

ORDINANCES  
FOR  
DAKOTA DUNES  
COMMUNITY  
IMPROVEMENT  
DISTRICT

Updated 2023

**ORDINANCES OF THE DAKOTA DUNES COMMUNITY  
IMPROVEMENT DISTRICT**

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CHAPTER 1

**GENERAL PROVISIONS**

(Reserved for Future Use)

CHAPTER 2

**RESERVED**

(Reserved for Future Use)

CHAPTER 3

**BUILDING**

- Art. I. Reserved Code, '3-0 - 3-15
- Art. II. Building, 3-16 - 3-30
- Art. III. Mechanical Code, '3-31 - 3-50
- Art. IV. Electrical Code, '3-51 - 3-80
- Art. V. Plumbing Code, '3-81 - 3-122

**ARTICLE I. RESERVED**

**Sec. 3-0 - 3-15. Reserved.**

**ARTICLE II. BUILDING CODE**

**Sec. 3-16. Adopted.**

The 2012 Edition of the International Building Code, including Appendix C and Appendix I as published by the International Code Council Inc. and amendments and Additions thereto as provided in this chapter are hereby adopted as the Building Code by Dakota Dunes Community Improvement District for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all building and structures in the city (CID) providing for the issuance of permits and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum building standards in the 2012 edition of the International Building Code and amendments thereto shall be applied to any building permit issued after January 1, 2015.

(Amended by Ord. No. 2014-02, 11/17/2014)

**Sec. 3-17. Conflicts.**

In the event of any conflict between the provisions of the Code adopted by this Article, and applicable provisions of this Code of Ordinances, the Dakota Dunes Building Design Guidelines, state law or district ordinance, rule or regulation, the provisions of this Code of Ordinances, the Dakota Dunes Building Design Guidelines, state law or District

rule, regulation or ordinance shall prevail and be controlling.

(Amended by Ord. No. 2014-02, 11/17/2014)

**Sec. 3-18. Definitions.**

The following definitions shall apply in interpretation of this title and the Building Code:

(A) Building Official is defined as the District Manager or his/her designee of the improvement district.

(B) Board of Appeals is defined as the Board of Supervisors of the improvement district.

(Amended by Ord. No. 2014-2, 11/17/2014)

**Sec. 3-19. Amendments.**

The following amendments to the Building Code are hereby made and incorporated into such Building Code as filed:

(A) **Registered Professionals.** The official stamp of a South Dakota registered professional architect or engineer upon the required plans shall serve in lieu of a plan check of engineering factors by the Building Official.

(B) **Powers and Duties of Building Official**

**General** The Building Official is hereby authorized and directed to enforce all the provisions of this Code. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as he may deem necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

(C) **Board of Appeals** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of those persons who are members of the Dakota Dunes Improvement District Board of Supervisors. The Building Official shall be an ex-officio member of and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall have authority to

retain and rely on consultants having experience and training upon the matters of building construction in question. The Board shall adopt rules and procedures for conducting its business and shall render all decisions and findings in writing to the Appellant with a duplicate copy to the Building Official.

(D) **Building Permits** Issuance. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans shall have already been reviewed and approved by the Dakota Dunes Design Review Committee and received preliminary approval from Union County for compliance with zoning and flood-plain requirements. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all fees have been paid, he shall issue a conditional permit therefore to the applicant. The applicant shall then obtain a building permit from Union County, South Dakota.

When the Building Official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

(E) **Plan Review Fees** When a plan or other data is required to be submitted, a plan review fee may be paid at the time of submitting plans and specifications for review. Said plan review fee shall be set by the District Board of Supervisors by resolution. The plan review fees specified in this Subsection are separate fees from the permit fee and the building permit fee required by Union County, South Dakota. A

copy of the fee resolution shall be kept on file at the office of the District Manager.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee may be charged at the rate shown in TABLE No. 3-A.

(F) **Building Permit Fees** Table No. 3-A may be revised from time to time by resolution of The Dakota Dunes Community Improvement District Board of Supervisors. Said fees shall be published in accordance with SDCL 7-25A-36. A copy of the Building Permit Fee Schedule shall be kept on file with the District Manager at the office of the District.

All permits and permit fees provided for in the appendix to the Building Code are deleted. The issuance of the building permit shall satisfy the requirement for a permit under any appendix and no additional fee shall be charged beyond the Fee Schedule set forth in Table 3-A.

(G) **Building Permit Fee Delinquencies** The Building Official may refuse to perform a plan review or to issue permits or conduct inspections for any person whose account is delinquent.

(H) **Certificate of Occupancy** After the Building Official inspects the building and issues the Certificate of Occupancy, the applicant shall not occupy the building until a Certificate of Zoning Compliance is obtained from the planning and zoning officer of Union County, South Dakota.

(I) **General Construction Requirements**

Section R302.1 Exterior Walls - Exception 2 is amended to read: Detached garages accessory to a dwelling are not required to provide wall protection when the building area does not exceed 1000 square feet and the exterior wall is located not less than 3 feet from the property line. Roof eave projections shall extend not less than 12 inches to a property line.

Section R310.1 Emergency Escape and Rescue Required - is amended to by adding the following sentence to the section: In basements, the sill height of an emergency escape and rescue opening may be measured from an elevated landing, provided the landing is not less than 36 inches in width and not less than 20 inches out from the exterior

wall, and not more than 24 inches in height. The elevated landing and its supporting structure shall be permanently affixed to the wall and floor below the openable emergency escape and rescue window.

Section R404.1 Concrete and Masonry Foundation Walls - Paragraph 2 is amended to read: Floor joists and blocking shall be connected to the sill plate at the top of the wall with three 8d nails toe nailed to the sill or girder.

Paragraph 3 is amended to read: Sills plates shall be bolted to the foundation or foundation wall with not less than ½ inch nominal diameter steel bolts embedded at least 7 inches into the concrete or masonry and spaced not more than 4 feet apart. There shall be a minimum of two bolts per piece with one bolt located within 12 inches of each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate.

Paragraph 5 is deleted.

Section 903.4.2 Alarms - is amended to read: Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Approved audible visual alarms to alert the occupants of the building shall be installed throughout the building in accordance with NFPA 72 and as required by the authority having jurisdiction. Where a fire alarm system is installed, activation of the automatic sprinkler system shall activate the buildings fire alarm system.

Section R907.3 Re-covering Versus Replacement - Paragraph 4 is deleted.

Table R301.2 (1) Climatic And Geographic Design Criteria - is amended by inserting the following climate and geographical design criteria. The following Table shall be applicable to the General Design Requirements of the 2006 IRC and 2006 IBC.

Ground Snow	Wind Speed	Seismic Design	Weathering (concrete	Frost Line Depth	Termite Damage
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Load	(mph)	Category	masonry)		
35	90	A	Severe	42 inches	Slight
Decay Damage	Winter Design Temp	Ice Shield Required	Flood Hazard NFIP Adopted	Air Freezing Index	Mean Annual Temperature
Slight	- 7 F	Yes	1979	2000	48.3 F

Table R403.1 Minimum Width of Concrete or Masonry Footings - all tables shall be replaced with the following:

Spread Footings - Single Story Light Frame Construction Only			
Number of Floors Supported By Foundation	Width of Footings (inches)	Thickness of Footings (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)
1	16	8	42
2	16	8	42
3	20	12	42

- Notes:
- a) Foundations may support a roof in addition to the stipulated number of floors.
  - b) Foundations supporting only roofs shall be as required for supporting one floor.
  - c) The ground under the floor is permitted to be excavated to the footings top elevation.
  - d) All footings shall have at least two (2) #4 reinforcement bars parallel with footings.

Trench Footings - Single Story Light Frame Construction Only				
Number of Floors Supported By Foundation	Minimum Width of Footings (inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade	Minimum Vertical Reinforcement	Minimum Horizontal Reinforcement



		(inches)		
1	8	42	#4 at 48" o.c.	#4 top and bottom

Notes: a) Foundations may support a roof in addition to the stipulated number of floors.

b) Soil bearing pressure shall be a minimum of 2000 psi.

c) Structural spans shall not exceed 16 feet.

Table 1805.4.2 Floors supporting walls of Light Frame Construction - is amended by adding the following table.

Monolithic Slab Footings - Group U (Utility) Type Structures Only				
Maximum Building Area	Minimum Width of Footings (inches)	Minimum Depth of Footing (inches)	Minimum Horizontal Reinforcement	Minimum Floor Thickness (inches)
1000 Sq. Ft.	12	12	#4 top and bottom	3.5

Note: a) Footings or foundation shall extend a minimum 6 inches above the finished grade.

b) Footings shall support not more than 16 inches of masonry block or concrete.

c) Monolithic Slab Footings are not permitted when any portion of the footing is to be located less than six feet to a Group R - Residential Occupancy Use.

(Amended by Ord. No. 2014-02, 11/17/2014)

(J) **Appendix G**, Swimming Pools, Spas, and Hot Tubs shall be amended by adding the following to Section AG 105.2 of the 2012 International Residential Code:

11. In lieu of the barrier requirement provided for in subsections 1 through 10 above, a swimming pool may be protected and enclosed, when not under the

supervision of an adult who is at least 18 years of age by means of a power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for Swimming Pool Covers under the fixed designation standard F 1346 (ASTM F 1346).

12. In lieu of the barrier requirement provided for in subsections 1 through 8 above a hot tub or spa may be protected and enclosed, when not under the supervision of an adult who is at least 18 years of age, by means of a cover meeting the most recent specifications approved by the American Society for Testing and Materials for hot tub and spa covers under the fixed designation standard 1346 (ASTM).

(Amended by Ord. No. 2016-01, 04/18/2016)

### **Sec. 3-20. Enforcement**

(A) **Nuisance Abatement.** Any building erected, raised, converted or land or premises used in violation of any other provisions of this article or the requirements thereof is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under South Dakota law.

(B) **Permits and Certificates of Occupancy.** Permits or Certificates of Occupancy may be withheld by the Building Official for violation of any of the provisions of this article.

(C) **Utilities.** The Community Improvement District reserves the right to refuse to provide utilities under its jurisdiction to any building erected, raised, converted, or land or premises used in violation of any other provisions of this Chapter.

(D) **Other Remedies.** These enforcement powers shall not be exclusive so as to restrict the rights of the improvement district to take other actions authorized by law.

(E) **Building Contractors Bond.** All persons seeking a building permit for construction under this section shall first make and execute to the District a bond from sufficient sureties, approved by the District, which shall be in the sum

of Ten Thousand Dollars (\$10,000). Said bond shall be conditioned as follows: on faithful performance of all ordinances of the District; on the prompt payment to the district of all fees for permits and licenses that may become due and owing to the district; on faithful performance of all covenants, conditions and restrictions of record against the property, and on indemnifying the District, its officers, agents, and employees, keeping it harmless from any liability for damages arising from the contractor's negligence and/or unskillfulness in doing, protecting and completing his/her work. The bond shall be kept in full force and effect for the period of one (1) year after cancellation or completing of construction. This section shall not require a bond for a person performing work on a structure owned and occupied by such person as his/her primary place of residence providing cost of such work does not exceed Ten Thousand Dollars (\$10,000).

**Sec. 3-21. Procedure of Board of Appeals.**

(A) **Scope of Appeal.** In any appeal, the scope of review shall be limited to:

1. The interpretation of a particular ordinance or Code provision;
2. The factual circumstances of the particular case; and
3. The application of Code provisions to the facts of the particular case. The reasonableness of the exercise of any discretionary function, including the choice of a code enforcement remedy or a technique in a particular case, shall not be subject to review unless the Board of Appeals agrees to hear an appeal upon such grounds.

(B) Any person, firm or corporation having any ownership or equitable interest in a property or structure, who is affected by an interpretation, notice or order issued by the Building Official, may request to appeal such notice or order. A written appeal shall be filed with the secretary of the Board of Appeals requesting hearing and setting forth a statement of the grounds for appeal on or before the date upon which a notice or order issued by the Building Official is effective or is to be complied with or within ten (10) days after the day upon which such notice or order is received, whichever period

is less. Within ten (10) days of receipt of such petition, the secretary of the Board of Appeals shall set a time and place for hearing on said appeal and shall give the Petitioner, the Board of Appeals and all interested parties notice thereof. At such hearing, the Petitioner, Building Official, and other interested parties shall be given an opportunity to be heard and to show cause why such notice or order appealed from should be sustained, modified or withdrawn. The hearing shall commence no later than thirty (30) days after the date on which the Petition was filed. After such hearing, the Board shall sustain, modify or withdraw the notice depending on their findings. If the Board sustains or modifies a notice, it shall be deemed an order and the building in question shall be brought in compliance with the provisions of such order within a reasonable period of time as determined by the Board. After a hearing before the Board in the case of any notice suspending any permit required by this Chapter, when such notice has been sustained by the Board, the permit shall be deemed to have been revoked. The determination of the appeal made by the Board shall be reduced to writing and entered as a matter of public record in the office of the Building Official. The Secretary of the Board of Appeals shall notify all appealing parties of the Board's determination and disposition of the appeal by written notice sent by certified mail.

- (C) **Effective Appeal Upon Notice or Order.** No party filing an appeal with the Board of Appeals upon a notice or order shall be entitled to a stay of the effective date or date of required compliance as set forth in such notice or order unless the Building Official or Board of Appeals grants such a stay.

### **Sec. 3-22. Judicial Review - Exhaustion of Remedies.**

With regard to any appeal granted pursuant to this Chapter, the appealing party shall be deemed to have exhausted his administrative remedies under this Chapter only after having pursued his appeal through the Board of Appeals. Any appealing party who, having exhausted his administrative remedies pursuant to the foregoing, is aggrieved by the final determination and disposition of his appeal by the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State.

(Repealed by Ord. No. 91-5, 8/12/91)

**Sec. 3-23 - 3-30. Reserved.**

(Ord. No. 91-1, 7/16/91)

**ARTICLE III. MECHANICAL CODE**

**Sec. 3-31. Adopted.**

The International Mechanical Code, 2009 Edition, published by the International Conference of Building Officials, and amendments thereto as provided in this Article, is hereby adopted by the Dakota Dunes Community Improvement District. A printed copy of such Code and amendment thereto shall be filed with the District Manager at the office of the District as an original ordinance.

(Amended by Ord. No. 2014-02, 11/17/2014)

**Sec. 3-32. Amendments.**

The following amendments to the Uniform Mechanical Code are hereby made and incorporated into such Mechanical Code as filed:

A. TABLE 3-A Mechanical Permit Fees and other inspection and fees set forth in the Mechanical Code are deleted.

**Sec. 3-33 - 3-50. Reserved.**

(Ord. No. 91-2, 7-16-91)

**ARTICLE IV. ELECTRICAL CODE**

**Sec. 3-51. Adopted.**

The National Electrical Code, 2014 Edition, published by the National Fire Protection Association, is hereby adopted by the Dakota Dunes Community Improvement District. A printed copy of such Code and amendments thereto shall be filed with the District Manager at the office of the District as an original ordinance.

(Amended by Ord. No. 2014-02, 11/17/2014)

**Sec. 3-52. Reserved.**

**Sec. 3-53. Amendments.**

The following amendments to the National Electrical Code are hereby mad and incorporated into such Building Code as filed:

A. Fees. All references to permit fees and other inspection fees be deleted.

**Sec. 3-54 - 3-80. Reserved**

(Ord. No. 91-4, 7/16/91)

**ARTICLE V. PLUMBING CODE**

**Sec. 3-81. Adopted.**

The 2009 Edition of the Uniform Plumbing Code is hereby adopted by the Dakota Dunes Community Improvement District. A printed copy of such Code, and additions and amendments thereto, shall be filed with the District Manager at the office of the District as an original ordinance.

(Amended by Ord. No. 2014-02, 11/17/2014)

**ARTICLE VI. 2012 INTERNATIONAL RESIDENTIAL CODE**

**Sec. 3-82. Adoption of the 2012 International Residential Code.**

The International Residential Code, 2012 Edition-including Appendix E, Appendix G, and Appendix H-as published by the International Code Council Inc. as amended is hereby adopted as the residential building code by the city (CID) for regulating the design, construction, quality of materials, erection, installation, alteration, movement , repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures, and provides for the issuance of permits and collection of fees therefore. The whole thereof has been adopted except such portions as may be deleted, modified or

amended as hereinafter set out or later adopted. The Finance Officer shall keep and maintain a master copy of said code, including all future deletions, modifications and amendments which may be adopted. The minimum building standards in the 2012 edition of the International Residential Code and amendments thereto shall be applied to any building permit issued after January 1, 2015.

(Amended by Ord. No. 2014-03, 11/17/2014)

The Code shall be filed with the City Clerk (Finance Office).

**Sec. 3-83. Conflict.**

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinance, rule or regulation shall prevail and be controlling.

(Amended by Ord. No. 2014-03, 11/17/2014)

**Sec. 3-84. Building Official.**

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damages accruing to person or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties under the provisions of this code shall be afforded all the protection provided by any immunities and defenses provided by other applicable state and federal laws.

This code shall not be construed or relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the city (CID), its officers and employees be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

(Amended by Ord. No. 2014-03, 11/17/2014)

**Sec. 3-85. Amendments**

**Sec. 3-86**

The following sections of the "2012 International Residential Code" are not adopted by the District:

- R303.4 Mechanical Ventilation
- N1102.4.1.2 (R402.4.1.2) Testing
- R309.5 Fire Sprinklers
- R501.3 Fire Protection of Floors

**Sec. 3-87**

The following Sections of the "2012 International Residential Code" are hereby adopted by the District:

- R602.12 Simplified Wall Bracing
- R802.11.1 Uplift Resistance
- N1101.3 (R101.4.3) Additions, Alterations, Renovations and Repairs.
- Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements by Component

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mall Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawl Space Wall Value
6	.32	.55	NR	49	20 OR 13+5	15-19	30	10/13	10, 4FT	10-13

N1102.2.8 (R4102.2.8) Basement Walls (Ord. 2014-03, 2014)

**Sec. 3-88**

In the "2012 International Building Code," Section 3 of Sub-Section 1025 - Emergency Escape and Rescue be amended to read as follows:

1025.3 Maximum height from floor. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 48 inches (1220 mm) measured from the floor.

