in the sum of \$1,000, conditioned upon the faithful performance of his or her duties as contained herein and in compliance with all ordinances of the city and all rules, regulations, laws and statutes relating to his or her business and provided by the State Department of Health. Said license shall further provide that same may be terminated by the city upon 30-days= written notice in the event that said collector should fail to comply with the provisions of all of the laws, rules and regulations as herein provided.

(Prior Code, ' 14.0105)

**' 50.06 COMPENSATION FOR COLLECTOR.**

The collector shall be compensated for his or her services by being given the right and duty to solicit from and collect and deposit garbage and rubbish and retain from those in charge of the family and commercial units of the city the collection fees as provided in ' 50.20 and it is the intention hereof to make the collection removal and disposal of garbage and rubbish within the city compulsory and universal.

(Prior Code, ' 14.0106)

**' 50.07 ALTERNATIVE SYSTEM.**

In lieu of issuing a license or licenses to collectors, the Common Council is hereby authorized to purchase or rent the necessary equipment and employ the necessary personnel to collect and dispose of the garbage and rubbish found in the city and collect and retain the collection fees as hereinafter provided. If the city chooses this method, there is hereby created and established a special fund to be known and designated as the City Sanitary Services Fund, into which all sums collected under this chapter shall be deposited and kept by the Finance Officer of the city, and from which all expenses of the administration and operation of this chapter shall be paid.

(Prior Code, ' 14.0106)

***CHARGES FOR COLLECTIONS***

**' 50.20 RATES.**

It is hereby determined that the reasonable and necessary charges to be levied imposed and collected for said garbage and rubbish collection and disposal in order to provide proper sanitary control within the city shall be those rates as agreed upon by the city and Waste Connections, Inc. A copy of said agreement shall be kept on file with the City Finance Officer.

(Prior Code, ' 14.0201)

**' 50.21 APPEAL FOR RECONSIDERATION.**

The City Finance Officer shall rate commercial units according to the provisions of this chapter. Should the person in charge of the unit being rated ask for reconsideration or adjustment, he or she shall file with the City Finance Officer a written complaint and the same shall be referred to the Common Council for adjustment.

(Prior Code, ' 14.0202)

**' 50.22 APPEAL FOR RATE CHANGE, COMMERCIAL UNIT.**

If a person in charge of a commercial unit feels that his or her rating should be changed from time to time, he or she may so inform the City Finance Officer and the City Finance Officer shall have the power to change the rating if the situation warrants such action. If the said person disagrees with the action of the City Finance Officer, he or she may file a complaint with the Common Council as herein before provided.

(Prior Code, ' 14.0203)

**' 50.23 APPLICATION FOR RATE REDUCTION, BOTH UNITS.**

The head of any family domestic unit or commercial unit shall have the right to make written application provided to the Common Council to be given a rate reduction below the minimum rates herein provided and to make either a written or oral showing to the Common Council that the amount of garbage and rubbish which has been or will be hauled from the applicant=s unit is negligible and far below the average of the particular type of unit. If the applicant makes said showing to the satisfaction of the Common Council, the Common Council shall have the power to authorize a rate reduction to that applicant to any amount below the minimum being justified depending upon the amount of garbage and rubbish to be hauled from that unit. The Common Council shall have the power, after due notice is given to a unit, to cancel at any time a rate reduction given to that unit under the provisions of this section.

(Prior Code, ' 14.0204)

**' 50.24 COMMON COUNCIL POWER OVER RATES.**

The city shall have the power at any time, by the passage of a city ordinance, to lower or raise the charges herein set forth. The city shall have this power before the expiration of any license, which might be granted to a collector under the provisions of this chapter. The garbage collector upon being awarded a license for garbage collection in the city is charged with knowledge of the right of the city to adjust rates as in this section provided and shall be deemed to have accepted a license of garbage collector subject to such right of the city.

(Prior Code, ' 14.0205)

**' 50.25 BILLING; FAILURE TO PAY.**

All charges for services as provided for in the preceding section shall be paid either to the collector or the City Finance Officer upon bills to be rendered by the collectors or the City Finance Officer. All units shall be billed once a month. If the charges are not paid in full within ten days after the bill is sent, the collectors or city employee shall not be obligated to collect and dispose of the garbage and rubbish from that unit until such time that all charges are paid up to date.

(Prior Code, ' 14.0206)

***COLLECTION REGULATIONS*****' 50.40 FREQUENCY OF COLLECTION.**

The collectors or the personnel hired by the city shall collect, remove and dispose of all garbage and rubbish from the family domestic units of the city at least once each week, and from the commercial units of the city as shall be required for proper sanitation and as shall be determined by the City Health Officer; provided, however, if the garbage and rubbish is not properly prepared for collection, as provided in ' ' 50.41 and 50.42, the collectors or the city=s employees shall not be obligated to collect and dispose of the garbage and rubbish.

(Prior Code, ' 14.0301) Penalty, see ' 10.99

**' 50.41 CONTAINER REGULATIONS.**

All family domestic units within the city shall provide one or more water-tight metal or plastic cans with tightly fitted covers; sufficient cans shall be provided to hold at least one week=s accumulation of garbage. Metal garbage cans shall be galvanized. Metal or plastic cans shall not have a capacity of any more than 35 gallons. All garbage shall be placed in such cans. No family units shall place any garbage in a garbage can without having drained off the moisture and wrapped it in a waterproof bag to avoid odor and freezing to the garbage can. Ashes must be cold before being placed in any garbage container. All rubbish shall be, wherever practical and possible, either placed in garbage cans or suitable and sufficiently strong containers to adequately hold and confine such waste materials. Garbage cans shall be provided with suitable handles. All multiple dwellings furnished garbage collection by the city shall only use dumpsters to dispose of their garbage or refuse.

(Prior Code, ' 14.0302) Penalty, see ' 10.99

**' 50.42 CONTAINERS; COMMERCIAL UNITS.**

All commercial units shall provide large, suitable and sufficient numbers of containers for both collection of garbage and rubbish as shall be determined necessary by the Common Council to contain and secure said garbage and rubbish and for proper sanitation, fire safety and convenience of handling.

(Prior Code, ' 14.0303) Penalty, see ' 10.99



**' 50.43 CONTAINERS; LOCATION.**

All garbage cans and rubbish to be hauled under the provisions of this chapter shall be placed on the premises adjacent to an alley bordering on said premises so as to be accessible from the alley adjoining the premises. Where no alley is available, garbage cans and rubbish shall be placed at any other convenient location where the garbage collector would have to carry the garbage or rubbish over a distance of more than 20 feet.

(Prior Code, ' 14.0304) Penalty, see ' 10.99

**' 50.44 UNLAWFUL TO ALLOW GARBAGE TO ACCUMULATE FOR MORE THAN ONE WEEK.**

It shall be unlawful for any person to allow garbage and rubbish to accumulate and collect in the city beyond a period of one week.

