

**TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND REFUSE**

**51. WATER AND SEWER**



## CHAPTER 50: GARBAGE AND REFUSE

### Section

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### ' 50.01 TITLE.

This chapter shall be known as the ARefuse Ordinance of the City of Parkston, South Dakota@. (1985 Code, ' 5.0301) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

### ' 50.02 DEFINITIONS.

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

**CITY HEALTH OFFICER.** The duly-appointed City Health Officer or his or her duly-authorized representatives.

**GARBAGE.** All animal and vegetable wastes resulting from the handling, cooking, and consumption of foods originating in kitchens, stores, markets, restaurants, hotels, and other places where food is stored, cooked, and consumed.

**OCCUPANT.** The individual, partnership, or corporation that uses or occupies any building, lot, or

a portion thereof, whether the actual owner, tenant, or sub-tenant. In the case of vacant buildings, lots, or any portion thereof, the owner, agent, or other person having custody of said building or lot shall have the responsibility of the *OCCUPANT* of said building or lot.

**OWNER.** The actual owner of the building, either an individual, partnership, or corporation; the agent of the owner in charge of said buildings; or the person to whom the rental upon said building is paid.

**PREMISES.** Includes, but is not limited to, business houses, offices, theatre, hotels, restaurants, cafes, eating houses, tourist courts, trailer courts, apartment buildings, sanitariums, rooming houses, schools, rest homes, private residences, vacant lots, and other places within the city where refuse, garbage, or rubbish accumulates.

**REFUSE.** All solid wastes, including garbage and rubbish.

**REGULATION GARBAGE CONTAINER.** A galvanized metal garbage can made of at least 24 gauge metal, or a plastic garbage container to be made out of the type of plastic that does not break or shatter when exposed to extreme cold. Both shall be rodent- and fly-proof and shall not exceed 30 gallons in capacity and shall have a tight-fitting cover of the same material.

**RUBBISH.** All combustible waste materials from households, stores, and institutions consisting of cans, bottles, papers, straw, leaves, ashes, lawn cuttings, or garden wastes from any premises within the city limits of Parkston, South Dakota.

**VENDOR.** Any duly-licensed private collector of refuse that picks up refuse on a regularly scheduled route within the city limits of Parkston, South Dakota.

(1985 Code, ' 5.0301) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

### ' 50.03 PERMITS AND REQUIREMENTS FOR HAULING REFUSE; LICENSE REQUIRED.

No person, firm, or corporation shall engage in the business of collecting or hauling garbage or rubbish from any place in the city without first having been granted a license so to do by the City Council. See ' ' 110.055 through 110.058 for application and requirements for hauling garbage, rubbish, or solid waste.

(1985 Code, ' 5.0302) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991) Penalty, see ' 50.99

### ' 50.04 GENERAL RESTRICTIONS.

(A) No person shall place, throw, deposit, permit, or cause to be placed, thrown, deposited, or permitted any garbage or rubbish as herein defined in any place other than in containers approved under

' 50.02.

(B) No person shall place, dump, deposit, permit, or cause to be placed, dumped, deposited, or permitted any garbage or rubbish on part of the city's dump grounds, other than that designated by the caretaker of said dump grounds, or as indicated by the private signs.

(C) No rubbish shall be burned except in stoves, furnaces, or incinerators located within buildings. No rubbish shall be burned on any street or alley in the city.

(D) All other rules or regulations deemed necessary for the proper operation and enforcement of this chapter shall be made by the Public Health Officer and the City Council and the Board of Health for the city.

(1985 Code, ' 5.0303) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991) Penalty, see ' 50.99

**' 50.05 STORAGE OF GARBAGE AND RUBBISH.**

(A) *Refuse containers for residences and business places; duty to provide.*

(1) Every tenant, occupant, or person in possession of any residence, business, apartment, or rooming house, restaurant, hotel, grocery store, wholesale or food processing establishment, or any other business or commercial place having garbage or rubbish as defined by this chapter, shall provide enough regulation garbage containers as defined under ' 50.02, as may be necessary to hold the accumulation of garbage, rubbish, or refuse between collection periods.

(2) Metal, covered, leak-proof garbage bins may be used by the vendor at high volume locations at the discretion of the vendor.

(B) *Regulations as to use of garbage containers.* All garbage containers provided for in this chapter shall be kept, maintained, and used in accordance with the following regulations.

(1) Garbage containers shall be provided with tightly-fitting covers which shall be removed only when necessary.

(2) No liquids or water shall be placed in refuse containers.

(3) No refuse containers shall be located where water from an adjoining roof may fall thereon.

(4) The vicinity of refuse containers shall be kept free from garbage and other putrescible matter that attracts flies.

(5) Only garbage and rubbish as defined in this chapter shall be placed in refuse containers. (1985 Code, ' 5.0304) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991) Penalty, see ' 50.99

#### **' 50.06 STORAGE OF FOOD AND FEED.**

All food and feed except hay kept within the city for feeding poultry, cattle, horses, swine, and other animals shall be kept and stored in rat-proof containers, compartments, or rooms, unless the same is stored in a rat-proof building.

(1985 Code, ' 5.0305) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

#### **' 50.07 ACCUMULATION OF REFUSE AND ABATEMENT THEREOF.**

(A) The places or premises of excessive accumulations of garbage or rubbish, such as killing and dressing of animals or fowl having such accumulations, shall provide the refuse be removed and disposed of at the expense of the owner or person having such in charge in a manner approved by the City Health Officer.

(B) Heavy accumulations such as broken concrete, ashes, sand, gravel, automobile frames, and other bulky heavy materials shall be disposed of at the expense of the owner on a regular enough basis to prevent them from becoming a public nuisance.

