

## ORDINANCE NO. 14-2

### RAPID VALLEY SANITARY DISTRICT - WATER SERVICE RAPID CITY, SOUTH DAKOTA

An ordinance regulating the use of public sewers and drains, waste-water disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s); and providing penalties for violations thereof: in the Rapid Valley Sanitary District - Water Service, County of Pennington, South Dakota.

Where the Rapid Valley Sanitary District Sewer Ordinance is silent or conflicts with the City of Rapid City, South Dakota Sewer System Ordinance, the City of Rapid City's Ordinance, as receiver of the District's sewage, will supercede, govern and have priority over any sewer use ordinance of the District.

(Originally, Ordinance 77-1, as amended by Ordinance 86-1, approved on October 6, 1986, and as amended by Resolution, approved on September 17, 1990. and approved as Ordinance 95-2 in 1995. Ordinance 14-2 was approved on May 12, 2014 and replaces Ordinance 06-2)

Be it ordained and enacted by the Rapid Valley Sanitary District - Water Service, Pennington County, South Dakota, as follows:

Rates and charges may be adopted by Resolution which is indicated in the Sewer Use Resolution Attachment B.

#### ARTICLE I

#### GENERAL PROVISIONS

##### Section 1. Title.

This Ordinance shall be known as the "Sewers, Sewage Works, and Wastewater System Ordinance of the Rapid Valley Sanitary District - Water Service."

##### Section 2. Purpose.

The purpose of this Ordinance shall be to set forth the rules and regulations concerning the operation and maintenance of the wastewater collection system within the boundaries of the Rapid Valley Sanitary District - Water Service (hereinafter the "District"). This Ordinance shall also have the purpose of generating sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater collection system. The costs shall be distributed equitably to all users of the wastewater system.

### Section 3. Definitions.

The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

- a. “Biochemical Oxygen Demand” (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
- b. “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- c. “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- d. “Chairman” shall mean the Chairman of the Board of Trustees of the District, or his or her duly authorized deputy, agent, or representative.
- e. “City” shall mean the City of Rapid City, a municipal corporation of the State of South Dakota.
- f. “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- g. “Commercial or Institutional use” applies to all trailer parks, mobile home courts, or entities metered by one meter or where service is given and monetary payment is received for that service. All accounts not covered by the term residential use or industrial use shall also be considered as commercial. It also applies to all nonresidential use which introduces only domestic wastewater or primarily segregated domestic wastes into a building sewer.
- h. “Director” shall mean the Director of Public Works of the City of Rapid City, or his or her duly authorized deputy, agent, or representative.
- i. “District” shall mean the Rapid Valley Sanitary District - Water Service, Rapid City, South Dakota, incorporated in the State of South Dakota.
- j. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- k. “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

- l. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- m. “Industrial use” Any commercial, institutional or industrial operation that introduced industrial wastewaters into the District’s wastewater facilities.
- n. “Industrial wastes or Industrial wastewaters” The water-carried wastes from commercial, institutional and industrial operations as distinct from domestic wastewater discharged from dwellings. Industrial wastes shall include, but not be limited to, the trade wastes produced by restaurants, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and hospitals.
- o. “Manager” shall mean the Manager of the District, or his or her duly authorized deputy, agent, or representative.
- p. “May” is permissive (See "shall," Sec. cc. below).
- q. “Minor Industrial User” Those industrial uses discharging wastes which can be pretreated by simple gravity separation processes. Minor industrial use may include car washing facilities, restaurants and service stations.
- r. “Natural outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- s. “Owner or Occupant” shall mean the persons using or owning the lot, parcel of land, building, or premises connected to and discharging sewage into the sewage system of the District, and who pays or is legally responsible for the payment of water rates or charges made against the said lot, parcel of land, building, or premises, if connected to the sewage system, or who would pay or be legally responsible for such payment.
- t. “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- u. “pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a Ph value of 7 and a hydrogen-ion concentration of 10.
- v. “Premises” shall mean all the parcels of land included in the District and served by a single billing from the District.