(Prior Code, ' 14.0305) Penalty, see ' 10.99

**' 50.45 WHERE DUMPING PROHIBITED.**

It shall be unlawful for any person to bury, burn or dump garbage or rubbish upon any street, alley, public place or private place within the city or within one mile of the city limits. Rubbish, excepting paper, cardboard or wood containers in commercial quantities, may be burned on private property in furnaces, in outside fireplaces, or private incinerators.

(Prior Code, ' 14.0306) Penalty, see ' 10.99

**' 50.46 COMPULSORY AND UNIVERSAL SYSTEM.**

The maintenance of health, sanitation and safety require and it is the intention hereof to make the collection, removal and disposal of garbage and rubbish within the city compulsory and universal.

(Prior Code, ' 14.0307)

**' 50.47 BINS FOR RECYCLABLE MATERIALS.**

All bins designated to hold recyclable materials within the city shall be clearly marked as to the type of materials which are to be deposited in a particular bin. It shall be unlawful for any person to deposit in any bin any material or substance, which is not specified on the bin, labels. Any person depositing household garbage in a bin for recyclable materials shall, at a minimum, is sentenced to pay a fine of \$100.

(Prior Code, ' 14.0308) Penalty, see ' 10.99

## CHAPTER 51: WATER

### Section

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***WATER SERVICES***

**51.001 APPLICATION FOR PERMIT.**

(A) Owners of property desirous of using water, either directly or indirectly, from the water distribution system, within or out of the corporate limits of the city, shall make application or have a licensed plumbing contractor or licenses pipe-laying contractor make application, in writing, to the city or its designated representative, said application to state name of owner, number of fixtures, the size of the tap, kind of service pipe to be used and purpose for which it is to be used, and said application must be made at least seven days before the work is to be commenced.

(1) No water service line will be less than one inch. After the application for a new water service or distribution system has been approved by the city, or the person or persons appointed to approve said application, and after payment of the fees pursuant to the following schedule based on size of water service line:

<i>Service Line Size</i>	
1 inch	\$450
1-1/2 inches	\$950

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<i>Service Line Size</i>	
2 inches	\$2,000

(2) Any water service line in excess of two inches will have the fee determined at the time of application. A permit will be issued.

(B) For any application for permit to replace an existing water service with the same size water service, there shall be a fee of \$50 charged. For any application for permit to replace an existing water service with a larger water service, there shall be a fee of \$50, plus the difference in cost of the two different size services as enumerated above charged. All taps or connections to the city distribution system will be made by or under the direction of the Public Works Director or other designated employee. No person shall be permitted to tap or make connections, either directly or indirectly, to the city's water distribution system except by permit.

(C) The city may furnish water outside the city limits, if sufficient water is available, at the foregoing rates for the water service in accordance with ' 51.056.

(D) Any extensions or expansion to the city's water distribution system must be constructed within the public right-of-way. No water mains shall be constructed in any private easement without approval of the city.

(E) No private water systems/well shall be allowed to furnish water or operate within the city limits other than those water services already in existence as of January 1, 2004.  
(Prior Code, ' 13.0101)

**' 51.002 UNLAWFUL CONNECTIONS.**

It shall be unlawful for any person to lay any water service line or introduce into or about any building or any grounds, any water lines, or do any plumbing work in any building or on any ground for the purpose of connecting such pipes or plumbing, either directly or indirectly to the city water mains, or make any additions to or alterations of any water lines, water closet, curb stop or other fixtures or apparatus for the supply of any premises with water from the city water mains without first obtaining a permit to do such work. All water mains constructed within the city limits and all water mains constructed out of the city limits which eventually are contemplated to become a part of city water distribution system must be laid according to detailed plans and specifications approved by the city and State Department of Water and Natural Resources.

(Prior Code, ' 13.0102) Penalty, see ' 10.99

### ' 51.003 SERVICE LINE CONNECTIONS.

All work to be done in laying of the service line from the city water main into said premises and all labor connected therewith by the provisions of this chapter shall be done by or under the direction of a plumbing contractor or pipe-laying contractor, licensed by the state, who shall be employed and paid by the owner or consumer and who shall at the same time save the city harmless and indemnify said city against all accidents or damage to person or property arising from neglect in performance of the said work. All service lines to the city mains shall be laid and constructed by the property owner at no expense to the city.

(Prior Code, ' 13.0103)

### ' 51.004 SERVICE LINES.

(A) All service lines from the curb stop to the city main shall be Type K soft temper copper tubing. All service lines from the curb stop to the water meter shall be Type K soft temper copper tubing, or 200 PSI or more plastic tubing.

(B) Exception: where service lines are 300 feet in length, PVC service line may be installed provided a meter pit is provided and copper line is installed into the meter pit. The meter pit, line and fittings, and/if the plastic line has PSI of 200 or more, the repair may be made with plastic having a PSI of 200 or more, but must be installed in accordance with the Public Works Director or a representative of the city.

(C) The service line pipe size used from the city distribution line to the meter shall be determined in accordance with SDCL Ch. 36-25. This section sets water service line sizes based on the number of fixture units in the structure being served. Larger service line sizes than those stipulated by this section may be used only with the consent of the city.

(D) Temporary water services to undeveloped land will not be permitted without approval of the city.

(E) All service lines including private lines run parallel or at a right angle to the street.  
(Prior Code, ' 13.0104)

**' 51.005 OWNER TO PAY COSTS.**

All costs and expenses incident to the installation and connection of the building service line shall be borne by the owner. The owner shall indemnify the city for any loss of damage that may directly or indirectly be occasioned by the installation of the building service line.

(Prior Code, ' 13.0105)

**' 51.006 CURB STOP.**

(A) There shall be a brass curb stop and in each service line and the same shall be under the exclusive control of the city. The brass curb stop will be furnished by the city and paid for by the customer. Said curb stop is to be placed in the pipe within the public right-of-way and within three feet of the owner=s property line or within the sidewalk if in the public right-of-way and no person not a direct employee of the city shall open or close or otherwise interfere with the curb stop unless given permission from the city.

(B) Such curb stop shall be provided with a telescoping box or tube of Minneapolis pattern and the top of each box or tube shall be placed on a level with the existing grade and no premises will be supplied without said box being in good order.

(C) Curb stops up to and including one inch shall be Mueller HI5150 or proved equal. Curb stops for sizes over one inch shall be A0@ ring type such as Mueller Orissel valves. Curb stops shall not be the drain back type where water and sewer services are in the same ditch except where special permission shall be obtained. In all cases, the curb stop and box shall be placed within three feet of the owner=s property line or within the sidewalk line in the public right-of-way, in such a manner that the top of the curb stop shall be flush with the existing grade.