(1985 Code, ' 5.0306) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

#### **' 50.08 COLLECTION OF GARBAGE AND RUBBISH.**

The city will endeavor by whatever means appropriate to solicit the service of private vendors as heretofore described to collect all garbage and refuse generated within the city limits not less than twice weekly during the calendar months of June, July, August, and September and at least once per week during the remaining eight months of the calendar year. The city shall not be involved with any collection of monies for services performed by the vendor. The city shall be held harmless for any delinquent or unpaid accounts.

(1985 Code, ' 5.0307) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991; Ord. 178, passed 12-20-1994)

**' 50.09 DISPOSAL OF REFUSE.**

The city will endeavor to dispose of all garbage and rubbish collected under this program by an approved method of sanitary landfill and cover or other methods approved at such site or sites as selected and approved by the City Council and City Health Officer.

(1985 Code, ' 5.0308) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

**' 50.10 SANITATION FUND.**

A fund to be known as the Sanitation Fund shall be established for accounting purposes within the General Fund of the city. All money and credits collected under this chapter, including fines and fees for violations of the same, shall be credited to the Sanitation Fund. The Sanitation Fund shall be used exclusively for sanitation purposes and specifically to defray the operating costs and expenses, construction of additions to the disposal area, purchase of equipment, and department enlargements.

(1985 Code, ' 5.0310) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

**' 50.11 INSPECTION BY HEALTH OFFICER.**

The City Health Officer shall periodically make inspections of all alleyways, buildings, and premises. If a violation of the provisions of this chapter is found, he or she shall notify in writing, the owner, tenant, or agent of such premises of such violation and said owner, tenant, or agent shall have ten days in which to correct the violation.

(1985 Code, ' 5.0311) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)

**' 50.99 PENALTY.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon the conviction thereof, shall be punished by a fine set by resolution of the City Council and may be amended by the Council from time to time. Each day that such person shall violate any of the provision of this chapter shall constitute a separate offense and be punishable as such.

(1985 Code, ' 5.0312) (Ord. 147, passed 12-10-1991; Ord. 148, passed 12-10-1991)





## CHAPTER 51: WATER AND SEWER

### Section

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***GENERAL PROVISIONS*****' 51.001 ABANDONED WATER AND SEWER LINES.**

Any person or persons removing or abandoning a building or other structure within the jurisdictional limits of the city shall recover, remove, and close all water and sewer lines servicing the said structure. Said abandoned water and sewer lines shall be removed at the landowner=s expense. (1985 Code, ' 10.0301)

**' 51.002 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly

indicates or requires a different meaning.

***DISTRIBUTION LINE.*** A line designed to carry water to the property abutting upon the street or right-of-way in which it is laid, and of sufficient capacity to carry the water to the service lines on the property abutting upon the street or right-of-way.

***SERVICE LINE.*** A line connected to a distribution line and designed to carry water from the distribution line to property abutting upon the street or right-of-way.  
(1985 Code, ' 10.0501) (Ord. 175, passed 12-13-1994)

***WATER***

**' 51.015 DUTIES OF SUPERINTENDENT.**

Under the supervision of the Mayor and City Council, the Water Commissioner shall have the charge and management of the waterworks. He or she shall report to the Mayor and City Council whenever required. He or she shall perform such other duties as the Mayor and City Council may require.  
(1985 Code, ' 10.0101)

**' 51.016 APPLICATION FOR SERVICE INSIDE AND OUTSIDE CITY LIMITS.**

(A) *Inside city limits.*

(1) Any person, corporation, or firm desiring to use water from the waterworks system of the city shall contact the City Finance Officer stating the street and number where water service is desired. In addition thereto, a minimum deposit established by the City Council by resolution shall be required. Refund of the deposit shall be made upon termination of the service only after payment of all indebtedness to the city. Application of deposit may be made in partial or total settlement of accounts when supply is cut off for nonpayment of bill or for any infraction or violation of any ordinance, rule, or regulation of the city relative to water services offered by the city.

(2) Any person, corporation, or firm applying for and receiving water from the waterworks system belonging to the city receives such water on express condition that such water is taken subject to all rules and regulations prescribed by this subchapter and penalties provided for any infraction of such rules and regulations.  
(1985 Code, ' 10.0102)

(B) *Beyond city limits.* Any person, corporation, or firm desiring to use water from the waterworks system of this city shall make application to the City Finance Officer for each meter/service desired; such application shall be on forms to be furnished by the city and it shall be signed by the applicant and shall answer all questions contained on the application blank. The completed application shall be filed with

the City Finance Officer for presentation to the Mayor and Council at the next duly-convened Council meeting. The Mayor and Council shall have the sole right to reject or approve the application for whatever reason. Under no circumstances shall the city be required to extend a distribution line for the purpose of reducing a service line length or for fire protection.

(1985 Code, ' 10.0503)

(Ord. 137, passed 8-8-1989; Ord. 175, passed 12-13-1994; Ord. 271, passed 10-11-2005)

**' 51.017 EXPENSE OF TAPS INSIDE AND OUTSIDE CITY LIMITS.**

*(A) Inside city limits.*

(1) All taps to water mains and renewal of service pipes in said city shall be under the direction of the City Council, and the expense of making such taps is to be paid by the property owners and shall be charged from the center of the street. The amount of such charge shall be fixed by resolution as may be heretofore or hereafter agreed upon by said City Council.

(2) The fee for connection or taps to any water main of one inch or under shall be established by resolution of the City Council and may be amended by the Council from time to time. The city shall tap only the water lines of one inch or under. The said fee shall constitute a charge for supervision and connection on taps only, and all other costs, such as materials, shall be the responsibility of the property owner.

