

**ORDINANCE NO. 5794**

**AN ORDINANCE TO REGULATE PUBLIC UTILITIES AND SERVICES WITHIN THE CITY OF RAPID CITY BY REPEALING TITLE 13 OF THE RAPID CITY MUNICIPAL CODE AND ADDING A NEW TITLE 13 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City currently has ordinances regulating public utilities and services within the City; and

WHEREAS, the City's Utility Design Criteria Committee has reviewed Title 13 of the City Code and is recommending certain changes; and

WHEREAS, the changes being recommended include adding a Chapter on general provisions related to public utilities and incorporating the City's new Infrastructure Criteria Manual; and

WHEREAS, the Common Council of Rapid City deems it to be in the City's best interests to adopt the recommendations of the City's Utility Design Criteria Committee and update the regulations for public utilities within the City by repealing Title 13 of the Rapid City Municipal Code and replacing it with a new Title 13 containing the Committee's recommended changes.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Title 13 of the Rapid City Municipal Code is hereby repealed.

BE IT FURTHER ORDAINED by the City of Rapid City, that a new Title 13 is hereby adopted to read in its entirety as follows:

**TITLE 13: PUBLIC UTILITIES AND SERVICES**

**Chapter**

**13.04 General Provisions**

**13.08 Water Service System**

**13.12 Private Water and Sewer Service Lines**

**13.16 Sewer Service System**

**13.20 Onsite Wastewater Disposal and Treatment**

**13.24 Trenching Contractor's Licenses**

**13.28 Rapid City Regional Airport and Aircraft Regulations**

**13.32 City Cemeteries**

## Chapter 13.04 General Provisions

Section	
13.04.010	Definitions.
13.04.020	Design standards.
13.04.030	Construction - Repairs and installation.
13.04.040	Ancillary water and wastewater facilities.
13.04.050	Supervision of work.
13.04.060	Soil sampling and testing.
13.04.070	Special conditions.
13.04.080	Plans and specifications.
13.04.090	Work permit.
13.04.100	Inspection and Permit fees.
13.04.110	Blasting permit required.
13.04.120	Resurfacing of utility excavations.
13.04.130	Two-year warranty.
13.04.140	Connections to other authorized utilities.
13.04.150	Connections outside City.
13.04.160	Tapping and Connection-Authority to refuse for failure to obey regulations.
13.04.170	Taps and connections to be made by City.
13.04.180	Provisions not to be considered a contract.
13.04.190	Water & Sewer construction fees.
13.04.200	Extension of public infrastructure to accommodate individual service connections.
13.04.210	Guarding excavations.
13.04.220	Responsibilities of persons doing street work.
13.04.230	Unauthorized connections.
13.04.240	Inspection of premises.
13.04.250	Liability for damages not affected by provisions.
13.04.260	Contractor authorized to lay-Responsibility for expense-Indemnity of City.
13.04.270	Placement of public utilities in relation to street.
13.04.280	Relation of other (private) utilities to Public Water and Sewer Mains.
13.04.290	Extension from one premises to another.
13.04.300	Inspection.
13.04.310	Inspection prior to covering.
13.04.320	Responsibility for service pipes and appurtenances.
13.04.330	Abandonment of Service Lines and Private Mains.
13.04.340	Credentials of City representatives.
13.04.350	Infrastructure Acceptance.
13.04.360	Appeal procedure.

### **13.04.010 Definitions.**

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter and Chapter 13.04, 13.08, 13.12, and 13.16. Terms not herein defined shall have the meaning customarily assigned to them:

“**Approving Authority**” means the Director of Public Works or his duly authorized deputy, agent or representative.

“**Bedrock**” means solid rock underlying soil and loose rock fragments or locally exposed at the surface.

“**BOD**” or “**biochemical oxygen demand**” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius expressed in milligrams per liter.

“**Building Drain,**” means 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.

“**Building Sewer,**” “**House Connection**” and “**Sewer Service**” mean the extension from the building drain to the public sewer or other place of disposal.

“**Capacity**” is defined as the supply, treatment, storage and pumping capabilities of the municipal water utility system and the collection, pumping and treatment capabilities of the municipal wastewater utility system.

“**Categorical Industrial User**” shall be any industry which must comply with categorical pretreatment standards promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act.

“**Categorical Pretreatment Standard,**” see “national categorical pretreatment standard.”

“**CFR**” means Code of Federal Regulations.

“**City**” means the City of Rapid City, a municipal corporation of the state of South Dakota.

“**Clean Water Act**” means the Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, including all amendments thereto.

“**Combined Sewer,**” means a sewer intended to receive both wastewater and storm or surface water or ground water.

“**Combined Wastestream Formula**” or “**CWF**” means an alternative method of setting discharge limits that can be used by industrial users with several waste streams applied as described in 40 CFR 403.6(e) or amendments thereto.

**“Commercial User”** means a business that supplies a service or creates a product, or as pertains to sewers.

**“Commercial or Institutional Users”** means all nonresidential users which introduce only domestic wastewater or primarily segregated domestic wastes into a building sewer.

**“Contractor”** means a licensed sewer and water contractor or licensed trenching contractor as defined in this section.

**“Conventional Pollutant”** means biochemical oxygen demand (BOD), oil, grease, total suspended solids (TSS), pH or fecal coliform bacteria.

**“County”** means the Counties of Pennington or Meade, political subdivisions in the state of South Dakota.

**“Cross Connection”** means a connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under certain circumstances would allow such substances to enter or adversely affect the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non potable), or any matter that may change the temperature, the color, the taste, or add odor to the water.

**“Director”** means City of Rapid City Director of Public Works, engineering utilities.

**“Distributing System”** means the network of pipes, valves and other appurtenances owned or operated by the City of Rapid City for the purpose of delivering potable water.

**“Director”** means the Director of Public Works of the City of Rapid City, or his authorized deputy, agent or representative.

**“Domestic Septage”** means septage generated from domestic wastewaters.

**“Domestic wastewater”** means water-carried wastes from dwellings or wastewaters, which are similar in physical, biological and chemical characteristics.

**“Easement”** means an acquired legal right for the specific use of land owned by others.

**“EPA”** means the United States Environmental Protection Agency.

**“Floating oil”** means oil, fat or grease in a physical state such that it can be separated by gravity from wastewater in an approved pretreatment facility.

**“Garbage”** means the putrescible animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**“Groundwater”** means the water below the earth surface, which occupies the pore spaces in the saturated zone of a geologic stratum.

**“Hauled Waste Manifest”** means a document identifying the source and contents of liquid waste.

**“Hazardous Wastes”** means liquid wastes from generators containing materials or exhibiting specific properties identified in 40 CFR 261.

**“Holding Tank”** means a watertight, covered receptacle, which is designed to receive and store wastewater, and is accessible for periodic removal of its contents.

**“Indirect Discharge”** and **“Discharge”** means the introduction of pollutants into the Rapid City wastewater facilities from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.

**“Industrial User”** means any commercial, institutional or industrial operation that introduces industrial wastewaters into the City’s wastewater facilities.

**“Industrial Waste”** or **“Industrial Wastewaters”** means the water-carried wastes from commercial, institutional and industrial operations as distinct from domestic wastewater discharged from dwellings. Industrial wastes shall include, but not be limited to, the trade wastes produced by restaurants, food processing, bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and hospitals.

**“IDCM”** means the current edition of the City of Rapid City Infrastructure Design Criteria Manual as adopted by the Common Council.

**“Interference”** means such disruption of the collection, treatment or sludge disposal processes or causes the City to violate its national pollutant discharge elimination system permit or which causes the accumulation of toxic metals or other substances in the sludge disposal areas.

**“Jurisdictional Area”** means all areas within the corporate limits of the City, any applicable extraterritorial area, and all water distribution and sewer collection systems connected to the City of Rapid City systems.

**“Liquid Waste”** means wastewater consisting of domestic septage or the contents of holding tanks, which receive only domestic wastewater, or wastewater from minor industrial users.