(Ord. No. 2014-03, 2014)

**Sec. 3-89**

In the "2012 International Building Code," Section 1.4 of Sub-Section 406 - Separation shall be read as follows:



406.1.4 Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum of 5/8 - inch (15.9 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 58 - inch Type X gypsum board of equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors, or solid or honeycomb core steel doors not less than 1 3/8 inches (35.9 mm) thick, or doors in compliance with Section 715.3.3. All doors must be self-closing. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum of 0.019 - inch (0.48mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and U carport provided the carport is entirely open on two or more sides and there are not enclosed areas above.

### **Sec. 3-90 Porches and Terraces in Front Yards.**

An open, unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet. Balconies and paved terraces may project into a required front yard for a distance not exceeding six (6) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet. (Amended 2008)

(Ord. No. 2014-03, 2014)

### **Sec. 3-91 General Construction Requirements.**

Section R302.1 Exterior Walls - Exception 2 is amended to read: Detached garages accessory to a dwelling are not required to provide wall protection when the building area does not exceed 1000 square feet and the exterior wall is located not less than three (3) feet from the property line. Roof eave projections shall extend not less than twelve (12) inches to a property line.

Section R310.1 Emergency Escape and Rescue Required - is amended to by adding the following sentence to the section: In

basements, the sill height of an emergency escape and rescue opening may be measured from an elevated landing, provided the landing is not less than 36 inches in width and not less than 20 inches out from the exterior wall, and not more than 24 inches in height. The elevated landing and its supporting structure shall be permanently affixed to the wall and floor below the openable emergency escape and rescue window.

Section R404.1 Concrete and Masonry Foundation Walls - Paragraph 2 is amended to read: Floor joists and blocking shall be connected to the sill plate at the top of the wall with three 8d nails toe nailed to the sill or girder.

Paragraph 3 is amended to read: Sill plates shall be bolted to the foundation or foundation wall not less than ½ inch nominal diameter steel bolts embedded at least 7 inches into the concrete or masonry and spaced not more than 4 feet apart. There shall be a minimum of two bolts per piece with one bolt located within 12 inches of each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate.

Paragraph 5 is deleted.

Section 903.4.2 Alarms - is amended to read: Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water flow alarm devices shall be active by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Approved audible visual alarms to alert the occupants of the building shall be installed throughout the building in accordance with NFPA 72 and as required by the authority having jurisdiction. Where a fire alarm system is installed, activation of the automatic sprinkler system shall activate the buildings fire alarm system.

Section R907.3 Re-covering Versus Replacement - Paragraph 4 is deleted.

Table R301.2 (1) Climate and Geographic Design Criteria - is amended by inserting the following climate and geographical design criteria. The follow Table shall be applicable to the General Design Requirements of the 2012 IRC and 2012 IBC.

Ground Snow Load	Wind Speed (mph)	Seismic Design	Weathering (concrete)	Frost Line Depth	Termite Damage
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		Category	masonry)		
35	90	A	Severe	42 inches	Slight
Decay Damage	Winter Design Temp	Ice Shield Required	Flood Hazard NFIP Adopted	Air Freezing Index	Mean Annual Temperature
Slight	-7 F	Yes	1979	2000	48.3 F

Table R403.1 Minimum Width of Concrete or Masonry Footings - all tables shall be replaced with the following:

Spread Footings - Single Story Light Frame Construction Only			
Number of Floors Supported by Foundation	Width of Footings (Inches)	Thickness of Footings (Inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (Inches)
1	16	8	42
2	16	8	42
3	20	12	42

- Notes:
- a) Foundations may support a roof in addition to a stipulated number of floors.
  - b) Foundations supporting only roofs shall be as required for supporting one floor.
  - c) The ground under the floor is permitted to be excavated to the footings top elevation.
  - d) All footings shall have at least two (2) #4 reinforcement bars parallel with footings.

Trench Footings - Single Story Light Frame Construction Only				
Number of Floors Support by Foundation	Minimum Width of Footings (Inches)	Minimum Depth of Foundation Below Natural Surface of Ground or Finish Grade (Inches)	Minimum Vertical Reinforcement	Minimum Horizontal Reinforcement
1	8	42	#4 at 48" o.c.	#4 top and bottom

- Notes:
- a) Foundations may support a roof in addition to the stipulated number of floors.
  - b) Soil bearing pressure shall be a minimum of 2000 psi.
  - c) Structural spans shall not exceed 16 feet.

Table 1805.4.2 Floors Supporting Walls of Light Frame Construction - is amended by adding the following table.

Monolithic Slab Footings - Group U ( Utility) Type Structures Only				
Maximum Building Area	Minimum Width of Footings (Inches)	Minimum Depth of Footings (Inches)	Minimum Horizontal Reinforcement	Minimum Floor Thickness (Inches)
1000 Sq. Ft.	12	12	#4 top and bottom	3.5

- Note:
- a) Footings or foundation shall extend a minimum 6 inches above the finish grade.
  - b) Footings shall support not more than 16 inches of masonry block or concrete.

c) Monolithic Slab Footings are not permitted when any portion of the footing is to be located less than six feet to a Group R-Residential Occupancy Use.

(Ord. No. 2014-03, 2014)

**Sec. 3-92 Constitutionality.**

If any section, provision or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any sections, provisions or part thereof not adjudged invalid or unconstitutional.

(Ord. No. 2014-03, 2014)

**Sec. 3-93 - 3-110. Reserved.**

**Sec. 3-111. Conflicts.**

In the event of any conflict between the provisions of the Code adopted by this Article and applicable provisions of this Code of Ordinances, the Dakota Dunes Building Design Guidelines, state law or district ordinance, rule or regulation, the provisions of this Code of Ordinances, the Dakota Dunes Building Design Guidelines, state law or district rule or regulation shall prevail and be controlling.

**Sec. 3-112. Definitions.**

The following definitions shall apply in Interpretation of this title and the Uniform Plumbing Code:

(A) Administrative Authority shall be the district manager of The Dakota Dunes Community Improvement District Board of Supervisors.

(B) Board of Appeals is defined as the Board of Supervisors of the improvement district.

**Sec. 3-113. Registration Required for Plumbing.**

No person shall engage in or do work as a plumbing contractor, plumber or plumber's apprentice unless registered to do so by the South Dakota State Plumbing Commission; provided that any person may do plumbing work which complies with the minimum standards prescribed by the Commission and

these Ordinances on property owned and occupied by him, or on premises where he may be employed in full time maintenance work.

**Sec. 3-114. Enforcement.**

(A) **Nuisance Abatement.** Any building erected, raised, converted, or land or premises used in violation of any other provisions of this article or the requirements thereof is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under the South Dakota law.

(B) **Permits and Certificates of Occupancy.** Permits or Certificates of Occupancy may be withheld by the District Manager for violation of any of the provisions of this article.

(C) **Utilities.** The Community Improvement District reserves the right to refuse to provide utilities under its jurisdiction to any building erected, raised, converted or land or premises used in violation of any other provisions of this Chapter.

(D) **Other Remedies.** These enforcement powers shall not be exclusive so as to restrict the rights of the District Manager to take other actions authorized by law.

**Sec 3-115. Judicial Review - Exhaustion of Remedies.**

With regard to any appeal granted pursuant to this Chapter, the appealing party shall be deemed to have exhausted his administrative remedies under this Chapter only after having pursued his appeal through the Board of Appeals. Any appealing party who, having exhausted his administrative remedies pursuant to the foregoing, is aggrieved by the final determination and disposition of his appeal by the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State.

**Sec. 3-116 - 3-121. Reserved.**

**Sec. 3-122. Amendments.**

The following amendments to the Uniform Plumbing Code are hereby made and incorporated into such Plumbing Code as filed:

(A) **Cost of Permit.** Section 20.7 regarding permit fees

may be revised from time to time by resolution of The Dakota Dunes Community Improvement District Board of Supervisors. Said fee shall be published in accordance with SDCL 7-25A-36. A copy of said Fee Schedule shall be kept on file with the District Manager at the office of the District.

(B) **Board of Appeals** (formerly Section 20.14, Uniform Plumbing Code). In order to hear and decide appeals of orders, decisions and determinations made by the Administrative Authority relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of those persons who are members of The Dakota Dunes Improvement District Board of Supervisors. The Administrative Authority shall be an ex-officio member of and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall have authority to retain and rely on consultants having experience in training upon the matters in question. The Board shall adopt rules and procedures for conducting its business and shall render all decisions and findings in writing to the applicant with a duplicate copy to the Administrative Authority.

(C) **Use of Copper Tubing** (Section 203d Uniform Plumbing Code Modified).

(a) Copper tube for water piping shall have a weight of not less than that of copper tube Type K for water piping underground and under a building and Type M for above ground in a building.

(D) **Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level** (Section 409(a) Uniform Plumbing Code - Modified).

(a) All drainage pipe serving fixtures, shall be protected from backflow of sewage by installing an approved type backwater valve, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line.

(E) **Table 4-3 of the Uniform Plumbing Code - Modified**

The minimum building sewer and building drain shall be four inches in diameter.

(Amended by Ord. No. 94-1, 04/11/94)

**(F) Water Pressure, Pressure Regulators, and Pressure Relief Valves** (Section 1007 Uniform Plumbing Code - Modified).

(b) Excessive Water Pressure. Where local water pressure is in excess of one hundred (100) pounds per square inch, an approved type pressure regulator preceded by an adequate strainer shall be installed and the pressure reduced to one hundred (100) pounds per square inch or less. For potable water services up to an including 1-1/2" regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral bypasses are acceptable. Each such regulator and strainer shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80) percent of the reduced pressure.

(G) **Water Heater Permits.** Section 1303 of the Uniform Plumbing Code pertaining to permits for work done on water heaters shall be omitted.

**(H) Material Requirements.**

(a) Pipe shall be manufactured from virgin materials qualified by the National Sanitation Foundation (NSF) testing laboratory or other similar accredited testing agencies as meeting the requirements of NSF Standard No. 14, relating to thermoplastic materials, pipes, fittings, valves, traps and joining materials. All pipe shall be manufactured from the base material Polyethylene (PE) 3406 or Polyvinyl Chloride (PVC) Schedule 80 pipe and fittings.

(b) For any particular kind and size of pipe, the pressure rating for water at seventy-three degrees Fahrenheit shall not be less than one hundred sixty psi. Polyethylene 2306 one inch minimum tube size 160 psi working pressure or more. Polybutylene ASTIM D2666 one inch minimum tube size 160 psi or more working pressure. For installation of two and a half inch and larger P.V.C. schedule 40 or 80 is to be Bell type joint with slip joint gasket having a rated working pressure of 220 pound psi or more at 73 degrees Fahrenheit. P.V.C. smaller than two and a half inch and solvent weld joints not approved below ground.

(I) **Joints and Connections.** All PE connections shall be made with mechanical compression fittings equipped with elastomeric gaskets to provide the pressure seal and with suitable insert for internal support. Heat fusion, flared and insert-clamp joints will not be acceptable. Curb stops shall be low turning torque type, full open valves as approved by the utilities department.

All PVC fittings and connections shall comply with IAPMO Standards.

(J) **Installation Requirements.**

(a) Pipe and fittings shall be positioned so that identifying markings are readily visible for inspection.

(b) Pipe shall not be installed in any chase or tunnel that is heated, contains hot water, hot air or steam piping.

(c) Sleeves, two pipe diameters larger in size, shall be installed to protect the piping when passing through or under a foundation, wall, footing or a floor. The space between the pipe and sleeve shall be filled with approved sealants as recommended by the pipe manufacturer to assure their compatibility with the plastic pipe.

(d) The pipe shall be buried a minimum of five and one-half feet below the ground line at all points.

(K) **Installation.** Installations shall be made in accordance with the following specific requirements; and to the extent applicable, in accordance with the recommendations included in the appendixes of ASTM D2661 and D2665:

(1) A minimum of one-eighth inch clearance shall be provided when a pipe passes through a wall or floor. Where required to be sealed by other codes and ordinances, the material used shall conform with the recommendations or the pipe manufacturer to assure their compatibility with the plastic pipe.

(2) When buried, sewer pipe shall be a minimum of four feet below the outside ground line at all points.

(3) Piping shall be separated from any portion of a private water system by a horizontal distance of at least ten



feet or greater as may be specified by the plumbing inspector.

(L) **Uniform Plumbing Code - Deleted.** (Chapter 12 of the Uniform Plumbing Code is deleted and Sections (1) through (17), inclusive, are enacted in lieu thereof.)

(1) **Fuel Gas Piping.** Sections (1) through (17), inclusive, shall govern the installation of all fuel gas piping in or in connection with any building or structure or within the property lines of any premises.

(2) **Definitions.** For the purpose of this Code, certain terms, phrases, words and their derivatives shall be interpreted as set forth in this Section; provided, however, that whenever the words "gas meters" appear, they shall be construed to also mean valves and those devices required for the regulation of pressure and the measurement of natural gas being dispensed for any building, structure or premises.

Whenever the words "P.P.G. Facilities" appear, they shall be construed to mean tanks, containers, container valves, regulating equipment, meters, and/or appurtenances for the storage and supply of liquefied petroleum gas for any building, structure or premises.

(a) "Appliance fuel connector" means an assembly of listed semi-rigid or flexible tubing and fittings to carry fuel between a fuel piping outlet and a fuel burning appliance.

(b) "Approved," as to materials, workmanship and types of construction, means approval by the administrative authority as the result of investigation, inspection or test conducted by them or by reason of accepted principles or tests by other recognized testing agency or authority.

(c) "Fuel gas" means natural, manufactured, liquefied petroleum or a mixture of these.

(d) "Gas piping" means any installation of pipe, valves or fittings that is used to convey fuel gas, installed on any premises or in any building, but shall not include:

- (1) Any portion of the service piping;
- (2) Any approved piping connection six

feet or less in length between an existing gas outlet and a gas appliance in the same room with the outlet.

(e) "Gas piping system" means any arrangement of gas piping supplied by one meter and each arrangement of gas piping serving a building, structure, or premises, whether individually metered or not.

(f) "Gas utility" means the duly enfranchised public utility supplying the gas from its street mains.

(g) "Service piping" means the piping and equipment between the street gas main and the gas piping system inlet, which is installed by and is under the control and maintenance of the serving gas supplier.

(3) **Permit.**

(a) It is unlawful for any person to install or alter or cause to be installed or altered any gas piping without first obtaining a permit from the administrative authority except as exempted by the Uniform Plumbing Code or by district ordinance; provided, however, no permit shall be required for a public utility to disconnect defective gas piping or equipment when authorized by Section (8) below.

(b) Permits for gas piping shall show the total number of gas outlets to be provided for on each system and such other information as may be required by the administrative authority.

(c) Fees shall be set by resolution of the District Board of Supervisors.

(4) **Plans Required.** The administrative authority may require the submission of plans, specifications, drawings and such other information as he may deem necessary prior to the commencement of, and at any time during the progress of, any work regulated by this Chapter.

(5) **Workmanship.** No gas piping shall be strained or bent and no appliance shall be supported by or develop any strain or stress on its supply piping. Gas piping supplying appliances designed to be supported by the piping may be used to support such appliances when first approved by the

administrative authority.

(6) **Inspections.**

(a) Upon completion of the installation, alteration or repair of any gas piping for which a permit is required, and prior to the use thereof, the contractor shall, before calling administrative authority for an inspection, test the system in such a manner as to satisfy himself the system is free from leaks. One of the following requirements must be met before the gas line is approved for service:

(1) The installing contractor furnish the inspection services division with his written statement (on a form provided by the administrative authority) that the said contractor has tested the gas line in accordance with the testing procedures provided in this Section and found that no leaks exist; or

(2) The inspector witnesses an air test of the system and finds that no leaks exist.

(b) The testing procedures shall include an air pressure test, at which time the gas piping shall stand a pressure of not less than ten pounds per square inch (68.9kPa) gauge pressure, or at the discretion of the administrative authority, the piping and valves may be tested at a pressure of at least six inches (152.4mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for length of time satisfactory to the administrative authority, but in no case for less than fifteen minutes, with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen inches (.4m) water column pressure, the test pressure shall not be less than sixty pounds per square inch (413.4kPa) and shall be continued for a length of time satisfactory to the administrative authority, but in no case for less than thirty minutes. These tests shall be made using air pressure only. All necessary apparatus for conducting tests shall be furnished by the permit holder. A soap test for low pressure piping will be acceptable.

(c) All excavations required for the installation of underground piping, except that portion owned and operated by the gas utility company, shall be kept open until such time as the pipe has been inspected and approved. Any such piping covered or concealed before such approval shall

be exposed for inspection at the direction of the administrative authority.

(d) If, upon final piping inspection, the installation is found to comply with the provisions of this Code, a certificate of inspection may be issued by the administrative authority in such form as the administrative authority shall determine. A copy of such certificate shall be issued to the gas utility company providing service to the premises. It is unlawful for any person to turn on, or cause to be turned on, any fuel gas or any gas meter or meters, until such certificate of final inspection, as provided in this Section, have been issued.

(e) The failure of any person required by this Code to obtain a permit shall absolve the administrative authority from any duty, obligation, or responsibility to inspect the installation, alteration or repair of any gas piping.

(7) **Authority to Render Gas Service.** It is unlawful for any person, firm or corporation, excepting an authorized agent or employee of a person, firm or corporation engaged in the business of furnishing or supplying gas and whose service pipes supply or connect with the particular premises, to turn on or reconnect gas service in or on any premises where and when gas service is at the time not being rendered.

(8) **Authority to Disconnect.**

(a) The administrative authority or the gas utility is authorized to disconnect any gas piping or appliance or both which is found not to conform to the requirements of this Code or which may be found defective and in such condition as to endanger life or property.

(b) Where such disconnection has been made, a notice shall be attached to such gas piping or appliance or both, which shall state the same has been disconnected together with the reasons therefor.

(c) Such attached notice shall not be removed or shall either gas piping or appliances be reconnected until authorized by the administrative authority or gas utility to do so.

(d) It is unlawful to remove or disconnect any

gas piping or gas appliance without capping or plugging with a screw-joint fitting the outlet from which the pipe or appliance was removed. All outlets to which gas appliances are not connected shall be left capped gas tight on any piping system which has been installed, altered or repaired.

