

ORDINANCE NO. 6 (As Amended)
SEWER USE, RULES, REGULATIONS, AND RATES OF LEAD-DEADWOOD SANITARY
DISTRICT NO. 1

SECTION 1
GENERAL – EXPLANATORY MATERIAL

- 1.1 Policy and Purpose. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security, and general welfare of the inhabitants of the Lead-Deadwood Sanitary District No. 1.

The purpose of these Rules and Regulations is to provide for the control, management, and operation of the sewage interceptor and treatment systems of the Lead-Deadwood Sanitary District No. 1, including additions, extensions and connections thereto.

- 1.2 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

“Board” and “Board of Trustees” shall mean the governing body of the Lead-Deadwood Sanitary District No. 1.

“District” shall mean the Lead-Deadwood Sanitary District No. 1.

“Shall” is mandatory.

“Superintendent” shall mean the treatment plant superintendent of the District or, in his absence, his duly authorized deputy.

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“Contractor” shall mean any person, firm or corporation licensed by the District to perform work and to furnish materials therefor within the District.

“Permit” shall mean written permission of the Board of Trustees to connect to a public sewer of District and pursuant to the Rules and Regulations of the District.

“Customer” shall mean any person, company, corporation or governmental authority or agency authorized to use the public sewer under a permit issued by the District or used by approval of the cities.

“Owner” shall mean the person owning the real property served by the sewer service.

“Sewage” shall mean any liquid waste containing animal or vegetable matter in suspension or solution from residences, business buildings, institutions, etc.

“Sewer” shall mean a pipe or conduit for carrying sewage.

“Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, located in public right-of-way or easements, and is controlled by the District or the towns.

“Industrial Wastes” shall mean the liquid wastes from industrial processes as distinct from sanitary sewage or storm sewage.

“Building Drain” shall mean that part of the lowest horizontal piping of a building drainage system from the stack or horizontal branch, exclusive of storm sewer, extending to a point not less than 5 feet outside of the building wall.

“Service line” shall mean the extension from the building drain to the public sewer.

“Saddle” shall mean the connection of the service line to the sewer main.

“Tap” or “Connection” shall mean the connecting of the service line to the structure which it is to serve.

“User” shall mean any person to whom sewer service is supplied.

“Actual Cost” shall mean all direct costs applicable to the construction of a given facility, including construction, engineering, inspection, plan approval fees, “As Built” drawings, and other costs necessary for completion.

ANY OTHER TERM not herein defined shall be defined as presented in the “Glossary—Water and Sewage Control Engineering,” A.P.H.A., A.S.C.E, and W.P.C.F., latest edition.

SECTION 2 USE OF PUBLIC SEWER SYSTEM

- 2.1 No unauthorized person except cities of Lead and Deadwood shall uncover, make any connection with, or opening into, use, alter or disturb any public sewer line or appurtenances without first obtaining a written permit from the District and cities. (If within a corporate boundary, permits may also be required by the Town).
- 2.2 Responsibilities of the Customer and Owner. Each owner shall be responsible for installing and maintaining the entire length of his service sewer line. Leaks or breaks in the service lines shall be repaired by the Owner within 72 hours after discovery by the Owner or the said Owner has been given notification of such condition by the Board or Superintendent. If satisfactory progress toward repairing the said leak has not been made by the time specified, the Superintendent shall have the authority to repair the line at the cost of the Owner.

No person shall discharge or cause to be discharged any water bleeding flows, storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer. For violations existing at the time this document is adopted, the Superintendent or engineer of the District will report such known violations to the Board.

The Customer, Owner, or person involved shall be required to comply with stipulations of the Board. All new construction shall comply with the stated provisions.

No person shall discharge or cause to be discharged any unpolluted industrial process waters to any sanitary sewer. Industrial process water is not anticipated in these rules and regulations and special study will be required by the District prior to discharge. (See flat Rate Schedule note under Class 1).

No person shall discharge or cause to be discharged to any public sewer, any harmful water or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interferences with the proper operation of the sewage works. Grit, grease, and flammable waste traps will be required as stipulated by the Superintendent. Such traps shall be constructed and maintained in accordance with the South Dakota Plumbing Code and as directed by the Superintendent.