- w. “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- x. “Public sewer” shall mean a common sewer controlled by a governmental agency or public utility.
- y. “Residential use” applies to a single-family dwelling, or to each separately metered unit in a mobile home court, duplex, or a multiple dwelling.
- z. “Sanitary sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- aa. “Sewage” is the spent water of a community. The preferred term is "wastewater," Sec. jj below.
- bb. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.
- cc. “Shall” is mandatory (See "may," Sec. p. above).
- dd. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- ee. “Storm drain” (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- ff. “Board of Trustees” shall mean the Board of Trustees of the Rapid Valley Sanitary District - Water Service, or their authorized deputy, agent, or representative.
- gg. “Suspended Solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.
- hh. “Unpolluted water” is water of a 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

- ii. “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- jj. “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- kk. “Wastewater Superintendent” shall mean the Superintendent of the wastewater system of the City of Rapid City, or his or her authorized deputy, agent, or representative.
- ll. “Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”
- mm. “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

- Sec. 1           It shall be prohibited, subject to civil and/or criminal penalties, for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.
- A. If sump pump discharge creates an icing issue during freezing weather, the preferred discharge location is to the storm sewer system if located immediately adjacent to the property. If storm sewer is immediately adjacent to a property, discharge to the sanitary sewer will not be allowed. Edge drain connections will not be allowed. The sump pump discharge piping from the building to the public storm sewer shall be at the sole expense of the property owner.
  - B. The District Manager or his or her designee may issue seasonal sump pump discharge permits. The permit will allow sump pump discharge to the District’s sanitary sewer system during freezing weather where the sump pump discharge cannot be delivered to a storm sewer collection system immediately adjacent to the property.
    - 1. Sump pump discharge into the District’s sanitary sewer system will only be allowed between November 1<sup>st</sup> and April 1<sup>st</sup> of each year. Coverage under the permit will be continuous until canceled.
    - 2. All interior work shall be performed in compliance with the District’s currently adopted Sewer Ordinance. The sump pump connection to the sanitary sewer shall be constructed at the sole expense of the property owner.

3. Diversion valves and permanent piping shall be installed per the District's detail titled "Sump Pump Bypass to Sanitary Sewer". The District shall be solely responsible for opening and closing the valve connecting the sump pump discharge pipe to the District's sanitary sewer system. The District will provide a locking mechanism to prohibit valve operation by anyone but the District.
4. The property owner shall grant the District periodic access to the facility in order to ensure compliance with the requirements of the permit in addition to any other remedies provided for violation of this Policy, including but not limited to shutting off District water service.
5. The permit fee shall be per the District's currently approved fee schedule. If the fee does not appear in the District's fee schedule it shall be 0 (zero) dollars.
6. The District may cancel the permit at any time of the terms of the permit are not complied with, if the sewer system cannot handle additional flow, if storm sewer is made available, or for other good cause.

Sec. 2 It shall be prohibited, subject to civil and/or criminal penalties, to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 It shall be prohibited, subject to civil and/or criminal penalties, to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater unless authorized by the District.

Sec. 4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the District, is hereby required, at the owner(s) expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 180 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line unless specifically authorized by the District in accordance with SDCL-9-48-53 – Each building in which plumbing fixtures are installed shall connect to a public water sewer system if available. A public sewer system is available to a premise used for human occupancy if the property line of the premise is within two hundred feet of the system.), Administrative Rule 74:53:01:07, **On-site wastewater systems prohibited when public wastewater systems are available.** No person may construct, install, or operate an on-site wastewater system where a public wastewater system is available. A public wastewater system is considered available to premises under the following circumstances:

(1) The structure or wastewater system is located within the jurisdictional boundaries of a municipality or sanitary district;

(2) The sewer collection system of the public entity exists within 400 feet of the home, trailer court, commercial establishment, business, park, or institution; and

(3) The municipality or sanitary district requests to provide service to the premises.

Sec. 5 It shall be prohibited, subject to civil and/or criminal penalties, for any person, as owner or agent, to rent for use as a residence any property, and it shall also be prohibited, subject to civil and/or criminal penalties, for any person or persons to occupy as a residence, any property as herein defined without said resident having a connection to the District's sewer system by which all waste from the human body can be disposed of through the connection to said sewer.

### ARTICLE III

#### SANITARY SEWERS, BUILDING SEWERS, AND CONNECTIONS

Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the District.