(3) The fee for a tap with any line over one inch shall be established by resolution of the City Council and may be amended by the Council from time to time. This fee shall constitute a charge for supervision only. All cost including labor and material shall be the responsibility of the property owner.

(1985 Code, ' 10.0103)

*(B) Outside city limits.*

(1) Any property owner or water user having received approval for water usage per ' 51.016(B) shall pay a sum, established by resolution of the City Council and be may be amended by the Council from time to time, to the city before delivery of water commences to the property owner or water users premises. This charge shall be in addition to any other costs or fees called for in this chapter.

(2) All taps to distribution lines and renewal of service lines shall be under the direction of the City Council or its authorized agent or agents and the expense of making such taps is to be paid by the property owners or water user.

(3) The fee for connection or taps to any water main shall be established by resolution of the City Council and may be amended by the Council from time to time. The said fee shall constitute a charge for supervision and connection on taps only, and all other costs, such as materials, shall be the responsibility of the property owner.

(1985 Code, ' 10.0504) (Ord. 175, passed 12-13-1994)

**' 51.018 PRICES PER MONTH INSIDE AND OUTSIDE CITY LIMITS.**

(A) *Inside city limits.*

100 cubic foot minimum	\$10.65
Next 200 cubic feet per 100 cubic feet	\$4.40
Next 200 cubic feet per 100 cubic feet	\$4.30
Next 200 cubic feet per 100 cubic feet	\$4.15
Next 200 cubic feet per 100 cubic feet	\$3.95
Over 900 cubic feet per 100 cubic feet	\$3.85

(1985 Code, ' 10.0104)

(B) *Outside city limits.* The following are the water rates per month for water beyond city limits.

100 cubic feet (minimum)	\$28.00
Next 200 cubic feet per 100 cubic feet	\$4.40
Next 200 cubic feet per 100 cubic feet	\$4.30
Next 200 cubic feet per 100 cubic feet	\$4.15
Next 200 cubic feet per 100 cubic feet	\$3.95
Over 900 cubic feet per 100 cubic feet	\$3.85

(1) Charge for service commences when meter is installed, whether used or not.

(2) If the property owners or water users piping on their premises is so arranged that the city is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.

(3) Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different services.

(1985 Code, ' 10.0505)

(Ord. 137, passed 8-8-1989; Ord. 175, passed 12-13-1994; Ord. 218, passed 4-11-2000; Ord. 219, passed 4-11-2000; Ord. 244, passed 7-9-2002; Ord. 245, passed 7-9-2002; Ord. 246, passed 9-10-2002; Ord. 247, passed 9-10-2002; Ord. 276, passed 1-10-2006; Ord. 277, passed 1-10-2006; Ord. 303, passed 12-9-2008; Ord. 304, passed 12-9-2008; Ord. 339, passed 1-13-2015; Ord. 340, passed 1-13-2015)

**' 51.019 WATER METERS INSIDE AND OUTSIDE CITY LIMITS.**

(A) The city shall furnish a five-eighths inch water meter for all city water users. For any meter size larger than five-eighths inch, the additional cost shall be the responsibility of the property owner. The meters shall be the exclusive property of the city. Such meters shall be properly attached to correctly measure all water used. This includes plumbing the water meter so it lies in the horizontal position. (1985 Code, ' 10.0105) (Ord. 137, passed 8-8-1989; Ord. 333, passed 9-10-2013)

(B) *Additional regulations for water meters outside city limits.*

(1) The city will make the final decision on meter size for all services. An oversize water meter will not be allowed where measuring capabilities at low flow rates could cause a loss of revenue. The property owner or water user shall provide an adequate frost-proof meter connection point; it shall be unobstructed and accessible at all times for reading. Meter pits, if required, shall be of the kind and pattern prescribed by the city.

(2) The cost of the water meter and any appurtenances, such as, but not limited to, pipe nipples, meter flanges, check valves, copper horns/re-setters, and meter pits, required for the installation of the water meter, shall be paid for by the property owner or water user. (1985 Code, ' 10.0506) (Ord. 175, passed 12-13-1994; Ord. 333, passed 9-10-2013)

**' 51.020 INSPECTION OF METERS.**

In case the water meter fails to register the amount used, or for any reason fails to properly tally, the Waterworks Department or other officer in charge of the waterworks system shall estimate the amount used and its decision shall be final. (1985 Code, ' 10.0106)

**' 51.021 WATER PIPES; HOW LAID.**

All connections, stops, and water cocks-lead goosenecks, and all service and stop boxes shall be of a kind and pattern prescribed by the City Council. All service pipes must be laid as much below the surface of the ground as the main pipes in the street, and in all cases, protected so as to prevent rupture of the main, or attached to any service pipes leading to any part of the premises where the water is to be used, the same shall be inspected by the Superintendent or proper employee of the Waterworks Department. The Superintendent or proper employee of the Waterworks Department shall have the absolute right to refuse to allow any such pipes to be connected thereto if he or she deems the same unfit for the use for which the same is to be put. All stop boxes must be placed at outside edge of sidewalk unless otherwise directed by the Superintendent or proper employee of the Waterworks Department.

(1985 Code, ' 10.0107)

**' 51.022 CITY LIABILITY.**

All persons using water from the waterworks system for any purpose whatever shall do so at their own risk, and the city will not, nor will the Mayor, City Council, Superintendent, or other officers in charge of the waterworks system, in any case, be liable or responsible for damages growing out of the overflow or stoppage of water or any insufficient supply of the same.

(1985 Code, ' 10.0108)

**' 51.023 USE OF WATER DURING FIRES.**

During the time of fires, the use of water for lawn purposes is prohibited and any person violating this section is guilty of a misdemeanor.