(Prior Code, ' 13.0106)

**' 51.007 BUILDING VALVE.**

Each building water service shall have a readily accessible gate or ball valve or other non-restricting flow valve located inside the building near the point where the water service enters. This valve shall be a threaded type, which is easily removed without soldering. Soldered type valves will not be permitted.

(Prior Code, ' 13.0107)

**' 51.008 WATER METERS.**

(A) All water meters and remotes are to be attached to the property of the lot or acreage for which they are originally purchased. The cost of installation shall be borne by the owner of the property. The city will furnish the water meter and remote, and the same will be installed by a contractor and an employee of the city shall verify the installation. The water meter will remain the property of the city. If a building or trailer house is relocated to a different lot within the city and that lot does not have a water meter provided for it, there will be a new water meter provided for this lot. Water meters to be installed outside of city limits that are on city water will be bought from the city.

(B) All service lines except those laid for fire purposes only, shall be supplied with a meter placed in horizontal position safe from frost and other damage and accessible to examination. In case of breakage or stoppage of any meter, the consumer shall immediately give notice thereof to the city.

(C) Upon installation of meters, it shall be sealed both at the register box and coupling, with a form of seal designated by the city, and these seals must not be broken, except upon its authority. The residents of property upon which a meter is installed will be held responsible for the intactness of these seals, and a fine of \$25 will be imposed upon the resident of any property where the seal or seals may be found to be broken without prior notification to the city. The residents of the property upon which meter is installed will be held responsible for any wilful or malicious damage sustained to meters; he or she will also be held responsible for any damage which meter may sustain through freezing, or hot water backing up through the same, and must bear the cost of repairing meter where the same becomes damaged through any of the causes as herein designated. All meters must be put in working condition within seven days after notification to resident of property by the Common Council. The city will bear the cost of repairing meters where the same is required due to wear and tear of ordinary service.

(Prior Code, ' 13.0108)

#### **' 51.009 BACKFLOW PREVENTION.**

The city shall require that a dual check valve for backflow prevention be installed in accordance with the SDCL Ch. 36-25 and regulation if any remodeling or changes are made to the same.

(Prior Code, ' 13.0109)

#### **' 51.010 REPLACING SERVICE LINE OR REPAIR OF SERVICE LINE.**

(A) In the event it is necessary to replace a service line, and a new water tap is required on the distribution line, the property owner requiring such a new water tap shall be required to cut the service pipe of the old tap at the curb stop and turn the curb stop to the off position. The act of disconnection such abandoned service as herein require shall be performed at the time the new service is installed or within five days thereafter and in the presence of the Public Works Director or a representative of the city.

(B) In case of a leak in any private service line, the property owner must initiate the repair of said service line within five days after notice to repair same, said notice given by the Public Works Director or a representative of the city and if no action is taken to repair said service line after said notification by Public Works Director or a representative of the city, the water service will either be repaired by the city, with full charges to the property owner, or discontinued.

(Prior Code, ' 13.0110)

**' 51.011 EXPENSES OF REPAIRS.**

(A) Persons taking water from the distribution mains must keep their service lines and fixtures connected therewith in good repair and protected from frost at their own expense and must prevent all unnecessary waste, or the water will be turned off. No abatement shall be allowed from the prices charged or agreed upon by reason of the breaking of the service line or curb stop, and no claim shall be made against the city or any representative of, by reason of the breaking; nor will the city be responsible for the damage growing out of the stoppage of said water or any insufficient supply of the same or as to quantity or quality of the water. All persons using the water from the city for whatever purpose shall use the same at their own risk.

(B) The property owner or owners shall be responsible for their service line including maintenance and expense of repairs from their curb stop or master shut-off in the case of more than one building on a service line. The city will assume the responsibility for the service line from the curb stop at the main to and including the curb stop or master shut-off, whichever comes first.

(Prior Code, ' 13.0111)

**' 51.012 EXCAVATIONS.**

All excavations required for the installation of a building service line shall be open trench work unless otherwise approved by the city. Pipe laying and backfilling shall be performed in accordance with the city specification and city ordinances, except that no backfill shall be placed until the work has been inspected.

(Prior Code, ' 13.0112)

**' 51.013 GUARDING EXCAVATION.**

(A) All excavation for building service shall be adequately guarded with barricades and lights as to protect the public from hazard. All guard barricades and lights shall be furnished and installed by the contractor.

(B) Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored as per city specifications. All excavation within the public right-of-way, streets or alleys shall require the contractor to obtain a digging permit prior to excavation operations.

(Prior Code, ' 13.0113)

**' 51.014 NOTICE OF INSPECTION.**

(A) Any plumber or person doing work under the provisions of this regulations shall, when work is prepared for inspection as provided in the regulation, notify the city that such inspection is requested,



giving the location of the premises and the time such work will be ready for inspection.

(B) The city employee shall inspect such work in the presence of owner/contractor within the same day the inspection is requested, if said request is made before 12:00 noon of that day.

(Prior Code, ' 13.0114)

**' 51.015 INSPECTION AND TURNING ON WATER.**

(A) After the service line and curb stop have been installed, the city or its authorized representative shall inspect the exposed line and turn on the curb stop. Any adjustments that may be required shall be made by the installer.

(B) The curb stop shall not be turned on except for testing purposes until the meter has been installed and work inspected by the Public Works Director or a representative of the city and deemed satisfactory and in conformance with all rules. Only authorized city employees shall operate the curb stop unless permission is given by City Public Works Director prior.

(C) When turning on water at either a new service or an existing service, there must be someone present to make sure there are no leaks.

(D) The owner of a new or existing water service, outside of the city limits, must notify City Hall three days prior to this water service being turned on or off.

(Prior Code, ' 13.0115)

**' 51.016 ABANDONMENT OF SERVICE.**

In case any water service line should have to be abandoned, the owner of the water service to be abandoned shall cut off the water service line at the curb stop within five days after the water service has been discontinued, and the curb stop riser must be dug up and removed in the presents of the Public Works Director or a representative of the city. If said action does not take place, the city shall cause the same to be turned off and the costs of turning off said service plus a charge of 15% of said costs and an administrative fee of \$50 shall be assessed to the property owner. There shall be no back filling of the trench at the point which the water service has been turned off, until the curb stop has been inspected by the Public Works Director or a representative of the city.

(Prior Code, ' 13.0116)

*REGULATIONS***' 51.030 DISCONTINUATION.**

Any person desiring to discontinue taking water must notify the city. The water will be shut off and the water meter will be read. A minimum charge will be billed plus any excess of minimum water usage. Owners must give notice of change of tenants.  
(Prior Code, ' 13.0201) Penalty, see ' 10.99

**' 51.031 TERMINATION OF SERVICE AUTHORIZED.**

(A) (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, the same will not be reconnected until water bills in arrears have been paid and a fee will be required to reconnect the water service, according to the following schedule: 8:00 a.m. to 3:00 p.m. Monday through Friday \$50; after hours \$100.

