

ORDINANCE NO. 8
REGULATION OF SEWER USE

AN ORDINANCE OF THE SPRING CREEK/COW CREEK SANITARY DISTRICT OF HUGHES COUNTY AND SULLY COUNTY, SOUTH DAKOTA, TO REPEAL ORDINANCE NO. 5 AND RE-ENACT IT AS AMENDED HEREIN REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS AND PROVIDING USER RATES, AND PENALTIES FOR VIOLATIONS THEREOF, IN THE SPRING CREEK/COW CREEK SANITARY DISTRICT OF HUGHES COUNTY AND SULLY COUNTY.

BE IT ORDAINED AND ENACTED by the Board of Trustees of the Spring Creek/Cow Creek Sanitary District ("Board") of Hughes County and Sully County, State of South Dakota, as follows:

ARTICLE I

Repealing Previous Ordinance

- Section 1 That Ordinance No. 5 is repealed upon the effective date of this Ordinance and this Ordinance be enacted therewith to create a seamless change and prevent any lapse of coverage of policy.
- Section 2 The repeal of the above-mentioned Ordinance in no way invalidates any debts owed to the District for services rendered or forecloses on any rights or remedies or power of enforcement the District had, or may still have for events occurring during such periods the repealed ordinance was in full force and effect.

ARTICLE II

General Provisions

- Section 1 The area comprising the Spring Creek/Cow Creek Sanitary District of Hughes County and Sully County, South Dakota ("SC/CCSD" or "District") shall be described as:

T112N, R80W, HUGHES COUNTY, SOUTH DAKOTA

Sec. 4: NE $\frac{1}{4}$, NW $\frac{1}{4}$

Sec. 5: All of Lots 7, 8, 9 and 10; N $\frac{1}{2}$ N $\frac{1}{2}$ Lot 11 and E $\frac{1}{2}$ E $\frac{1}{2}$ Lot 14

Sec. 6: Lot 11

T113N, R80W, SULLY COUNTY, SOUTH DAKOTA

Sec. 28: W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 29: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 32: SE $\frac{1}{4}$; NE $\frac{1}{4}$; E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$

Sec. 33: SE $\frac{1}{4}$; SW $\frac{1}{4}$; NW $\frac{1}{4}$ EXC. Lot 1; All of Lot 2; SE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; All of Tract E and that part of Tract C in the SE $\frac{1}{4}$ of Oahe Hills Subdivision and Tracy Subdivision

Section 2 SC/CCSD (System) shall be operated as a public utility and the rates, fees, charges, rentals, regulations and provisions of this ordinance shall be and remain applicable thereto until duly amended. The SC/CCSD reserves the right and power to amend this ordinance as the need or propriety thereof arises, and the rates and charges herein specified may be increased or decreased, provided that as so amended, the gross receipts of said systems shall be sufficient each year to pay all costs of operation and maintenance, depreciation, principal, and interest on indebtedness therefore, and reserves which may be required. The SC/CCSD is authorized to hire a Superintendent to oversee the operations of the SC/CCSD system.

ARTICLE III Definitions

- Section 1 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 20 degrees Centigrade, expressed in milligrams per liter.
 - B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
 - C. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called service pipe.
 - D. "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
 - E. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
 - F. "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated, and the wastewater does not interfere with the collection system.
 - G. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
 - H. "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
 - I. "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.
 - J. "May" is permissive (see "shall," Item S).

- K. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- L. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- M. "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 $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.
- N. "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- O. "Service Connection" shall mean the point at which the water main or sewer main is tapped to provide a connection for an individual user.
- P. "Service Pipe" shall mean the piping between an individual user's first point of use and the water or sewer main.
- Q. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- R. "Sewer Main" shall mean the piping to which individual service connections are connected (tapped).
- S. "Shall" is mandatory (see "may," Item J).
- T. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and may adversely affect the collection system and/or performance of the wastewater treatment works.
- U. "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- V. "Superintendent" shall mean the superintendent of the water distribution system and/or wastewater facilities or an authorized deputy, agent, or representative.
- W. "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension by water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