**“Liquid Waste Generator”** means any person, corporation, residence or commercial establishment that produces liquid waste that is not directly discharged to the sanitary sewer collection system.

**“Liquid Waste Hauler”** means one who operates a vehicle equipped to pump out liquid waste containers hold liquid waste in a tank on the vehicle, and transport said waste to a final disposal site.

**“Local Limits”** means specific prohibitions or limits on pollutants or pollutant parameters as developed by the City in a pretreatment program pursuant to 40 CFR Part 403.5 in order to protect receiving water quality, to prevent disruptions to the wastewater treatment works processes or operations, to ensure that sludge use and disposal practices adequately protect public health and the environment, and to protect the health and safety of workers at the wastewater treatment works.

**“May”** is permissive.

**“Minor Industrial Users”** means those industrial users discharging wastes, which can be pretreated by simple gravity separation processes. Minor industrial users may include car washing facilities, restaurants and service stations.

**“National Categorical Pretreatment Standard”** means any general water quality standard developed by EPA under the authority of Section 307(b) of the Clean Water Act and the general pretreatment regulations (40 CFR 403.5 and amendments thereto).

**“National Pollutant Discharge Elimination System Permit”** means the permit issued by EPA to the City, which establishes water quality standards for the effluent of the City’s treatment facilities as authorized by the Clean Water Act.

**“Natural Outlet”** means any outlet including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**“New Source”** means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
- C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.

1. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment;
2. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous on-site construction program; or
  - b. Any placement, assembly or installation of facilities or equipment; or
  - c. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - d. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

**“Owner”** means the person owning the lot, parcel of land, building or premises connected to and receiving water from the water system or discharging wastewater into the wastewater system of the City, or the person who is legally responsible for the payment of water and/or sewer service charges made against the lot, parcel of land, building or premises.

**“Pass-through”** means the exit of any physical, biological or chemical material from the City wastewater treatment works to Rapid Creek in quantities or concentrations which, alone or in conjunction with other discharges, produces a violation of the national pollutant discharge elimination system permit.

**“Person”** Any individual, firm, company, association, governmental agency, society, corporation, group or political subdivision.

**“pH”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams contained in one liter of solution.

**“Premises”** means all the parcels of land included in the City in a single parcel identification number as assigned by the Director of Equalization.

**“Private Water Distribution System”** means, water piping and appurtenances constructed for the purpose of supplying water to multiple buildings located on a single premises. Private Water

Distribution Systems are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

***“Private Sewer Collection System”*** means manholes, sewer piping and appurtenances constructed for the purpose of collecting wastewater from multiple buildings located on a single premises. Private Sewer Collection Systems are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

***“Private Fire Protection System”*** means hydrants, valves, water lines and appurtenances, sprinkler systems, hose connections, and other equipment constructed for the purpose of providing fire protection for a particular building or group of buildings and supplied with water from a public water supply system. Private Fire Protection Systems are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

***“Pretreatment program”*** means a program of procedures developed by the City pursuant to 40 CFR Part 403.8 for reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment works.

***“Pretreatment requirement”*** means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

***“Primarily segregated domestic waste,”*** means that wastewater which is introduced into a building sewer and which contains no more than fifty percent industrial waste, prior to any intentional dilution.

Project Types:

- a. ***“Replacement”*** means a project, which replaces or repairs existing infrastructure with similar components having more or less the same capacity as the original.
- b. ***“Improvement”*** means a project, which provides for increased capacity, or improved efficiency to existing systems. This type of project is located within the existing City service area, or corporate limits.
- c. ***“Expansion/economic development”*** means a project, which extends sewer infrastructure to provide service for new developments.

***“Public sewer”*** or ***“Public water”*** means a sewer or water main located in publicly owned land, public right of ways or easements and controlled by the City of Rapid City.

***“Publicly owned treatment works”*** or ***“POTW”*** means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by Section 502(a) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a

POTW pretreatment plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

**“Residential users”** means single-family homes, duplexes, townhouses, apartments, and mobile home parks without a master meter.

**“Sanitary sewer”** means a sewer, which carries domestic wastewater, and to which storm, surface and ground waters are not intentionally admitted.

**“Septage”** means a mixture of liquids and solid materials removed from a septic tank, portable toilet, recreational vehicle holding tank, Type III marine sanitation device, or similar system. The contents of vault privies and substances such as grease trap residues, interceptor residues, and grit and screenings are not included in this definition of septage.

**“Septic tank”** means a watertight, accessible, covered receptacle which receives wastewater from a building or facility sewer that allows solids to settle from the liquid, provides digestion for organic solids, stores digested solids through a period of retention, and allows a clarified liquid to discharge to additional treatment works for final treatment and dispersal.

**“Service area”** means the geographic area in which the City currently provides an actual service. This contrasts with a planning service area in which the City may provide service in the future.

**“Service Line”** shall mean the line from the City main to within 5 feet of the building and are further defined as follows:

- A. **“Fire Service Line”** means a service line delivering water from the City water distribution system to a building fire extinguishing system. Fire service lines may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served. Fire hydrants shall not be installed on Fire service lines. Refer to definition for Private Fire Protection systems.
- B. **“Domestic Water Service Line”** means pipe and appurtenances delivering water from the City water distribution system to a meter. Domestic service lines may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served.
- C. **“Domestic Sewer Service Line”** means pipe and appurtenances collecting waste water from the premises and delivering it to the City sewer collection system. Domestic service lines may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served.

**“Sewer main”** or **“Water main”** means a pipe or conduit for carrying wastewater or water.

**“Sewer installation”** and **“Water installation”** means the new construction, alteration, repair or improvement of water mains and appurtenances, water service lines and appurtenances, water

treatment plant piping and equipment; sewer mains and appurtenances, sanitary sewer services, sewer treatment plant piping and equipment; and storm sewers, and the placement of sewer and water pipe into a building sufficient distance to allow connection to the building plumbing. Sewer and water installation does not include the minor adjustment of manhole castings, valve boxes and curb boxes to finish grade for street construction or reconstruction.

“**Shall**” is mandatory.

“**Significant industrial users**” includes all industrial users subject to categorical pretreatment standards and any non-categorical industrial user which:

- a. Discharges twenty-five thousand gallons per day or more of process wastewater (excluding domestic wastewater and non-contact cooling and boiler blow-down waters);
- b. Contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the City’s wastewater treatment system; or
- c. Has a reasonable potential in the opinion of the Director of Public Works to affect the operation of the City’s wastewater facilities.

“**Significant noncompliance**” means:

- A. Chronic violations of pretreatment standards or ordinance requirements where sixty-six percent or more of the tests exceed daily maximum limit or the average limit in a six-month period or thirty-three percent or more of the tests exceed the daily maximum limit or the average limit by more than forty percent for conventional pollutants and twenty percent for all other pollutants;
- B. Major violations of pretreatment standards;
- C. Discharges which cause pass-through, interference or endangerment, either alone or in combination with other discharges, to the City’s wastewater facilities;
- D. Failure to meet compliance deadlines within ninety days of the scheduled dates;
- E. Failure to submit reports required by the Director of Public Works within thirty days from the due date or failure to accurately report noncompliance.
- F. Significant noncompliance shall subject an industrial or commercial user to enforcement under this chapter and all related state or federal regulations.

“**Slug**” means any discharge of water, wastewater or industrial waste in which the concentration of any given constituent or in which quality of flows exceed for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flow from the source during normal operation.

“**Standard specifications**” means City of Rapid City standard specifications for Public Works construction, as adopted by the City (current edition).

“**State**” means the State of South Dakota.

“**Storm drain** (see storm sewer)” means a sewer system, which carries storm and surface waters and drainage, but which excludes wastewater and industrial wastes other than uncontaminated cooling water.

“**Storm sewers**” means all pipes, culverts, catch basins, inlets, detention pond inlet and outlet piping, and storm sewer appurtenances which will become an integral part of the public storm sewer system, whether located in public rights of way or drainage easements, except parking lot drainage pipes and appurtenances are not considered storm sewers for purposes of this chapter.