2.3 Connection to District System. Except as provided below, no buildings, structures, homes or residences of any nature shall be constructed or inhabited within the District unless connected to the District's or Cities' sewer system. The Board may permit the owner to install temporary individual disposal facilities provided that all of the following conditions are met:

- 1) Extension to the District's or Cities' system would create an unreasonable financial burden.
- 2) A private disposal system is constructed which meets all Sanitary District, City, County and South Dakota State requirements and the owner provides a written agreement to connect to the District or City system when a District line is within 400 feet of his or her building.

On or before November 31, 1979, all existing buildings shall connect to the District's or Cities' system when a sewer line is available within 400 feet of the buildings. All extension and connections shall be in accordance with the practices contained hereinafter. No septic tank systems or other private sewage disposal facilities shall be constructed within the limits of the Lead-Deadwood Sanitary District No. 1, unless specifically approved by the Board. Lead-Deadwood Sanitary District No. 1 may require the owner or occupant of any building, structure, or residence not in compliance with this Section to connect to the District's or Cities' system or sewer line. The District shall first notify such owner or occupant that he is in violation of this Section and request that such owner or occupant connect to the District's or Cities' system or sewer line. In the event that the owner or occupant fails to make such connection, the District may cause such connection to be made, and charge the owner or occupant for all costs incurred in making such connection. The costs of the connection shall be payable in cash or in installments payable with other sewer rates and charges over such period as may be agreed between the owner or occupant and Lead-Deadwood Sanitary District and in the event of the failure of the owner or occupant to pay the same, the District may assess the cost thereof upon the land where the building or structure is situated. Lead-Deadwood Sanitary District may impose and collect charges for the availability of sewer service to any properties so directed to be connected, whether or not such connection is made.

2.4 Connection Permit. Before any connection is made to the sewer mains, a permit therefore shall be obtained from the District and the required fees paid. Application for a sewer connection permit shall be made to the District on forms furnished by the District, which application shall give a full description of the work to be done, the address of the unit to be served, the name of the licensed plumber and bonded excavator to perform the work under the permit, and such other information as may be required by the District.

Before changing use or adding to an existing use, the customer shall file an amended connection permit with the District and pay any applicable fees resulting therefrom. (See Section 3.52).

Any permit may be revoked if the installation or use of a sewer service line is not made in accordance with these rules and regulations, or any prescribed specifications of the District or its engineer or any governing rule of the District.

Not more than one connection to the sewer mains shall be allowed under each permit. A permit shall be limited to one building (or tract) indicated thereon and is not transferable.

No combination of permits shall be allowed, and each sewer permit is separate from any other permit. Use of a single service line by more than one building or customer is prohibited. However, more than one sewer service line may be placed in a single trench in accordance with the Superintendent's written stipulations and prior approval. Also, as an alternate to the multiple sewer service lines, a single collector sewer may be constructed in accordance with Section 4.2.

SECTION 3 APPLICATION AND CHARGES FOR SERVICE

3.1 Inclusions in the District. Except as provided in Section 3.2, sewer service will be furnished only to persons whose property is included within and subject to the Rules and Regulations and taxation by the District.

3.2 Service Outside the District. The Board may, if it seems advantageous to the District, furnish sewer service to properties located outside the boundaries of the District, but the District will not construct or reimburse costs for sewer mains to service such properties. The cost for review of Plans and Specifications and costs for construction inspection as required by District shall be paid directly by the person requesting such service or reimbursed by the subject property owner.

Charges for furnishing sewer service outside of the District shall be at the discretion of the Board of Trustees. These Rules and Regulations shall be applicable to all property owners outside of the District who are furnished service by the District, and no connection to the District sewer mains shall be permitted until the property owner shall have agreed to abide by the Rules and Regulations, provided, however, that the Board of Trustees, in

its discretion, may charge a higher connection fee, inspection fee, and periodic service fee for properties not located within the District.

In every case where the District services properties outside the District, the District reserves the right to discontinue such service. When, in the judgment of the Board of Trustees, it is for the best interest of the District to do so, and such service shall be considered a revocable license.

3.3 Customer Classification, Rates, and Charges.

3.31 Customer Classification. Each customer will be classified according to one of the following classifications:

- 1) Single Family Residence includes any detached building designed to be occupied exclusively by one family; or
- 2) Other Classification includes any customer not classified as a single family residence.