(1985 Code, ' 10.0109) Penalty, see ' 51.999

**' 51.024 PROPERTY OF CITY.**

All service pipe connections and boxes leading from the mains to the curb shall be and remain the property of the city. Repair and or replacement of the same shall be the responsibility of the property owner. Upon failure, neglect, or refusal of any owner, agent, or occupant to properly maintain all service pipe connections and boxes, the city shall cause the repairs or replacement of said service pipe connections and boxes, the cost of which shall be applied to the water bill of the owner, agent, or occupant for said property pursuant to ' 51.026, or recovered in a civil action against the owner, agent, or occupant of such property.

(1985 Code, ' 10.0111) (Ord. 130, passed 8-11-1987; Ord. 333, passed 9-10-2013)

**' 51.025 PAYMENT OF WATER RATES; DISCONTINUATION OF SERVICE.**

(A) The minimum rate and excess shall be payable monthly and payment made on or before ten days after notice of water rent due. Any bill not paid in full by the twentieth of the month shall be considered to be late and the City Council may by resolution establish a late payment charge as a penalty; provided, however, if the twentieth falls on a weekend or holiday, late charges will not be added until the close of business the next following work day.

(B) Disconnection for late payment.

(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 bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his 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, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in a sum as established by resolution of the City Council.

(C) Every connection turned off under the provisions of this section shall not be turned on again except upon the payment established by resolution of the City Council and may be amended by the Council from time to time, plus the amount in arrears, to the City Finance Officer for having the water turned on.

(1985 Code, ' 10.0112) (Ord. 171, passed 7-12-1994; Ord. 336, passed 1-14-2014) Penalty, see ' 51.999

**' 51.026 WATER SUPPLIED WHEN.**

(A) Water shall be supplied upon the order of the owner, tenant, or occupant of the real estate to which it is piped. The city shall have a lien upon the property to which water shall be taken from the Municipal Plant for all water rents due.

(B) In no case shall water be turned on in any place or property at which water shall have been used and remain unpaid for, except by permission of the City Council and Finance Officer. The lien hereby created shall be assessed and collected as taxes.

(1985 Code, ' 10.0113) (Ord. 271, passed 10-11-2005)



**' 51.027 TURNING ON WATER OF A HYDRANT AND THE LIKE.**

Any person who shall turn on the water in any hydrant or from any part of the Waterworks Plant, except at public drinking fountains, and except in the case of fire, without permission of the person in charge of the system, shall be deemed guilty of a misdemeanor, and any person who shall climb on the water tower or on the ladder thereon without the permission of the person in charge of the waterworks system, shall be guilty of a misdemeanor, and upon conviction thereof, in either case, shall be punished by a fine set by resolution of the City Council and may be amended by the Council from time to time.

(1985 Code, ' 10.0114) Penalty, see ' 51.999

**' 51.028 RESTRICTIONS, SPRINKLING, AIR CONDITIONING.**

(A) All water used for air conditioning or cooling systems, lawn or garden sprinkling, watering of trees or shrubs, the washing of cars, or any other use other than domestic or necessary commercial use, may be restricted at any time by the Mayor should the scarcity of water or an emergency of any kind so require. Such restrictions shall be imposed by resolution of the City Council and notice thereof given to the public by publication of such restrictions and the extent thereof in the official newspaper, and if possible, by radio or television announcement at least 24 hours before the effective date of such restriction.

(B) It shall be unlawful for any person, firm, or corporation to use city water in the manner or at the times restricted by such resolution. The term *SPRINKLING* shall include the use in any manner of water for lawn or garden purposes where such water is distributed by the use of any hose or conduit.

(1985 Code, ' 10.0115) Penalty, see ' 51.999

**' 51.029 TRAILER COURTS.**

Each trailer court within the city shall have one water meter to measure all of the water used by said trailer court.

(1985 Code, ' 10.0116)

**' 51.030 SHUTTING OFF AND TURNING ON WATER.**

Each water user or property owner shall pay a fee, established by resolution of the City Council and may be amended by the Council from time to time, for having his or her water shut off, and shall pay a fee, established by resolution of the City Council and may be amended by the Council from time to time, for having his or her water turned on.

(1985 Code, ' 10.0117)

**' 51.031 WATER SUPPLY TO CONTRACTORS ONLY.**

No customer shall supply water to other families, nor suffer them to take it off the premises; nor after water is introduced into any building or upon any building or upon any premises, shall any person make or employ any plumber or other person to make any tap or connection with the pipes on the premises for alteration, extensions, or attachments without permission of the City Council or Superintendent.

(1985 Code, ' 10.0118) Penalty, see ' 51.999

**' 51.032 PREMISES OF CONSUMER OPEN TO INSPECTION.**

(A) Every person taking water supplied through the water system of the city shall permit the Superintendent or any other person appointed by the City Council at all times of the day between the hours of 7:00 a.m. and 6:00 p.m., to enter his, her, or their premises or building to examine the pipes and fixtures and the manner in which the water is used, and for the purpose of reading, repairing, or replacing the water meter.

(B) He or she must at all times answer all questions put to them relative to water consumption without concealment. Any person refusing to comply with the provisions of this section shall be subject to immediate termination of service without further notice. Once service has been terminated, a service fee, established by resolution of the City Council and may be amended by the Council from time to time, will be collected before service is restored.

(1985 Code, ' 10.0119) (Ord. 130, passed 8-1-1987) Penalty, see ' 51.999

**' 51.033 BOILERS.**

(A) All house boilers shall be constructed with one or more air holes near the top of the inlet pipe and be sufficiently strong to bear the pressure of atmosphere under vacuum. The stop cock and other appurtenances must be sufficiently strong to bear the pressure and ram of the water in the mains.