“**Superintendent**” means the superintendent of the wastewater treatment works or the superintendent of the water treatment works or his authorized representative.

“**Surcharge industrial users**” are those industrial users with pollutants in their wastewaters in excess of limits specified and who are required to pay surcharge fees set forth in Section 13.08.370(B)(3) or (C).

“**Surface water**” means water on the surface of the earth, as distinguished from groundwater. Some examples are lakes, ponds, rivers and streams.

“**Suspended solids**” or “**SS**” means 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 using methods prescribed by EPA.

“**Unit**”, for the purpose of quantifying water and wastewater, means one hundred cubic feet.

“**Unpolluted water**” means water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharging to the sanitary sewers and wastewater treatment facilities provided.

“**Vault privy**” means a structure which allows for disposal of human excreta into a watertight vault, provides privacy and shelter, and prevents access to the excreta by flies, rodents and other animals.

“**Wastewater**” means the spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried chemical or solid wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and storm water that may be present.

“**Wastewater facilities**” or “**wastewater system**” means all facilities for collecting, pumping, transporting, treating and disposing of wastewater and wastewater sludge.

“**Wastewaters prohibited from discharge**” means those wastewaters prohibited from discharge to the wastewater system as defined in Section 13.16.210 of this chapter.

“*Wastewater treatment works*” means the facilities provided by the City to treat wastewaters as necessary to meet national pollutant discharge elimination system permit conditions and to comply with other environmental laws, rules and regulations.

“*Water facilities*” or “*water system*” means all facilities for distributing, pumping, transporting, treating and storing potable water.

“*Water treatment works*” means the facilities provided by the City to treat source water as necessary to meet federal, state and local drinking water regulations and to comply with other environmental laws, rules and regulations.

“*Watercourse*” means a natural or artificial channel for the passage of surface water either continuously or intermittently.

#### **13.04.020 Design standards.**

All public infrastructure shall be designed in accordance with the IDCM and built in accordance with the Standard Specifications. In cases where public regional facilities such as pump stations, reservoirs, large metering facilities or pressure reducing stations, and treatment facilities are proposed the City will provide design criteria and information supplemental to that contained within the IDCM.

#### **13.04.030 Construction - Repairs and installation.**

All public infrastructure/improvements shall be constructed in the manner provided by the Rapid City Municipal Code. These improvements shall also be in accordance with the IDCM and constructed in accordance with the Standard Specifications.

#### **13.04.040 Ancillary water and wastewater facilities.**

Ancillary Water and Wastewater Facilities consisting of Pressure Reducing Stations, Water Booster Stations (constant pressure and standard), Water Storage Reservoirs, and Water Supply and Treatment Facilities (wells and well houses, galleries, and surface water), Lift Stations, Wastewater Treatment Facilities including but not limited to mechanical treatment plants and lagoons, on-site systems, and Alternative Wastewater Collection Systems shall be in accordance with the standards established in the IDCM, Supplemental Design Criteria as supplied or as determined by the Public Works Department, and the Standard Specifications. These types of facilities shall be designed and constructed as regional facilities.

#### **13.04.050 Supervision of work.**

The construction of all infrastructure improvements within public rights of way, on City property and within easements designated for infrastructure owned and maintained by the City of Rapid City shall at all times be under the supervision of the City Engineer.

#### **13.04.060 Soil sampling and testing.**

The City Engineer may require, at the expense of the person desiring to make an infrastructure improvement within public rights of way, on City property or within easements designated for infrastructure owned and maintained by the City of Rapid City, sufficient soil samples in the area to be improved in order to establish a sound basis for the design of improvement. The field samples, as required by the City Engineer, shall be subjected to testing in a laboratory approved by the City Engineer and shall be in accordance with Title 13 of this code, the IDCM and Standard Specifications.

#### **13.04.070 Special conditions.**

All types of special problems, such as poor foundation soils, high groundwater table conditions, poor drainage, high values of group index numbers, extreme traffic conditions, soil characteristics favorable to capillary action and its resulting frost heave, or any other unusual condition shall be considered by the City Engineer, and such construction shall be made in accordance with the requirements of the City Engineer.

#### **13.04.080 Plans and specifications.**

Anyone making a permanent type of infrastructure improvement within public rights of way, on City property and within easements designated for infrastructure owned and maintained by the City of Rapid City, shall provide plans and specifications in accordance with the provisions of Title 13 of this code, the IDCM and Standard Specifications and receive City approval of plans and specifications prior to initiation of construction.

#### **13.04.090 Work permit.**

No person shall either alter or construct, or cause to be either altered or constructed, any public infrastructure improvement, within public rights of way, on city property or within an easement designated for infrastructure owned and maintained by the City of Rapid City without first having obtained a permit from the Public Works Director. Applications for the permits shall be made to the Public Works Director, and shall describe the location of the intended improvements, the size, location and extent thereof, the purpose there for, and the name of the person for whom the work is being done. The application shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The application shall include a plan prepared in accordance with the Manual for Uniform Traffic Control Devices issued by the Federal Highway Administration, and the Standard Specifications, for temporary traffic control to be provided in the work area. All work shall also be in compliance with the IDCM and the Standard Specifications. Permits shall be valid for a period of six months, and may be renewed for an additional six months upon request to and approval of the Public Works Director. Inspection and permit fees for the installation of public and private infrastructure within the right of way shall be in accordance with Title 13.

Any work, tunneling, or excavation in the public right of way, on city property or within an easement requires issuance of a work permit. If work has commenced without a valid work permit, the individual or entity conducting the work will be charged a late fee of \$50.00 in addition to any other late fees arising from the violation. The contractor shall obtain a state permit to work within state highway right of way.

**13.04.100 Inspection and Permit fees.**

Fees are to be paid at the time application is made for a work permit to install or replace infrastructure improvements. Franchise utilities shall be exempt from this fee.

A. Fees are as follows:

The fee for driveway approach construction (curb cuts) shall be \$30.00 for each permit. Fees for sidewalk or curb and gutter shall be \$15.00 for the first 5 feet, an additional \$15.00 for the next 45 feet and an additional \$25.00 for the next 150 feet. The fee for pavement installation shall be \$40.00. For temporary occupation of the right of way the fee shall be \$15.00. Private utility installation shall have a fee of \$25.00.

Excavations in concrete or asphalt pavement

0 to 70	square feet = \$20.00
71 to 350	square feet = \$30.00
351 to 1000	square feet = \$40.00
1001 to 2000	square feet = \$50.00
Each additional 100 square feet or part thereof = \$1.00	

Excavation not in areas paved with concrete or asphalt in public right of way or easements

0 to 70	square feet = \$15.00
71 to 350	square feet = \$20.00
351 to 1000	square feet = \$30.00
1001 to 2000	square feet = \$40.00
Each additional 100 square feet or part thereof = \$1.00	

Fees shall be determined as one cut, or excavation, provided that it is one continuous trenching operation or under one contract and within a 400 foot radius.

Unimproved streets shall be repaired in accordance with reasonable requirements of the City Engineer.

B. Additional Inspection fees for Non-compliance

If the work performed under the permit fails an inspection, and the Director of Public Works, or his designee, determines that additional inspections are necessary, a ten-dollar (\$10.00) fee will be assessed for each inspection.

The City Finance office will bill the permittee the amount to be assessed at the time work is completed, and approved by the Director of Public Works, or his designee. This assessment shall be paid prior to issuance of any additional permits, and in no case later than thirty (30) calendar days after project completion.

C. Liability

If any settlement occurs in or under the surface or pavement within two (2) years, the Director of Public Works will send a notice to the person, firm or corporation having obtained the work permit. The permittee will have ten (10) days upon receipt of the notification to correct the deficiencies, or the City may have the work done.

If the City has the work done, the permittee will be assessed a fee of one and one-half times the costs incurred. This assessment shall be paid prior to issuance of any additional permits, and in no case later than thirty (30) calendar days after project completion.