(9) **Gas Meter Locations.**

(a) All meters shall be installed out-of-doors at a point agreeable to the property owner or the building contractor and the gas utility company. Where it is not possible to meet the outdoor requirements, the owner or contractor shall contact the gas utility for their approval on an alternate location.

(b) In a building using both gas and electrical service, the meters associated with these services will be grouped to facilitate testing and reading. The location is to be agreeable to the property owner or building contractor and the utility company.

(c) Meters will not be located in an inaccessible area or those subject to damage.

(d) One metering installation will be allowed for each building using gas. More than one meter per building will be allowed only when there is more than one customer or more than one class of service.

(e) The utility company will make the connection to the customer's piping, when already installed, to a readily accessible point located within two feet of the company's previously agreed upon point for delivery. The customer will make the connection to the utility's piping when the metering installation has been installed to the previously agreed upon point of delivery.

(10) **Material for Gas Piping.**

(a) Gas piping shall be so constructed and installed as to be durable, substantial and gas tight. All steel pipe concealed and over two inches, and all pipe, regardless of size, carrying one psi or more shall have welded joints and fittings between the customer's connection at the meter installation and the appliance shut-off valve.

(b) All pipe and fittings shall be either new,

or shall previously have been used for no other purpose than conveying gas; it shall be in good condition and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe. Cast iron pipe or fittings and galvanized pipe or fittings, street ells, street tees and bushings shall not be used.

(c) Not less than standard weight wrought iron or steel pipe shall be used when threaded and it shall comply with the "American Standard for Pipe Threads," ASA B36.10 (latest issue).

(d) Pipe and fitting thread shall comply with the "American Standard for Pipe Threads," ASA B2.1 (latest issue).

(e) Shut-off valves shall be of the iron-body, plug-type, or brass A.G.A. approved. Shut-off valves shall comply with the American Standard requirements for "Manually Operated Gas Valves" Z21.15 (latest issue).

(f) Pipe joints may be screwed flanged, welded or compression type.

(g) Singlewall, stainless steel flexible connectors and AGA listed double wall, brass flexible connectors are acceptable. (See Section (12) below)

(h) Plastic pipe or tubing of the following types is approved for outdoor underground fuel lines and is limited to sixty psi maximum pressure.

(i) Thermoplastic.

(A) PVC-Type 1, Grades 1 and 2 (PVC-1120 and PVC-1220), manufactured as per ASTM D-2513.

(B) Polyethylene Type III, Grade 3 (PE 3306), manufactured as per ASTM D-2513.

(j) Thermosetting.

(A) Polyethylene Type III, Grade 3 (PE 3306) manufactured as per ASTM D-2517 and Type II, Grade 3 (PE 2306) Manufactured as per ASTM D-1248.

**(11) Installation of Gas Piping.**

(a) Service piping shall be installed only by a plumbing, dusted air heating/cooling, or hydronic heating/cool contractor. Service piping to the customer shall be routed so as to be accessible for future maintenance. Its location shall be agreed upon with the property owner or the building contractor.

(b) Black Wrought Iron or Steel.

(1) The building structure shall not be weakened by installation of the piping.

(2) Underground gas piping, when installed below grade through the outer foundation or basement wall of a building, shall be encased in a sleeve or otherwise protected against corrosion. The piping or sleeve shall be sealed at the foundation or basement wall to prevent entry of gas or water.

(3) When the installation of gas piping underground beneath buildings is unavoidable, the piping shall be encased in a conduit. The conduit shall extend into a normally usable and accessible portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent possible entrance of any gas leakage. The conduit shall extend at least four inches outside the building, be vented above grade to the outside, and be installed in a way as to prevent the entrance of water.

(4) Ferrous gas piping installed underground in exterior locations shall be welded and protected from corrosion by approved coatings or wrapping materials and all such horizontal piping shall have at least twelve inches of earth cover or other equivalent protection. Risers shall be wrapped to a point at least six inches above grade. It shall be insulated away from all other piping and shall be cathodically protected.

(5) All gas pipe protective coatings shall be approved types, machine applied and conform to recognized standards. Field wrapping shall provide equivalent protection

and is restricted to those short sections and fittings necessarily stripped for welding.

(6) Pipe shall not be run in inaccessible or concealed space in buildings where its condition cannot be inspected and where undetected leakage might cause dangerous accumulations of gas. Where such conditions cannot be met, welded steel pipe shall be used.

(A) Residences where the finishing includes the concealment of gas piping shall meet the following requirements:

(i) Unions, tube fittings, running threads, right and left couplings, bushings and swing joints made by combinations of fittings shall not be used.

(ii) If a covering is installed that will conceal existing gas piping, it shall be of a removable type.

(iii) If (i) and (ii) cannot be met, concealed piping shall be welded.

(7) Pipe passing through foundation or masonry walls or otherwise exposed to moisture or corrosive conditions shall be protected from corrosion in a manner approved by the gas utility.

(8) Gas pipe in buildings shall be supported with pipe hooks, metal pipe straps, bands or hangers suitable for the size of pipe and of adequate strength and quality and located at proper intervals so that the piping cannot be moved accidentally from the installed position. Gas piping shall not be supported by other piping.

(9) Pipe joint compounds approved for use with natural and liquefied petroleum gases shall be used sparingly and applied to male threads only.

(c) Plastic Pipe.

(1) Each buried pipe must have a minimum of twelve inches cover. Consideration should be given to protecting the piping from physical damage when it passes through flower beds, shrub beds and other such cultivated areas.



(2) Plastic pipe cannot terminate above ground where it can be exposed to sunlight or physical damage unless protected with a shield and connector approved by the gas supplier.

(d) Acceptable Piping Methods.

(1) All gas piping is to be black steel pipe.

(2) An accessible shut-off valve shall be installed in the fuel supplying piping outside of each appliance and ahead of the union connection thereto, and in addition to any valve on the appliance. Shut-off valves shall be within three feet of the appliance. Shut-off valves may be accessibly located immediately adjacent to and inside or under an appliance when placed in an accessible and protected location and when such appliance may be removed without removal of the valve.

(12) **Appliance Connectors.**

(a) Appliance connections shall at no time have a diameter less than that of the inlet connection to the appliance as provided by the manufacturer and each appliance shall be rigidly connected to the gas piping with materials as provided in Section (10)(g).

EXCEPTION:

A gas appliance may be connected with an approved Double Wall A.G.A. or single wall stainless steel listed metal appliance connector under the following conditions:

(1) All readily movable gas appliances shall be connected with approved, listed flexible-type connectors that are in the same room as the appliance.

(2) Listed metal appliance connectors shall have an overall length of not to exceed three feet except a range connector, which may not exceed six feet.

(3) No part of such connector shall be concealed within or extended through any wall, floor or partition.

(4) A listed accessible appliance connector valve not less than the nominal size of the connector shall be provided at the gas piping outlet immediately ahead of the connector.

(5) All connectors shall be of such size as to provide the total demand of the connected appliance.

(6) The connection of an indoor appliance with any type of gas hose is prohibited except when used with laboratory or shop equipment or equipment that requires mobility during operation. Such connections shall have the shut-off or stopcock installed at the connection to the building piping. When gas hose is used, it shall be of the minimum practical length, but not to exceed six feet, except for hand torches and special mobile equipment, and shall not extend from one room to another nor pass through any walls, partitions, ceilings or floors. Under no circumstances shall gas hose be concealed from view or used in a concealed location. Only listed gas hose shall be used and only in accordance with its listing. Gas hose shall not be used where it is likely to be subject to excessive temperatures (above one hundred twenty-five degrees Fahrenheit), nor shall it be used as a substitute for a standard appliance connector.

(7) Outdoor portable appliances may be connected with an approved outdoor hose connector not to exceed fifteen feet in length, provided it connects outdoors to approved gas piping including an approved valve at the inlet of the hose connector.

(8) Suspended unit heater may also be connected with an approved appliance connector.

(13) **Liquefied Petroleum Gas Facilities and Piping.** In addition to the requirements of this Code for gas piping, the facilities and piping for use with liquefied petroleum gas shall meet the following requirements:

(a) All liquefied petroleum gas facilities shall conform to approved standards. All such facilities and their locations shall be acceptable to the administrative authority and shall conform to state and local fire prevention regulations.

(b) Where liquefied petroleum gas facilities serve more than one customer through separate piping systems,

each system shall be identified in a manner satisfactory to the administrative authority and the gas supplier.

(c) All liquefied petroleum gas facilities shall be so placed as to be at all times readily accessible for inspection, reading, testing and shutting off the gas supply. All service piping and main supply shut-off valves shall be outside of the building. All main supply valves shall be of approved type and readily accessible.

(d) In order that gas may be supplied, the gas piping inlet shall be located with respect to the proposed liquefied petroleum gas facility location in accordance with the requirements of this Section and the supplier's instructions.

(e) Liquefied petroleum gas facilities shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater or electric meter rooms. When not prohibited by another regulation, approved liquefied petroleum gas metering devices may be located in the open under exterior stairways.

(f) Liquefied petroleum gas piping shall not serve any gas water heater located in a pit where heavier-than-air gas might collect to form a flammable mixture.

(g) Pipe joint compounds used on thread connections shall be insoluble in liquefied petroleum gas.

(h) Every valve and appurtenance used on such piping shall be designed and approved for use with liquefied petroleum gas.

(i) Discharge from relief valves shall be into the open air and shall be at least five feet away from any opening into a building.

(14) **Leaks .**

(a) Matches, candles, and other open flames shall not be used to check for gas leakage. Checks for leaks shall be made with approved gas leak detectors or by brushing a soap and water solution or its equivalent on fittings and other suspected locations.

(b) Fire or acid shall not be used to locate or

repair leaks, nor shall any substance other than air be introduced into the gas piping.

(c) It shall not be permissible to repair defects in gas piping or fittings, but upon having been located, the defective pipe or fitting shall be removed and replaced with sound material.

**(15) Interconnections of Gas Piping Systems.**

(a) It is unlawful to connect any gas appliance in such a manner that such appliance may receive gas from more than one system of gas piping.

(b) When liquefied petroleum or other stand-by gas is interconnected with the regular piping system, an approved three-way two-port valve or other adequate safeguard acceptable to administrative authority and the serving gas supplier shall be installed to prevent backflow into either piping system.

(c) When air, oxygen or other special supplementary gas under pressure is introduced with the regularly supplied gas either directly into the gas piping system or at burners, a device approved by the administrative authority and the serving gas supplier shall be installed to prevent backflow of such special gas into the gas piping system or serving gas supplier's meter. This device shall be located between the source of the special gas and the serving gas supplier's meter and shall be on the gas line leading to the appliance using the special gas. This device may be either a spring-loaded or diaphragm-type check valve and shall be capable of withstanding any pressures which may be imposed on it.

(d) The installation, use or maintenance of a gas valve which makes it possible to turn on, control or otherwise direct the flow of gas from one system of gas piping to another, where such systems are supplied with gas from separate meters, is prohibited, and any such valves or interconnection between separate systems of gas piping shall be removed upon order of this administrative authority.

**(16) Required Gas Supply.**

(a) The following regulations as set forth in this Section and in Section (17), Required Gas Piping Size,

shall be the standard for the installation of gas piping. All natural gas regulations and tables are based on the use of gas having a specific gravity of sixty-five hundredths supplied at six to eight inches water-column pressure at the outlet of the meter.

(b) The hourly volume of gas required at each piping outlet shall be taken as not less than the maximum hourly rating, as specified by the manufacturer of the appliance or appliances to be connected to each such outlet.

(c) Where the gas appliances to be installed have not been definitely specified, Table 12-1 below may be used as a reference to estimate requirements of typical appliances.

TABLE 12-1

Minimum Demand of Typical Gas Appliances in BTU Per Hour

Appliances	Demand in
BTU	
Domestic gas range. . . . .	.65,000
Domestic recessed top burner section. . . . .	.40,000
Domestic recessed oven section. . . . .	.25,000
Storage water heater-up to 30 gallon tank. . . . .	30,000
Storage water heater-40 to 50 gallon tank. . . . .	50,000
Domestic clothes dryer. . . . .	.35,000
Fireplace log lighter (residential). . . . .	25,000
Fireplace log lighter (commercial). . . . .	.50,000
Barbecue (residential). . . . .	.50,000
Gas Refrigerator. . . . .	3,000
Bunsen burner. . . . .	3,000
Gas engines (per horsepower). . . . .	.10,000
Steam boilers (per horsepower). . . . .	.50,000

To obtain the cubic-feet-per-hour of gas required, divide the BTU input of appliances by 1,000. (The BTU heating value per cubic foot of gas).

(d) The size of the supply piping outlet for any gas appliance shall be not less than one-half inch.

The minimum size of any piping outlet for a freestanding gas range or a mobile home shall be three-quarter inch.

(17) **Required Gas Piping Size.**

(a) Where the maximum demand does not exceed two hundred fifty cubic feet per hour and the maximum length of piping between the meter and the most distant outlet is not over two hundred fifty feet, the size of each section and each outlet of any system of gas piping shall be determined by means of Table 12-2 below. Other systems within the range of Table 12-2 may be sized from that table or by means of the methods set forth in subsection (c) of this Section.

(b) To determine the size of each section of pipe in any system within the range of Table 12-2, proceed as follows:

(1) Measure the length of the pipe from the gas meter location to the most remote outlet on the system.

(2) In Table 12-2, select the column showing that distance, or the next longer distance, if the table does not give the exact length.

(3) Starting at the most remote outlet, find the vertical column just selected and the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure below in the column.

Table 12-2  
Size of Gas Piping

Maximum delivery capacity in cubic feet of gas per hour (CFH) of I.P.S. pipe carrying natural gas of 0.65 specific gravity based on pressure drop 0.5 for water column.

Pipe Size (in inches)	Length in Feet							
	10'	20'	30'	40'	50'	60'	70'	
1/2	170	118	95	80	71	64	60	
3/4	360	245	198	169	150	135	123	
1	670	430	370	318	282	255	235	
1 1/4	1,320	930	740	640	565	510	470	
1 1/2	1,990	1,370	1,100	950	830	760	700	
2	3,880	2,680	2,150	1,840	1,610	1,480	1,350	
2 1/2	6,200	4,120	3,420	2,950	2,600	2,360	2,180	
3	10,900	7,500	6,000	5,150	4,600	4,150	3,820	
3 1/2	16,000	11,000	8,900	7,600	6,750	6,200	5,650	
4	22,500	15,500	12,400	10,600	9,300	8,500	7,900	

  

Pipe Size	80'	90'	100'	125'	150'	200'	250'
1/2	55	52	49	44	40	34	30
3/4	115	108	102	92	83	71	63
1	220	205	192	172	158	132	118
1 1/4	440	410	390	345	315	270	238
1 1/2	650	610	570	510	460	400	350
2	1,250	1,180	1,100	1,000	910	780	690
2 1/2	2,000	1,900	1,800	1,600	1,450	1,230	1,100
3	3,550	3,300	3,120	2,810	2,550	2,180	1,193
3 1/2	5,250	4,950	4,650	4,150	3,800	3,200	2,860
4	7,300	6,800	6,400	5,700	5,200	4,400	3,950

  

Pipe Size	300'	350'	400'	450'	500'	550'	600'
1/2	27	25	23	22	21	20	19
3/4	57	52	48	45	43	41	39
1	108	100	92	86	81	77	74
1 1/4	215	200	185	172	162	155	150
1 1/2	320	295	275	255	240	230	220
2	625	570	535	500	470	450	430
2 1/2	1,000	920	850	800	760	720	690
3	1,750	1,600	1,500	1,400	1,320	1,250	1,200
3 1/2	2,600	2,400	2,200	2,100	2,000	1,900	1,800
4	3,600	3,250	3,050	2,850	2,700	2,570	2,450

(4) Opposite this demand figure, in the first column at the left in Table 12-2, will be found the correct size of the pipe.

(5) Using this same vertical column, proceed in a similar manner for each section of pipe serving this outlet. For each section of pipe, determine the total gas demand supplied by that section. Where gas piping sections serve both heating and cooling equipment and the installation prevents both units from operating simultaneously, only the

larger of the two demand loads need be used in sizing these sections.

(6) Size each section of branch piping not previously sized by measuring the distance from the gas meter location to the most removed outlet in that branch and follow the procedures of Steps (2), (3), (4) and (5) above. NOTE: Size branch piping in the order of their distance from the meter location beginning with the most distant outlet not previously sized.

(c) For conditions other than those covered by subsection (a) of this Section, such as longer runs or greater gas demands, the size of each gas piping system shall be determined by standard engineering methods acceptable to the administrative authority and each such system shall be so designed that the total pressure drop between the meter or other point of supply and any outlet when full demand is being supplied to all outlets, will at not time exceed five-tenths inches water column pressure.

(d) Where the gas pressure may be higher than fourteen inches or lower than six inches of water column, or when diversity demand factors are used, the design, pipe, sizing, materials, location and use of such systems first shall be approved by the administrative authority and the serving gas supplier supplying the gas.

(Repealed by Ord. No. 91-6, 09/19/91)

## **ARTICLE VI. ABATEMENT OF DANGEROUS BUILDINGS**

### **Sec. 3-123. Adoption of the 2012 International Property Maintenance Code.**

The 2012 edition of the International Property Management Code is hereby adopted in its entirety by reference in this chapter. (Ord. 2013-01, 2013)

### **Sec. 3-124. Violations—Penalty.**

- (A) It shall be a violation of this chapter for any person within the District's geographic limits or for any person within the planning and zoning jurisdiction of the District to violate any provision of this chapter.



- (B) Any person convicted of violating any section of this chapter shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 2013-01, 2013)

CHAPTER 4

**RESERVED**

(Reserved for Future Use)

CHAPTER 5

**STREETS AND SIDEWALKS**

ARTICLE I. SIDEWALKS

**Sec 5-1 Liability Of Adjoining Property Owner For Failure To Keep Sidewalks In Repair And Notification Procedures**

Any owner of real property who fails to keep and repair the sidewalks in front of or along such property if he or she resides thereon, or if he or she does not reside thereon, to repair the same forthwith when notified is liable to the District for damage caused by such neglect. The duty of the District to notify the non resident owner does not affect the liability of the owner for any injury proximately caused by the negligent construction or repair of the sidewalk. The failure of the District to notify the non-resident owner does not result in any liability on the part of the District for any injury proximately caused by the negligent construction or repair of the sidewalk.