3.32 Sewer Tap Fees. Tap fees shall be computed based on the size of the water service line as follows (except as provided in Section 3.2):

<u>Water Service Diameter Size</u>	<u>Tap Fee</u>
1" or less	\$400.00
>1" up to 2"	\$800.00
>2" up to 3"	\$1,200.00
>3" up to 4"	\$1,600.00
>4"	\$2,000.00

3.33 Service Charges. Service charges shall be as follows:

1) Customers within City Limits of Lead or Deadwood:

<u>Classification</u>	<u>Rate</u>
Single Family Residence	\$22.00 per month
Other Classifications	\$22.00 per month for first 5,700 gallons plus \$3.86 per 1,000 gallons

2) Customers Outside City Limits of Lead or Deadwood:

<u>Classification</u>	<u>Rate</u>
Single Family Residence	\$24.00 per month
Other Classifications	\$24.00 per month for first 5,700 gallons plus \$3.86 per 1,000 gallons

3) Septic Waste and Other Batch Waste Disposal. Dumps shall only occur at the Vault station; each dump shall be supervised by the treatment plant superintendent or his assignee. A minimum charge in the amount of Seventy Five Dollars (\$75) will be

required and billed for each load to 1,500 gallons. Loads in excess of 1,500 gallons will be billed at an additional rate of \$.05 per gallon for each gallon over 1,500 gallons.

3.4 Sewer Service Billing.

3.41 Billing and Payment. It shall be the policy of the District to bill the owner of any property served by the District. Statements for all charges shall be rendered monthly. Charges for late payments, service line repair, etc., shall be added to the statements. Single Family Residence charges shall be on prepaid basis and all Other Classification charges shall be on postpaid basis.

Bills will be mailed the first week of each month, and then shall be payable on or before the 24th day of the month. All bills unpaid after the 24th day of each month will be charged a late fee of \$3.00 or 5%, whichever is greater, per month for each month that the bill remains unpaid. Bills not paid within 30 days of the due date shall be declared "delinquent". The District may notify customers of a delinquency by mail or hand delivery, which notice shall include the total delinquent amount due and the date the service will be suspended. To avoid service suspension the customer may make arrangements with the District prior to the suspension date indicated on the notice.

If the delinquent amount is not paid in full, the District may dig up and disconnect the sewer service. Or the District may, as an alternative to digging up and disconnecting the sewer line, shut off the water by disconnection of the water or closing the water service curb stops. The costs for shutting off and/or disconnecting sewer service or water service shall be paid by the owner before service is restored.

Unpaid bills shall become a lien or property tax assessment on and against the property served in an amount of the unpaid bill, plus a \$75.00 administration fee, and any other charges as set forth under this Ordinance, and any such lien may be foreclosed in any manner provided under the laws of the State of South Dakota.

3.42 Non-Continuous Service. Sewer service charges are made on an all-year basis. Property temporarily unoccupied must pay the service continuously.

If the property is to be vacated for a period of at least sixty (60) days and the water service is shut off at the curb stop, the owner may notify the District of the discontinued service. A monthly fee of 65% of all sewer service charges shall be charged until service is reinstated.

3.5 Tap fees.

3.51 New Connections. The tap fee shall be paid prior to connection to the sewer system.

- 3.52 Existing Connections. Additions and/or changes in use to buildings connected to the sewer system requiring an increase to a water service line shall also require an incremental tap fee. The incremental tap fee shall be based on the additional size of water service line. The tap fee shall be paid prior to increasing the water service line. Tap fees shall not be refunded should the revised use have a smaller water service line than the previous use.

SECTION 4 SEWER CONSTRUCTION STANDARDS

- 4.1 General. All main sewers and service lines and all appurtenances shall be constructed in accordance with these standards.

All Contractors for service line construction and sewer main extensions shall obtain a District license and shall enter into an agreement with the District providing for performance and construction, including bonding as required by the District. Applicable City/State Contractor's license shall be provided to obtain District license. All Contractors shall be experienced, have necessary equipment, and be in good standing with the District to qualify for District license.

- 4.2 Main Sewers. Plans and Specifications must be either prepared by the District's Engineer or shall be approved by the District Engineer. All construction shall be continuously inspected by the District in either case. The cost for this work shall be according to Section 3.2. After District acceptance and prior to connection of service lines, all main sewers constructed by others shall be dedicated, with easement as required, to the District or appropriate City; a 100% performance and maintenance bond shall be provided for a period of one (1) year after District acceptance.

All main sewer lines shall be constructed in accordance with the approved plans unless written permission to deviate because of field conditions is obtained. All elevations shall be to U.S.G.S. Base.