**13.04.110 Blasting permit required.**

Blasting is not allowed within the City of Rapid City without first obtaining a blasting permit from the Fire Department. The contractor shall comply with the laws, ordinances and applicable safety code requirements and regulations relative to the handling, storage, use of explosives and the protection of life and property. Applicants and Contractors shall comply with the provisions of International Fire Code addressing use of explosives. The contractor shall be responsible for all damages caused by blasting operations.

**13.04.120 Resurfacing of utility excavations.**

- A. The City will be responsible for the permanent asphalt patching of utility excavations smaller than 300 square feet occurring on City streets. All concrete patches shall be the responsibility of the trenching contractor who makes a cut into a street, which consists totally, or in part of concrete. All trenching operations prior to any resurfacing shall be completed as quickly as possible and done in such a manner as to cause a minimum of inconvenience to the general public.
- B. Temporary resurfacing; During the months of the year when the temperatures are low enough to eliminate the feasibility of installing a hot-mix asphalt patch, the Contractor will be responsible for installation of a temporary patch. The normal time of year when temporary patching will be required is November 15 through April 1. Maintenance of the temporary patch will be the complete responsibility of the contractor for the duration of the patch.
- C. All costs for pavement replacement shall be established by the Public Works Department for asphalt patching of City streets by City crews. Each contractor shall be billed monthly for all work completed during the preceding month. Failure to pay the bill within 30 days shall be cause for the City to refuse issuance of work permits until the bill is paid.

**13.04.130 Two-year warranty.**

During a period of two years after the work permit is issued or the completion of work, whichever is later, the contractor shall make all needed repairs arising out of settled ditches, defective workmanship and/or materials furnished by the contractor. The City is hereby authorized to make such repairs at the contractor's expense if within 10 days after receipt of a written notice to the contractor or his agent, the repairs are not made. Further, in the case of an emergency, where in the judgment of the City delay would cause serious loss or damage, repairs may be made without notices to the contractor.

If the City must cause to have the work done after due notice is given, the contractor will be assessed at one and one-half (1½) times the cost incurred. If repairs are made due to an emergency the contractor shall pay only the actual cost incurred. The assessment shall be paid prior to issuance of any additional permits, and in no case later than thirty (30) calendar days after completion of the work.

The City reserves the right to extend the warranty period if excessive problems develop during the initial two-year period.

**13.04.140 Connections to other authorized utilities.**

Any sanitary or water users district identified by the State of South Dakota as a public utility, desirous of connecting to the City system, must obtain approval from the Rapid City Council prior to connecting to the City water or sewer utilities. Approval shall be subject to such terms, conditions and fees as the Council finds necessary or appropriate

**13.04.150 Connections outside City.**

No water or sewer connection permit shall be issued, after the effective date of this chapter, to serve any property located outside the corporate limits of the City, except with specific approval of the Common Council. The connections shall be authorized by resolution and shall be subject to such terms, conditions and fees as the Council finds necessary or appropriate.

**13.04.160 Tapping and Connection-Authority to refuse for failure to obey regulations.**

If a plumbing or underground utility contractor fails to obey regulations set forth in this chapter, it shall be within the authority of the Director of Public Works to refuse issuance of new permits to the contractor until violations have been corrected.

**13.04.170 Taps and connections to be made by City.**

After permits have been issued, it shall then be the duty of the Utility Maintenance Group, upon due notice, to tap the distribution or collection pipe as provided in this chapter. No person shall tap or make connections, either directly or indirectly, to any of the distribution or collection systems of the City, except through the Utility Maintenance Group.

**13.04.180 Provisions not to be considered a contract.**

The rules and regulations prescribed by this title shall not be considered as a contract between the City and any parties affected thereby in a manner as to prohibit the council from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.

**13.04.190 Water & Sewer construction fees.**

Upon recommendation by the Director of Public Works, the City council may by resolution impose water or sewer construction fees on individual properties in certain identified, unserved areas when properties in such service area are benefited by the installation of a water or sewer main. All users in such service area shall pay an additional water construction fee prior to connecting to the water or sewer main. This water construction fee shall be in addition to the other fees imposed by this chapter. The City may enter into agreements assigning the cost of installation of water mains to serve such service areas. The ordinance codified in this section implements authority granted in SDCL § 9-47-16.

**13.04.200 Extension of public infrastructure to accommodate individual service connections.**

Any extension of public infrastructure to accommodate individual service connections shall comply with Title 16 of the subdivision regulations. The cost for installation of water or sewer infrastructure within a new development is the sole responsibility of the sub divider except for oversize cost as provided for in Title 16. The City may, at the discretion of the common council, choose to pay for a portion of the cost to extend water or sewer infrastructure to a new development.

**13.04.210 Guarding excavations.**

No person doing any work under this chapter shall leave any excavation open, unless the same is properly guarded and barricaded. All work shall be done in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways current edition.

**13.04.220 Responsibilities of persons doing street work.**

Any person doing any kind of work in the public right of way or water/sewer easements shall be responsible for any damage to City infrastructure resulting from said work. The persons responsible for damage shall immediately notify the Water and Sewer Divisions of such damage. Any person placing any kind of paving or sidewalks is required to bring curb boxes or valve boxes or manhole castings to the top of the paving or sidewalk surface and to see that such appurtenances are free from dirt, stones, or any other obstruction before and after paving material is placed.

**13.04.230 Unauthorized connections.**

It is unlawful for any person to make any connection or reconnection to water or sewer without the authorization of the City.

**13.04.240 Inspection of premises.**

The Director of Public Works and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter upon the property of all users for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this chapter or any other permits issued there under. The Director of Public Works or his or her duly authorized representative shall have the authority to examine and copy records for the purpose of determining compliance with this chapter.

**13.04.250 Liability for damages not affected by provisions.**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any water or sewer service equipment or piping, for damages to persons or property caused by any defect therein or negligence in the handling thereof, nor shall the City be held as assuming any such liability by reason of the approval or disapproval by the City or any employee thereof, of any equipment or installations as authorized herein.

**13.04.260 Contractor authorized to lay—Responsibility for expense—Indemnity of City.**

- A. All service lines from the City mains must be laid and constructed by a licensed plumbing contractor or a licensed underground utility contractor at the expense of the owner of the property to be served.
- B. All work to be done in laying of the service line from the main or other distributing or collection pipe and all labor connected therewith by the provisions of this chapter, except the making of the tap itself, shall be done by or under the direction of a plumbing contractor or underground utility contractor licensed by the City, who shall be employed and paid by the owner or consumer and who shall at all times hold the City harmless and indemnify the City against all accidents or damage to person or property arising from neglect in performance of the work.

**13.04.270 Placement of public utilities in relation to street.**

All water and sewer service lines, including private systems, must run at right angles to the street. Service lines shall not cross-adjointing property lines and shall connect to mains fronting the property. Existing service lines not meeting this requirement shall be brought into compliance with this provision at such time as the service is excavated for repair or replacement or as directed by the Public Works Director, and shall include extension of mains as necessary. The replacement shall be at the expense of the owner of the property served.

**13.04.280 Relation of other (private) utilities to Public Water and Sewer Mains.**

Other private utilities parallel to public water and sewer mains shall maintain a minimum five (5) foot horizontal separation from the main. Other private utilities shall attempt to cross public water and sewer mains at right angles to obtain the five (5) foot separation as soon as practical. Water and Sewer main separation shall be in accordance with the standards established in the IDCM and the Standard Specifications.

**13.04.290 Extension from one premises to another.**

Water and sewer service lines shall not be extended from one premises to another. Existing service lines not meeting this requirement shall be brought into compliance with this provision at such time as the service is excavated for repair or replacement or as directed by the Public Works Director, and shall include extensions of mains as necessary. The replacement shall be at the expense of the owner of the property served.

**13.04.300 Inspection.**

The City retains the right to inspect any and all piping and appurtenances attached to the water and wastewater systems of the City.