**Sec 5-2 Notice of Adjoining Property Owners to Construct or Repair Sidewalk and Service of Notice**

The District may conduct a spring inspection of all sidewalks subject to this ordinance. In its sole discretion the District may chose to repair or replace said sidewalks.

However, if the District determines that it is necessary to construct, rebuild, or repair any sidewalk, they may also notify all owners of lots adjoining such sidewalk to construct, rebuild, or repair the sidewalk at their own expense within a time designated in the notice.

Such notice shall be in writing and either be served personally or by return receipt mail, on each owner or by publication once in each week for two consecutive weeks. It shall set forth the character of the work and the time within which it is to be done. Such notice may be general as to the owners but shall be specific as to the description of such lots.

**Sec 5-3 District Construction or Repair on Failure by Adjoining Owner**

If such sidewalk is not constructed, reconstructed, or repaired in the manner and in the time prescribed pursuant to Section 5-2, the Board of Supervisors by resolution may cause the work to be done by day labor or by job. If the amount of the contract is less than the amount provided for in SDCL § 5-18-3 it is not necessary to advertise for bids.

**Sec 5-4 Assessment of Sidewalk Costs Against Abutting Property**

The costs thereof shall be assessed against the lots fronting or abutting upon the sidewalk so constructed, reconstructed, or repaired as provided in this Section or as may be hereinafter provided. In estimating such assessment the entire cost of the improvement, including all related costs, fronting on the property to be assessed shall be divided by the number of feet fronting or abutting on the same, and the quotient shall be the sum to be assessed per front foot against each lot so fronting or abutting.

**Sec 5-5 Filing of Assessment Roll for Sidewalk Construction or Repair and Costs Covered by Assessment**

After the completion or repair of said sidewalk, the District Engineer or such other person designated for that purpose shall file in the office of the District Secretary, an assessment roll showing the amount to be assessed against each lot or parcel of ground which amount shall include the contract price or the costs of the work-by-day labor, engineering and other costs entering into such construction or repair, the description of the property abutting upon said sidewalk which is to be assessed in the name of the owner or owners thereof as shown by the records in the office of the Union County Director of Equalization.

**Sec 5-6 Division of Sidewalk Assessment into Annual Installments and Notice of Filing and Hearing on Assessment Roll**

Upon the filing of the assessment roll, the Board of Supervisors of the District shall by resolution provide that the assessment shall be divided in any number of equal annual installments not exceeding five and shall fix a time and place for hearing upon the same not less than 20 days from the date of filing thereof. The District Secretary

shall publish a notice of the time and place of the hearing one week before the date of hearing. The notice shall state the general nature of the improvements for which the assessment is made, the date of filing the assessment roll, and the roll will be open for public inspection at the District office and shall refer to the assessment roll for further particulars.

**Sec 5-7 Amendment and Approval or Rejection of Assessment Roll and Certification to County Officers and Collection of Assessments**

Upon the hearing, the District Board of Supervisors may approve said roll with or without amendment, or reject the same and upon the approval thereof shall direct the District Secretary to file a certified copy of the assessment roll in the office of the Union County Auditor who shall thereupon certify said assessment to the Union County Treasurer to be collected in the manner provided for the collection of special assessments as provided in SDCL Chapter 9-43 per SDCL 7-25A-33.

**Sec 5-8 Assessment Law Applicable to Sidewalk Improvements**

Except as otherwise expressly provided in SDCL 7-25A-33 proceedings for levy of and collecting sidewalk assessment shall be governed by and performed according to the provisions of Chapter 9-43, including without limitation, provisions relating to the mailing of notices of assessment hearings, reassessment proceedings, the interest to be born by deferred installments, the assessment roll, giving notice of filing, prepayments of deferred installments, assessment certificates and bonds, actions and remedies, compromises and deeds and settlement, and limitations of proceedings.

**Sec 5-9 RESPONSIBILITY**

The construction of permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential and commercial buildings within the geographic boundaries of the District, and shall comply with all applicable covenants, design guidelines, rules and regulations. In addition, the builder, owner or developer shall guarantee the workmanship on all sidewalks installed in the District, including but not limited to sidewalks settling or cracking, for a period of one year after

installation.

**Sec 5-10 SIDEWALKS SUBJECT TO THIS ORDINANCE**

The standards for repair and maintenance of the sidewalks as set forth in this Article I of Ordinance 2003-02 shall be the same as those identified in SDCL 9-46 and any case law interpreting SDCL 9-46.

The sidewalks running parallel and adjacent to Dakota Dunes Boulevard, Meadows Boulevard, Prairie Boulevard, or other sidewalks within the boundaries of the District which do not abut private property or property for which other easements or arrangements have been made shall not be subject to the requirements of this Article I of Ordinance 2003-02.

**ARTICLE II. TREES AND PLANTS**

**Sec 5-11 DEFINITION**

The following words, terms and phrases, when used in this Article, shall have the meanings described to them in this Section, except where the context clearly indicates a different meaning:

- a) Parking Strip means the area along the public streets and avenues between the curb line and sidewalk line.
- b) Street Tree or Tree means a tree in any parking strip, boulevard or other public place, except where otherwise indicated.

**Sec 5-12 CONTROL ON PRIVATE PROPERTY**

The District Manager shall have the authority to order the trimming, preservation and removal of trees or plants upon private property when he/she shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.

**Sec 5-13 RULES AND REGULATIONS**

The District Board of Supervisors may adopt and enforce rules and regulations to carry out the purposes of this Article. Such rules and regulations may set forth the amount to be charged for any permits required under this Article.

**Sec 5-14 DUTIES OF PRIVATE OWNERS**

It shall be the duty of any person growing a tree within the parking strip or other public place or responsible for trees growing on property abutting on public places supporting trees or plants to:

a) Trim trees so as not to cause a hazard to public places or interfere with the proper lighting of public streets or avenues by the street lights. All large established trees shall be trimmed to sufficient height to allow free passage of pedestrians and vehicular traffic and in such a manner as to allow a minimum of 10 feet clearance over sidewalks and 12 feet clearance over all streets.

b) Treat and remove any tree or plant so diseased or insect ridden as to constitute a hazard to trees or plants in public places.

#### **Sec 5-15 ORDER TO PRESERVE OR REMOVE**

When the District Manager finds it necessary to order the trimming, preservation or removal of trees or plants upon private property or in parking strips or other public areas, he shall serve a written order by certified mail, to correct the dangerous condition upon the owner, operator, occupant or other person responsible for its existence. The order to preserve or remove trees or plants shall set forth a time limit for compliance, dependant upon the hazard and danger created by the violation.

#### **Sec 5-16 CASES OF EXTREME DANGER**

In cases of extreme danger to persons or public property, the District Manager shall have the authority to require compliance immediately upon service of the Order.

#### **Sec 5-17 TIME FOR COMPLIANCE**

A person to whom an order to preserve or remove trees or plants is directed shall have the right, within three days of the service of such order to appeal to the District Board of Supervisors who shall set forth with a day for hearing thereon and give notice thereof to the person appealing. Upon such hearing and review the Board may affirm, modify or revoke the order of the District Manager. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an

order is directed shall fail to comply with such order within five days after an appeal shall have been determined.

**Sec 5-18 FAILURE TO COMPLY**

When a person to whom an order to preserve or remove trees or plants is directed shall fail to comply within the specified time, the District Manager shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made under this Section shall be authorized to enter the premises for that purpose.

**Sec 5-19 SPECIAL ASSESSMENT**

If the costs of remedying a condition for which an order to preserve or remove trees or plants was issued is not paid within 30 days after receipt of a statement therefore from the District Manager, such costs may be levied against the property benefited or upon which the condition existed as special assessment, pursuant to SDCL § 7-25A.

**ARTICLE III. SNOW AND ICE REMOVAL**

**Sec 5-20 DUTY TO REMOVE**

a) The owner or person in possession of any property abutting on any sidewalk shall keep such sidewalk free from snow and ice and shall remove any snow or ice from the sidewalk within 72 hours after the termination of any snowfall, snow or ice accumulation.

b) The owner or person in possession of any property abutting upon any sidewalk which ends at an intersection or crosswalk shall maintain the sidewalk free from snow and ice to the edge of the street. Snow and ice deposited on the sidewalk in the street removal process shall be removed within 72 hours of being deposited.

c) If the owner or person in possession of the property abutting upon any sidewalk fails to remove the snow and ice from the sidewalk within 72 hours, the District, at its option, may do so and the cost shall be assessed to the property owner in the amount of \$50.00 for each time the District removes the snow or ice.

**Sec 5-21 INDEMNIFICATION**

The owner or person in possession of any property abutting on any sidewalk as defined in this Ordinance, hereby indemnifies and holds the District harmless from all costs, liabilities and claims for any damages of any kind arising out of said owner or person's duty to remove the snow and ice as set forth in this Article III.

(Adopted by Ordinance Number 2003-02, 12/15/03)

**Sec 5-23 DECLARATION AS A SAFETY HAZARD, AND RESTORING STREET PAVEMENT OR STREET SURFACING TO FORMER CONDITION**

The following actions are hereby declared a safety hazard which may cause damage to public property and are further declared a violation of this Ordinance by the Board of Supervisors of the Dakota Dunes Community Improvement District:

1. No contractors or others who utilize the streets, right-of-ways or the properties adjacent thereto in Dakota Dunes Community Improvement District shall allow earth or materials to be deposited upon, or roll to, flow or wash upon or over any public street, walk, place or way. The contractor or individual responsible shall clean said earth or materials by the end of each day and failure to do so shall be violation of this paragraph 1. The District may then clean up the same and assess the costs of the clean up back to the building permit holder and/or to the responsible contractor or individual at the rate of \$150.00 per hour.

2. No cut or fill materials shall be transported to or from a construction site in Dakota Dunes in such a manner as to permit it to be deposited upon any public street. In the event cut or fill material, dirt, mud or other material is deposited or tracked upon the public streets or right of ways, the contractor or individual responsible shall clean it up by the end of each day and failure to do so shall be a violation of this paragraph 2. The District may then clean said material up and assess the costs of the clean up back to the building permit holder and/or to the responsible contractor or individual at the rate of \$150.00 per hour.

3. Further, should any building permit holder, contractor or other individual fail and/or refuse to pay the assessment



identified in paragraphs 1 or 2 above, or fail to comply with this ordinance in any manner, the District Manager may halt the activity.

In addition, the District Manager may halt the activity which is in violation of this ordinance when there is a legitimate safety hazard as determined by the District Manager in his or her sole discretion.

4. Any building permit holder, contractor or individual in violation of this Ordinance shall also reimburse the District for any and all damages caused to the streets or public right-of-way as a result of their activity in Dakota Dunes. The District may further exercise any and all legal remedies available to them, including but not limited to injunctive relief and civil action for compensatory damages.

(Adopted by Ordinance 2005-01 April 2005)

**Sec 5-24 DECLARATION OF FINDINGS AND PURPOSE: SCOPE**

This body of regulation shall be known as the "Dakota Dunes Community Improvement District Right-of-Way Construction and Administration Ordinance".

A) Findings and Purpose.

1. In order to provide for the health, safety, and well being of its citizens as well as to ensure the structural integrity of its streets and the use of the right-of-way, the District strives to keep its right-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the right-of-way a primary cause for early and excessive deterioration of the District right-of-way is the frequent excavation by persons whose equipment is located therein.

2. Right-of-way obstruction is a source of frustration for merchants, business owners, and the general population which must avoid these

obstructions or change travel plans because of them. Persons whose facilities are located within the right-of-way are the primary cause of these frequent obstructions.

3. The District recognizes that persons and business entities, by placing their equipment in the right-of-way and charging the citizens of the District for goods and services delivered thereby are using the property held for the public good. Although such services are often necessary or convenient for the citizens of the District, such persons and/or business entities receive revenue and/or profit through the use of public property.

4. Where roads are being constructed or reconstructed to the District standards, existing facilities within the right-of-way which conflict with the proposed construction may have to be modified or relocated.

#### **Sec 5-25 DEFINITIONS**

- A) Applicant. Applicant means any person requesting permission to excavate, obstruct, or construct any right-of-way.
- B) Facilities. Facilities means any tangible thing located in any right-of-way, but shall not include sidewalks and private driveway approaches, water sprinkler systems, invisible dog fences, mail boxes, boulevard plantings or gardens in the right-of-way.
- C) Construct. Construct means to excavate, install poles, install signs, or install facilities, other than landscaping, on, above, or under any part of the right-of-way.
- D) Excavate. Excavate means to dig into or in any way remove or physically disturb or penetrate any part of the right-of way.
- E) Obstruct. Obstruct means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

- F) Person. Person means any natural or corporate person, business association, or other business entity, including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or sign of any of the foregoing, or any other legal entity.
- G) Right-of-Way. Right-of-way means the surface and space above and below any real property, in which the District has an interest, whether held in fee, or other estate or interest, or as trustee for the public; including, but not limited to, any section line right-of-way, public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, or any other place, area, or real property owned by or under control of the District. Right-of-way includes the standard 10 feet utility easement platted in the front 10 feet of platted lots or any easements required by the District through the platting process or through any other acquisition or transfer.
- H) Underground facilities. Underground facilities means all lines, cables, conduits, posts, tanks and any other facilities owned or operated by persons other than the District which are located wholly or partially underneath the right-of-way.
- I) Utility. Utility means any water, sewer, gas, drainage, or culvert pipe in any electric power, telecommunication, signal, communication, or cable television conduit, fiber, wire, cable or operator thereof, other than utilities operated by the District.

**Sec 5-26 RIGHT-OF-WAY ADMINISTRATION**

- A) Registration and Right-of-Way Occupancy. Each person who occupies, uses, or seeks to occupy or use the right-of-way for any facilities located in the right-of-way, or who has or seeks to have facilities located in any right-of-way shall register with the District.
- B) No construction without registration. No person may construct, install, repair, remove, relocate,

or perform any other work on, or use any facilities or any part thereof located in any right-of-way without being registered with the District. Planting and maintaining vegetation in the right-of-way is exempt from the requirements of this section.

C) Registration Information. The information provided to the District at the time of registration, shall include, but not be limited to:

- 1) Registrant's name, address, telephone, e-mail address, and facsimile number.
- 2) The name, address, telephone, e-mail address and facsimile number of a local representative who shall be available at all reasonable times.
- 3) Proof that the registrant has secured the insurance specified below in this section. All insurance secured by the registrant under the provisions of this section shall be issued by insurance companies acceptable to the District and authorized to conduct business in the State of South Dakota. Certificates of all required insurance shall be provided to the District prior to conducting any work identified herein.
  - i) Workers' Compensation Insurance with statutory limits of the workers' compensation laws of the State of South Dakota and Coverage B - Employer's Liability - covering operations of the registrant. This shall include "other states insurance" so as to include all states not named on the "Declarations" page of the insurance policy. The available limits for coverage B - Employer's Liability - shall be not less than one million dollars (\$1,000,000.00) each accident, one million dollars (\$1,000,000.00) disease - policy limits.
  - ii) Commercial general liability insurance

providing coverage not less than that of the standard commercial general liability insurance policy. ("Occurrence Form") for operations of the registrant. If the "Occurrence Form" is not available, then "Claims Made" coverage shall be maintained for three years after completion of any Right-of-Way project. The policy shall include contractual, personal injury, bodily injury, and property damage liability coverages with total available limits not less than one million dollars (\$1,000,000.00) per occurrence, not less than two million dollars (\$2,000,000.00) general aggregate, and two million dollars (\$2,000,000.00) aggregate products and completed operations. This commercial general liability insurance policy shall name the Dakota Dunes Community Improvement District and its duly authorized representatives as an additional insured. The District shall be provided with a copy of the certificate and the policy endorsement prior to or upon execution of the registration.

- iii) Automobile Liability insurance covering all owned, non-owned, and hired automobiles, trucks and trailers. Such insurance shall provide coverage at least as broad as that found in the standard comprehensive automobile liability policy with limits of not less than one million dollars (\$1,000,000.00) combined single limit each occurrence.

Registrant will provide the District with at least 30 days written notice of an insurer's intent to cancel or not renew any of the insurance coverages. Registrant agrees to hold the District harmless from any liability, including additional premium due because of registrant's failure to maintain the coverage limits required. The District's approval or acceptance of these certificates of insurance does not constitute District's assumption of

responsibility for the validity of any insurance policies nor does the District represent that the above coverages and limits are adequate to protect any individual/group/business its consultants' or subcontractors' interests and assumes no liability therefore.

- 4) Proof that the person is a corporation, including written evidence that it is authorized to do business in the State of South Dakota, is recorded and certified to by the Secretary of State.
  - 5) As built drawings and location of all facilities and underground facilities in CID right-of-way property.
- D) Proof that the registrant has posted the bonds required by this ordinance. The registrant shall keep all the information listed above current at all times by providing the District with information of changes within 10 days following the date on which the registrant has knowledge of any change.
- E) Future uses. In permitting any facilities to be placed in the right-of-way, the District is not liable for any damages caused thereby to any registrant's facilities that are already in place.
- F) Abandoned and unused facilities. Any registrant who has abandoned facilities in any right-of-way that are interfering with construction or reconstruction projects shall remove them from the right-of-way at the registrant's cost when requested by the District. Said facilities shall be deemed abandoned pursuant to this Section when the provisions of Section 5-28(C)(2) apply and the registrant is provided with 30 days notice of the District's removal order and fails to substantially complete the removal of the abandoned facilities within 180 days thereafter. The District may then take the actions set forth in Section 5-28(C)(2) and 5-28(C)(3).

**Sec 5-27 RIGHT OF WAY PERMITS**

- A) Permit required. Except as otherwise provided in

this ordinance no person may construct in any right-of-way without first having obtained a permit as provided herein.

1) A construction permit allows the holder to construct in that part of the right-of-way described in the permit and to hinder free and open passage in the specified portion of the right-of-way by placing facilities as described therein, to the extent and for the duration specified therein.