Sec. 2 There shall be three (3) classes of building sewer permits: (a) for residential service, (b) for commercial service, and (c) for industrial service. In any case, the owner(s), or his or her agent(s), shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. All building sewer permit applications shall show the type of service sought, the street address and legal description, with directional signs, of all building sewers, the size and type of materials to be used, the name and address of the contractor, and the amount of the fee. By signing the application, the applicant agrees to assume responsibility for any damage resulting to the District's property, any damage to the streets, under which the sewer is placed, and any damage or injuries to other property or people caused by the installation of the building sewer and/or its connection to the public sewer. All applicants also agree to pay such user fees as the Board of Trustees may set, regardless of whether such property is actually connected to a public sewer, unless the Board of Trustees passes a specific resolution waiving all or some portion of such fees. The fees for the building sewer permits described above shall be set by the Board of Trustees. The current fees are shown on Attachment "A." Property not assessed for, or not having been fixed by, special Ordinance of the Sanitary District shall pay the District as a special tapping fee such sum as such property should be justly assessed on account of the construction of such sewer, had such property been in the district taxed, said amount to be determined by the Board of Trustees prior to the granting of any such permit. The applicant for such permit described above shall set forth in said written application the legal description of the property facing or abutting upon the street where such sanitary sewer service is to be connected, and state whether such connecting sewer runs to a residence, an apartment house, or a commercial or industrial building.

Sec. 3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District

from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer. The owners shall incur all costs for maintenance and repair or replacement of their entire sewer service from sewer main connection to the building or residence. Residential services are able to be repaired by the District with no cost to the owner if service is collapsed or a physical separation is evident from the sewer main to the property boundary after the resident verifies with a District representative video showing the location of defect. This does not include plugged sewer services due to flushing materials or objects that create blockages. A repair authorization form is required to be signed by the owner of the property. The owners shall indemnify the District from any loss or damage from sewer main backups, unless clear and convincing evidence of direct result of negligence on the District's part.

- Sec. 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. But, the District does not, and will not, assume any obligation or responsibility for damage caused by, or resulting from, any such single connection aforementioned.
- Sec. 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the District, to meet all requirements of this ordinance.
- Sec. 6 The size, slope, alignment, and materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the City's building, plumbing, and utility codes, and any other applicable rules and regulations of the District, the City, and the State of South Dakota. In the absence of suitable code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.C.E. manuals and Reports on Engineering Practice No. 60 or current edition shall apply.
- Sec. 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the public sewer. The owner shall be responsible for all installation, operation, and maintenance costs. Private lift stations for multi-density residential buildings shall be prohibited, unless special provisions are approved by the Board of Trustees.
- Sec. 8 No person(s) shall make any type of 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, or is in conflict of county nuisance ordinances, unless such



connection is approved by the Board of Trustees for purposes of disposal of polluted surface drainage.

- Sec. 9           The connection of a building sewer into the public sewer shall conform to the requirements of the City's building, plumbing, and utility codes, and any other applicable rules and regulations of the District, the City, and the State of South Dakota, and the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.
- Sec. 10          The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Manager or his or her representative.
- Sec. 11          All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the works shall be restored in a manner satisfactory to the District.
- Sec. 12          The maximum size tap which may be installed into any sewer line shall be determined in accordance with the City's Building and Plumbing Codes and District specifications. Any sewer connection greater than six inches (6") must be made by means of a manhole. All manholes must be constructed to any applicable City requirements and District specifications as required on new sewer lateral construction.
- Sec. 13          All sewer connections from public sewer to the user's property shall be laid and constructed by a licensed master plumber, a licensed plumbing contractor, or a licensed sewer and water installer contractor.
- Sec. 14          No person except a licensed and insured master plumber, licensed and insured plumbing contractor, licensed and insured sewer and water installer contractor, or employee of the District, shall be permitted to lay or do any work on public sewers and sewer service lines within the boundary limits of the District.
- Sec. 15          Pipe materials and specifications for sewer service lines and sewer main lines shall be in accordance with the City's Building and Plumbing Codes and/or the District's design criteria. In the event of a conflict, the District's design criteria take precedence.
- Sec. 16          Sewer mains shall be installed a minimum distance of ten feet (10') from the water service mains.
- Sec. 17          No one may construct, operate, or dig any type of sewer line or water

line within the boundaries of the District without first obtaining permission from the District.

Sec. 18 Design and Construction Standards for Water and Wastewater Piping and Appurtenances will be governed by the additional provisions in Attachment “B.”

#### ARTICLE IV

##### USE OF THE PUBLIC SEWERS

Sec. 1 No person(s) shall discharge, or cause to be discharged, any unpolluted waters, such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water, to any sewer; except, storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer with the permission of the District.