**13.04.310 Inspection prior to covering.**

No public or private water or sewer mains or service lines shall be covered until the same has been inspected by the Public Works Director or his or her designee. All persons shall give at least four (4) working-hours notice to the Public Works Director or his or her designee of the time the main or service pipe will be ready for inspection. It shall be the duty of the Public Works Director or Designee, within a reasonable time after the notice, to inspect the main or service and if, in his or her judgment, the connections are properly connected and materials are of the quality specified in the City Standard Specifications, he or she shall give permission for the trench to be filled in accordance with City Standard Specifications for Public Works Construction (current edition). If the work does not meet specifications, the work must be rectified and corrected.

**13.04.320 Responsibility for service pipes and appurtenances.**

- A. The owner of the premise being served, by service lines or stubs, shall be responsible for the maintenance of private distribution and collection systems, service pipes and appurtenances. All private mains, service pipes and appurtenances on the premises and up to the tap of the City main shall be installed and kept in good working order, and properly protected from frost and other danger, at the expense of the owner or person in possession of the premises served. If the owner or person shall fail to properly repair any leaky service pipe or other appurtenances promptly upon receipt of due notice from the Public Works Director, his or her designee, the water may immediately be shut off from the premises and remain shut off until the necessary repairs have been made and a fee as

established by the Common Council for turning the water off and on has been paid. The City shall not be liable for any damage resulting from the breaking of any of the service pipes or appurtenances, or for any other damage that may result from shutting off water for repairing or for any other purpose, or for any variation in pressure.

- B. If a private main or service line develops a leak and is not repaired within the time established by the Director of Public Works, or his designee, then the Director of Public Works may direct the repairs to be made, and assess the actual cost of the repairs, plus 10%, to the property.
- C. If an inactive private main, service stub or service line for an undeveloped lot develops a leak and is not repaired within the time established by the Director of Public Works, then the Director of Public Works may direct the repairs to be made, and assess the actual cost of the repairs, plus 10%, to the property. If inactive private main, service stub or service line for an undeveloped lot remains inactive for an extended period of time, the Public Works Director may direct the abandonment of the service or main and assess the actual cost of the abandonment, plus 10%, to the property.

#### **13.04.330 Abandonment of Service Lines and Private Mains.**

A property owner who discontinues use of an existing service line or private main for any reason shall, at his or her own expense, have the same disconnected at the City main and, if he or she fails to do so, there shall be no water served to the premises. If the main or service line is not properly abandoned, the Director of Public Works may direct the abandonment, and assess the actual cost of the repairs, plus 10%, to the property. It shall be the duty of all plumbers and underground utility contractors, in the event they are hired to replace an existing service, to disconnect any discontinued service lines serving the premises from the City main.

If a service line or private main will be used within one year, and the service line or private main and appurtenances comply with all applicable City standards, then the water may be abandoned by turning off the curb stop or valve, and cutting and plugging the service line or main on the property side of the curb stop or valve. A service or private main may be abandoned by cutting and plugging the service or main at the property line. If at the end of one year, the service or main is not reactivated, then the Director of Public Works may grant a time extension, or require the service or main to be abandoned at the City main.

#### **13.04.340 Credentials of City representatives.**

The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City 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 City facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **13.04.350 Infrastructure Acceptance.**

- A. All infrastructures within the jurisdictional area of the City of Rapid City that is or will be located within public right of way or public easement shall not be utilized for public use until such infrastructure is formally accepted by the City through action of the Council. Infrastructure excluded from this action will be private utilities and infrastructure contracted by and constructed directly by the City of Rapid City.
- B. The Public Works Director shall place on the Public Works Committee agenda an action item recommending acceptance of infrastructure when the project as a whole is ready for acceptance. Project components will not be accepted individually unless the Public Works Director believes such action is in the best interest of the City of Rapid City.
- C. In order for infrastructure to be presented to Council for consideration of acceptance the infrastructure will need to be constructed in accordance with the IDCM, the Standard Specifications, and the City-approved construction drawings. In addition, all required tests and punch list items shall be addressed prior to consideration for acceptance. Pavement structural integrity may be verified by core sampling by the City of Rapid City prior to acceptance.
- D. Fees in accordance with the Rapid City Municipal Code shall be paid prior to the infrastructure being accepted. These fees are applicable even when the infrastructure is completed through a non-platting process.

#### **13.04.360 Appeal procedure.**

Unless an appeal procedure is otherwise provided, any person aggrieved by a determination or order of the Public Works Director or his designee pursuant to this Title may appeal such determination or order within 10 days after such determination or order is imposed, by delivering to the Public Works Director a written notice of appeal, setting forth the specific grounds for the appeal. Upon receipt of such notice of appeal, the Public Works Director shall enter the appeal on the agenda of the next scheduled meeting of the city's Public Works Committee, and notify the applicant in writing of the time and place of the hearing.

## Chapter 13.08 Water Service System

### Section

#### *Article I. Generally*

- 13.08.010 Definitions.
- 13.08.020 Purpose of provisions.
- 13.08.030 Water furnished subject to provisions.
- 13.08.040 Water tapping and connection – Permit required.
- 13.08.050 Tapping permit – Application.
- 13.08.060 Responsibility for costs – Indemnification of City.
- 13.08.070 Connection permits.
- 13.08.080 Connection and re-inspection fees.
- 13.08.090 Use of fees.
- 13.08.100 Tapping and Connection – Permit – Authority to refuse for failure to obey regulations
- 13.08.110 Taps and connections to be made to City.
- 13.08.120 Tapping – Fees.
- 13.08.130 Connections for fire protection.
- 13.08.140 Turning water off after testing new installations required.
- 13.08.150 Cross connections.
- 13.08.160 Authority to restrict use of water for cooling or sprinkling.
- 13.08.170 Wasting water.
- 13.08.180 Unlawful turning on/off or interference.
- 13.08.190 Taking of water from fire hydrants.
- 13.08.200 Damaging fire hydrants, mains or connections – Notification of City – Payment of repair costs.
- 13.08.210 Right of City to shut off service for purpose of making repairs, connections or extensions or cleaning.
- 13.08.220 Shutting off water for failure to repair private sewer line or house service sewer line or to empty septic.
- 13.08.230 Denial of City liability.

#### *Article II. Service Lines*

- 13.08.240 Galvanized iron or lead pipes – Replacement required when in need of repair.
- 13.08.250 Curb stops and shut-off valves.
- 13.08.260 Curb boxes and valve boxes for private services.
- 13.08.270 Cutoffs.
- 13.08.280 Control valves.
- 13.08.290 Use of electrical devices to thaw.

**Article III. Meters**

- 13.08.300 One per service maximum – Auxiliary meters.
- 13.08.310 Water meter rental.
- 13.08.320 Size determination.
- 13.08.330 Location – Generally.
- 13.08.340 User’s responsibility for water meter damages.
- 13.08.350 External meters.
- 13.08.360 Accessibility.
- 13.08.370 Bypasses.
- 13.08.380 Remote reading device.
- 13.08.390 Testing.
- 13.08.400 Notice of breakage or stoppage.
- 13.08.410 Notice of removal.
- 13.08.420 Breaking seal or bypassing prohibited.

**Article IV. Service Charges**

- 13.08.430 Rates prescribed.
- 13.08.440 Water conservation measures established.
- 13.08.450 Exception to metered service.
- 13.08.460 Mobile home parks.
- 13.08.470 Billing generally.
- 13.08.480 Billing when meter not read.
- 13.08.490 Adjustment of bill in case of leaks.
- 13.08.500 Failure to pay.
- 13.08.510 Shut off policy for new accounts.
- 13.08.520 When connection required.

**ARTICLE I. GENERALLY**

**13.08.010 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions from other chapters of this Code shall apply to this chapter if any dispute arises over what is meant by any of the terms herein, unless such definition is directly contradicted by the terms of this chapter.

**IRRIGATION USER.** A commercial or industrial user of the utility using water for outdoor irrigation of landscaping, vegetation or crops.