B) Permit Requirements.

1) No permit shall be issued unless the following information has been provided to the District:

i) Evidence that the applicant is a registrant or is authorized to apply for a permit on behalf of the registrant;

ii) If the applicant is proposing underground installation with new ducts or conduits to be constructed in the right-of-way;

- a) the location, depth, size and quantity of proposed new ducts or conduits;
- b) the excess capacity that will exist in such ducts or conduits after installation of the applicants' facilities;
- c) drawings showing the location and the area of the proposed project along with the location of all existing and proposed facilities and underground facilities.

iii) A construction schedule and completion date;

iv) Payment of all money due to the District for:

a) prior construction permits issued to

- the applicant;
- b) any loss, damage or expense suffered by the District by applicant's prior construction in the right of way or any emergency actions taken by the District;
- c) Any franchise or license issued to the registrant whose facilities are being constructed.

2) No permits for service drops or minor maintenance work of short duration or limited scope shall be required unless street locations or service drops or minor maintenance work are transmitted or called into the District, noting if hard surface removal or street crossings are involved.

C) Issuance of Permit; Conditions.

1) Prior to the issuance of any permit, excluding permits for service drops or minor maintenance work of short duration or limited scope, the applicant upon request by the District shall conduct, at its expense, a subsurface utility study on the proposed route of a construction or an extension. The study may include the following tasks to be determined in the sole discretion of the District:

- i) Secure all available "as built" plans, plats, and all location data indicating the existence and approximate location of all underground facilities around the proposed construction route;
- ii) Visibly survey and record the location and dimensions of any above ground features of all underground facilities along the proposed construction route, including, but not limited to, manholes, mailboxes, utility boxes, posts, and visible street cut repairs;
- iii) Plot and incorporate the data obtained from the completion of the tasks described herein on the Permittee's proposed system route maps, and plan



sheets. Permittee shall provide the District with this information.

- 2) A Permittee shall belong to the one call line location systems.
- 3) The District may impose reasonable conditions upon the issuance of the permit to protect the public health, safety, and welfare, to insure the instructional integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public. Protective measures and devices will be employed which are consistent with the uniform mutual traffic control devices.
- 4) The requirements of this Chapter 5, Article I shall apply to new construction only if the construction is located outside the area designated by the District's design standards.

D) Permit Fees.

- 1) The District may require prior payment of permit fees, as to be determined from time to time by Resolution of the Board.
- 2) Permit fees paid for a permit that has been revoked are not refundable.
- 3) Any costs of inspection of facilities installed by any permittee or any other costs incurred by the District as a result of permittee's activities in the right-of-way shall be reimbursed by said permittee to the District. Said costs shall be paid within 30 days of the invoice date and shall not include staff time of District employees.

E) Joint Applications.

- 1) Applicants who make joint applications for construction permits, for which construction is not performed by the District, and may share in the payment of the permit fee.

## Sec 5-28 CONSTRUCTION AND RESTORATION

- A) Location of facilities. The District may limit or prohibit the placement of new or additional facilities within the right-of-way if it determines that there is insufficient space to accommodate the facilities. Factors to be considered in determining the space availability include the public interest, the conditions of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future District plans for public improvements and development projects which have been determined to be in the public interest.
- B) Least disruptive technology. Construction or maintenance of facilities shall use all reasonable means to lessen damage and disruption of a right-of-way. A Permittee may not intrude into the right-of-way without first obtaining permission from the District Manager. The District, may in its sole discretion require submission of a plan reflecting that the Permittee will use methods to lessen disruption of and in the right-of-way.
- C) Relocation of facilities.
- 1) A registrant shall promptly and at its own expense, with due regard to seasonal working conditions, permanently remove and relocate its facilities within the right of way whenever the District requests removal and relocation and shall restore the right-of-way. The District may make the request only when the facilities interfere with the safety and convenience of ordinary travelers over the right-of-way.
  - 2) Unless otherwise agreed to by the District Manager, if in the reasonable judgment of the District registrant fails to commence removal of its facilities within 30 days after the District's removal order, or the registrant fails to substantially complete the removal, including all associated repair of the right-of-way of the District within 180 days thereafter, the District may:

- i) declare that all rights, title, and interest to the facilities belong to the District with all rights of ownership, including, but not limited to, the right to connect and use facilities or to effect a transfer of all rights, title, and interests in the facilities to another person for operation; or
- ii) authorize removal of the facilities installed by a registrant on, over, or under the right-of-way, at the registrant's cost and expense, by another person; and

3) Any portion of the registrant's facilities on, over, or under the right-of-way designated by the District for removal and not timely removed by the registrant shall belong to and become the property of the District without payment to the registrant and the registrant shall execute and deliver such documents, as the District shall request, in form and substance acceptable to the District, to evidence such ownership by the District.

4) Right-of-way restoration.

- i) The work to be done under the permit and the restoration of the right-of-way, must be completed within the date specified in the permit, giving due regard to seasonal working conditions. In addition to its own work, the Permittee must restore the general area of the work, including the paving and its foundations, to reasonably the same condition that existed before the commencement of the work and must inspect the area of the work and use reasonable care to maintain the same condition for 12 months thereafter.
- ii) In approving an application for a construction permit, the District may permit the Permittee to restore the

right-of-way or it may restore the right-of-way itself.

- iii) If the District restores the right-of-way itself, the Permittee shall pay the costs thereof within 30 days of billing. If during the 24 months following such restoration, the pavement settles due to Permittee's improper backfilling, the Permittee shall pay to the District within 30 days of billing, the costs of repairing such pavement.
- iv) If the District allows the Permittee to restore the right-of-way, Permittee shall, at the time of the application of a construction permit, post a performance bond in the amount determined by the District to be sufficient to cover the cost of restoring the right-of-way to its pre-excavation condition. If, 12 months (or 24 months for pavement) after completion of the restoration of the right-of-way, the District determines the right-of-way has been properly restored, a surety on the performance bond shall be released. The bond may be in the form of an annual right-of-way bond covering all construction permits issued by the District during that year, or an irrevocable unconditional letter of credit.
- v) The Permittee shall perform the work according to the standards and with the materials specified by the District. The District may prescribe the manner, time frames and extent of restoration, and may do so in written procedures of general application or on a case by case basis.
- vi) By restoring the right-of-way itself, the Permittee guarantees its work for 12 months (or 24 months for pavement) following its completion. During this

period, it shall, upon notification from the District, correct all restoration work to the extent necessary using the method required by the District. Work shall be completed within 30 calendar days of receipt of notice from the District.

- vii) If the Permittee fails to restore the right-of-way in the manner and to the condition required by the District, or fails to satisfactorily and timely complete all repairs required by the District, the District, at its option, may do such work. The Permittee shall pay to the District, within 30 days of billing, the cost of restoring the right-of-way.
- 5) Damage to other facilities. When the District performs work in the right-of-way which requires maintaining, supporting, or moving a registrant's facilities to protect them, and the registrant does not perform such work, the costs associated therewith will be billed to the registrant and shall be paid within 30 days from the date of billing. Each registrant shall pay for repairing any facilities in the right-of-way which it or its facilities damaged.
- 6) Installation requirements. The excavation, backfilling, restoration, and all other work performed in the right-of-way, shall be done in conformance with District specification, if any should apply.
- 7) Inspection. The Permittee shall notify the District in advance of the time the work under any permit hereunder is started. The Permittee shall make the work site available to the District for inspection at all reasonable times during the execution and upon completion of the work.
- 8) Other obligations obtaining a right-of-way permit does not relieve the Permittee of its

duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other county, state, or federal rules, laws, or regulations.

- i) A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.
- ii) Any Permittee shall contact all the abutting property owners to identify any existing private facilities in the right-of-way, including, but not limited to, sprinklers, and other utility lines.

**Sec 5-29 ENFORCEMENT OF PERMIT OBLIGATIONS**

A) Denial of permit.

- 1. Mandatory denial. Except in the case of an emergency no right-of-way permit will be granted:
  - i) To any person required to be registered who has not done so;
  - ii) To any person as whom there exists grounds for the revocation of a permit; and
  - iii) If the issuance of a permit for the particular date and/or time would cause a conflict or interfere with a public event, festival, or celebration, including but not limited to the Governor's Cup Golf Classic. The District shall be guided by the safety and convenience of the ordinary travel of the public over the right-of-way and by considerations relating the public health, safety, and welfare.
- 2. Discretionary denial. The District may deny a permit to protect the public health, safety, and welfare, to prevent interference with the safety and convenience of the

ordinary travel over the right-of-way, or when necessary to protect the right-of-way and its users. The District, in its discretion may consider one or more the following factors:

- i) the extent to which the right-of-way space where permit is sought is available;
- ii) the competing demands for the particular space in the right-of-way;
- iii) the availability of other locations in the right-of-way or in other rights-of-way for the facilities of the particular company;
- iv) the applicability of ordinances or other regulations of the right-of-way that affect location of the facilities in the rights-of-way;
- v) the degree of compliance of the applicant with the terms and conditions of its franchise, this ordinance, and other applicable ordinances and regulations;
- vi) the degree of disruption to the surrounding communities and businesses that will result from the use of that part of the right-of-way;
- vii) the condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction;
- viii) the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way;
- ix) Whether the applicant, has over the previous two years, complied with the provisions of this chapter.

B) Work done without a permit.

- 1) Emergency Situations. Each registrant shall immediately notify the District of any emergency involving its facilities. The Registrant shall

take whatever actions are necessary to respond to the emergency.

2) Non-Emergency Situations. Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay double the normal permit fee, pay double all other fees required by the ordinance, deposit with the District the fees necessary to correct any damage to the rights-of-way and comply with all requirements of this ordinance.

C) Revocation of Permits.

- 1) Any permit may be revoked by the District following a revocation hearing held by the District Board of Supervisors upon not less than ten days written notice thereof to the Permittee.
- 2) If a permit is revoked the Permittee shall reimburse the District for its reasonable costs, including restoration costs and the costs of collection and reasonable attorneys fee incurred in connection with such revocation.

**Sec. 5-30 RIGHT-OF-WAY BONDS.**

A) Right-of-Way Bond. Prior to beginning construction, a Permittee shall deposit with the District an irrevocable, unconditional letter of credit and/or surety bond equal to 100% of the anticipated costs or such other lesser amount established by the District.

B) Purposes. The right-of-way bond shall serve as security for:

- 1) The faithful performance by the Permittee or registrant of the requirements of this code, including restoration of the right-of-way;
- 2) Any expenditure, damage, payment or loss incurred by the District occasioned by the Permittee or registrant's violation of this Code or its failure to comply with all rules, regulation, order, permits and other directives of the District issued pursuant to this Ordinance;



- 3) The payment of all compensation due to the District, including permit fees;
  - 4) The payment of premiums for the required liability insurance
  - 5) The payment to the District for any amounts for which the Permittee or registrant is liable that are not paid by its insurance;
  - 6) The payment of any other amounts which become due to the District pursuant to law.
- C) Form. The right-of-way bond shall contain the following endorsements: "It is hereby understood and agreed that this bond may not be cancelled or not renewed by surety nor the intention to cancel or not to renew be stated by the surety until 30 days after completion of construction of the facilities and, notwithstanding the foregoing, shall in no case be cancelled or renewed by the surety until at least 30 days written notice to the Dakota Dunes Community Improvement District of surety's intention to cancel or renew this bond."

**Sec. 5-31 INDEMNIFICATION AND LIABILITY.**

- A) District does not accept liability by reason of the acceptance of a registration or the grant of a right-of-way permit, and the District does not assume any liability:
- 1) For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the District, or
  - 2) For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.
- B) Registrant or Permittee indemnifies District. By registering with the District, a registrant agrees or by accepting a permit, a Permittee is required to defend, indemnify, and hold the District whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, or operation of its facilities or out of any activity undertaken in or near a right-of-way, whether any act or omission complained of is

authorized, allowed or prohibited by a right-of-way permit. It further agrees it will not bring, or cause to be brought, any action, suit, or other proceeding damages, or seeking any other relief against the District for any claim nor for any award arising out the presence, installation, maintenance, or operation of its facilities, or any activity undertaken in or near a right-of-way, whether the act or omission complained of is authorized, allowed or prohibited by a right-of-way permit.

The foregoing does not indemnify the District for its own negligence except for claims arising out of or alleging the District's negligence where such negligence arises outdoors and is primarily related to the presence, installation, construction, operation, maintenance, or repair of said facilities by the registrant or on the registrant's behalf, included by not limited to, the issuance of permits and inspections of plans or work. This Section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the District; and the registrant, in defending any action on behalf of the District, shall be entitled to assert in any action every defense or immunity that the District could assert in its own behalf.

**Sec. 5-32 GENERAL PROVISIONS**

- A) Nonexclusive Remedy. The remedies provided in this Ordinance are not exclusive or in lieu of other rights and remedies that the District may have at law or in equity. The District may seek legal and equitable relief for actual or threatened injury to the right-of-way, including damages to the right-of-way.
  
- B) This Chapter shall not be construed to relieve from or lessen the responsibility of any registrant for damages to persons or properties caused by defects, nor shall the District be held as assuming any such liability by reason of the issuance of any permits.

(Amended by Ordinance 2002-1)

**Solicitation Ordinance**

**Sec 5-35. Definitions.**

The word "peddler" as used in this chapter means any person, whether a resident of the District or not, traveling from place to place, from house to house, or from street to street for the purpose of selling or soliciting for sale of goods, wares, merchandise, or services, and shall also mean and include any person transacting a temporary business within the District. The word "peddler" shall include the terms "solicitor," "transient or itinerant merchant or vendor" or "transient or itinerant photographer."

**Sec 5-36. Registrations/Permitting/Exceptions to Permitting.**

A. Every Peddler as defined in this Ordinance shall register annually with the District, including those exempted from the permitting requirements of Section 5-2 (C) below.

B. Unless specifically exempted in Section 5-2 (C) below, every individual and organization shall be required to obtain a permit from the District as set forth in Section 5-9.

C. The following organizations are exempt from the permitting requirement set forth in Section 5-9:

1. Solicitations, sales or distributions made by political, charitable, educational, or religious organizations which have registered with the District's office on forms provided by that office;
2. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials;
3. Members of professions licensed by the state which have continuing education requirements.

**Sec 5-37. Refusing to leave/trespass.**

It is unlawful for any peddler who enters upon premises owned or leased by another to refuse to leave the premises after having been notified by the owner or possessor of the premises, or his or her agent, to leave the premises.

**Sec 5-38. Entrance to premises restricted.**

It is unlawful for any peddler to enter upon any private premises when the premises is posted with a sign stating "No Peddlers Allowed", "No Soliciting" or words to that effect.

**Sec 5-39. Misrepresentation.**

It is unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his or her goods, wares, merchandise or services for the purpose of inducing another to purchase the goods, wares, merchandise or services.

**Sec 5-40. Hours of Operation.**

It is unlawful for any peddler or any other individual or organization to engage in the business of peddling between the hours of eight p.m. and nine a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

**Sec 5-41. Prohibited conduct.**

Any peddler selling or soliciting for sale goods, wares, merchandise or services by traveling from place to place, house to house, or street to street shall not remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose. Selling or soliciting and peddling from pushcarts, movable vehicles or similar movable devices is prohibited other than as authorized by a permit issued pursuant to this chapter.

**Sec 5-42. Permit required.**

It is unlawful for any person to engage in business as a peddler within the District without first obtaining a permit to do so.

**Sec 5-43. Permit application.**

The application for a permit required by the provisions of this chapter shall:

A. Contain a statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any state or federal law or municipal ordinance or other code; the nature of the offense; the punishment or penalty assessed therefore, if previously convicted; and the place of conviction;

B. Whether the applicant, upon any sale or order, shall demand, accept or receive payment, or deposit money in advance of final delivery;

C. The period of time the applicant wishes to engage in business within the District;

D. The local, and permanent, address of the applicant;

E. The local, and permanent, address and the name of the person, if any, that the applicant represents;

F. The kind of goods, wares, merchandise or services the applicant wishes to engage in such business within the District;

G. The last five states, cities or towns wherein the applicant has worked before coming to the District;

H. Such other relevant information as the District may require for the investigation of the applicant.

I. Proof of South Dakota Sales Tax Permit.

**Sec 5-44.** False information.

It is unlawful for any person to give any false or misleading information in connection with his or her application for a permit required by this chapter.

**Sec 5-45.** Fingerprints and photographs.

At the request of the District the applicant for a permit required by this chapter shall submit to fingerprinting and photographing by the Union County Sheriff

**Sec 5-46.** Permit fee.

Before any permit shall be issued under the provisions of this chapter, the applicant shall pay an annual permit fee of fifty dollars (\$50.00).

**Sec 5-47.** Permit issuance restricted.

No peddler's permit shall be issued to a corporation, partnership or other legal entity, but each individual person engaging in the business of peddling within the District shall be required to have a permit whether acting for himself or herself or as an agent or representative of another.

**Sec 5-48.** Permit display.

Every peddler having a permit issued under the provisions of this chapter and doing business within the District shall display his or her permit upon the request of

any person, and failure to do so shall be unlawful.

**Sec 5-49.** Permit revocation and term.

Any permit issued under the provisions of this chapter may be revoked for the violation by the permittee of any provision of this code, state law or District ordinance. Upon such revocation, such permit shall immediately be surrendered to the District, and failure to do so shall be unlawful. Any permit or registration issued under this Chapter shall expire on December 31<sup>st</sup> of each year unless otherwise specified.

**Sec 5-50.** Violation and Penalty.

Any person found guilty of violating any provision of Sections 5-1 to 5-15 inclusive shall be deemed guilty of a Class 2 misdemeanor and shall be fined a maximum of five hundred dollars (\$500.00), and every day a violation exists or occurs shall constitute a separate offense and be punishable as a such hereunder.