Sec. 2 No person(s) shall discharge, or cause to be discharged, any of the following described water or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas. Any paint/paint products.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or a hazard to structures, equipment, and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities, or of such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 3. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Manager and the Director may set limitations lower than the limitations established in the regulations below if, in their opinion, such more severe limitations are necessary to meet the above objectives. In

forming their opinion as to the acceptability, the Manager and the Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Manager and the Director are as follows:

- (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded (See Article 1, Section x). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in composite wastewater at the wastewater treatment works exceeds the limits established by the Board of Trustees and/or the Director.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Manager and/or the Director.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager and/or the Director in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which

interfere with the collection system, or create a condition deleterious to structure and treatment processes.

Sec. 5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which, in the judgment of the Manager and/or the Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager and/or the Director may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or,
- (d) Require payment of such amount as may be determined by the Board of Trustees and the Director, which amount shall be at least sufficient to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the other provisions of this Article.

When considering the above alternative, the District and the Director shall give consideration to the economic impact of each alternative on the discharger. If the District and the Director permit 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 Board of Trustees and the Director.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager or the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captivated material and shall maintain records of the dates and means of disposal, which are subject to review by the Manager and the Director. Any removal and hauling of the collected materials not performed by owner(s) personnel, must be performed by currently licensed waste disposal firms.

Sec. 7 Where pretreatment or flow-equalizing facilities are provided, or required, for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

- Sec. 8           When required by the Manager or the Director, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Manager and the Director. The structure 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.
- Sec. 9           The Manager or the Director may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
- (1)     Wastewaters discharge peak rate and volume over a specified time period.
  - (2)     Chemical analyses of wastewaters.
  - (3)     Information on raw materials, processes, and products affecting wastewater volume and quality.
  - (4)     Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5)     A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  - (6)     Details of wastewater pretreatment facilities.
  - (7)     Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- Sec. 10          All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Manager and the Director. All such costs and expenses shall be paid by the owner or the occupant.
- Sec. 11          No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District, the City, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District and the City of Rapid City for treatment.
- Sec. 12          Rates and related issues shall be set by the Board of Trustees and/or the Director, and are shown on Attachment "A" incorporated herein by reference.

Sec. 13 No sewer connection permit shall be issued after the effective date of this Ordinance to serve any property located outside the boundary limits of the Rapid Valley Sanitary District - Water Service, except with specific approval of the Board of Trustees. Such connections shall be authorized by resolution and shall be subject to such terms, conditions, and fees as the Board of Trustees finds necessary or appropriate.

## ARTICLE V

### DESTRUCTION OF FACILITIES

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the wastewater facilities.

## ARTICLE VI

### POWERS AND AUTHORITY OF INSPECTORS

Sec. 1 The Manager, the District and their duly authorized employees bearing proper credentials and identification, shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Sec. 2 The Manager, the District and their duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3 While performing the necessary work on private properties referred to in Article VI, Section I, above, the Manager, the Director and their duly authorized employees shall observe all safety rules applicable to the premises established by the company.

Sec. 4 The Manager, the Director and their duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement or duly executed facilities agreement, including, but not limited to, for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities appurtenant to said easement or facilities, if any, on said easement, all of which shall be done in full accordance with the terms of the duly negotiated easement or other agreement pertaining to the private property involved.

## ARTICLE VII

## ARBITRATION

- Sec. 1 The District or their designee, shall arbitrate differences between the Manager, 7 the Director and their duly authorized employees and sewer users on matters concerning interpretation and execution of the provisions of the District's ordinances.

## ARTICLE VIII

### PENALTIES

- Sec. 1 Any person found to be violating any provision of this ordinance, except Article V, shall be served by the District 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.
- Sec. 2 Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss, cost, or damage occasioned by the District by reason of such violation (including, but not limited to, attorney's fees incurred in enforcing this ordinance).

## ARTICLE IX

### VALIDITY

- Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

ORDINANCE IN FORCE

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Passed and adopted by the Rapid Valley Sanitary District - Water Service, State of South Dakota on the day of the month, year, by the following vote:

This Sewer Use Ordinance was enacted by the Rapid Valley Sanitary District - Water Service with the First Reading on April 14, 2014 and the Second Reading on May 12, 2014, and publication on June 18, 2014.

Ayes 9 : namely Clyde Elwood, Shirley Haines, Richard Hensley, Patrick Judge, Duane Lassegard, Diana Nelson, Connie Olson, Dwight Peterson, and Jack Tomac.

Nays 0 : namely \_\_\_\_\_

Approved this 12 day of May 2014.