- X. "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.
- Y. "User" shall mean any person with a service connection.
- Z. "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.
- AA. "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.
- BB. "Wastewater Treatment Works" shall mean 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."
- CC. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE IV Use of Public Sewers Required

- Section 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the SC/CCSD any human or animal excrement, garbage, or other objectionable waste.
- Section 2 It shall be unlawful to discharge to any natural outlet within the SC/CCSD any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Section 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where sewer is available.
- Section 4 Commercial users may maintain and replace in kind any privy, privy vault, or septic tank existing prior to January 1, 2021. Commercial users shall provide a complete list of any privy(s), privy vault(s), or septic tank(s) within the boundaries of the SC/CCSD to the Superintendent before January 1, 2021. The listing shall include an aerial photo or plan sheet documenting the location and type of system.
- Section 5 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the SC/CCSD and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the SC/CCSD, is hereby

required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 30 days after date of official notice to do so, provided that said public sewer is within 400 feet of the property line. All proposed improvements, modifications and/or additions of sanitary significance planned within the boundaries of the SC/CCSD must be submitted for approval to the Superintendent for concurrence and also according to Administrative Rules, set forth by the South Dakota Department of Agriculture and Natural Resources. The property referred to may be platted lots, leased areas or other areas where the above-mentioned buildings exist.

ARTICLE V Private Wastewater Disposal

- Section 1 Where a public sanitary or combined sewer is not available under the provisions of Article IV, Section 5, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
- Section 2 Private wastewater disposal systems within the boundaries of the SC/CCSD shall obtain approval from the South Dakota Department of Agriculture and Natural Resources (DANR). A copy of the plans approved by DANR and the approval letter shall be provided to the Superintendent prior to beginning construction. Where applicable, a copy of the building permit issued by Hughes County or Sully County shall be provided to the Superintendent prior to beginning construction. For the purposes of this section, building permit includes any permit necessary to be issued by the respective counties for the construction of the private wastewater disposal system.
- Section 3 Upon completion of construction, as-built plans of the private wastewater disposal system shall be provided to the Superintendent. Where required, the as-built plans shall be submitted for review and approval by the DANR with a copy of said approval being provided to the Superintendent prior to placing the private wastewater disposal system into service.
- Section 4 The type, capacities, locations, and layout of a private wastewater disposal system shall comply with all requirements of the DANR. No septic tank or cesspool shall be permitted to discharge to any natural outlet. Any fees attributed to required inspections of a private wastewater disposal system shall be assessed to the property owner or developer.
- Section 5 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with this ordinance, and any septic tanks, cesspool, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material, or removed.

- Section 6 Private wastewater disposal facilities within the boundaries of the SC/CCSD shall be operated and maintained in a sanitary manner at all times and at no expense to the SC/CCSD.
- Section 7 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by other governmental agencies or subdivisions.

ARTICLE VI

Sanitary Sewers, Building Sewers, and Connections

- Section 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- Section 2 There shall be three (3) classes of building sewer permits: (a) for residential; (b) commercial service; and (c) for service to establishments producing industrial wastes. In each case, the owner(s) or owner's agent shall make application on a form furnished by the SC/CCSD. The connection application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A connection fee as set forth in Appendix A Table 1 (residential) or Table 2 (commercial), both of Ordinance No. 7, as amended, shall be paid to the SC/CCSD at the time an application is filed for the respective class. Connection fees for industrial waste generators shall be set by the Board of Trustees of the SC/CCSD on an as needed basis based upon the estimated costs required to collect, transport, and treat such industrial wastes. The Board of Trustees may deny any application from any applicant that generates industrial waste. Denial of such application is a final action.
- Section 3 All costs and expenses incidental to the installation and connection of the building sewer to the sewer main shall be borne by the user. The costs of any upkeep and maintenance of the building sewer to the sewer main shall also be borne by the user. The user shall indemnify the SC/CCSD from any loss or damage that may directly or indirectly be occasioned by the installation, upkeep or maintenance of the building sewer.
- Section 4 A separate and independent service connection shall be made to the public sewer for every building. If a separate and independent connection cannot be provided, the user shall provide written documentation to the Superintendent detailing the circumstances preventing a separate and independent service connection from being made. With the approval of the Superintendent, a combined connection servicing more than one building may be made. The SC/CCSD does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