**(Amended by Ordinance 2009-01)**

CHAPTER 6

**TRAFFIC**

(Reserved for Future Use)

CHAPTER 7

**UTILITIES**

- Art. I. General Code, **'7-0 - 7-15**
- Art. II. Rates and Charges Code, '7-16 - 7-110
  - Div. 1. General, '7-16 - 7-50
  - Div. 2. Water, '7-51 - 7-80
  - Div. 3. Sewer, '7-81 - 7-110
- Art. III. Services Code, **'7-111 - 7-220**
  - Div. 1. General, '7-111 - 7-150
  - Div. 2. Water, '7-151 - 7-190
  - Div. 3. Sewer, '7-191 - 7-220

**ARTICLE I. GENERAL CODE**

**Sec. 7-0 - 7-15. Reserved.**

**ARTICLE II. RATES AND CHARGES CODE**

DIVISION 1. GENERAL

**Sec. 7-16. Determination of Charges.**

The rates and charges for the consumption of utility services furnished by the District, as well as the charges and fees for connections thereto, shall be determined by the Board of Supervisors as set by ordinance adopted by the Board of Supervisors from time to time.

**Sec. 7-17. Billing.**

All utility consumers shall be billed monthly. Billings for any particular monthly period shall be made within thirty (30) days after the end of that billing period. Payments are due when billings are made. Any portion of the billing not paid prior to the next billing cycle shall be considered delinquent.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-18. Late Payment Penalty.**

A late payment penalty of ten percent (10%) of the unpaid portion of the bill will be added to each delinquent bill.

(Amended by Ord. 98-1, 05/18/98)



**Sec. 7-19. Disconnection for Non-Payment of Bill.**

When any bill is thirty (30) days delinquent and equals or exceeds \$50, the District shall have the right to disconnect and discontinue all utility services furnished by the District to the consumer until all delinquent amounts are paid, and the consumer will pay a Fifty Dollar (\$50.00) fee for connection prior to service being restored.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-20. Recovery for Non-Payment of Bill.**

(Repealed by Ord. 98-1, 05/18/98)

**Sec. 7-21. Voluntary Discontinuance of Service.**

Consumers wishing to discontinue the use of any utility service shall give at least forty-eight (48) hour written notice to the District. The consumer shall be responsible for providing access to the premises for purposes of reading or removal of the meter by the District, which shall be between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-22. Establishing Fees.**

The Board of Supervisors shall establish fees for the recovery of direct expenses as set by a resolution adopted by the Board of Supervisors from time to time.

**Sec. 7-23 - 7-50. Reserved.**

(Ord. No. 91-11, 01/13/92)

DIVISION 2. WATER

**Section 7-51. Application for Water/Deposit.**

- a) Application. A written application form provided by the District for water service must be made by the Owner or Owner's agent of the property to the District Secretary stating the address where such water is desired. Said applicant shall also sign a contract provided by the District to be filed in

District Office before a permit may be issued by the District authorizing connections to be made.

- b) Deposit Required. Along with the application for utility service, an applicant who does not own the property where service is being requested shall be required to pay to the District a deposit of \$75.00 pursuant to this ordinance.
- c) Refund of Deposit. Upon application of the depositor, refunds of deposits made for utility service may be made after two years or upon the termination of utility service after payment of all indebtedness to the District for utility service. Upon request of the depositor, the District may refund the deposit under the following conditions:
  - 1. The depositor has not been assessed more than three late fees within the past 24 months.
  - 2. The depositor has not been issued a final notice before termination within the past 24 months.
  - 3. The depositor has not had the utility service terminated within the past 36 months, and
  - 4. The depositor has not issued a dishonored check within the past 36 months.
- d) Effect of Transfer, Moving. There shall be no transfer from one location to another of deposits made for utility service and in each case the transfer shall be considered a new application for service and shall be treated as such. When premises are vacated, any amounts due for water service shall be paid in full and utility service shall not be commenced at another place until this is accomplished. Such removal from one place to another shall be considered as a new request for utility service and applicants shall be required to make the current deposit that shall be in effect at the time such request is made.

(Amended by Ordinance 2016-02, 12/19/2016)

**Sec. 7-52. Separate owners.**

Two or more premises with separate Owners cannot be supplied

from a single connection.

**Sec. 7-53. Connection Charge.**

(A) **Connection Process.** No connection (or tap) shall be made to the water supply system or main until the applicant for whom such connection is to be made has signed the *agreement* required by ordinance, and a plumber's permit has been issued authorizing said plumber to make such connection. All connections will conform to the application and this ordinance and Appendix A of Chapter 7, Article III, Division 2. Residential water service lines shall not exceed 2" in diameter and shall be installed with a tracer wire from the water main through the valve box to the surface of the foundation. Owner shall be responsible for installation, maintenance and service of the water line from the water main line. Developer may provide water lines to the Property, however, Owner shall remain liable for said water line.

In all cases the District will provide a list of acceptable materials to be used, however, District makes no representations or warranties as to the quality of said materials. The District shall not be responsible for the materials and equipment accepted by plumber for his use.

(Amended by Ord. No. 2008-02, 11/17/2008)

(B) Prior to connection to the District public water supply the Developer and/or Owner shall submit an engineer's plan which must comply with all District specifications and standards for initial approval by the District Board. Upon initial approval by the District Board the Developer and/or Owner must complete installation of all infrastructure including a new public water main which meets all District standards and specifications. An inspection, to include standard final testing and obtaining lien waivers where necessary, shall then be completed prior to the final approval by the District Board and acceptance by the Board for public use.

(Amended and Repealed by Ord. 98-1, 05/18/98)

(C) **Criteria for connection.** The District Manager or his/her designee shall first determine if the following criteria have all been met prior to permitting connection:

- (1) The District has the capacity for the proposed

- connection;
- (2) All platting and zoning requirements have been met;
  - (3) The property or properties requesting a connection is/are currently subject to and in compliance with the Community Association or Commercial Association Declaration of Covenants, Conditions and Restrictions.
  - (4) Any District connection fees approved by Resolution of the Board have been paid in full.
  - (5) The requesting property is consistent with the Water/Sewer Use Plan adopted by the District.

(Amended by Ord. 2020-03, 11/16/2020)

**Sec. 7-54. Service Terms.**

A charge shall be assessed by the District for setting a water meter and turning on water for the consumer in the amount of One Hundred Fifty Dollars (\$150.00) for a 5/8 inch meter. Anything greater than 5/8 inch meters will be billed directly to and paid for by the user, at meter cost.

For the purposes of reading consumers meters, where a radio read device is not available or per customer request is removed, an additional charge of \$25.00 per month will be charged for the manual reading of such meters.

(Amended by Ord. 2016-02, 12/19/2016)

**Sec. 7-55. Connections to Automatic Fire Sprinklers.**

Connections to automatic fire sprinklers may be made in such a manner that the water used therein does not pass through the water meter, provided such sprinkler systems are of the so-called "drip/pipe" type or are so equipped that any flow of water therein automatically registers an alarm of fire in the Dakota Valley Fire District station, or any private security alarm system.

An annual demand charge for automatic sprinkler systems shall be made as follows:

8" connection or larger	\$300.00
6" connection but less than 8"	\$200.00
4" connection but less than 6"	\$150.00

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-56. Multiple Use Building.**

In cases of commercial, retail, office, apartment or other multiple use buildings, the water use shall be measured by the "Master water meter", which shall be operable and accurate as to measuring the quantity of water consumed, and which water meter shall be read as to the quantity of water consumed and the Owner of such buildings shall be billed at the rates and charges provided herein each month of a year for all water consumed. The Owner of such buildings may, for such Owner's own purpose and with the permission of the District Manger, and without cost to the District, install a water meter for each individual tenant for the purpose of billing each individual tenant as to the quantity of water consumed by each tenant. It shall be the responsibility of the Owner of any multiple use building to report to the District Secretary the name of any new tenant and any removal of a tenant from the premises being leased in instances where such Owner does not have a "master water meter" installed as hereinbefore provided.

**Section 7-57 Tap Restrictions.**

The maximum size of tap with a saddle shall be as follows:

- On 4-inch pipe.....1 inch tap
- On 8-inch pipe.....1 inch tap
- On 10-inch pipe.....1 inch tap
- On 12-inch pipe.....2 inch tap
- On 14-inch pipe.....2 inch tap

All connections larger than the above maximum size shall be made in a manner approved by the District as follow:

Option One - The District shall schedule water shut-off and the Applicant shall install a tee fitting in the water main.

Option Two - The Applicant shall install a tapping tee with valve and tap the line under pressure.

All costs for the larger connection shall be billed directly to the Owner. The larger connection shall be made by a utility contractor approved by the District.

The District shall observe all connections to their

water main and an authorized representative of the District shall sign the Plumber's connection permit prior to the placement of backfill in the water service connection and line excavation.

(Amended and Repealed by Ord. No, 94-2, 11/21/94)

**Sec. 7-58. Rates and Charges - Meters not Exceeding One Inch.**

Each month, for all water sold or furnished by the District and for all metering services the District water system provides to the various consumers within the District, all consumers, whether residential, business, commercial or industrial, shall pay the District according to the following schedule:

<u>RESIDENTIAL PER MONTH</u>	<u>CHARGE</u>
0 - 7,000	\$13.11 minimum charge per month plus \$1.72 per 1,000 gallons up to 7,000 gallons for 5/8 inch meters
7,000 - 30,000	\$2.33 per 1,000 gallons from 7,000 gallons up to 30,000
30,000 +	\$2.84 per 1,000 gallons from 30,000 and up

In addition, a surcharge of \$6.98 per meter per month will be added

<u>COMMERCIAL DOMESTIC PER MONTH</u>	<u>CHARGE</u>
0 - 10,000	\$13.11 minimum charge per month plus \$1.72 per 1,000 gallons up to 10,000 gallons for 5/8 inch meters
10,000 - 70,000	\$1.90 per 1,000 gallons from 10,000 gallons up to 70,000

70,000 + \$2.28 per 1,000 gallons from 70,000 and up

In addition, a surcharge of \$6.98 per meter per month will be added.

<u>COMMERCIAL IRRIGATION PER MONTH</u>	<u>CHARGE</u>
0 - 50,000	\$13.11 minimum charge per month plus \$2.45 per 1,000 gallons up to 50,000 gallons for 5/8 inch meters
50,000 - 170,000	\$2.68 per 1,000 gallons from 50,000 gallons up to 170,000
170,000 +	\$3.27 per 1,000 gallons from 170,000 and up

In addition, a surcharge of \$6.98 per meter per month will be added.

(Amended by Ord. No. 2023-01, 2/21/2023)

**Sec. 7-59. Rates and Charges - Meters One Inch or Greater.**

(A) The above rates apply to those customers whose meters do not exceed one inch in size. For meters one inch or greater the following flat rates on a monthly basis shall apply as follows:

<u>METER SIZE</u>	<u>MINIMUM CHARGE</u>
1-1 1/2"	21.16
2"	38.31
3"	65.55
4"	123.00

(B) In addition to the minimum monthly charge in Section 7-59(A) and/or Section 7-58 above all consumers, whether residential, business, commercial or industrial shall pay in addition to the minimum charge identified above, the rates

described above in section 7-58 for water usage rates.

(C) The above rate schedule shall be charged to and paid by all users without exception other than the Dakota Dunes Community Improvement District, and shall commence on February 21, 2023, and first collected on the March 2023 billing statements, unless referred to a public vote.

(D) The charge for irrigation usage in residential town house associations who share a meter(s) for irrigation shall be calculated by taking the total meter usage of all meters and dividing by the number of units to arrive at a per unit usage. The commercial usage charge will then be applied to the per unit usage and multiplied by the number of units in the Association to arrive at the usage fee and added to the meter charge.

(Amended by Ord. No. 2023-01, 2/21/2023)

**Sec. 7-60 - 7-80. Reserved.**

(Ord. No. 91-13, 01/13/92)

DIVISION 3. SEWER

**Sec. 7-81. Application for Water.**

A written application, which is also applicable for water use, provided by the District for wastewater discharge must be made by the owner or agent of the property to the District Clerk stating the address where waste water and water will be used.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-82. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(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 20EC.



(B) **Commercial/Industrial User.** Shall mean any contributor to the District's Wastewater Collection Works whose lot, parcel of real estate, or building is used for purposes other than a single family dwelling and contributes only wastewater which is less than or equal to normal strength domestic wastewater.

(C) **Flow Unit.** Shall mean a volume of liquid equal in quantity to one thousand gallons.

(D) **Major Industrial User.** Is a non-residential, commercial or industrial user, which discharges waste into the sewer system of the District which:

- (1) Has an industrial waste discharge or has a waste strength greater than normal-strength domestic sewage; or
- (2) Has a industrial waste discharge greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972;
- (4) If found by the District to have significant impact, either singly or in combination with other contributing industries, on their treatment works or upon the quality of effluent from that treatment works;
- (5) Is listed in the applicable Industrial Cost Recovery Standard Industrial Classification.

(E) **Normal Domestic Wastewater.** Shall mean wastewater that has a BOD concentration of not more than 250 parts per million and a suspended solid's concentration of not more than 300 parts per million and a Oil and Grease content of not more than 100 parts per million.

(F) **Oil and Grease.** Shall mean Oil and Grease as determined by the standard laboratory procedures for the

Soxhlet Extraction method as defined in the current addition of Standard Methods.

(G) **Operation and Maintenance.** Shall mean all expenditures during the Useful Life of the Wastewater Collection Works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage collection works to achieve the capacity and performance for which such works are designed and constructed.

Operation and Maintenance charges shall be included in the Sewer User Charge and shall be levied in a proportional and adequate manner.

(H) **Replacement Charges.** Shall mean expenditures for the obtaining and installing equipment, accessories, or appurtenances which are necessary during the Useful Life of the Wastewater Collection Works to maintain the capacity and performance for which such works were designed and construed. Replacement Charges shall be included in the Sewer User Charge and shall be levied in a proportional and adequate manner.

(I) **Residential User.** Shall mean any contributor to the District's Wastewater Collection Works whose lot, parcel of real estate, or building is used for single family dwelling purposes only.

(J) **Sewer Extension.** Shall mean the total project costs for the proposed extensions to the sewer system.

(K) **Sewer User Charge.** Refers to any and all rates, charges, fees or rentals levied against and payable by a sewer user and Major Industrial Users.

(L) **Suspended Solids (SS).** Shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering as determined using standard procedures for total filterable residue.

(M) **Treatment Charge.** Shall mean all charges made to the District by the City of Sioux City, for treatment of the wastewater collected by such collection works. Treatment Charges shall be included in the Sewer User Charge.

(N) **Useful Life.** Shall mean the estimated period during which a Wastewater Collection Works will be operated.

(O) **Wastewater Collection Works.** Shall mean any devices and systems for the collection or carrying of District sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the wastewater collection process.

(P) **Water Meter.** Shall mean a water volume measuring and recording device, furnished and/or installed by the District or furnished and/or installed by a user and approved by the District.

#### **Sec. 7-83. Funds Management.**

The Sewer Charge shall be just, equitable and uniform for users of the same class and shall be such as will produce revenues, together with any other assessments, taxes, revenues or funds available or pledged for such purpose at least sufficient to provide for all expenses of Operation and Maintenance, for payment when due of all bonds and interest thereon for the payment of which such revenues are or shall have been pledged or encumbered including reserves for such purpose and for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds by the District.

#### **Sec. 7-84. Connection Charges.**

(A) Criteria for connection. The District Manager or his/her designee shall first determine if the following criteria have all been met prior to permitting connection:

- (1) The District has the capacity for the proposed connection;
- (2) All platting and zoning requirements have been met;
- (3) The property or properties requesting a connection is/are currently subject to and in compliance with the Community Association or Commercial Association Declaration of

Covenants, Conditions and Restrictions.

- (4) Any District connection fees approved by Resolution of the Board have been paid in full.
- (5) The requesting property is consistent with the Water/Sewer Use Plan adopted by the District.

(B) Prior to connection to the District public waste water collection works the Developer and/or Owner shall submit an engineers plan which must comply with all District specifications and standards for initial approval by the District Board. Upon initial approval by the District Board the Developer and/or Owner must complete installation of all infrastructure including a new public sewer main which meets all District standards and specifications. An inspection, to include standard final testing and obtaining lien waivers where necessary, shall then be completed prior to the final approval by the District Board and acceptance by the Board for public use.

(C) Any new sanitary sewer main shall be televised and inspected by the District Manager for approval. Any corrections and re-televising deemed necessary must be completed prior to placing the line in service. All costs for this process will be the responsibility of and will be paid by the Owner.

(Amended by Ord. 2020-03, 11/16/2020)

**Sec. 7-85. Multiple Use Buildings.**

In cases of commercial, retail, office, apartment, or other multiple use buildings, where the owner thereof has installed with District permission a "master water meter," the owner of such premises shall be billed at the rates and charges provided herein each month of the year for all wastewater discharged based upon the water consumed through this meter and subject to applicable minimums. The owner must assume the responsibility for maintaining, reading and billing any "submeters" he may install for his own purpose which measure the quantity consumed by each individual tenant. It shall be the responsibility of the owner to report to the District Secretary the name of any new tenant or the removal of any tenant in instances where the owner does not have a "master water meter" installed.

**Sec. 7-86. Sewer User Charges.**

The owner or user is required to have a water meter or in

the case of a major user, a waste water metering device for the purpose of determining the volume of metered waste. The provisions set forth in Sec. 7-90 below shall also apply. The volume of metered waste shall be measured in thousand gallons and one thousand gallons of metered water shall equal a flow unit. The volume of water measured by the water meter shall equal the metered waste for Class I and Class II users. A waste water metering device shall be used by Class III users for determining the volume of metered waste and flow units.

The following classes of users and charges to those users are hereby established:

Class I: Residential Users:

\$18.00 per month plus \$5.00 per thousand gallons of metered waste per month.

Class II: Commercial/Industrial Users:

\$36.00 per month plus \$5.00 per thousand gallons of metered waste per month.

Class III: Major Industrial Users:

- (A) Flow, per one thousand (1,000) gallons...\$0.64
- (B) BOD, per pound ... 0.079
- (C) SS, per pound... 0.053
- (D) Oil and Grease, per pound... 0.053

(Amended by Ord. No. 2023-02, 2/21/2023)

**Sec. 7-87. Metering and Sampling.**

Major Industrial Users shall provide a sampling station which shall be monitored as required to calculate appropriate user charges. Charges to Major Industrial Users shall be established on the basis of metered flow and tested strength of wastewater discharges. Monthly Flow Units shall be calculated from readings from individual industry-owned flow meters. Monthly loadings of BOD, SS, and Oil and Grease are calculated from laboratory analysis of individual composited wastewater samples applied to flows during the sampling period. Individual industry charges shall be based upon actual usage. Discharges over a weekend shall be measured with the next analysis and charged for actual sewage discharged at the rates

established herein. Grease loadings in excess of one hundred (100) milligrams per liter are billed for the same rate as for solids except as modified by surcharges.