(Signed) \_\_\_\_\_ (Chairman of the Board of Trustees)

Attest:

(Signed) \_\_\_\_\_ (District Clerk)



# Attachment "A"

## Sewer Use Ordinance

### Rapid Valley Sanitary District - Water Service

**Pretreatment Permit Fee:** Each user providing pretreatment in accordance with this Ordinance shall pay an annual fee in an amount to be set from time to time by the Board of Trustees.

**Minimum Rate and Monthly Charge:** The occupant of every dwelling or business establishment which conveys sewage to the wastewater facilities will pay a minimum monthly as determined by the Board of Trustees. Sewer use will be charged at a rate per 1,000 gallons. Rates may be changed as market conditions are justified by the Board of Trustees.

**Rate Determination:** The methods used to determine the sewer use charge shall be as follows:

1. Residential Users: The amount of sewage flow from residential connections of property to which sewer service is available shall be determined yearly by averaging the water meter during the winter months of December, January, and February approximately. The monthly sewer rate will be determined by the rate set by the Board of Trustees. This use charge is for twelve (12) months, running from April 1st to April 1st of the following year. New residential users, or intermittent users, shall pay a sewer use charge based on the average residential water used for the District in the prior year.
2. Commercial and Institutional Users: The sewer use charge for commercial and institutional connections shall be determined by the rate set by the Board of Trustees. The sewage volume shall be determined from the monthly metered water, unless special allowances are made or authorized in writing by General Manager, or the sewage is metered as provided herein.
3. Industrial Users: The sewer use charge for industrial connections shall be determined by the rate set by the Board of Trustees
4. Special Arrangements: All commercial, industrial, and institutional user receiving metered water for use resulting in portions of the water not going in the wastewater facility may have its sewer use charge adjusted by having, at the owner's expense, a separate meter installed showing how much water is used outside. In the discretion of the District, the amount may be estimated by using the average used by said user during the winter time months.
5. Monitoring: Those industrial users declared major industrial users shall, at their own expense, perform monitoring to determine their industrial classification rate. Any industrial user choosing to monitor its discharge may do so at their own expense.
6. Exempt from Monitoring: All minor industries shall be exempt from self-monitoring.
7. Sewage Volume Measurement:

- a. Any commercial, institutional, or industrial user may choose to measure the actual sewage flow in lieu of basing the sewer use charge on the metered water. In such cases, the condition set forth herein shall apply.
- b. Any commercial, institutional, or industrial user receiving nonmetered water shall either install water meters for all nonmetered sources, or provide sewage flow measurement in accordance with the conditions set forth herein.
- c. All meters for nonmetered water sources and sewage flow measurement devices shall be installed in accordance with the plans and specifications approved by the Manager. All costs for design and installation shall be borne by the owner. The owner shall guarantee the District access to the meter or meters for monthly meter readings.

**Late Charges:** The sewer account will be charged a late charge (see Attachment B) which may be in addition to any charges made to the water account. The District's billing cycle consists of two billing areas (the first billing area and the second billing area). The water and sewer bills will be sent out on or about the 1st day of the month (first billing area) and on or about the 15th day of each month (second billing area) for amounts due from the preceding month. Payment shall be due on or before the 10<sup>th</sup> (first billing area) and the 25<sup>th</sup> (second billing area) days of each month. Those consumers in the first billing area: the water and sewer bills become delinquent after the 10th of the month. Payments received after 10 am on the first business day following the 10<sup>th</sup> day of the month will be assessed a late charge. However, notwithstanding the above, when the 10th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge. Those consumers in the second billing area: the water and sewer bills become delinquent after the 25th of the month. Payments received by 10 am on the first business day following the 25<sup>th</sup> day of the month will be assessed a late charge. However, notwithstanding the above, when the 25th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge.

**Delinquent Accounts:** Water and sewer billings thirty (30) days past due from the billing date for their billing area will be mailed a shutoff notice. An automatic service charge is added to each account that is mailed such notice. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for service charge amount. If the account is not paid in full by the date stated on the notice, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. An extension may be approved by District to prevent service being disconnected. Extensions must be requested by 4pm the day prior to the date stated on the mailed shut off notice. Extensions requested after that date will not be considered. Extensions allowed by the District shall not exceed 5 business days to include the date stated on the mailed notice. If payment is not received in full by the extension deadline which includes current and delinquent charges and any additional service charges, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for charges.

**Unpaid Sewer Bills:** The District shall be entitled to collect unpaid sewer and water bills in accordance with the procedures set forth in this Ordinance, the District's Water Use Ordinance, and the South Dakota Codified Laws.