(B) (1) All persons taking water shall keep their own service pipes, stock cocks, and apparatus in good repair, and protect from frost at their own risk and expense and shall prevent all unnecessary waste of water.

(2) It is expressly stipulated by said City Council that no claim shall be made against the city or its officers by reason of breaking of any service pipe or service-cock; or if from any cause the supply of water should fail; or from damage arising from shutting off water to repair mains, making extensions, or connections; or for any other purpose that may be deemed necessary.

(3) The right is hereby reserved to cut off the supply of water at any time, any permit granted or regulation to the contrary notwithstanding.

(1985 Code, ' 10.0120)

**' 51.034 LOCATION OF WATER BREAK.**

If the location of a water break cannot be ascertained by an authorized city employee as to whether the break is on private property or city property, the property owner shall be relieved of any liability to the city for work performed by it in attempting to locate the break on city property.  
(1985 Code, ' 10.0121)

**' 51.035 EXPENSE OF SERVICE LINES BEYOND CITY LIMITS.**

(A) All service line construction, repair, or replacement costs shall be the responsibility of the property owner or water user. These costs may be, but not limited to, labor, material, engineering fees, easements, highway boring, digging permits on public rights-of-way, meter pits, and tapping fees.

(B) Upon failure, neglect, or refusal of any owner or water user to properly maintain the service line or appurtenances, the city shall cause the service line to:

(1) Be disconnected from the distribution line; or

(2) Cause the repairs or replacement of said service line and appurtenances, the cost of which shall be applied to the water bill of the owner, agent, or occupant for said property pursuant to ' 51.025, or shall be recovered in a civil action against the owner or water user.  
(1985 Code, ' 10.0508) (Ord. 175, passed 12-13-1994; Ord. 333, passed 9-10-2013) Penalty, see ' 51.999

***SEWERS*****' 51.045 DEFINITIONS.**

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

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

***PH.*** The logarithm of the reciprocal of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

***PUBLIC SEWER/SEWERS.*** Sanitary sewer controlled by the city.

***SANITARY SEWER.*** A system designed solely to carry sewage and wastes from buildings and

structures. The term **SANITARY SEWER** shall exclude drainage from roofs, sidewalks, roadways, streets, alleys, or other surface drainage.

**SEWER.** Sanitary sewer.

**SHALL.** Is mandatory.

(1985 Code, ' 10.0218)

#### ' 51.046 CONNECTION.

(A) Except as hereinafter set forth, all residential and commercial buildings within the incorporated limits of the city shall be required to be connected to the city sewer system in accordance with the applicable governing regulations of this chapter as adopted by the City Council.

(B) It shall be unlawful to construct, plumb or hook up any cistern, privy, septic tank, cesspool, or other disposal facility in any residential or commercial building within the city limits after July 8, 2014, unless said services are deemed to be unavailable for the property. At such time as a city sewer line becomes available to the property, city service shall be connected and commenced within 30 days, and the use of any private sewage system shall cease.

(C) Any private cistern, sewer system, privy, septic tank or cesspool system constructed or maintained in violation of any provisions of this section are declared to be a public nuisance, and the city may abate same in any manner provided by law.

(D) All connections of private drains or sewers with public sewers of the city or the construction or modification of appurtenances to sewers or sewer connections shall be made in accordance with the rules and regulations approved by the City Council and embodied in this chapter, and such further rules as may be from time to time adopted.

(E) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the city or the State Department of Public Health.

(Ord. 337, passed 9-9-2014)

#### ' 51.047 SPECIAL PERMIT.

No excavation or trenches for sewer pipes or work in connection with such pipes, attachments, appurtenances, or modifications thereof shall be done by any person or corporation without a special permit. Said shall be issued by the City Sewer Committee. The application for said permit shall be made in writing on blanks furnished for that purpose by the city and shall show the location of the proposed connection and the appurtenances thereto.

(1985 Code, ' 10.0602) (Ord. 215, passed 10-19-1999)

**' 51.048 SUPERVISOR OF SEWER.**

All work shall be done under and in compliance with the direction of the Sewer Committee of the City Council, as herein specified and in strict conformity with the rules and regulations hereinafter contained; or such additional rules and modifications thereof as may be hereafter adopted by the Mayor and City Council and all connections with the public sewer system shall be made in the presence of the Sewer Committee or its duly-authorized assistant. Willful violation of the said rules or of the directions of the Sewer Committee or other officers assigned to the supervision of such work shall be cause or suspension of the license of the offender by the City Council in addition to any penalties that may be imposed under this subchapter. Any such suspension shall operate until restored by the City Council, nor shall any suspension give the offending party any right to the return of any monies.  
(1985 Code, ' 10.0603) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.049 PARTY MAKING CONNECTION HELD RESPONSIBLE.**

(A) The lot owner who connects with the public sewers shall be held responsible for any damage he or she may cause to the sewer or to the public streets.

(B) He or she shall restore the street to the satisfaction of the Street Commissioner and make good any settlement of the ground caused by the excavation made under and by virtue of any permit issued under the provisions of this subchapter.  
(1985 Code, ' 10.0604) (Ord. 215, passed 10-19-1999)

**' 51.050 DUTY OF SEWER COMMITTEE.**

The Sewer Committee shall have the power and it shall be its duty to supervise and enforce all of the provisions of this subchapter.  
(1985 Code, ' 10.0605) (Ord. 215, passed 10-19-1999)

**' 51.051 RULES AND REGULATIONS.**

The following rules and regulations are hereby adopted and approved, to-wit.