**Sec. 7-88. Service Contract.**

All Major Industrial Users shall enter into a service contract with the District for sampling and analysis and for maintenance of metering and sampling stations on an actual cost basis with all charges to be billed directly to the industry for all labor and materials required to insure the proper operation of the stations. Charges shall include, but not be limited to, the cost of travel, labor, chemicals, equipment replacement and other charges resulting from the sampling and testing of the wastes of the industry. All monitoring and metering stations shall be secured with access limited to the District and the District authorized industrial personnel.

**Sec. 7-89. Special Rates and Charges.**

(A) **Toxic Pollutants or Other Identifiable Substances.** Any user which discharges any toxic pollutants or any user which discharges any substance which singly or by interaction with other substances causes identifiable increase in the cost of the operation, maintenance or replacement of the collection works shall pay for such increased costs of managing the effluent or sludge by the District. The charge to each such user shall be determined by the District Manager and approved by the District Board of Supervisors.

(B) **Surcharge.** For those Major Industrial Users who have been issued industrial user permits by the District, a surcharge of ten (10) times the additional charges described above for flow, BOD, SS, and/or Oil and Grease shall be applied to all quantities of waste contributed in excess of the industrial users permitted limits. Such surcharges shall be applied to both average monthly and maximum daily limits that are stipulated in the user permit.

(C) **Sulfides.** Any user who dissolves sulfides in excess of 0.5 milligrams per liter, shall be assessed a surcharge of \$1.64 per pound which shall be applied to the user's next sewer use billing.

(D) **Contracts with Special Major Industrial Users.** Major Industrial Users contributing as much as 10% of the treatment works design loadings in terms of flow, five-day BOD, or solids

loadings, shall be established by a negotiated contract with the individual industry. Rates shall include all charges assessed against Major Industrial Users and shall be at least equal to the ordinance rates in effect at the time of the contract.

(E) **Water Meter Requirements.** If any premises connected to the sanitary sewage system of the District obtains water from a source other than the water distribution system owned and operated by the District, the owner or consumer is required to have a Water Meter installed for the purpose of determining Sewer User Charges under this Chapter.

All meters shall be approved by the District and shall be installed by the District at the expense of the owner of said premises and officers and employees of the District shall have access to said premises at all reasonable times for the purpose of inspecting the water system, installing and repairing said meters and reading the same.

**Sec. 7-90. Water Not Discharged into Sanitary Sewer System.**

(A) **Commercial or Industrial.** Commercial or industrial consumers shall not be charged a sewer use charge for water passing through a separate meter, the type and installation of which shall be approved by the District, and purchased and installed at the consumer's expense, where the water used or consumed is not discharged into the sanitary sewer system. Alternatively, the District may establish a special sewer use charge based on an estimated quantity of water used or consumed on the premises in determining the Sewer User Charge.

(B) **Residential.** Residential consumers of water shall not be charged a Sewer User Charge for water passing through a separate water line and water meter, the type and installation of which shall be approved by the District, and purchased and installed at the consumer's expense, when the meter shall be connected to outside taps for the purpose of lawn sprinklers or for the operation of air conditioners when such water is not discharged through or into the sanitary sewer system.

If a separate meter is not installed, the consumer may use the winter quarter period. The Sewer User Charge for consumers billed monthly shall be the same for each month of the calendar year and shall be determined by averaging the monthly water usage as shown by the water meter readings taken in the winter quarter. The District Manager shall determine the three months

to be used for the winter quarter. If the consumer has discontinued service or has an unusual winter quarter, the District Manager may select a representative winter quarter for the consumer. The District Manager will review water usage and billings in cases where water usage as shown by meter readings is less than the established winter quarter consumption. In those situations where the consumer has insufficient history to determine an average based on the winter quarter, the District Manager shall have the discretion to determine a fair and equitable charge. The winter quarter will not be used for consumers who install separate sewer and water meters.

(Amended by Ord. No. 92-1, 06/08/92)

**Sec. 7-91. Review of Rates.**

Sewer use rates shall be reviewed at least annually and shall be revised as necessary to keep revenues reasonably in balance with anticipated expenditures.

**Sec. 7-92. Failure to Comply with Provisions.**

Failure to comply with the provisions of this division shall result in the premises being disconnected from the Wastewater Collection Works of the District.

**Sec. 7-93 - 7-120. Reserved.**

(Ord. No. 91-12, 01/13/92)

**ARTICLE III. SERVICES CODE**

**DIVISION 1. GENERAL**

**Sec. 7-111. Definitions.**

As used in this Chapter, unless the context otherwise requires:

(A) **Board.** Wherever the term "Board" is referred to in this chapter, it shall mean the Board of Supervisors of the Dakota Dunes Community Improvement District.

(B) **Consumer.** Wherever the word "consumer" appears in this Chapter, it shall mean the owner or occupant of the premises to which utility services are furnished by the District.



(C) **District.** Wherever the term "District" appears in this Chapter or "Improvement District" or "Community Improvement District," it shall mean the Dakota Dunes Community Improvement District.

(D) **District Manager.** Wherever the term "District Manager" or "Manager" is referred to in this Chapter, it shall mean the District manager employed by the District or his duly authorized representative.

(E) **Utility.** The word "utility" shall be construed to mean and include the water and sewer and/or any other utility services furnished by the District to consumers thereof.

(F) **Plumber.** When ever the word Aplumber@ is referred to in this Chapter in reference to building interior work, it shall mean only plumbers who are licenses in the State of South Dakota. Whenever the word Aplumber@ is used in this Chapter in reference to exterior work, it shall mean both plumbers and utility contractors who are licensed in the State of South Dakota.

(Amended by Ord. No. 94-1 4/11/94)

**Sec. 7-112. Scope of Chapter Provisions.**

All pertinent provisions of this Chapter are hereby made a part of the terms and conditions whereby the District shall furnish any utility service to any person; or whereby the District shall make any utility connection or perform any work of any kind in connection with the furnishing of any utility service.

**Sec. 7-113. Termination of Service Authorized.**

The District shall have the right to disconnect or refuse to connect or reconnect any utility service for the following reasons:

(A) Failure to meet the applicable Provisions of law.

(B) Violations of the ordinances, rules and regulations Pertaining to utilities.

(C) Nonpayment of bills unless the nonpayment is for an unrelated service.

(D) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.

(E) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service.

(F) Theft or diversion and/or use of service without payment therefor.

(G) Vacancy of premises.

(H) Failure to provide access to premises for the purpose of reading any meter, or other purposes authorized by this Chapter.

(I) Failure to fulfill contractual obligations for utility services provided by the District.

(J) Failure of the consumer to obtain permits, certificates of occupancy, or other forms of authorization from the District, as required by the district ordinances or other applicable provisions of law.

**Sec. 7-114. Liability of District.**

The District shall not be liable for any damage to the property of any consumer of any utility service furnished by the District, including, but not limited to, due to backflow of the sewerage system, failure of the water supply, variations in water pressure, ram of water from the mains, collapse, or any other cause whatever.

**Sec. 7-115. Utility Service - Application Required.**

Any person desiring any utility service furnished by the District shall make application for the same to the District. Such application shall be in a form prescribed by the District Board. A separate application shall be made for each premise to be served. The applicant shall abide by the rules and regulations established by the District relative to utility service in effect at the time of application and as they may be revised from time to time. Such application shall be filed at the District Office before service will be provided by the District.

**Sec. 7-116. Utility Service - Refusal of Service.**

The District may decline or fail or cease to furnish

utility service to any person who may be in debt to the District for any reason, except special assessments.

**Sec. 7-117. Utility Service - Use Assumed.**

All premises connected to any utility service of the District may be assumed to be using such service and the owner or occupant shall be charged therefor as long as such premises shall remain connected with the utility service.

**Sec. 7-118. Interruption of Service**

Consumers of any utility service furnished by the District are hereby notified that the supply of such utility may be temporarily shut off at any time. Notice shall be given, if feasible, of the contemplated shutoff, but accidents may render this impossible; hence the District hereby warns those dependent upon the utility service for any purpose of this hazard. Immediately upon finding the supply shut off, it becomes the duty of the occupant of the premises to take prompt precautions to prevent damages. The District shall not be liable for any damage resulting from such temporary cessation of service.

**Sec. 7-119. Sale of Service By Consumer**

It shall be unlawful for any person to resell any utility service obtained from the District to others except upon written agreement with the District Board.

**Sec. 7-120. Connections to Service.**

(Repealed by Ord. 98-1, 05/18/98)

**Sec. 7-121. Authorized Persons.**

No person, other than employees or agents of the District, shall be authorized to connect, turn on, or turn off any utility service offered by the District.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-122. Right of Entry.**

The District Manager or his authorized agent shall have free access at any time to all premises supplied with any utility service by the District at such reasonable times for

the purpose of inspection, observation, set-up and use of monitoring equipment, sampling, testing, provided that if such property is unoccupied, he shall first make a reasonable effort to locate the owner of such property and request entry. If entry is refused or cannot be obtained because the owner of such property cannot be found, the District shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes. Notwithstanding the foregoing, if the District has reasonable cause to believe that waters or wastes are being discharged from any property into a public sewer or natural outlet and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health and safety, the District Manager or his authorized agent shall have the right to immediately enter and inspect such property and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.

**Sec. 7-123. Damage, Trespass of Equipment**

No person, other than employees or agents of the District, shall be authorized to open any water hydrant or tamper with any utility Service furnished by the District to consumers.

**Sec. 7-124. Restricting Use.**

The District hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the District during periods of emergency or circumstances demanding such restriction or prevention of use.

**Sec. 7-125. Permit to Raze or Remove Building Required.**

No person shall raze or remove any building or structure, which is connected to the sanitary sewer and/or water utility, without first having obtained approval from the District Manager.

**Sec. 7-126. Disconnection**

When a disconnection from the sanitary sewer and/or water main is made, the sewer and/or water service shall be closed to the satisfaction of the District Manager. Closure for sewer shall be at the property line of commercial and residential property. Closure for water service shall be at the water main

for commercial and residential property. The sewer and/or water services shall be capped within thirty (30) days of the removal or razing of the building. The District manager may grant exceptions to this section in writing.

**Sec. 7-127. Utility System - New Construction or Modification.**

No utility on private premises shall be built, repaired, extended or connected to the public utility without making application to the District.

**Sec. 7-128. Utility System - Application.**

All applications for utility new construction or modification of a utility on private premises shall be signed by the consumer and the plumber employed to do the work. The application shall be accompanied by a plan and drawing showing the proposed work. Before an application is approved, the District may review the premises or the proposed installation to ascertain if the installation is proper and in compliance with local, state and federal laws, ordinances, and regulations and that the statements in the application are true. The District shall approve the application after the applicant has paid to the District all fees associated therewith.

**Sec 7-129. Utility System - Connection**

Upon approval of the application, the person to whom it is granted may proceed with the work in accordance with the approved plan and drawings. The applicant shall notify the District of the progress of the work at such stages during the construction as the District may direct and in particular shall notify the District when the building utility system is complete and ready for connection with the public utility. The District shall be given an opportunity to inspect the work after it is completed but prior to covering.

**Sec 7-130. Utility System - Excavations.**

All excavations on District property and backfilling thereof shall be done in accordance with the District's ordinances and requirements found in Chapter 5, Streets and Sidewalks.

**Sec. 7-131. Utility System - Indemnification.**

The applicant shall indemnify and save harmless the

District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to the approval of the application. The District may, as a condition to granting approval, require the applicant to file a corporate surety bond for a period of two years.

**Sec. 7-132. Plumber's Bonds.**

No person shall make any connection to or perform any work upon any of the public utilities in the District until he/she has first filed a bond in the office of the District in the penal sum of Five Thousand Dollars (\$5,000.00) from sufficient sureties, approved by the District, and shall have received from the District a permit to perform such work. Said bond shall be conditioned as follows: that the applicant will in all respects, in doing such work, be governed strictly by the laws of the State of South Dakota, United States of America, District Ordinances, and the Uniform Plumbing Code; that the applicant will pay to said District any and all damages it may sustain by reason of violation of such rules and regulations, and for any negligence or want of due care in doing any work in or about the property belonging to said District. The following rules shall be strictly adhered to by all persons performing any plumbing work who enter upon any of the public sewer connections or appliances, public water system, or other public utilities, pertaining to the District, and any violation thereof or failure to comply therewith shall be considered a violation and breach of the condition of the bond hereinabove mentioned.

(A) **Bond Renewal.** Any plumber doing any work upon a District utility or connection thereto will be required to file a bond, which bond shall be renewed or reissued and filed with the District annually.

(B) **Nonassignable.** No plumber shall directly or indirectly allow any other person to do any work upon said public utility or appliances under his or her bond.

(C) **License.** All individuals performing work authorized by this chapter shall be plumbers who are licensed in the State of South Dakota and shall be governed by the Uniform Plumbing Code, the W.P.C.F. Manual of Practice No. 9, the rules and ordinances of the District, the South Dakota State Plumbing Code, the laws of the State of South Dakota and Iowa as they

pertain to the wastewater treatment system, the laws of the United States of America, particularly the Environmental Protection Agency, insofar as said rules, regulations, laws and ordinances are applicable to the work the licensed plumber may be performing.

**Sec. 7-133. Pipe Testing.**

No pipes laid underground shall be covered or the trenches filled up by any plumber until after the pipes have been tested and found to be water tight. Said pipes and connections shall be tested and inspected by the District during normal working hours. The plumber shall give the District forty-eight (48) hours' notice prior to testing of the pipes.

**Sec. 7-134. Suspension.**

The District shall have authority to suspend the right of any plumber to make connection to District property for noncompliance with these rules and regulations. Such suspension shall take effect immediately and shall remain in effect until the alleged violation and suspension can be reviewed by the District.

**Sec. 7-135. Flood Plain.**

In a floodable area as identified by the flood insurance study issued by the Federal Emergency Management Administration, or in any other known floodable area as designated by the District, all new or replacement installations shall be designed and constructed to eliminate the infiltration of floodwaters.

**Sec. 7-136 - 7-150. Reserved.**

(Ord. No. 91-10, 10/14/91)

DIVISION 2. WATER

**Sec. 7-151. Owner's Responsibility.**

The owner of the premises served by water shall be responsible for the installation, operation, maintenance, repair or replacement of any service pipe extending from the point where such service, including the saddle, pipe connects

to the District's water mains to and throughout the premises to which water service is rendered, and for all apparatus attached thereto. Such obligation shall include without limitation the duty to protect such pipe from frost and other danger and to keep all attached apparatus in good working order.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-152. Connecting Pipes Between Adjoining Premises.**

No person shall be permitted to construct water pipes across lots or buildings adjoining premises, but all service pipes shall enter at the front of the building nearest the front lot line. In unusual cases, the District may permit deviations from this rule. The reason or reasons for any deviation shall be in writing and filed with the District.

**Sec. 7-153. Placement of Curb Box and Valves.**

The valve boxes and valves for controlling the supply of water to a unit shall be placed in accordance with approved District "drawings" attached at the end of this Ordinance as Appendix A. In cases where this rule creates difficult construction problems, the District manager may allow deviations therefrom. The reason or reasons for any deviation shall be in writing and filed with the District.

**Sec. 7-154. Types of Pipe.**

Except as hereinafter provided, owners will be required to use, in making connections with the water mains of the District between the main and the curb valve, Type K copper pipe with flanged fittings, or polyethylene (PE) 3406 with a minimum pressure rating of 200 psi, and shall be installed as shown on the District "drawings" following this Ordinance as Appendix A. Galvanized or lead base pipe may not be used in installing service lines from the curb valve into the owner's property.

**Sec. 7-155. Curb Valve Specification.**

All curb valves on line of service pipe or branches underground must be valves with round-ways of the same diameter as the pipe with which they are placed. They must have a solid T handle which will turn 360 degrees. Service pipes must be laid at least six feet below the finished surface of the ground. All rods attached to stop valves must not be less than 1/3 inch square or 5/8 inch round iron, and when they are



placed outside the building, they must be boxed up and covered, so as to be accessible at all times in cases of leaks. The owner or occupant of each premises shall keep on file the locational dimensions of the curb box, tied to the nearest corners of the structure being served.

**Sec. 7-156. Meters.**

(A) On or after the effective date of this Ordinance, the District will furnish and maintain all meters and related equipment with automatic meter reading for meter sizes up to 5/8" x 3/4". Meters over 5/8" x 3/4" and related equipment required to provide automatic meter reading service shall be purchased by the owner after approval by the District. Meters shall be installed by the owner in a location to be approved by the District. Installation and replacement shall be the owner's expense. After installation, all meters shall become property of the District.

(B) The District shall maintain meters and related equipment which malfunction. The owner or occupant where the meter is installed will be responsible for all other maintenance, including but not limited to, damage resulting from acts or omissions of anyone except the District, its employees and agents, care and protection from freezing or from being improperly set. The cost of repairs, if performed by the District, shall be charged to the owner or occupant.

(C) In case of any damage to the meter, or related equipment, or in case of its stoppage or imperfect working, the owner or occupant shall give immediate notice to the District Manager.

(D) In the event that any of the following occur:

- (i) Technology updates become necessary to the meter system;
- (ii) A meter has exceed its useful life;
- (iii) The meter has produced a "zero meter read";
- (iv) The meter no longer communicates readings;

access will be request by the District to update or replace the meter.

Access to the meter shall be first requested by a phone call to the number of record of the property Owners(s). If this is unsuccessful notice will then be posted to the door of the Owner(s). If no response is received after the timeframe identified on the posted notice, then a formal twenty (20) day written notice shall be issued to the property Owner(s). Such formal notice shall indicate that the water to the property will be shut off if access to the meter update request is not received with the twenty (20) day notice period.