- Section 5 Where an existing service connection is located, the existing connection may be used for a new building only when found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Section 6 The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the building and plumbing code adopted by Hughes County or other applicable rules and regulations of the SC/CCSD. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. or W.P.C. F. Manual of Practice No. 9 shall apply.
- Section 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Section 8 Where private wastewater collection systems are connected to the public sewer (commercial user), all connections shall be made at a manhole in accordance with applicable requirements listed in the Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities available from the DANR. The owner of a private wastewater collection system utilizing a lift station to convey wastewater to the SC/CCSD, connected to the system prior to January 1, 2021, shall provide the Superintendent information including the wet well capacity, pump size and flow rating, and the estimated peak daily flows by July 1, 2021. If any portion of the information above is unavailable, the owner of the private system shall notify the Superintendent and provide a schedule for obtaining and supplying said information.
- Section 9 Private wastewater collection systems utilizing a lift station to convey wastewater to the SC/CCSD shall have working flow meters or hour meters that can be utilized to determine the volume reporting to the public sewer. Systems connected to the public sewer before January 1, 2021, have until January 1, 2022 to install such monitoring equipment. The Superintendent may waive this requirement for connections where a single point of use lift station or connection is installed. Examples of single point of use connections include camper dump stations, fish cleaning stations or other small capacity connections as determined by the Superintendent.
- Section 10 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the SC/CCSD for purposes of disposal of polluted surface drainage.
- Section 11 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of Hughes County or other applicable rules and regulations of the SC/CCSD, or the procedures set forth in

appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. The Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities available from the DANR may also be utilized where applicable. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and/or materials must be approved by the Superintendent before installation.

Section 12 Prior to connecting a building sewer to the SC/CCSD an application shall be made to the SC/CCSD using a form supplied by the Superintendent. After the application has been filed and all necessary fees paid in full, the applicant shall notify the Superintendent when the building sewer is ready for inspection and connection to the SC/CCSD. The connection and testing shall be made under the supervision of the Superintendent. Backfilling or covering the building sewer connection to the public sewer prior to inspection by the Superintendent shall be considered a failed inspection requiring reinspection and testing once uncovered.

Section 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the SC/CCSD.

ARTICLE VII Use of the Public Sewers

Section 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer within the boundaries of the SC/CCSD. Storm water, which may be polluted at times, may be discharged to the sanitary sewer with written permission of the Superintendent.

Section 2 Storm water, other than that exempted under Article VII, Section 1, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, upon approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

Section 3 No person(s) shall discharge or cause to be discharged, any of the following described water or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a public nuisance.

- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the SC/CCSD.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. Either whole or ground by garbage grinders.

Section 4 The following described substances, materials, water, or waste shall be limited in discharges to the SC/CCSD to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and sewers, the wastewater treatment process employed, capacity of the wastewater treatment facilities, degree of treatability of the waste in the wastewater treatment facilities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, or grease.
- D. Any garbage that has not been properly shredded (see Article III, Section 1, Item M). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

- G. Any radioactive wastes or isotopes of such half-life or concentrations may not exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

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

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers,
- C. Require control over the quantities and rates of discharge, and/or
- D. Require payment to cover the added cost of handling, treatment, and testing of the wastes.

When considering the above alternatives, the superintendent shall give consideration to the economic impact of each alternative on the discharger. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent.

Section 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4, Item C or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection (see the South Dakota State Plumbing Code). In the maintaining of these interceptors, the user shall be responsible for the proper removal and disposal by appropriate means of the collected material and shall maintain records of the dates and means of disposal

which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by user must be performed by currently licensed waste disposal firms.