(B) In addition to the grounds for termination set forth above, the city shall have the right to disconnect or refuse to connect or reconnect any utility service for the following reasons and pursuant to the requirements in division (A):

- (1) Failure to meet the applicable provisions of law;
  - (2) Violation of the rules and regulations pertaining to utility service;
  - (3) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;
  - (4) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service;
  - (5) Theft of diversion and/or use of service without payment thereof; or
  - (6) Vacancy of premises.
- (Prior Code, ' 13.0202)

**' 51.032 RESTRICTING USE OF WATER.**

(A) In case of emergency, the city reserves the right at any time to restrict the use of its water.

(B) 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, should a scarcity of water or any emergency of any kind require it; no sprinkling of any kind shall be done during a fire.

(C) Notice of such limitation or prohibition of the use of water shall be given by posting notices thereof in three public places of the city or by personal notice.  
(Prior Code, ' 13.0203)

**' 51.033 SEPARATE TAPS.**

A separate and independent water tap shall be required for every building or structure.  
(Prior Code, ' 13.0204)

**' 51.034 DISTINCT PREMISES.**

Existing service lines supplying two or more distinct premises must be constructed to provide an independent water tap with a separate curb stop for each premises at the time any changes are made to the same or master meter must be installed.

(Prior Code, ' 13.0205)

**' 51.035 ACCESS TO CONSUMERS PREMISES.**

(A) The city shall be given permission to enter the water users premises at all reasonable times for the purpose of reading meters, inspecting and keeping them in repair, and/or installing or removing any or all of its apparatus used in connection with the supply of water or for the following reasons:

- (1) To make necessary or desirable repairs, or because of leaks, alteration or extension;
- (2) For non-payment of any bills;
- (3) For failure to provide proper security when requested to do so;
- (4) For fraudulent use of the water;
- (5) For misrepresentation in the application to the city for water service;
- (6) When the water user has vacated the premises;
- (7) For tampering with the citys meter or meter connections, or to safeguard the citys property from damage or further damage;
- (8) For reason for health and/or safety;
- (9) During the periods of water shortage;
- (10) For the purpose of securing compliance with orders issued by civil or military authority;
- (11) For any violation of law or contract; or
- (12) For annual inspection of water meters.

(B) If the water user fails to allow admittance of the city employees for the purpose for reading the meter or any other above stated reason, water service may be discontinued. In the case of the employee being unable to read the meter because of a threatening dog, the city will require that the owner read the remote on the twentieth of the month and call or deliver that reading to the City Hall. If said action does not take place, the bill will be estimated.

(Prior Code, ' 13.0206)

**' 51.036 REPAIRING AND CLEANING MAINS.**

The city reserves the right at any time to shut off the water on the main pipe for the purpose of repairing the same, and it is expressly understood that no claim shall be made against the city by reason of the breaking of the service line, curb stop or from any damage arising from shutting off the supply of water for the repairing, laying or replacing mains, or for hydrants, or their connections or from any damage arising from the cleaning of the mains. The city may give such reasonable notice as shall be practical.

(Prior Code, ' 13.0207)

**' 51.037 WATER FOR FIRE PURPOSES.**

Whenever proprietors of commercial enterprises wish to lay larger pipe with hydrants and hose couplings, to be used only in case of fire, they will be permitted to connect with the street main at their own expense upon application for a permit to the city will be allowed the use of water for fire purposes only, free from charge. Such pipes must be provided with the use of water for fire purposes only, free of charge. Such pipes must be provided with a suitable valve which must be sealed by the Public Works Director or a representative of the city and stopcock and waste cock attached to the bottom or inside of the building. In case the seal is broken for the extinguishing of fire, the party shall immediately give notice to the city. No stand pipe or water tank will be allowed on the premises where the water is not taken for other than fire purposes except for commercial purposes.

(Prior Code, ' 13.0208)

**' 51.038 USE OF HOSE DURING FIRE.**

Whenever there is an alarm of fire, the use of any hydrant fire hose for any purposes is positively prohibited except in the immediate vicinity of the fire or on the premises for the fire or on premises in danger of ignition.

(Prior Code, ' 13.0209)

**' 51.039 YARD FOUNTAINS.**

No person shall use any yard fountain, which is directly connected to a plumbing system, except by special permission of the city and then only between April 1 and November 1. All service pipes of yard fountains must be provided with curb stops under the control of the city. The city may suspend the use of water for fountains and sprinkling whenever, in its opinion, public necessity may require it.

(Prior Code, ' 13.0210) Penalty, see ' 10.99

**' 51.040 FLUORIDATION OF WATER.**

The city is hereby authorized and directed to provide the means and to proceed with the introduction of approximately nine-tenths to one and seven-tenths to maintain optimum of one and two-tenths parts of fluoride-ion to every million parts of water being distributed in the water supply system of the city.

(Prior Code, ' 13.0211)

**' 51.041 TAKING WATER FROM OR MEDDLING WITH PUBLIC HYDRANTS.**

No person shall unscrew or take off any cap on any water hydrant or in any way meddle or interfere with such hydrant, except by the Public Works Director or a representative of the city and the Chief of the City Volunteer Fire Department or authorized agents when in the line of duty, without permission from the city.

(Prior Code, ' 13.0212) Penalty, see ' 10.99

**' 51.042 DAMAGES.**

No person shall uncover or maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure appurtenance or equipment, which is part of the municipal water system.

(Prior Code, ' 13.0213) Penalty, see ' 10.99

**' 51.043 WATER SHUT-OFF.**

Any person who shall violate any of the provisions herein contained for the government of consumers shall in addition to having the water shut off, be deemed guilty of a violation of this chapter. Any plumber or other person who shall violate any of the provisions of this chapter, other than those governing consumers, shall be deemed guilty of a violation of this chapter.

(Prior Code, ' 13.0214) Penalty, see ' 10.99

***RATES AND CHARGES*****' 51.055 FAILURE TO PAY WATER BILL.**

All meters will be read monthly on or about the same day of each month, and amounts due from property owners for water used will be due and payable prior to midnight of the eighteenth day of the month that the bill is received by the property owner. Failure of property owners to comply with the time of payment of water bills shall subject themselves to the provisions of ' 51.031.

**' 51.056 WATER RATES.**

The following water rates are set by the Common Council of the City of Whitewood to begin on the 1<sup>st</sup> day of April, 2020 as follows:

There shall be a minimum charge of \$23.00 per month, and for the \$23.00 the consumer shall be allowed to use 2,000 gallons per month. For water used per month in excess of 2,000 gallons and up to 27,000 gallons, there shall be an additional charge of \$2.40 per month per 1,000 gallons and from 27,000 gallons and up there shall be an additional charge of \$2.50 per 1,000 gallons.