**UNIT TIER.** The range of units of water used subject to a specified charge.

**WHOLESALE RATE.** An amount equivalent to 85% of the average of the four residential Tier rates.

### **13.08.020 Purpose of provisions.**

The rules and regulations prescribed in this chapter are established for governing the waterworks of the City and the control of all persons doing any plumbing in and upon any of the mains, connections or appliances appertaining to the City waterworks.

### **13.08.030 Water furnished subject to provisions.**

Any person applying for and receiving water from the waterworks system belonging the City, receives such water on the express condition that the water is taken subject to all rules and regulations prescribed by this chapter and penalties provided for any infraction of such rules and regulations.

### **13.08.040 Water Tapping and Connection—Permit required.**

Water Tapping permit: It is unlawful for any person to directly or indirectly tap or connect to any City water distributing pipe without first obtaining a permit to do such work.

Connection permit: It is unlawful for any person to lay any water service pipe or introduce into or about any building or any grounds any water pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting the pipes or plumbing, either directly or indirectly, to the City water mains, or make any additions to or alterations of any water pipes, water closet, curb stop or other fixtures of apparatus for the supply of any premises with water from the City water mains, without first obtaining a permit to do the work.

### **13.08.050 Tapping permit –Application.**

Contractors desirous of tapping or connecting to the City's distribution pipes, within the jurisdictional area of the City, shall have a licensed plumbing contractor or licensed underground utility contractor make application, in writing, to the Utility Maintenance Group, such application to state the name of the contractor, s description of the tap location, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least two days before the work is to be commenced. A permit shall be issued after the Director of Public Works or his designee approves the application, and payment is made for tapping fees as provided for in this chapter.

The owner or his or her agent shall make application for a connection permit on a form furnished by the City. This form may be combined with forms for other permits required by the City. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Director of Public Works. Approval of the application shall be contingent upon payment of connection permit fees to the City.

### **13.08.060 Responsibility for costs – Indemnification of City.**

All costs and expenses incident to the installation, connection and maintenance of the water service lines shall be borne by the owner. The owner shall indemnify the City from any

loss or damage that may directly or indirectly be occasioned by the installation of the water service lines.

**13.08.070 Connection permits.**

Owners of property desirous of using water, either directly or indirectly, from the City's distributing pipes, within the jurisdictional area of the City, shall have a licensed plumbing contractor or licensed underground utility contractor make application, in writing, to the water and sewer division, such application to state the name of the owner, a description of the premises, the size of the service, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least 2 days before the work is to be commenced. A permit shall be issued after the application is approved by the Director of Public Works or his designee, and payment is made for both connection fees and tapping fees as provided for in this chapter.

**13.08.080 Connection and re-inspection fees.**

The connection fee shall be forty dollars and provide a field inspection of the private water service line from the curb stop, or shut off to the structure, mileage, administrative tracking and card drawing. Each additional inspection of the private water service line shall require the payment of a twenty-five dollar re-inspection fee.

**13.08.090 Use of fees.**

- A. All connection fees, tap fees and re-inspection fees paid to the City pursuant to this chapter shall be deposited into the water enterprise fund, shall be separately accounted for, and shall be used for the purpose of providing funds for amortizing water bonds, water facility capital improvements or water facility operation.
- B. All water use charges and connection fees shall be deposited in the water enterprise fund and used for the purpose of providing funds for payment of water facilities bonds, construction and completion of water facility improvements and for the payment of operation, maintenance and repair of water facilities.

**13.08.100 Tapping and Connection –Permit – Authority to refuse for failure to obey regulations.**

If any plumbing or underground utility contractor fails to obey all regulations set forth in this chapter, it shall be within the authority of the Director of Public Works to refuse any more permits to such contractor until all violations have been corrected.

**13.08.110 Taps and connections to be made by City.**

After permits have been issued, it shall then be the duty of the Utility Maintenance Group, upon due notice, to tap the distributing pipe as provided in this chapter. No person shall tap or make connections, either directly or indirectly, to any of the distributing systems of the

waterworks of the City to include private water distribution systems or private fire protection systems, except through the Utility Maintenance Group.

**13.08.120 Tapping – Fees.**

At the time of making application for a tapping permit under this chapter, the applicant shall pay to the City Finance Officer or their designee a fee to cover the cost of making the tap upon the water main as follows:

Tap Size	2009	2010	2011	2012	2013
1-inch tap	\$108	\$119	\$131	\$144	\$158
1 1/2-inch tap	\$72	\$79	\$87	\$96	\$105
2-inch tap	\$72	\$79	\$87	\$96	\$105
Taps in excess of 2 inches, but less than 8 inches	\$300	\$330	\$363	\$399	\$439
Taps of 8 inches or greater	\$360	\$396	\$436	\$479	\$527

In addition to the above fees, any person using the service of the machine and the operator shall reimburse the City for any damage done to the equipment. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

**13.08.130 Connections for fire protection.**

Water meters shall not be required for private fire protection systems, provided the water is not used for any purpose other than fire suppression. Connections shall be made in accordance with other provisions within this Chapter, the IDCM and built in accordance with the Standard Specifications. Private fire protection systems shall be kept free from leaks and in good repair, and water used for fire suppression purposes only will be free of charge.

**13.08.140 Turning water off after testing new installations required.**

- A. In no case shall any contractor or other person, after the completion and testing of new plumbing work, leave the water turned on to the premises. Notice shall be given to the Water Department within 3 days that the water has been turned off at the curb stop. If a contractor secures a Temporary Water Service in accordance with 13.08.450, the water may remain active until conditions are met to allow metered service.
- B. If the regulation set out in subsection A. of this section is not complied with, the responsible licensed contractor shall be subject to the general penalty provision as set forth in § 1.12.010 of the Code.

**13.08.150 Cross Connections.**

Cross connections to the City water system are expressly prohibited.

**13.08.160 Authority to restrict use of water for cooling or sprinkling.**

All water used for air-cooling systems or street, lawn or garden sprinkling is subordinate to domestic use or fire protection, and may be restricted at any time, should a scarcity of water or an emergency of any kind so require.

**13.08.170 Wasting water.**

No person shall willfully and wantonly waste any potable water provided by the City.

**13.08.180 Unlawful turning on/off or interference.**

It is unlawful for any person, other than a duly authorized agent of the City, to turn on or off, or in any manner interfere with any valve, curb stop or other appliance connected with the waterworks system.

**13.08.190 Taking of water from fire hydrants.**

A. By authorization only

1. No person other than authorized employees of the City shall open, close or operate any fire hydrant which is part of or connected to the City system.
2. Except as provided in subsection B. of this section, no person shall take any water from any fire hydrant which is part of or connected to the City system.
3. No person other than authorized employees of the City shall attach, remove or replace any hose, meter, backflow prevention device or other apparatus to or from any fire hydrant which is part of or connected to the City system; provided, nonetheless, that nothing in this section shall prohibit authorized employees of a contractor engaged in the work of constructing additions to the City system from making such connections to the system as are shown on approved plans prepared by a licensed professional engineer.

B. The Director of Public Works may authorize the taking of water from fire hydrants subject to the following conditions:

1. All water shall be metered through meters provided by and installed by the City, and shall be paid for at the rates provided by § 13.08.430.
2. The Public Works Director, with the approval of the Common Council, shall establish written policies for the taking of water from fire hydrants. Such policies

shall include the types of proposed uses which will qualify for use of water from fire hydrants, the fees to be charged in connection therewith in addition to the rates for use of water, and such other matters as he or she shall deem appropriate.

3. Before any meter is installed and before any water is taken from the hydrant the customer shall pay to the City, at the time the account is opened, an administrative fee of \$500 to cover the cost of taking corrective action in the event of the failure of the customer to comply with the provisions of this section. Upon closing the account the customer may have the administrative fee refunded if all City equipment is recovered undamaged and in good working order, the meter has not been removed or relocated by other than City employees, the account has been paid in full and in all other respects the use of the hydrant has been in full compliance with this section. The deposit shall not be construed as a prepayment for the use of water.