Plans and profiles shall be drawn on a horizontal scale of 1" = 50'. All plans shall be on 1" = 50' scale topographic maps fitting the district mapping grid system and shall indicate 2' contour intervals; all contour and other aerial mapping features shall be screened 50% for half tone and clarity of sewer design information. All plans shall be drawn to scale. "As Built" drawings shall be furnished at the completion of construction showing tie dimensions to all sewer, manholes, cleanouts and service connections.

Plans and Specifications under which the contract is let and construction performed shall be in accordance with the recommendations of the South Dakota Department of Environmental Protection.

- 4.3 Service Lines. The customer shall own and maintain the service line from the public sewer to the building drain. All the pipe installation, trenching, backfilling and other necessary construction for the service line shall be done by the customer or his

contractor and paid for by the customer. The District will provide saddles at no additional cost for connection to plastic mains.

All service lines in public right-of-ways or easements shall be one of the following types in order of preference:

- 1) Extra strength plastic with rubber gaskets in accordance with ASTM Specification 3034 with SDR 35
- 2) Cast iron soil pipe of service weight
- 3) Extra strength vitrified clay pipe with premolded factory applied rubber joints approved by the Superintendent.

The pipe located on private property shall be in accordance with South Dakota State Plumbing Code and shall be one of the following types:

- 1) Plastic
- 2) Cast iron
- 3) Vitrified clay

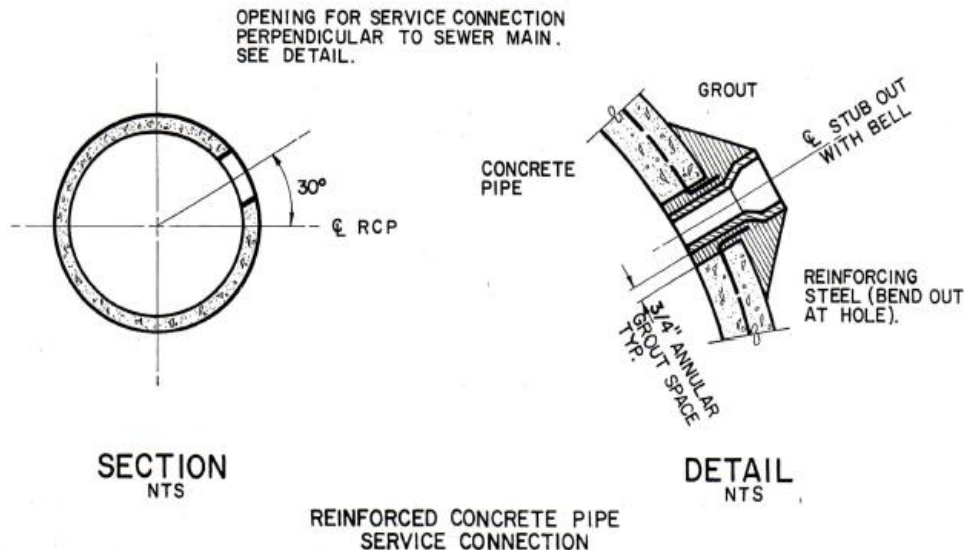
All pipe installed for service lines shall have water-tight joints and shall be inspected and approved by the Superintendent after installation and before the trench is backfilled. The connection to the public sewer shall be at a point designated by the Superintendent and shall be made by a plumber licensed by the State of South Dakota.

Plastic preformed saddles shall be chemically welded to plastic interceptor sewers (6" thru 12" sizes) as directed by the Superintendent.

A special procedure is required for sewer connection to reinforce concrete pipe (RCP) as given below:

Normal connection requires at least one long radius 1/8th bend. Non-pressure PVC is preferred type of pipe as it has proven to be best for small diameter buried sewers.

Connection to sewer shall be made between 30^o and 60^o above horizontal at centerline (at 2 to 1 o'clock) with ideal connection at 30^o or 2 o'clock.



Specification. The concrete Sewer Main shall be “tapped” by using special tools, materials and procedures; construction of the hole and grouting of materials and procedure shall be used.

Special Tools:

- 1) Heavy Duty Electric Rotary Hammer for drilling and/or chiseling, similar or equal to Milwaukee, Cat. No. 5300 providing 700 RPMs, 3750 blows/min. and equipped with a 7/16 inch hex x 2 ½ inch shank size chuck.
- 2) Nominal ½ inch size High Speed Percussion Carbide Tip Bit for use with Electric Rotary Hammer.
- 3) Slotted Chisel or Scaling Chisel for use with Electric Hammer.
- 4) Bull Point for use with Electric Hammer.
- 5) Bolt Cutters for cutting high tension reinforcing wire.