The preceding rates are for water users within the City of Whitewood. All residential water users with hookups outside the City of Whitewood shall pay rates which are triple the foregoing rates for water service within the City of Whitewood. All commercial water users with hookups outside the City of Whitewood shall pay rates which are triple the foregoing rates for water service within the City of Whitewood. All of the above water revenue shall be divided 70% for the water fund and 30% for the special water fund.

Whitewood Forest Acres rates are set in a separate Water Service Agreement.  
(Prior Code, ' 13.0302)

**' 51.057 LATE CHARGE.**

There shall be a late charge of \$20 for all late payments of water bills.  
(Prior Code, ' 13.0303)

**' 51.058 SEWER USER AND GARBAGE USER FEE; ENFORCEMENT.**

The city will enforce the collection of the sewer use fee and garbage use fee ordinances by having the water service disconnected as provided for in the ordinances pertaining thereto, and acts amendatory to said ordinances. A fee will be required to reconnect the water service, according to the following schedule: 8:00 a.m. to 3:00 p.m. Monday through Friday: \$50; after hours: \$100.  
(Prior Code, ' 13.0304)

**' 51.059 ESTIMATED CHARGES.**

When for any reason a meter is not read or cannot be read for a period, the quantity used shall be determined and the charge based upon the average used during two or more preceding periods.  
(Prior Code, ' 13.0306)

**' 51.060 DEPOSIT.**

A deposit, the amount of which shall be set from time to time by the Common Council, shall be required of all persons, firms or corporation who apply for water service from the city. Said deposit shall not bear interest and shall be repaid to the depositor upon final payment of all charges to the city.  
(Prior Code, ' 13.0307)

***WATER MAIN SERVICE*****' 51.075 WATER MAIN EXTENSION; APPLICATION FOR.**

(A) Any owner or owners of real estate in the city desiring to have the water mains of said city extended to their respective property, shall be required to make written application to the city, which application shall set forth the area to be served and the length of the proposed water main extension and such other information as may be required by the Public Works Director or a representative of the city or the State Department of Water and Natural Resources. Each applicant for such water main extension shall, as part of such application, be required to pay for the cost of such water main extension, including all labor and materials, except as outlined below.

(B) The city may pay for material costs of constructing a main from the closest source of city water to the property line of the developer within the discretion of the city up to a maximum contribution by the city of \$10,000, on the condition that the developer provide and pay for the acquiring of all easements and rights-of-way for the installation of the water main for the city and further that the main be installed at the direction and supervision of the Public Works Director or a representative of the city and that the main be at proper level at finished grade.

(C) If the water main larger than eight inches in diameter is required for such water main extension, the city shall pay the difference in the cost of construction over and above the cost of the eight-inch water main.

(D) The city shall furnish at the city expense, the following materials to an authorized plumbing contractor. These materials will be installed to the city specifications and the cost will be paid as outlined below.



(E) The city shall furnish fire hydrants with valve and valve box, gasket and bolts, to make a fire hydrant installation. The contractor shall excavate and backfill for the hydrant, line, dry well and support block, and install the same at the cost to the city. The contractor shall install one cubic yard of properly graded gravel or crushed gravel or crushed stone to serve as a dry well for the fire hydrant.

(F) The contractor shall furnish all water main shut off valves, valve boxes, thrust blocks, tees and all other necessary fittings as required by the city at no cost to the city.

(G) Any extension to the city water system shall be looped lines with no dead-end mains permitted without prior approval from the city.

(H) The city shall furnish hydrants at approved dead-end mains. They shall be installed by the contractor according to city's specifications at the contractor's expense. When the line is extended, this material shall be returned to the city.

(I) All such applications shall be submitted to the city for approval, together with the recommendations of the Public Works Director at the regular meeting following the filing of such application with the city. The city shall determine the size of the water main that is to be used in such water main extension on the basis of the estimated future water requirements of the area to be served by such water main extension.

(Prior Code, ' 13.0401)

#### **' 51.076 ENGINEERING FEES.**

Any person or persons making such application shall agree as a part of such application to pay the city a fee or charge for engineering approval and inspection of such proposed water main into the water system according to a price schedule determined at the start of the construction season. The initial charge at the date of the adoption of these rules and regulations shall be on the basis of \$0.30 per lineal foot. The payment of such charge or fee is to be made upon approval of said application and before said connection is made.

(Prior Code, ' 13.0402)

#### **' 51.077 INTERCONNECTION AND EXTENSION BY THE CITY.**

Whenever it is desirable or necessary in the judgment of the city to interconnect existing segments or extensions of the water system, and no application for such interconnection or extension has been made to the city, the city may order and authorize such interconnection and extension of the existing water mains, and the city shall be reimbursed for such interconnection and extension, including all labor and materials, as provided in ' 51.075, by the adjacent property owners, by each of said property owner paying his or her proportionate share of said cost at the time he or she makes application to use and connect to said interconnection and extension.

(Prior Code, ' 13.0403)

**' 51.078 WATER MAIN INSTALLATION.**

(A) The installation procedure shall conform to the standards established by the Cast Iron Pipe Research Association.

(B) Pressure and leakage test shall be made by the contractor on all new water main extensions. The mains shall be tested at 150 PSI for two hours. Allowable leakage per 1,000 feet of six inch pipe is 0.50 gallons per hour. This procedure will take place under the supervision of the Public Works Director or a representative of the city.

(C) Chlorination of the water mains shall conform to the AWWA Standards for Disinfecting Water Mains. Chlorination material shall provide a dosage of not less than 50 parts per million. The retention time shall be at least 24 hours and shall produce not less than 25 parts per million of chlorine at the end of the retention period.

(D) No water main less than six inches in diameter shall be installed. Water mains shall be installed with a minimum of six feet of cover.  
(Prior Code, ' 13.0404)

***ADMINISTRATION*****' 51.090 ENFORCEMENT.**

The Public Works Director or a representative of the city shall administer and enforce these rules and regulations, except that no proceedings for the imposition of a penalty and cost recovery due to violations shall be instituted without prior approval of the city.  
(Prior Code, ' 13.0501)

**' 51.091 INFORMATION.**

The city shall prescribe the form and detail of all applications, permits and reports required by these rules and regulations; by determining frequency of such items except where a frequency is specified, and may provide interpretations or determine the application of these rules and regulations where their meaning or application is requested.  
(Prior Code, ' 13.0502)

**' 51.092 RESPONSIBILITY.**

The city may delegate to employees the responsibility for administering under the supervision of the Public Works Director, any part of these rules and regulations where such delegation is deemed to be in the best interest of the city.

(Prior Code, ' 13.0503)

**' 51.093 SPECIAL WATER FUND.**

There is hereby established by the Common Council of the city a separate and distinct fund to be known as the ASpecial Water Fund@. The Finance Officer shall at all times be able to identify the monies in this Fund; however, the moneys which comprise said Fund may be commingled with other city monies for investments purposes. The Finance Officer is further authorized and directed to deposit income from the sale of municipal water to said Fund as directed from time to time by the Common Council.