(A) Trenches in public streets or alleys shall be excavated as to impede public travel as little as possible. The crossing of gutters and all other ways shall be left in such shape as to admit of the ready escape of water during storms. Planks shall always be provided where sidewalks or crossings are open so as to facilitate easy crossings over trenches.

(B) Red lights shall be kept around all unfinished work at night and sufficient barricades against accidents shall be placed around excavations at all times.

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(C) Work in public streets must not be unnecessarily delayed, and when so directed by the Street Commissioner, the number of workers shall be increased to hasten the work to the extent the Street Commissioner may deem necessary for public interests.

(D) Trenches in depths of six feet or over, and in all made or otherwise treacherous soil, or near large brick buildings shall be properly braced and the party excavating shall be liable for all damages arising by reason of neglect in this respect.

(E) The refilling of all trenches in streets or alleys shall be well and thoroughly done in uniform layer of not exceeding nine inches and tamped with tamper of not less than 40 pounds in weight or with puddle earth as may be directed by the Sewer Committee or other such work so as to replace all excavated material and leave the surface in as good condition as found before the commencement of the work.

(F) No pipe shall be allowed to connect with public sewers that is not in compliance with the current Parkston Engineering Standards.

(G) Connections with the sewers must be of first-class quality of four-inch vitrified pipes, without reducers, laid to a uniform grade with gasket joints in cement, and in good workmanlike manner. Pipes laid from outside trap to inside of building shall be of good quality soil four inches in diameter. No traps shall be allowed throughout the entire line and the soil pipes shall be coated with an approved tar or an asphaltic preparation. No cellar drains shall be used in connection with the public sewer unless the same are properly trapped.

(H) No junction pipe shall be cut or taken up for connection without a special permit and then only in the presence of the Sewer Committee.

(I) Changes of direction of pipes must be made by properly curved pipe and not be edging or cutting. No storm water connections will be permitted in the system of sewers.

(J) Sewer pipe connections, both inside and outside of buildings, must be Ys and not Ts; clean out to be placed at each change of direction of solid pipes inside of buildings.

(K) Entrance into manholes or the opening of same except by the city employees or agents is strictly prohibited.

(L) Any defective or other work in connection with sewers or appurtenances disapproved by the Sewer Committee shall, upon written notice, be promptly remedied.

(M) The Sewer Committee shall have access at all times to any building connected with any sewer property to examine the same.

(N) No steam exhaust, blow off, drip pipe, refrigerator, waste pipe, or tank overflow shall connect with the sewer, soil, or waste pipe, but shall be conducted to a properly trapped water supplied sink or tray.

(1985 Code, ' 10.0606) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.052 FEES FOR PERMIT AND RENTAL.**

(A) Every property owner who shall desire to secure a permit for laying drain or sewer pipes, any excavation relating to making connections with the public sewer or plumbing connection with the appurtenances to sewer connections, or any change in connection with the appurtenances or pipes shall secure a permit of the same for the City Sewer Committee, for which he or she shall pay a fee established by resolution of the City Council and may be amended by the Council from time to time, such payment to be made prior to the issuance of any permit.

(B) The City Council shall also have authority to adopt a schedule of fees for use of the sewer.  
(1985 Code, ' 10.0607) (Ord. 215, passed 10-19-1999)

**' 51.053 CERTAIN CONNECTIONS PROHIBITED.**

No connection from any cesspool or privy vault shall be made with any sewer.  
(1985 Code, ' 10.0608) (Ord. 215, passed 10-19-1999)

**' 51.054 CERTAIN ACTS PROHIBITED.**

No butcher offal or garbage, dead animals, or obstruction of any kind whatsoever shall be thrown, placed, or deposited in any receiving basin or sewer in the city, except as is hereinbefore accepted. Any person, company, or corporation violating this provision shall be liable to a fine established by resolution of the City Council and may be amended by the Council from time to time.  
(1985 Code, ' 10.0609) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.055 CERTAIN CONNECTIONS MAY BE ORDERED.**

(A) Whenever in the discretion of the City Council or the City Board of Health the sanitary conditions require it, the owners of the property shall make private drain connections with any public sewer now constructed or which may hereafter be constructed. All creameries and cream stations shall make connections with the public sewer system. Said Council or Board of Health shall direct the City Finance Officer to give ten days= notice in writing to the owners of such property that such owners will be required to make such connections with such public sewers under the provision of this subchapter.

(B) All persons who fail to comply with the requirements of such notice within 20 days after said

notice is served upon them shall be subject to a penalty established by resolution of the City Council and may be amended by the Council from time to time, and to a like penalty for each and every day thereafter that they fail to comply with said notice.

(1985 Code, ' 10.0611) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.056 ALL SEWERS UNDER CONTROL OF THE CITY COUNCIL AND SEWER COMMITTEE.**

All sewers now or hereafter constructed shall be under the exclusive supervision and control of the City Council and the Sewer Committee. It shall be unlawful for any person to do anything in any manner affecting the said sewer or any part thereof, and no person shall use any device or appliance or appurtenances used or connected in any way with the said sewer without first obtaining the special permit hereinbefore provided for. Any person in violation of this section shall be punished by a fine set by resolution of the City Council and may be amended by the Council from time to time.

(1985 Code, ' 10.0612) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.057 USE OF CITY SEWER SYSTEM.**

(A) No person, corporation, or association shall be permitted to use the city sewer system unless all of the water consumed or used on the premises is metered to determine proper sewer charges. The meter shall be of the type and size specified by the City Sewer Committee and shall be furnished by the person, corporation, or association desiring to use the city sewer system.