Special Materials:

- 1) Stub-out pipe, bell end with 3 to 4 inch spigot length.
- 2) Plastic mix of Grout using minimum 1 part Type II cement to 3 parts Wasta sand and water. An approved alternate is a plastic mix of “Por-Rok”.

Special Procedure:

- 1) Mark the concrete pipe where hole is to be made using the stub-out pipe as a template and allowing approximately ¾ inch extra all around for grout space (place all stub-outs at 90⁰ to concrete pipe as with a tee fitting).
- 2) Using the Electric Rotary Hammer, drill a series of holes in the concrete pipe where marked as close together as possible with stub-out alignment.
- 3) After drilling ring of holes, attach chisel to Electric Hammer and remove concrete within ring down to steel reinforcing wire.
- 4) Use bull point attachment with Electric Hammer for removal of concrete below steel reinforcing wire.
- 5) Cut steel reinforcing wires at center of hole and bend out of pipe to provide reinforcement of grout (trim lighter longitudinal wires to allow heavy circumferential wires to be bent out as described).
- 6) Remove all pieces of concrete debris from inside of concrete pipe accessible by carefully reaching thru hole.
- 7) Mix specified grout and fill annular space between stub-out spigot and hole; extend grout to form a fillet around the stub-out bell; set the stub-out to not protrude beyond the inside of the concrete pipe by reaching thru the stub-out (soil support may be required to shape grout fillet at stub-out bell).
- 8) Protect grout work from running water, freezing temperatures, excessive drying, and movement for at least 24 hours or until sufficiently hardened to permit the flexible joints to be made without damaging the grout seal. (Use of masonry cement or hydrated lime for strength accelerator is not permitted; alternate means of accelerating grout strength will be considered for approval).
- 9) Measure tie distances to tap using permanent objects (power poles, fire hydrants, corner of structures etc.) with one tie to centerline nearest manhole cover and record on sketch giving north arrow, street names, alignment of sewer service line, address of subject customer, dimensions of ties, and identity of tied objects. Submit sketch to District representative for recording as part of permanent tap record.

SECTION 5
PENALTIES AND SEVERANCE

- 5.1 District Applicability. This Ordinance shall apply uniformly within the boundaries of the District. This ordinance shall further apply to owners of property whether or not connected to the District's or Cities' sewer system and shall in addition apply to all property owners outside the District who are furnished sewer service by the District.
- 5.2 Liability. Any person violating any the provisions of these rules and regulations shall become liable to the Board of Trustees of the District for any expenses, loss or damage occasioned by the reason of such violation.
- 5.3 Violations. Any person found to be violating any of the provisions of these rules and regulations shall be served with a written notice according to the procedures set forth in Section 3.41 of this Ordinance, which notice shall state the nature of the violation and the intended action of the District to require compliance with the Ordinance or correction of the violation. Such person shall be given an opportunity to be heard as required by Section 3.41 of this Ordinance, and the following such hearing and proof of service of the notice upon such person, and provided that the violation has not been corrected, such person may be charged under the appropriate laws of the State of South Dakota.
- 5.4 Disconnection. In addition to and notwithstanding any other provisions of these rules and regulation, and in the event of a violation as contemplated in Section 5.3 above, the District may at its option disconnect the sewer line or disconnect and shut off water service to any property owned by or in the possession any person violating any of the provisions of these rules and regulations of the District. Such disconnection may be directed provided that the notice and opportunity for hearing requirements of Section 3.41 this Ordinance have been met. The cost of such disconnection and severance or shut off from the sewer service charges, shall be charged against the property, and until paid, shall constitute a first and valid and enforceable lien which may be forced or foreclosed under the laws of the State of South Dakota.
- 5.5 Invalidity of Rules and Regulations. If any section, subsection, paragraph, clause, or other provision of these rules and regulations shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or other provision, shall not affect any of the remaining provisions.

SECTION 6
AMENDMENT

- 6.1 Rules and Regulations Changes. These rules and regulations may be altered, amended, repealed, or reenacted at any regular meeting of the Board of Trustees of the District or any special meeting of the Board called for that purpose.