(Prior Code, ' 13.0504)

## CHAPTER 52: SEWERS

### Section

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**GENERAL PROVISIONS****52.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**B.O.D.** (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by right.

**BUILDING DRAIN.** The 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.** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** A sewer receiving both runoff and sewage.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial processes as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such 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.** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE.** A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL.** Mandatory; **MAY** is permissive.

**STORM SEWER** or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**SUPERINTENDENT.** The Superintendent of Water and Sewage Works of the city, or his or her authorized deputy, agent or representative, or a person adopted by the Common Council to act as such.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids.

**UNPOLLUTED WATER.** 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.

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently.

(Prior Code, ' 19.01)

#### ' 52.002 USE OF PUBLIC SEWERS REQUIRED.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(Prior Code, ' 19.0201) Penalty, see ' 52.999

**' 52.003 UNLAWFUL DISCHARGE.**

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters.

(Prior Code, ' 19.0202) Penalty, see ' 52.999

**' 52.004 UNLAWFUL CONSTRUCTION.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Prior Code, ' 19.0203) Penalty, see ' 52.999

**' 52.005 INSTALLATION OF SUITABLE TOILET FACILITIES.**

The owner of all houses, building or properties used for human occupancy, employment recreation or other purpose, suited within the city and abutting 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 hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this chapter, within 90 days after date of official notice to do so, provided that a public sewer is within 200 feet of the property line.

(Prior Code, ' 19.0204) Penalty, see ' 52.999

**' 52.006 POWER AND AUTHORITY OF INSPECTORS.**

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation measurement, sampling and testing, in accordance with the provisions of this chapter.

(Prior Code, ' 19.0701)

***PRIVATE SEWAGE DISPOSAL*****' 52.020 GENERALLY.**

Where a public sanitary or combined sewer is not available under the provisions of ' 52.005, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(Prior Code, ' 19.0301)



**' 52.021 PERMIT REQUIRED.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent, or other officer or employee of the city appointed for such purpose. The application for such permit shall be made on a form furnished by the town which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent or other officer or employee of the city of \$5 shall be paid to the City Finance Officer at the time the application is filed.

(Prior Code, ' 19.0302)

**' 52.022 PERMIT INSPECTION.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent, or other office of the city appointed for such purpose. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent, or other officer or employee of the city appointed for such purpose, when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent, or other office or employee of the city appointed for such purpose.

(Prior Code, ' 19.0303)

**' 52.023 COMPLIANCE.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the state, or successor office of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 21,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. If a private sewage system is to use a private water system, one acre of ground is required.

(Prior Code, ' 19.0304)

**' 52.024 CONVERSION TO PUBLIC SEWER.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided by in ' 52.005, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Prior Code, ' 19.0305)

**' 52.025 OPERATION.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Prior Code, ' 19.0306)

**' 52.026 MINIMUM STANDARDS.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Prior Code, ' 19.0307)

***BUILDING SEWERS AND CONNECTIONS*****' 52.040 GENERALLY.**

No unauthorized person shall uncover, make any connection with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent, or other officer or employee of the city appointed for such purpose.

(Prior Code, ' 19.0401) Penalty, see ' 52.999

**' 52.041 CLASSES OF PERMITS.**

(A) There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the city.

(C) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or other officer or employee of the city appointed for such purpose.

(D) A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$15 for an industrial building sewer permit shall be paid to the City Finance Officer at the time the application is filed.

(Prior Code, ' 19.0402)

**' 52.042 COSTS BORNE BY OWNER.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Prior Code, ' 19.0403)

**' 52.043 SEPARATE FACILITIES.**

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.

(Prior Code, ' 19.0404)

**' 52.044 USE OF OLD BUILDING SEWER.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, or other officer or employee of the city appointed for such purpose, to meet all requirements of this chapter.

(Prior Code, ' 19.0405)

**' 52.045 SPECIFICATIONS.**

If the building sewer is installed in a trench separate from the water service, the sewer pipe material shall be of either asbestos cement, cast iron, concrete, vitrified clay or plastic pipe that conforms to ASTM (D-3034078) Material Standard Type SDR - 35 or heavier. The condition in 20:54:02:06 shall also be met. Joints shall be water-tight and rat-proof. If the building sewer is installed in the same trench as the water service, the sewer pipe material shall be cast iron or schedule 40 ABS or PVC and installed to remain water-tight and rat-proof. The sewer shall be tested with ten-foot head of water or equivalent and found to be tight. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if lain on a suitable concrete bed or cradle as approved by the Superintendent, or other office or employee of the city. All building sewers and connections to the public sewer shall conform to the Building and Plumbing Code, and all other applicable rules and regulations of the city and the rules and regulations of the state.

(Prior Code, ' 19.0406)

**' 52.046 SIZE AND SLOPE.**

The size and slope of the building sewer shall be subject to approval of the Superintendent, or other officer or employee of the city appointed for such purpose, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-eighth inch per foot.  
(Prior Code, ' 19.0407)

**' 52.047 ELEVATION.**

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost.

(C) The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.  
(Prior Code, ' 19.0408)

**' 52.048 BUILDING DRAINS.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into a building sewer.  
(Prior Code, ' 19.0409)

**' 52.049 EXCAVATIONS.**

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent, or other officer or employee of the city appointed for such purpose. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19), except that no backfill shall be placed until the work has been inspected.  
(Prior Code, ' 19.0410)

**' 52.050 JOINTS AND CONNECTIONS.**

(A) All joints and connections shall be made gas-tight and water-tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead. Federal specifications (QQ-L-156), not less than one inch deep. Lead shall be run in on pouring and caulking tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

(B) All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointings material or cold mix asphalt materials, or cement mortar as specified below.

(C) Material for hot poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160°F, nor to be soluble in any wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material. Commercial cold mix asphalt compounds shall be used. This material shall be designed for sewer jointings purposes and other compounds shall not be used. The joint shall be caulked as for hot mix material.

(D) Cement joints shall be made by packing a clearly twisted jute or oakum gasket, of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one part Portland cement and three parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to extent of not more than 25% of the volume of the Portland cement that may be added.

(E) Every joint in plastic piping shall be made with approved fittings by either solvent welded or fusion welded connections, approved insert fittings and metal clamps and screws of corrosion resistant material, or threaded joints according to accepted standards. Plastic pipe shall be cut square with tools specifically designed for plastic. All burrs, chips and fillings shall be removed from both the I.D. and O.D. of the pipe.