(B) Anyone violating this subchapter shall be punished by a fine set by resolution of the City Council and may be amended by the Council from time to time. In addition thereto, the City Council shall order the offender to cease using the sewers and for failure to comply with such order, the offender may be punished with a fine set by resolution of the City Council and he or she may be amended by the Council from time to time, and the City Council shall order the sewer of the property on which the offense occurs to be disconnected and the cost of such disconnection assessed against the property on which the offense occurs.

(1985 Code, ' 10.0613) (Ord. 215, passed 10-19-1999)

**' 51.058 PROPERTY OWNER RESPONSIBILITIES.**

(A) It shall be the responsibility of the property owner to pay all expenses associated with said connection and in establishing a line to his or her property from an existing main. All of which shall, when completed and approved by the Sewer Committee of the City Council, be the property of the city.

(B) Any future repair and/or replacement of trunks and/or mains/submains shall become the responsibility of the city while repair and/or replacement of lateral lines between and main/submain and curb shall be the responsibility of the property owner.



(1985 Code, ' 10.0614) (Ord. 215, passed 10-19-1999)

**' 51.059 USE OF PUBLIC SEWERS.**

No person (s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

(1985 Code, ' 10.0615) (Ord. 215, passed 10-19-1999) Penalty, see ' 51.999

**' 51.060 SUBSTANCES PROHIBITED IN SEWERS.**

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

(1) Any liquid, solid, or gas which may create a fire or explosion hazard. Prohibited materials include, but are not limited to, fuel oils, gasoline, kerosene, naphtha, benzene, toluene, and any other substance which the city, the state, or EPA has identified as a fire or explosion hazard;

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes; to contaminate the sludge of any municipal system; to injure or interfere with any sewage treatment process; constitutes a hazard to humans or animals; creates a public nuisance or creates any hazard in, or has an adverse effect on, the water receiving any discharge from the treatment works; each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or sludge of the city treatment works shall pay for the increased costs;

(3) Any waters or wastes having a ph lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the waste waterworks; or

(4) 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, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, diapers, and the like, either whole or ground by garbage grinders.

(B) *Premises of user open to inspection.* Every person utilizing the services of the city public sewer system shall permit the Superintendent or any other person designated by the City Council at all times of the day between the hours of 7:00 a.m. and 6:00 p.m. to enter his or her premises or building to examine all sewer appurtenances for any violations pursuant to this subchapter. Any person refusing to comply with the provisions of this section shall be subject to immediate termination of water and sewer services without further notice. Once service has been terminated, a service fee, established by resolution of the City Council and may be amended by the Council from time to time, will be collected before service is restored.

(1985 Code, ' 10.0216) (Ord. 131, passed 8-11-1987) Penalty, see ' 51.999

***SEWER USE CHARGES*****' 51.075 PURPOSE.**

(A) The purpose of this subchapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance for the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user=s contribution to the total loading of the treatment works.

(B) Factors such as strength (BOD and SS), volume, and delivery flow rate characteristics shall be 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 user class).  
(1985 Code, ' 10.0401)

**' 51.076 DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE.**

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

(B) The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.  
(1985 Code, ' 10.0402)

**' 51.077 DETERMINING EACH USER=S WASTEWATER CONTRIBUTION PERCENTAGE.**

(A) The city or its Engineer shall determine each user=s average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine each user=s volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The city or its Engineer shall determine each user=s average daily poundage of five-day, 20°C biochemical oxygen demand (BOD) which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine each user=s BOD contribution percentage.

(B) The city or its Engineer shall determine each user=s average suspended solids (SS) poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system to determine the user=s suspended solids contribution percentage. Each user=s volume contribution percentage, BOD contribution percentage, and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow of the total five-day 20°C BOD and of the suspended solids, respectively.

(1985 Code, ' 10.0403)

**' 51.078 DETERMINING A SURCHARGE SYSTEM FOR USERS WITH EXCESS BOD AND SS.**

The city or its Engineer will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The city or its Engineer will assess a surcharge rate for all nonresidential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such user=s above-normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 250 ppm SS. The surcharge rate structure for such above-normal strength waste dischargers is attached (see ' 51.083).

(1985 Code, ' 10.0404)

**' 51.079 DETERMINING EACH USER=S WASTEWATER SERVICE CHARGE.**

(A) Each nonresidential user=s wastewater treatment cost contributions as determined in ' ' 51.077 and 51.078 shall be added together to determine such user=s annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user.

(B) The governing body may classify industrial, commercial, and other nonresidential establishments as a residential user; provided, that the waste from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids, and BOD. Each user=s wastewater treatment cost contribution will be assessed in accordance with the rate schedule attached to the ordinance codified herein.

(1985 Code, ' 10.0405)

**' 51.080 PAYMENT OF USER=S WASTEWATER SERVICE CHARGE.**

The city shall submit an annual statement to the user for the user=s annual wastewater charge or one-fourth of the user=s annual wastewater service charge may be included with the quarterly water and/or wastewater utility billing. The city shall add a penalty of 1% per month if the payment is not received by the city within 30 days. Should any user fail to pay the user wastewater service charge and penalty within three months of the due date, the city may stop the wastewater service to the property. (1985 Code, ' 10.0406)

**' 51.081 REVIEW OF EACH USER=S WASTEWATER SERVICE CHARGE.**

The city shall review the total annual cost of operation and maintenance as well as each user=s wastewater contribution percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user=s wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the city shall then determine if the user=s wastewater contribution percentage is to be changed. The city shall notify the user of its findings as soon as possible city. (1985 Code, ' 10.0407)

**' 51.082 NOTIFICATION.**

Each user will be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to service of the wastewater facilities. (1985 Code, ' 10.0408)