- Section 7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at user's expense.
- Section 8 When required by the Superintendent, the owner(s) of any property serviced by a building sewer carrying industrial wastes, shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- Section 9 The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
- A. Wastewaters discharge peak rate and volume over a specified time period.
 - B. Chemical analyses of wastewaters.
 - C. Information on raw materials, processes, and products affecting wastewater volume and quality.
 - D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 - F. Details of wastewater pretreatment facilities.
 - G. Details of systems to prevent and control the losses of materials through spills to the SC/CCSD.
- Section 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- Section 11 An individual or business joining a sanitary system late will be required to pay a fair share of the initial project costs. Late hookup fees shall be paid to the SC/CCSD or its assignees and will be based on the percentage of water usage by the gallons required by new users. This fair share of the initial cost payback will only be required

for a period of 20 years from the date the SC/CCSD approved and took the Section over for operation or will be terminated if the area when service has changed ownership.

- Section 12 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the SC/CCSD and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the SC/CCSD for treatment.

ARTICLE VIII

User Compliance with Regulations

- Section 1 Every user receiving sewer services from the SC/CCSD, and every owner of property situated within the SC/CCSD shall be deemed at the time of connection to the SC/CCSD, to have consented to all the rules, regulations, rates, fees, charges, and rentals contained in the resolutions and ordinances passed by the SC/CCSD, including any modifications thereto, and to all new rules, regulations, rates, fees, charges, and rentals adopted by the SC/CCSD.
- Section 2 It shall be unlawful for any person to place wastes into any sewer inlet without the prior consent of the user, or to use any manhole or the like to place wastes into the SC/CCSD system unless authorized by the SC/CCSD. No person except the Superintendent of the SC/CCSD shall turn on or off or tamper with any sewer service connection or lift station.

ARTICLE IX

Wastewater Facility - Intentional Damage

- Section 1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, occupy, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE X

Powers and Authority of Superintendent

- Section 1 The Superintendent and other duly authorized employees of the SC/CCSD bearing proper credential and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this ordinance. This section shall include the right of entry to read and inspect meters at any reasonable time.
- Section 2 No excavation may be initiated in the vicinity of infrastructure owned or operated by the SC/CCSD without advance notice to the Superintendent and the subsequent receipt of approval.

- Section 3 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question will result in an advantage to competitors.
- Section 4 While performing the necessary work on private properties referred to in Article X, Section 1, above, the Superintendent or duly authorized employees of the SC/CCSD shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the SC/CCSD employees, and the SC/CCSD shall indemnify the company against loss or damage to its property by SC/CCSD employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VII, Section 8.
- Section 5 The Superintendent and other duly authorized employees of the SC/CCSD bearing proper credential and identification shall be permitted to enter all private properties through which the SC/CCSD holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE XI

Sewer Rates and Regulations

- Section 1 Classification of Users
- A. Residential users are considered to be one class of user and are assessed a hookup fee as set forth in Appendix A, Table 1 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District.
 - B. Commercial users are considered to be one class of user and are assessed a hookup fee as set forth in Appendix A, Table 2 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District.

- C. Industrial users are considered to be one class of user and are assessed a hookup fee as set by the SC/CCSD Board of Trustees on an as needed basis.
- D. There shall be charged a special charge or surcharge pursuant to SDCL 9-40-15 for the services provided by Project by Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall be set and then periodically reviewed by the Board, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. See Resolution 2022-2. The special charge or surcharge shall be set according to the rate shown in Appendix A.

This special charge or surcharge stated in this section is not subject to the rate adjustments, or restrictions thereto, pursuant to Section 4 paragraph A of this Article.

Section 2 Billing Methodology

- A. Residential users will pay the sewer rate per 1,000 gallons as set forth in Appendix A, Table 1 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District, or the minimum sewer rate set forth in the same per month, whichever amount is greater.
- B. Commercial users will pay the sewer rate per 1,000 gallons as set forth in Appendix A, Table 2 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District, or the minimum sewer rate set forth in the same per month, whichever amount is greater.
- C. Fees for industrial users shall be set by the Board of Trustees of the SC/CCSD on an as needed basis based upon the estimated costs required to collect, transport, and treat such industrial wastes.
- D. Minimum sewer fees shall be assessed to all users with a water connection to the SC/CCSD regardless of whether or not a connection to the sewer exists. Usage fees in excess of the minimum sewer fee shall not be assessed if a user does not have a sewer connection.