(F) Other jointing materials and methods may be used only by approval of the Superintendent, or other officer or employee of the city appointed for such purpose.  
(Prior Code, ' 19.0411)

**' 52.049 BRANCHES.**

The connection of the building sewer into the public sewer shall be made at the AY@ branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located AY@ branch in the public sewer at the location specified by the Superintendent, or other officer or employee of the city appointed for such purpose. Where the public sewer is greater than 12 inches in diameter, and no properly located AY@ branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to made such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure with water-tight by encasement in concrete. Special fittings may be used for the connection in concrete. Special fittings may be used for the connection only when approved by the Superintendent, or other officer or employee of the city appointed for such purposes. (Prior Code, ' 19.0412)

**' 52.050 SUPERVISION.**

The applicant for the building sewer permit shall notify the Superintendent, or other officer or employee of the city appointed for such purpose, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative. (Prior Code, ' 19.0413)

**' 52.051 GUARDS.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be required in a manner satisfactory to the city. (Prior Code, ' 19.0414)

**' 52.052 CONNECTIONS.**

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 indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage. (Prior Code, ' 19.0415) Penalty, see ' 52.999

***USE OF PUBLIC SEWERS***

**' 52.065 GENERALLY.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, subsurface drainage or polluted industrial process waters to any sanitary sewer.

(Prior Code, ' 19.0501) Penalty, see ' 52.999

**' 52.066 STORM WATER OR OTHER UNPOLLUTED DRAINAGE.**

Storm waters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to an natural outlet approved by the Superintendent, or other officer appointed for such purpose. Industrial cooling water or unpolluted process may be discharged, upon approval of the Superintendent, or other office or employee of the city appointed for such purpose, to a storm sewer or natural outlet.

(Prior Code, ' 19.0502) Penalty, see ' 52.999

**' 52.067 SPECIFICATIONS.**

(A) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150°F;
- (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having a PH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(10) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(11) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of the receiving waters. Each user which discharges any toxic pollutants which cause an increase in the cost of treating the effluent or the sludge of the city wastewater treatment facility shall pay for such increased costs; or

(12) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection process, or create a condition deleterious to structures and treatment processes.

(B) If any waters or wastes are discharged, or are proposed to be discharges to the public sewers, which waters contain substances or possess the characteristics enumerated above, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, process, equipment or receiving water, or which create a hazard to life or constitute a public nuisance, the Superintendent 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.

(C) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and the State Department of Water and Natural Resources.

(Prior Code, ' 19.0503) Penalty, see ' 52.999

#### **' 52.068 GREASE, OIL AND SAND INTERCEPTORS.**

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



(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. (Prior Code, ' 19.0504)

**' 52.069 MAINTENANCE EXPENSE BORNE BY OWNER.**

Where installed, all grease and oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. (Prior Code, ' 19.0505)

**' 52.070 CHEMICAL SPECIFICATIONS.**

(A) The admission into the public sewers of any waters or wastes having any of the following shall be subject to the approval of the Superintendent, or other office or employee of the city appointed for such purpose:

- (1) A five-day biochemical oxygen demand greater than 250 parts per million by weight;
- (2) Containing more than 300 parts per million by weight of suspended solids; or
- (3) Containing any quantity of substances having the characteristics described in ' 52.067.

(B) The owner shall provide at his or her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 250 parts per million and the suspended solids to 300 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in ' 52.067; or
- (3) Control the quantities and rates of discharge of such waters or wastes.

(C) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, or other officer or employee of the city appointed for such purpose, and of the Director of Sanitation of the state, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(D) The city shall have the authority to request samples and analysis to verify the BOD and TSS levels, all testing to be the costs of the owner. (Prior Code, ' 19.0506)

**' 52.071 PRELIMINARY TREATMENT FACILITIES.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.  
(Prior Code, ' 19.0507)

**' 52.072 INDUSTRIAL WASTES.**

When required by the Superintendent, or another officer or employee of the city appointed for such purpose, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilities observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent, or another officer or employee of the city appointed for such purpose. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.  
(Prior Code, ' 19.0508)

**' 52.073 MEASUREMENTS, TESTS AND ANALYSES.**

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in ' ' 52.067 and 52.070 shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the control manhole provided for in ' 52.072, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.  
(Prior Code, ' 19.0509)

**' 52.074 SPECIAL AGREEMENTS.**

No statement contained in this subchapter shall be constructed 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, subject to payment therefor by the industrial concern.  
(Prior Code, ' 19.0510)

**' 52.075 PROTECTION FROM DAMAGE.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest, under charges of disorderly conduct.

(Prior Code, ' 19.0511) Penalty, see ' 52.999

**' 52.076 INFORMATION REQUIREMENTS.**

(A) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter.

(B) These requirements may include:

- (1) Wastewater=s discharge peak rate and volume over a specified time period;
- (2) Chemical analyses of wastewater;
- (3) Information on raw materials, processes and products affection wastewater volume and quality; and
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

(Prior Code, ' 19.0512)

**' 52.077 ARBITRATION.**

A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the Superintendent. The cost of the arbitration shall be divided equally between the city and the sewer user.

(Prior Code, ' 19.0513)

***SEWER TAPPING REGULATIONS*****' 52.090 APPLICATIONS.**

Applications for tapping the main sewer line of the city shall be made by the owner or agent of the property, in writing, to the Building Inspector, or other person appointed by the Common Council, for the purpose of approving sewer permits, stating the lot and block where such sewer is desired. If such application is approved, the applicant shall be granted a permit authorizing the connection to be made, and no sewer tap shall be made in the mains until the permit has been granted, and the fee for making the tap provided in ' 52.091 has been paid.

(Prior Code, ' 19.0601)

**' 52.091 FEE.**

At the time of making the application and receiving the permit to tap the sewer main as hereinbefore provided, the applicant shall pay to the City Finance Officer the sum of \$250 for the right, and the making of the tap of the sewer main.

(Prior Code, ' 19.0602)

**' 52.092 PROHIBITION AND COSTS.**

No person shall cause any main sewer line of the city to be tapped without installing sewer tile or PVC pipe at the point of connection to the main sewer line. All costs incurred in connection with the tapping of the main sewer line shall be paid by the applicant and in the event the city shall do the installation for and on behalf of the applicant, the costs of such tap shall be paid by the applicant.

(Prior Code, ' 19.0603) Penalty, see ' 52.999

**' 52.093 SEWER RATES.**

The following sewer rates are set by the Common Council of the City of Whitewood to begin on the 1<sup>st</sup> day of April, 2020 as follows:

Residential users are considered to be in one class of user and are assessed a monthly charge of \$30.00. Commercial and other nonresidential users with flows no greater than the average residential users flow of 6,100 gallons per month with BOD and TSS no greater than the strength of 200 mg/l BOD and 250 mg/l TSS will pay \$43 per month.

(B) Commercial and nonresidential users whose sewage volumes exceed 6,100 gallons per month shall pay an additional monthly fee per 1,000 gallons over 6,100 gallons. Said fee shall be \$4.15 per 1,000 gallons.