**' 51.083 SURCHARGE RATE STRUCTURE FOR ABOVE-NORMAL STRENGTH WASTES.**

The city or its Engineer will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loadings for the average residential user or in lieu of such a determination and will consider the average residential strength wastes to be 200 mg/l BOD and 250 mg/l SS. The city or its Engineer will assess a surcharge rate for all nonresidential user=s discharging wastes with BOD and SS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such user=s above-normal strength wastes. Such users will pay an additional service charge of \$0.06 per 100 cubic feet for each 25 mg/l over 200 mg/l of BOD and \$2.40 per 100 cubic feet for each 25 mg/l over 250 mg/l\* SS (\* mg/l = milligrams per liter = parts per million (ppm)). (1985 Code, ' 10.0409)

**' 51.084 SEWER RATES INSIDE AND OUTSIDE CITY LIMITS.**

(A) *Rates inside city limits.* Rates per month shall be based upon water usage as follows:

(1) Single occupancy residence:\$20 per month;

(2) Nonresidential users with water flows no greater than the average residential user=s flow of 700 cubic feet per month and with BOD and SS no greater than the average residential user=s strength of 200 mg/l BOD and 250 mg/l SS will pay the same charge of \$20 per month as the average residential sewer user;

(3) Nonresidential users with volumes greater than the average residential user will pay an additional charge of \$0.50 per 100 cubic feet of water per month for all flows greater than the average residential user=s flow of 700 cubic feet of water per month;

(4) Any nonresidential user with BOD and SS greater than the average residential user=s strength of 200 mg/l BOD and 250 mg/l SS will pay a surcharge in accordance with the rates shown in the surcharge rate structure;

(5) Multiple occupancy, nonresidential, or residence: \$20 per month for the first occupied unit or apartment and \$20 per month for each occupied additional unit or apartment. Occupancy to be verified per ' 51.085; and

(6) Trailer courts: \$20 per month for first occupied unit and \$20 per month for each additional occupied unit.  
(1985 Code, ' 10.0410)

(B) *Sewer rates outside of city limits.* Rate per month shall be based upon water usage as follows:

(1) Single-occupancy residence: \$40 per month;

(2) Nonresidential users with water flows no greater than the average residential user=s flow of 700 cubic feet per month and with BOD and SS no greater than the average residential user=s strength of 200 mg/l BOD and 250 mg/l SS will pay the same charge of \$40 per month as the average residential sewer user;

(3) Nonresidential user=s with volumes greater than the average residential user will pay an additional charge of \$0.50 per 100 cubic feet of water per month for all flows greater than the average residential user=s flow of 700 cubic feet of water per month;

(4) Any nonresidential user with BOD and SS greater than the average residential user=s strength of 200 mg/l BOD and 250 mg/l SS will pay a surcharge in accordance with the rates shown in the surcharge rate structure;

(5) Multiple occupancy, nonresidential or residence: \$40 per month for the first unit or apartment and \$40 per month for each additional unit or apartment; and

(6) Trailer courts: \$40 per month for the first unit and \$40 per month for each additional occupied unit.

(1985 Code, ' 10.0710)

(Ord. 137, passed 8-8-1989; Ord. 192, passed 3-11-1997; Ord. 193, passed 3-11-1997; Ord. 201, passed 4-21-1998; Ord. 202, passed 4-21-1998; Ord. 211, passed 6-8-1999; Ord. 212, passed 6-8-1999; Ord. 216, passed 10-19-1999; Ord. 251, passed 2-11-2003; Ord. 252, passed 2-11-2003; Ord. 284, passed 11-14-2006; Ord. 285, passed 11-14-2006; Ord. 298, passed 9-9-2008; Ord. 341, passed 1-13-2015; Ord. 344, passed 7-14-2015)

**' 51.085 CALCULATIONS OF UNOCCUPIED APARTMENTS/UNITS.**

(A) It shall be the duty of the person or party responsible for the payment of sewer charges to calculate the number of unoccupied apartments/units during the monthly billing period and multiply that number by \$20 and apply the result of the aforementioned calculation as a credit to their current statement. The calculation used to determine the unoccupied credit shall be shown on the reverse side of the remittance portion of the monthly statement and forwarded with payment to the city.

(B) A unit or apartment unoccupied the first one-half of the monthly billing period shall be considered unoccupied for the entire monthly billing period. A unit or apartment occupied longer than the first one-half of the monthly billing period shall be considered as occupied for the entire monthly billing period.

(1985 Code, ' 10.0411) (Ord. 298, passed 9-9-2008; Ord. 341, passed 1-13-2015)

**' 51.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Any person who shall turn on the supply of water to a service pipe from which the same has been turned off by the city on account of nonpayment of water rates, or for any other reason without having first obtained a permit to do so, or who shall have turned on such water without having first obtained a permit from the proper city officials as in ' ' 51.015 through 51.034 provided, or who shall violate this section hereof, shall be subject to a fine as set by resolution.

(1985 Code, ' 10.0110)

(C) (1) Unless otherwise stated, any person found in violation of the provisions of ' ' 51.045 through 51.060 shall be subject to a penalty, set by resolution of the City Council and may be amended by the Council from time to time, and to a like penalty for each and every day the violation exists.

Further more, the City Council or the Board of Health or its agents may cause any violation to be collected by whatever means it deems necessary and the city may recover the expense so incurred from the person committing the violation.

(1985 Code, ' 10.0217)

(2) Whoever willfully and unlawfully disturbs, digs up or injures any public drain, sewer, manhole or catch basin, or appurtenance pursuant to ' ' 51.045 through 51.060 shall be subject to a penalty set by resolution of the City Council and may be amended by the Council from time to time.

(1985 Code, ' 10.0610)

(Ord. 131, passed 8-11-1987; Ord. 175, passed 12-13-1994)