(Amended by Ord. No. 2020-02, 11/16/2020)

**Sec. 7-157. Two or More Meters on One Service Connection.**

In the event that two or more meters are placed by permission of the District Manager upon one service connection, they shall be so placed that no one of them shall measure water which has passed through another meter. Provided, however, that in cases of commercial, retail office, apartment or multi-family dwellings where the owner thereof desires to have each tenant metered separately, the owner may, with District permission, install one "master meter" which allows the District to bill the owner solely upon the water consumed through this meter, but which permits the owner to provide and install at his or her own expense "sub-meters" to measure the quantity consumed by each tenant. In this case, the owner must assume the responsibility for maintaining, reading and billing the "sub-meters."

**Sec. 7-158. All Water To Be Metered.**

Except as noted in the next two sections, all water consumed for any purpose whatsoever shall be metered. All meters shall be placed on the service pipe at a point not to exceed 2 feet from the place where such pipe enters the structure or premises. A stop valve shall be installed between such meter and the wall and such meter and related equipment shall be so placed as to be kept dry, clean, and readily accessible to the meter reader.

**Sec. 7-159. Automatic Fire Sprinklers.**

An annual demand charge for automatic sprinkler systems shall be made as set by resolution of the District Board of Supervisors.

**Sec. 7-160. Emergency or Temporary Needs.**

To meet emergency or temporary needs for water, the District is authorized to arrange for unmetered supplies, making such charges therefor as seem equitable and in reasonable accord with the rates charged for metered water. A monthly use charge of \$25.00 will be charged to all temporary water accounts in addition to a charge of \$2.00 per thousand gallons of water used.

The above rate schedules shall be charged to and paid by all users without exception other than the Dakota Dunes Community Improvement District, and shall commence on January 18, 2017, unless referred to a public vote.

(Amended by Ord. No. 2016-03, 12/19/2016)

**Sec. 7-161. Water for Building Purposes.**

Contractors, builders or others desiring water for building purposes must make application to the District manager therefore, who will make special arrangements for such supply as is required.

**Sec. 7-162. Meter Testing.**

Should any consumer have reason to believe the meter installed in his Premises is not recording water consumption accurately, they may make demand upon the District Manager that the meter be given a special test. Thereupon, the District shall promptly cause the test to be made.

If the test shows that the meter is "slow" (i.e., recording less than 97% of the water actually passing through it), or if the test shows that the meter is "fast" (i.e. recording more than 103% of the water actually passing through it), no special testing fee shall be charged by the District. If the test shows the meter is slow, the District reserves the right to back bill the consumer for the previous 12 months. If the test shows the meter is fast, a reasonable adjustment shall be made by the District as agreed upon by the District and consumer, or based on the previous meter set or test period, in no case to exceed the previous 12 month period.

If the test shows the meter is "accurate" (i.e. recording plus or minus 3% of the water actually passing through it), a special testing charge of \$50.00 for 5/8" x 3/4" inches, and

actual costs for meters larger than this shall be added to the consumers next water bill.

The District may initiate meter changes based on the age of a meter, the amount of usage, etc. No charge to the consumer will be made for service or testing of meters, however, the "fast" and "slow" rules for back billing may be applied.

(Amended by Ord. 98-1, 05/18/98)

**Sec. 7-163. Penalties.**

No person shall, by himself, or by any other person acting under his authority, use or take water from any part of the District without a permit or shall have authority to open or hitch to, dig out, curb over or remove any fire plug or hydrant, curb box valve, valve box or other fixture appertaining to said District or shall turn on or shut off water into or from any pipe wherever situated. Said violator shall be liable for any damage resulting therefrom and subject to suspension from performing any future work within the district.

**Sec. 7-164. Regulation of Water Uses.**

**(A) Standard Water Usage Restrictions and Conservation.**

(1) Lawn sprinkler systems shall be scheduled for operation in accordance with this ordinance at all times. The maximum rate of water demand by residential sprinkler systems shall not exceed 15 gallons per minute and shall operate in accordance with the following schedule.

Prior to any use, commercial consumers must submit an irrigation system plan and/or lawn sprinkler system plan which must be pre-approved in writing by the District Manager. The maximum rate of water demand by commercial sprinkler systems shall not exceed 50 gallons per minute unless said commercial user submits an irrigation system plan with justification for variance from this restriction, which is pre-approved in writing by the District Manager. Notwithstanding the restriction of 50 gallons per minute, commercial consumers who have any irrigation system plan in place as of the date of this Ordinance which has been pre-approved in writing by the District Manager are not subject to said 50 gallons per minute restriction. All consumers shall irrigate and use District

water in accordance with the following schedule.

Location	Days of Operation	Hours of Operation
All residential houses and commercial business (using potable water) with odd numbered addresses.	Tuesday/Thursday/ Saturday	12:01 a.m. to 11:59 p.m.
All residential houses and commercial business (using potable water) with even numbered addresses.	Wednesday/Friday/ Sunday	12:01 a.m. to 11:59 p.m.

(2) Special permits for new lawns may be obtained from the District to allow for 30 day period for establishment of the lawns.

(3) The District shall have the authority pursuant to this Ordinance, but not the obligation, to disconnect sprinkler systems and/or water service, at the main or curb-cock, of any consumer who violates this Ordinance and/or does not adhere to the watering schedules set forth above.

**(B) Prohibited Acts During Water Emergency.**

The proclamation declaring a water emergency shall set forth one or more of the following actions as being prohibited during the water emergency:

(1) Watering of lawns, trees, bushes, shrubs, gardens and other vegetation except at such times and at such locations as the District Manager or his/her designee shall deem appropriate under the circumstances.

(2) Washing of automobiles, trucks and other vehicles.

(3) Filling, in whole or in part, swimming pools.

(Amended by Ord. 98-1, 05/18/98)

(Amended by Ord. 2001-1, 02/28/01)

**Sec. 7-165. Plumber's Rules.**

The following rules shall be strictly adhered to by all persons performing any plumbing work in or upon any of the water mains, connections or appliances pertaining to the District and any violation thereof or failure to comply therewith or to comply with the other ordinances and regulations of the District shall be considered a violation and breach of the condition of the plumber's bond required in Chapter 7, Article I.

(A) **Rule 1. Backflow Preventer.**

A backflow preventer shall be placed on all service lines prior to the meter.

(B) **Rule 2. Pipes to be Blown Out.**

Plumbers must first blow out the pipes before setting any meter, and the meter must in all cases be set without the use of red lead or any other substance for packing in the fittings and must be set level and made firm by resting on proper support.

(C) **Rule 3. Test and Inspection of Water Pipes.**

No water pipes laid underground shall be covered and the trenches filed up by any plumber until after the water has entered into such pipes under pressure and the same pipes shall have been tested and found to be watertight, and said pipes and connections shall be tested and inspected by the District during normal working hours. The plumber shall give the District forty-eight (48) hours notice prior to testing of the water pipes.

(D) **Rule 4. Water Shut Off by the District.**

In no case shall the plumber operate valves, whether they be curb valves or street valves, for any purpose. The District shall be notified to turn the water off. In all cases when the plumber shall have completed his work, he shall leave the water turned off and the District shall be notified to turn the water on.

(E) **Rule 5. Proper Wrench to Open Curb Box.**

The opening of curb boxes by plumbers by any means other than a proper wrench is strictly forbidden. All plumbers must have a curb box wrench attached to their keys for opening and

closing curb boxes. Any plumber breaking a curb box cover or bolt will be required to pay for the full repair of the same.

**(F) Rule 6. Meters Outside Cellars.**

All meters located outside of the structure must be placed in boxes. All boxes for meters located outside of the structure must be constructed of brick or concrete and be 4 feet in diameter inside measurements, and be supplied with a close fitting frost-proof cover. Steps made from corrosion proof materials shall be placed inside the box to enable one to descend without difficulty.

**(G) Rule 7. Suspension of Plumber.**

In addition to the District's remedies under the Plumber's Bond as set forth in Chapter 7, Article 1, the District shall have the authority to suspend the right of any plumber to make connections to District property for non-compliance with these rules and regulations. Such suspension shall take effect immediately and shall remain in effect until the alleged violation and suspension can be reviewed by the District Board of Supervisors.

**(H) Rule 8. Review.**

The District shall review, and the District Board of Supervisors shall approve, the plans and specifications of all extensions of the District water system. The plans and specifications of the water distribution system shall be prepared by a professional engineer licensed in the State of South Dakota to prepare the plans and specifications. The District will require valving, pipe size hydrants and other appurtenances in accordance with the aforementioned standards and the regulations of the State of South Dakota. Maximum spacing between hydrants shall be 600 feet. All plans and specifications shall be approved by the District prior to commencing work.

**Sec. 7-166 - 7-190. Reserved.**

(Ord. No. 91-9, 11/11/91)

DIVISION 3. SEWER

**Sec. 7-191. Definitions.**

As used in this Ordinance, unless the context otherwise requires:

(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" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.

(C) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(D) "Combined Sewer" shall mean a sewer intended to receive both waste water and storm or surface water.

(E) "District" means the Dakota Dunes Community Improvement District or its officers or employees authorized to perform the functions to which there is reference.

(F) "District sewage collection system" means the entire sewage collection system of the District for the collection of sewage and industrial wastes.

(G) "Easement" shall mean an acquired legal right for the specific use of land owned by another.

(H) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility. A waste water shall be considered free of floatable fat if it is properly pre-treated and the waste water does not interfere with the collection system.

(I) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(J) "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operations as distinct from sewage.



(K) "May" is permissive.

(L) "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.

(M) "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is directed or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

(N) "Person" means an individual, corporation (public or private), partnership or association.

(O) "pH" shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a phi value of 7 and a hydrogen-ion concentration of 10.

(P) "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 direction.

(Q) "Public sewer" means a sewer common to the public and which is controlled by public authority.

(R) "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and groundwater is not admitted.

(S) "Service" means connection to the district sewage collection system and the right to the use of its facilities whether or not the facilities are in fact used.

(T) "Sewage" means water-carried wastes from residences, institutions, business buildings and other establishments. The preferred term is waste water.

(U) "Sewer" means a pipe or conduit for carrying sewage.

(V) "Shall" is mandatory.

(W) "Slug" shall mean any discharge of water or waste water 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 waste water treatment works.

(X) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(Y) "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 nonfilterable residue.

(Z) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(AA) "User" means the owner, lessee, or occupant of the premises connected to the municipal sewage collection system.

(BB) "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.

(CC) "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.

(DD) "Wastewater treatment works" shall mean the 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."

(EE) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**Sec. 7-192. Use of District Sewer System Required.**

(A) No person shall place or deposit or permit to be deposited in any unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage, industrial wastes, garbage or other objectionable waste.

(B) Except as provided in paragraph (D) of this section, the District shall not permit construction or maintenance of any privy, septic tank, cesspool or such facility intended or used for the disposal of sewage.

(C) The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewers are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so. If such owner fails to provide for the installation of such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

(D) If the District Board of Supervisors determines a public sewer is not available under paragraph (D) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District and with all requirements of the State of South Dakota. At such time as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool, or other private disposal facility shall cease.

(E) Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

(F) The District hereby adopts the Uniform Plumbing Code

to govern the construction of utility systems on private property. All construction of private sewer facilities and sewer facilities located in public right-of-way shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein.

(G) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the District Manager. The application for such permit shall include plans, specifications, and other information as are deemed necessary by the District. A permit and inspection fee, which shall be set by the resolution of the District Board of Supervisors, shall be paid to the District at the time the application is filed.

(H) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the District.

(I) The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the District and the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(J) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District.

**Sec. 7-193. Building Sewer and Connections.**

(A) Prior to performing any work building, repairing, extending or connecting a private utility to a public utility, the person employed to do the work shall post a bond and obtain a permit as set forth in Chapter 7, Article I.

(B) All connections with the public sewer shall be made with cast iron, vitrified stoneware, P.V.C. or A.B.S. plastic pipe, and shall comply with plumbing standards, provided by

District ordinance or laws or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District, but in no event shall the internal diameter of the sewer be less than four inches, with a minimum slope of one-eighth inch to the foot, unless a variance is granted by the District Manager. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property if suitable; and other locations for the connection shall be only as directed by the District.

(Amended Ord. No. 94-1, 04/11/94).

(C) The District shall have authority to suspend the right of any plumber to make connection to District property for noncompliance with these rules and regulations. Such suspension shall take effect immediately and shall remain in effect until the alleged violation and suspension can be reviewed by the District.

(D) Sewer pipes must not be laid in the same trench with water or gas pipes, but an entire separate trench must be provided for their accommodation.

(E) The District shall review and approve the plans and specifications of all extensions of the public sewer. The plans and specifications of the extensions shall be prepared by a registered professional engineer licensed in the State of South Dakota to prepare the plans and specifications. The District will require manholes, wye-connections and other appurtenances in accordance with the aforementioned standards and the regulations of the State of South Dakota. Maximum spacing between manholes shall be 450 feet. All plans and specifications shall be approved by the State of South Dakota and evidence of the same submitted to the District prior to the issuance of the required permit.

**Sec. 7-194. Use of the Public Sewers.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial waste waters into any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged into storm sewers, or into a natural outlet

approved by the District. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the State of South Dakota.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or, by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged into the public sewer;

(3) Any discharge prohibited by 40 CFR Section 403.5;

(4) Any discharge prohibited by 40 CFR Section 403.6;

(5) Any combination of discharges that causes a treatment plant to exceed its influent capacity as listed in Section 8 of the City of Sioux City's Pretreatment Program.

(D) No person shall make connection of roof downspouts, interior and exterior 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.

(E) All buildings shall be constructed with a building drain high enough to permit gravity flow to the public sewer. Use of pumps is discouraged and shall not be permitted without the express written permission from the District. The District may give its permission if it finds that said pump is necessary to prevent an adverse effect upon the owner of the property.

(F) No person shall discharge or cause to be discharged to any public sewer the following described substances, materials, waters or wastes without the express written

permission from the District. The District may give its permission if it finds such wastes will not harm the public sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees Centigrade;

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit or zero degrees and sixty-five degrees Centigrade;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor greater than one horsepower shall be subject to the review and approval of the District;

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limit established by the director of such materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

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

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

(b) Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

(c) Unusual concentration of wastes constituting slugs;

(10) Any waters or wastes having:

(a) a five-day biochemical oxygen demand greater than two hundred fifty parts per million by weight; or

(b) containing more than three hundred parts per million by weight of suspended solids, or

(c) having an average daily flow greater than two percent of the average sewage flow of the District;

(11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(12) Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/l.

(G) If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated herein and which, in the judgment of the District, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a



hazard to life or constitute a public nuisance, the District may:

(1) Reject the wastes;

(2) Require treatment to an acceptable condition for discharge into the public sewers. To this end, the District may require pretreatment to:

(a) reduce the biochemical oxygen demand to three hundred parts per million by weight, or

(b) reduce the suspended solids to three hundred fifty parts per million by weight;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

(H) If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and written approval of the District and subject to the requirements of all applicable codes, ordinances and laws. The District may require a compliance schedule for the design, construction and installation of equipment for such pretreatment works. No construction shall commence on such pretreatment facilities until the written approval of the District is obtained. The costs of all pretreatment facilities shall be paid by the person contributing the wastes.

(I) The owner of any property serviced by a building sewer carrying industrial wastes shall, at the request of the District, install a suitable sampling station or stations upon each and every building sewer or combine the building sewers into a common building sewer upon which one sampling station shall be placed. The sampling station or stations shall be furnished with such necessary meters and other appurtenances in the building sewer or sewers to facilitate observation, sampling and measurement of the wastes. Such sampling station or stations shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The sampling station or stations shall be installed by the owner at his expense and shall be maintained by him so

as to be safe, accessible and in good working order at all times.

(J) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter 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, and shall be determined at the sampling station provided, or upon suitable samples taken at the sampling station. In the event that no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all outfalls).

(K) No industrial user shall discharge or cause to be discharged to any public sewer any industrial wastes without a valid permit from the District. When the District has reason to believe that a contributor has been discharging, is discharging or is about to discharge any industrial wastes into a public sewer and that a permit should be required of the contributor to effectuate the requirements of this chapter, he shall request such contributor to file an application for such a permit, which application shall be completed and returned to the District within thirty days after the receipt thereof. All applications for a permit under this section shall require the application to provide:

(1) The name, address and telephone number of the applicant;

(2) The location and legal description of the property to be covered by the permit;

(3) A general statement of the type of operations conducted and to be conducted on the property;

(4) A plat of the property showing accurately all sewers and drains;

(5) A complete schedule of all process waters and industrial wastes produced or expected to be produced for discharge from the property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analysis.

(L) All applications shall also require the applicant to agree:

(1) To furnish at the request of the District any additional information relating to the installation or use of the industrial sewer for which the permit is sought;

(2) To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future;

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

(4) To cooperate at all times with the District in the inspecting, sampling and study of the industrial wastes and in the inspecting of any facilities provided for pretreatment; and

(5) To notify the District immediately in the event of any accident, negligence or other occurrence with occasions discharged into the public sewers of any wastes or process waters not covered by the permit;

(6) To provide and submit notices and reports as required by 40 CFR Section 403.12.

(M) If, after examination by the District of the information contained in an application for a permit hereunder, it is determined by the District that the characteristics of the proposed discharge do not conflict with the provisions of this chapter, a permit shall forthwith be issued allowing the discharge of such wastes to the public sewers; but, if it is determined by the District that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application shall be denied by the District and the applicant forthwith advised in writing by the District of steps which must be taken to insure compliance with the

Provisions of this chapter.

(N) Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, 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 District, 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 District. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

(O) 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 expense.

(P) The District may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

(1) Wastewater discharge peak rate and volume over a specified time period.

(2) Chemical analyses of wastewater.

(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 of 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.

(Q) Each industrial user shall, upon request of the District, furnish the District with information regarding the number of units processed in a stated period and the number of units of finished product produced in the same period.

(R) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

**Sec. 7-195 - 7-220. Reserved.**

(Ord. No. 91-7, 09/09/91; Ord No. 91-8, 10/14/91)

CHAPTER 8

**RESERVED**

(Reserved for Future Use)

CHAPTER 9

**WASTE COLLECTION AND DISPOSAL**

(Reserved for Future Use)