(C) Commercial and nonresidential users with BOD and TSS greater than the average residential users strength of 200 mg/l BOD and 250 mg/l TSS will pay the nonresidential rate as set forth above per month, plus \$0.12 per 25 mg/l per 1,000 gallons of BOD over the average residential strength and flow, and \$0.12 per 25 mg/l per 1,000 gallons of TSS over the average residential strength and flow.

(D) Residential, commercial and other nonresidential users living outside the city limits will pay a rate which is double the city rate as set forth above. Multiple dwellings and trailer courts outside the city limits shall be assessed at a rate which is double that for city users. If more than one commercial or nonresidential user is housed on the same premises, each commercial or nonresidential user will pay at a rate which is double that of a city user.

(Prior Code, ' 19.0604)

**' 52.094 DEPOSIT.**

A deposit, the amount of which shall be set from time to time by the Common Council shall be required of all persons, firms, or corporation who apply for sewer service from the city. Said deposit shall not bear interest and shall be repaid to the depositor upon final payment of all sewer charges to the city.  
(Prior Code, ' 19.0606)

**' 52.095 LINE REPAIRS.**

Property owners shall be responsible for any line repairs from the main sewer line through their property.  
(Prior Code, ' 19.0608)

**' 52.096 UNOCCUPIED PROPERTY.**

Unoccupied property shall not be charged for sewer even though there may be a sewer tap, if the property owner has requested that the water be shut off.  
(Prior Code, ' 19.0609)

**' 52.097 NOTIFICATION.**

(A) The city, or its City Engineer, shall determine the total annual costs of operation and maintenance of wastewater system which are necessary to maintain the capacity and performance, during the service of life of the treatment works, for which such works were designed and constructed.

(B) The total annual costs of operation and maintenance shall include, but not need be limited to, labor, repairs, equipment replacement, maintenance, necessary modification, power, sampling, laboratory tests and a reasonable contingency fund.

(C) Each user will be notified annually, by means of newspaper publication in the annual report, of the rate and that portion of the user charges which are attributed to wastewater treatment service.  
(Prior Code, ' 19.0610)

**' 52.098 APPEALS.**

Any person that feels they are aggrieved by any decision of the city made under this chapter may file an Appeal with the City Finance Officer of the city. At the next succeeding meeting of the Common Council of the city, the City Finance Officer of said city shall present said grievance to the Common Council and the Common Council shall set a date for hearing on this grievance and shall give the aggrieved party at least ten day notice of the date set for hearing upon said grievance. At said hearing, the aggrieved may present any evidence or documentation which he or she feels is necessary to state his or her grievance and the Common Council shall have the power to adopt, amend or deny any order or determination previously made by the city or authorized employee or designee of the city and accept or reject the grievance filed.

(Prior Code, ' 19.0611)

**' 52.099 REPLACEMENT FUND.**

The reserve fund called the Wastewater Facilities Replacement Fund and established within the Wastewater Utility Fund shall be funded by a deposit of \$5,000 per year obtained from the Wastewater Utility Fund at the end of each fiscal year.

(Prior Code, ' 19.0612)

**' 52.100 PURPOSE.**

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

(Prior Code, ' 19.0613)

**' 52.999 PENALTY.**

*(A) Generally.*

(1) Any person found to be violating any provision of this chapter, except ' 52.075, 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.

(Prior Code, ' 19.0702)

(2) Any person who violates a provision of this chapter for which there is no penalty shall be subject to ' 10.99

*(B) Additional penalty.* Any person violating any of the provisions of this chapter shall be come liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Prior Code, ' 19.0704)

APPENDIX A: FORMS

PRIVATE SEWAGE DISPOSAL APPLICATION (NON-INDUSTRIAL)

To the City of \_\_\_\_\_:

The undersigned, being the \_\_\_\_\_  
(owner, owner=s agent)

of the property located at \_\_\_\_\_,  
(number) (Street)

does hereby request a permit to install sanitary sewage

disposal facilities to serve the \_\_\_\_\_  
(Residence, Commercial Bldg.)

at said location.

1. The proposed facility include the following material which is to be used: \_\_\_\_\_  
\_\_\_\_\_ with \_\_\_\_\_ types of joints (applicant contact  
plumber or Superintendent for joint types.)
2. The area of the property is \_\_\_\_ square feet.
3. The name and address of the person or firm who will perform the work is \_\_\_\_\_.
4. The maximum number of persons to be served by the proposed facility is \_\_\_\_\_.
5. The location and nature of all sources of private water supply within 100 feet of any boundary of said  
property are shown on the plat attached hereto as Exhibit B.

In consideration of granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the proposed work that shall be requested by the  
Superintendent of Sewage Works, or other officer or employee appointed for such purpose.
2. To accept and abide by all provisions of Ordinance No. \_\_\_\_\_ of the City of Whitewood, and of  
all other pertinent ordinances or regulations that maybe adopted in the future.
3. To operate and maintain the sewage disposal facility covered by this application in a sanitary manner  
at all times, in compliance with all requirement so the Health Officer, and at no expense to the City.
4. To notify the Superintendent of Sewage Works, or other officer or employee appointed for such



purpose, at least 24 hours prior to commencement of work proposed, and again at least 24 hours prior to the covering.

Dated \_\_\_\_\_ Signed \_\_\_\_\_  
(Applicant)  
\_\_\_\_\_  
(address of applicant)

\$\_\_\_\_\_ inspection fee paid. \_\_\_\_\_  
City Finance Officer

Application approved and permit issued:

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Superintendent

(Prior Code, ' 19.0801)

**INDUSTRIAL SEWAGE DISPOSAL APPLICATION**

To the City of \_\_\_\_\_:

The undersigned being the \_\_\_\_\_  
(Owner, Lessee, Tenant, etc.)

of the property located at \_\_\_\_\_

does hereby request a permit to (install, use) an industrial

sewer connection serving the \_\_\_\_\_  
(name of company)

which company is engaged in \_\_\_\_\_

\_\_\_\_\_ at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit A.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit B.

**Whitewood - Public Works**

3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit C.

4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_.

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which the permit is sought as may be requested by the Superintendent of Sewage Works, or another officer or employee of the City of Whitewood appointed for such purpose.

2. To accept and abide by all provisions of Ordinance No. \_\_\_\_\_ of the City of Whitewood, and of all other pertinent ordinances or regulations that may be adopted in the future.

3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city.

4. To cooperate at all times with the Superintendent of Sewage Works and his representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

5. To notify the Superintendent of Sewage Works immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Applicant

\_\_\_\_\_  
Address of Applicant

\$\_\_\_\_\_ inspection fee paid. \_\_\_\_\_  
City Finance Officer

Application approved and permit granted:

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Superintendent

(Prior Code, ' 19.0802)