- C. Individuals or firms may request a fire hydrant flow test. Fire hydrant flow tests must be scheduled with the City Fire Department. These flow tests shall only be conducted by authorized City personnel. The Fire Hydrant Flow Test Fee is \$50, which includes payment for the water discharged during the test. This fee shall not apply to any City entity.

**13.08.200 Damaging fire hydrants, mains or connections - Notification of City – Payment of repair costs.**

No person shall maliciously or wantonly deposit materials in the water system; break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment; or open or enter onto any property which is part of the water facilities. Any person violating this provision shall be subject to the general penalty provision as set forth in § 1.12.010 of the Code.

Any person damaging a fire hydrant or water main or any connection thereto shall notify the Water and Sewer Department or the Police Department at once, and the person responsible for the damage shall pay the cost of repairs or replacements.

**13.08.210 Right of City to shut off service for purpose of making repairs, connections or extensions or cleaning.**

- A. The City reserves the right at any time to shut off the water on any main for the purpose of repairing, making connections, extensions or cleaning the same, and it is expressly provided that no claim shall be made against the City by reason of the break in service. The Utility Maintenance Group or their designee, before shutting off water as provided in this section, shall give reasonable notice thereof to water users affected. In case of emergency, where the health and safety of the people are involved, the water may be shut off without notice.
- B. Should a privately-owned water line break, the Utility Maintenance Group may shut off all water supply to all water users on that line forthwith, and all water service may be

terminated by the Department until the break is adequately remedied, as shown by Department inspection of the repair.

**13.08.220 Shutting off water for failure to repair private sewer line or house service sewer line or to empty septic tank or repair any on-site system.**

If any person shall fail to promptly and properly repair any leaky, clogged or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the Director of Public Works to do so, the supply of City water may be immediately shut off from the premises of all water users on the line and shall remain shut off until the necessary repairs have been made. The City shall not be liable for any damage resulting from the shutting off of water under this section, and no deductions shall be allowed from the regular water rates during the period that the water is shut off. The water supply shall not again be turned on to the premises until all work ordered by the Director of Public Works has been satisfactorily completed and a fee established by the Council paid for turning the water off and on.

**13.08.230 Denial of City liability.**

The City will not be responsible for damages caused by the breaking of water meters or for any accidents resulting from variation in the water pressure or the hydraulic ram of the water in the mains.

**ARTICLE II. SERVICE LINES**

**13.08.240 Galvanized iron or lead pipes – Replacement required when in need of repair.**

Water service lines from the City's mains, which are galvanized iron pipe or lead pipe, shall not be repaired. When such service lines or appurtenances require repair, the entire service line and appurtenances shall be replaced in accordance with City Standard Specifications for Public Works Construction (current edition). The replacement shall be at the expense of the owner of the property served by the water service line.

**13.08.250 Curb stops and shut-off valves.**

There shall be a curb stop or shut-off valve in each water service pipe. The curb stop or shut-off valve shall be placed where it is readily accessible at all times, and no person not a direct employee of the Water Division shall open or close or otherwise interfere with the curb stop or shut-off valve, unless he or she has been authorized by the Water Division. In no case shall a curb stop or shut-off valve be placed on private property unless an appropriate access easement has been approved by the Director of Public Works, and recorded prior to the installation of the curb stop or shut-off valve.

**13.08.260 Curb boxes and valve boxes for private services.**

No premises shall be supplied water unless the curb box or valve box is in good repair. In case of neglect or refusal of the occupant or owner to provide or repair the box within a reasonable time after being notified, the Water and Sewer Department may cause it to be done and charge the expense thereof, plus 10% to the water bill, or the water service may be discontinued until the curb box is repaired.

**13.08.270 Cutoffs.**

Each separate building or water consumer location shall have its own separate cutoff (curb stops/shut-off valves) placed in accordance with the IDCM and Standard Specifications; provided that, when 2 or more buildings are already supplied through 1 service connection and 1 cutoff, the service may be continued until repairs are needed, or separate service and cutoffs are ordered by the Director of Public Works or his designee.

If the water account for any of the multiple buildings shall become delinquent and so remain for a period of 30 days, the water supply may be cut off from all of the buildings and shall not again be turned on until the delinquent account and a penalty, as established by the Common Council, is paid; provided, further, that, for such rental units once shut off under the preceding provisions, the account shall be opened only in the name of the owners of the property unless a separate cutoff is provided at the owner's expense. The Water and Sewer Department may order separate service connections for any such building already supplied through one service if or whenever the City main has been laid in the street adjacent to the building.

**13.08.280 Control valves.**

On all private water distribution systems or service lines connected to a City water main, there shall be installed, at the expense of the owner and under the direction of the Director of Public Works, a control valve between the City water main and the lot line in addition to curb stops in accordance with the IDCM.

**13.08.290 Use of electrical devices to thaw.**

No person shall connect any electric welder, generator or other electrical device to any water service line for the purpose of thawing the frozen water in the line unless the water meter in the line shall have been removed and all electrical grounding connections and other electrical connections have been disconnected from the portion of the service line to which the device is connected.

## **ARTICLE III. METERS**

### **13.08.300 One per service maximum – Auxiliary meters.**

Except as otherwise provided in § 13.08.370, the supply of water through each separate service must be recorded by 1 meter and remote reading device only, for which only 1 bill will be rendered by the City. This meter shall be provided by the City of Rapid City and remains the property of the City of Rapid City. If additional or auxiliary meters are desired for recording the subdivision of each supply, they must be furnished and set by the owner or consumer at his or her own expense, and he or she must assume all responsibility of maintaining and reading the same.

### **13.08.310 Water Meter Rental.**

Anyone renting water meters from the Water and Sewer Department will be charged at the following per day rates, to be charged from and including the first day to and including the last day of the rental period. No meter shall be rented for longer than a 6-month period. Any damage to the meter, other than normal wear, will be charged to those renting the meters. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

Meter Size	2009	2010	2011	2012	2013
5/8	\$.12	\$.13	\$.14	\$.15	\$.17
3/4	\$.14	\$.16	\$.18	\$.19	\$.21
1	\$.20	\$.22	\$.24	\$.27	\$.30
1-1/2	\$.42	\$.46	\$.51	\$.56	\$.62
2	\$.60	\$.66	\$.73	\$.80	\$.88
3	\$.72	\$.79	\$.87	\$.96	\$1.06
4	\$3.00	\$3.60	\$3.96	\$4.36	\$4.79

### **13.08.320 Size determination.**

The correct size of a water meter to be used on any service shall be the responsibility of the end user, and as determined by the current plumbing code adopted by the City.

### **13.08.330 Location – Generally.**

In applications where the static water pressure entering the facility being served is less than 80 psi, then the water meter shall be placed downstream of and as close, as practical, to building shut off valve and shall be installed downstream of a pressure reducing valve (PRV), if a PRV is installed. If the facility is a residential property and incorporates a static fire sprinkler system, that only uses water in the event of a fire, then the static fire sprinkler tap may be made upstream of the meter and PRV but downstream of the building shut off valve.

In applications where the static water pressure entering the facility being served is 80 psi or greater, then the water meter shall be placed downstream of and as close, as practical, to building shut off valve and shall be installed downstream of a pressure reducing valve (PRV). If

the facility is a residential property and incorporates a static fire sprinkler system, that only uses water in the event of a fire, then the static fire sprinkler tap may be made upstream of the meter but shall be downstream of the PRV and building shut off valve.

**13.08.340 User's responsibility for water meter damages.**

Each owner or water user must provide, at his or her own expense, a suitable place for the water meter safe from damage due to frost, hot water, steam or other causes. Where the meter is injured by freezing or use of a torch, or otherwise damaged by the act or neglect of the occupant of the premises, or of his or her agents or servants, the cost of repair or replacing the same shall be paid by the owner or occupant, and in case of neglect or refusal to pay the same on demand, the water supply may be turned off or the meter removed, or both, in which case the water shall not be again turned on until the cost and a penalty as established by the Common Council for turning off and on is paid. This meter shall be provided by the City of Rapid City and remains the property of the City of Rapid City.