Section 3 Additional Fees and Requirements

- A. A sewer deposit as set forth in Appendix A, Table 1 (residential) and Table 2 (commercial), of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District, will be required of new residential and commercial users. Deposits will be refundable upon proper closure of account upon user's departure. Deposits for industrial users shall be set by the Board of Trustees of the SC/CCSD on an as needed basis.
- B. If the deposit is used up or reduced due to failure to pay required monthly service fees, the user must provide sufficient money to upgrade the deposit to the original designated amount prior to re-connection.
- C. The user shall be billed monthly with the amount calculated using the metered usage, based off the water meter, or the minimum amount due.
- D. All bills are due and payable on or before the end of the month after mailing of the bill. If the account should become over 30 days delinquent, the user will be notified by mail that the service will be disconnected if the account, including a late payment penalty of 10%, is not paid in full within 10 days. If the service is disconnected, there will be a \$25.00 re-connect fee due and payable along with the past due account. When the account has been paid in full, including the reconnect fee, service will be re-connected.

Section 4 Annual Rate Adjustments

- A. Once per year, the District has the authority to increase rates 0 to 3 percent. Rates will be posted 30 days prior on the District's website and printed with the month's billing one full billing cycle prior to the new rates being implemented. Appendix A of Ordinance No. 7 does not need to be amended to reflect this increase but said increases made consistent with this section, which may include multiple years' increase, will be added to those rates found on Appendix A until the Appendix is updated.

ARTICLE XII Reserve Fund

- Section 1 A reserve fund will be established as an interest-bearing account. Excess funds will be transferred between SC/CCSD accounts in accordance with decisions made by the SC/CCSD with the advice of the SC/CCSD's designated accountant.

ARTICLE XIII Hearing Board

- Section 1 A Hearing Board shall be appointed by the Board of Trustees of the SC/CCSD as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the superintendent. The cost of the arbitration will be divided equally between the SC/CCSD and the sewer user.
- Section 2 The appointees to the hearing board shall be users with an active account with the SC/CCSD

ARTICLE XIV Penalties

- Section 1 Any person found to be violating any provision of this ordinance except Article IX shall be served by the county of residency with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- Section 2 Any person who continues to violate this ordinance, or any portion thereof, beyond the time limit provided for in Article XI, Section 3, Item D shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed One Hundred Dollars for each violation. Each day in which any such violation shall occur shall be deemed a separate offense
- Section 3 Any person violating any of the provisions of this ordinance shall become liable to the SC/CCSD for any expense, loss, or damage occasioned by the SC/CCSD by reason of such violation.

ARTICLE XV Validity

- Section 1 This ordinance shall be in full force and effect from and after its passage, approval, record, and publication as provided by law.
- Section 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- Section 3 Nothing in this Article, shall prohibit or otherwise limit the SC/CCSD from commencing a separate civil action, whether equitable or legal, to remedy a violation of this ordinance.

Section 4 All ordinances which cover the same substance as this ordinance, or any portion of a previous ordinance which directly conflicts with the terms of this ordinance is hereby repealed as to those provisions which conflict.

Section 5 Nothing in this ordinance, shall prohibit or otherwise limit the SC/CCSD from commencing a separate civil action, whether equitable or legal, to remedy a violation of this ordinance.

ARTICLE XVI
Ordinance in Force

Section 1 This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as required by law.

Section 2 Passed and adopted by the Board of Trustees of Spring Creek/Cow Creek Sanitary

District on the 14TH day of DECEMBER, 2022, 2021, by the following vote:

Ayes: 3, Namely: SCHUH, BACON, WISEMAN

Nays: 0, Namely: _____

Passed First Reading: 10/12/22

Passed Second Reading: 11/9/2022

Published Hughes County: 11/17/2022

Published Sully County: _____

Kathleen Schul
President,
Spring Creek/Cow Creek Sanitary District

ATTEST:

Jennifer Anderson
Clerk, Spring Creek/Cow Creek Sanitary District

Published once in Hughes County at the approximate cost of \$ 626.12

Published once in Sully County at the approximate cost of \$ _____