**13.08.350 External Meters.**

All water meters located outside of buildings must be approved by the Director of Public Works. All such meter locations and enclosures shall be constructed by the property owner or water user according to the IDCM.

**13.08.360 Accessibility.**

The owner or occupant of premises where a water meter or remote meter reading device is located shall see that the meter or device is kept free from obstruction on or around the same, and conveniently accessible during all reasonable hours of the day for the purpose of reading, inspecting or repairing such meter or device. If the consumer or property owner refuses to grant access to any water meter or remote reading device or refuses to keep free access to the water meter or remote reading device for the purpose of reading or checking by the Water Division, the water may be shut off from the property and not turned on again until such violations have been corrected and the fee provided for in this chapter is paid.

**13.08.370 Bypasses.**

- A. From and after the effective date of this section, no water meter shall be installed with a bypass unless such bypass is provided with a separate meter installed in parallel and separately valved in such manner as to permit removal of either meter without disrupting service. The charge for the second meter shall be the demand charge established in § 13.08.410.
- B. Existing installations of meters with closed sealed bypasses may continue to be used; however, if any seal on the bypass is broken, other than by authorized personnel of the Rapid City Water Department, the bypass shall be removed upon 15-days' written notice by the City. The removal shall be a condition of continued water service.

**13.08.380 Remote reading device.**

A. All water meters shall be equipped with a remote reading device whereby the meter can be read without entering the building. The device shall be installed by the Rapid City Water Department on all water meters, the type of device and the date of installation to be determined by the Director of Public Works. The cost of installing the device shall be payable in the amounts set forth in the table below, which may either be paid in full or in monthly installments which will be billed over a period of 5 months. The first table shows the amount to pay the fee in full and the second table shows the alternative monthly charge. A consumer shall be billed at the monthly rate unless the consumer specifically requests to be billed for the entire amount. The City shall retain ownership of the device, and the device will be under the control of the City's Water Department at all times. The device shall be considered as part of the water meter servicing the property and shall not be removed or altered except by employees of the City. Where an outside meter reading device shall be installed for a nonresidential building and the cost of the installation exceeds the established charge, the property owner shall be required to pay an additional charge which will cover the additional cost of installation. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

	2009	2010	2011	2012	2013
Total Installation Cost	\$18	\$20	\$22	\$24	\$26
Per Month Installment	\$3.60	\$4.00	\$4.40	\$4.80	\$5.20

B. If the consumer or property owner refuses to grant access to the City to install a remote reading device, the water may be shut off to such property.

**13.08.390 Testing.**

Upon the written request of any owner or consumer, the Water Division will test the water meter supplying the premises. A fee, as established in the table below will be required before the meter is disconnected. The fee will be returned if the meter is found to be registering in excess of 2% fast, otherwise the deposit will be retained to cover the cost of making the test. If the test of the meter shows that it fails to register correctly within 2%, the Water Division shall make a charge or allow a credit in proportion to the error, for all water registered in excess of the minimum amounts allowed by the established rates, the same to be retroactive for 3 billing periods only. If the meter is found to be registering within 2%, the meter may be returned to the premises at the Water Departments' discretion. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

	2009	2010	2011	2012	2013
Testing Fee	\$60	\$66	\$73	\$80	\$88

**13.08.400 Notice of breakage or stoppage.**

In case of breakage or stoppage or any other irregularity in the water meter installed by the City, the owner or consumer shall immediately notify the Water Division

**13.08.410 Notice of removal.**

When a person removes a water meter, for any reason, the Water Division shall be notified immediately.

**13.08.420 Breaking seal or bypassing prohibited.**

Any person who shall break or deface the seal of any water meter or who shall obstruct or injure the action of any water meter, or who shall make any connection by means of a pipe, or otherwise, with any main or pipe used for the delivery of water to the consumer in such manner as to take water from the main or pipe knowingly without its passing through the meter, or who shall use any water so obtained, shall be guilty of a misdemeanor.

**ARTICLE IV. SERVICE CHARGES**

**13.08.430 Rates prescribed.**

A. All water taken from the waterworks system shall be metered or accounted for by a method approved by the Director of Public Works and shall be paid for monthly by the consumer named on the account, based upon monthly meter readings or estimates, at the following rates:

1. For water delivered to service lines through mains owned by the City for all Residential Users:

Starting with the February 2009 Water Bills

Unit Tier	Rate per Unit
Tier 1	\$2.13
Tier 2	\$2.31
Tier 3	\$2.69
Tier 4	\$3.15

Starting in January 2010

Unit Tier	Rate per Unit
Tier 1	\$2.34
Tier 2	\$2.53
Tier 3	\$2.95
Tier 4	\$3.45

Starting in January 2011

Unit Tier	Rate per Unit
Tier 1	\$2.55
Tier 2	\$2.75
Tier 3	\$3.19
Tier 4	\$3.71

Starting in January 2012

Unit Tier	Rate per Unit
Tier 1	\$2.83
Tier 2	\$3.03
Tier 3	\$3.47
Tier 4	\$3.99

Starting in January 2013

Unit Tier	Rate per Unit
Tier 1	\$3.11
Tier 2	\$3.32
Tier 3	\$3.77
Tier 4	\$4.31

2. Unit Sales associated with the tiers shown above are billed according to the following tier structure:

- a. Single Family Residential:

Meter Size	Tier 1 (Unit)	Tier 2 (Unit)	Tier 3 (Unit)	Tier 4 (Unit)
5/8	0-10	11-40	41-75	>75
3/4	0-10	11-40	41-75	>75
1	0-10	11-40	41-75	>75
1-1/2	0-10	11-40	41-75	>75
2	0-10	11-40	41-75	>75
3	—	—	—	—
4	—	—	—	—
6	—	—	—	—
8	—	—	—	—

b. Multi-Family Residential:

Meter Size	Tier 1 (Unit)	Tier 2 (Unit)	Tier 3 (Unit)	Tier 4 (Unit)
5/8	0-10	11-40	41-75	>75
3/4	0-15	16-45	46-80	>80
1	0-20	21-50	51-85	>85
1-1/2	0-50	51-100	101-150	>150
2	0-100	101-150	151-200	>200
3	0-150	151-200	201-250	>250
4	0-200	201-300	301-400	>400
6	0-200	201-300	301-400	>400
8	0-200	201-300	301-400	>400

3. For all water delivered to service lines through mains owned by the City for all Commercial and Industrial users:

Starting with the February 2009 Water Bills

Number of Units	Rate per Unit
All Units Used	\$2.21

Starting in January 2010

Unit Tier	Rate per Unit
All Units Used	\$2.44

Starting in January 2011

Unit Tier	Rate per Unit
All Units Used	\$2.68

Starting in January 2012

Unit Tier	Rate per Unit
All Units Used	\$2.96

Starting in January 2013

Unit Tier	Rate per Unit
All Units Used	\$3.22

4. Commercial and Industrial users purchasing water for irrigation use are required to install a separate Irrigation Meter. For water delivered to service lines through mains owned by the City for all water measured by dedicated Irrigation and Leased Account meters:

Starting with the February 2009 Water Bills

Unit Tier	Rate per Unit
Tier 1	\$2.31
Tier 2	\$2.69
Tier 3	\$3.15

Starting in January 2010

Unit Tier	Rate per Unit
Tier 1	\$2.53
Tier 2	\$2.95
Tier 3	\$3.45

Starting in January 2011

Unit Tier	Rate per Unit
Tier 1	\$2.75
Tier 2	\$3.19
Tier 3	\$3.71

Starting in January 2012

Unit Tier	Rate per Unit
Tier 1	\$3.03
Tier 2	\$3.47
Tier 3	\$3.99

Starting in January 2013

Unit Tier	Rate per Unit
Tier 1	\$3.32
Tier 2	\$3.77
Tier 3	\$4.31

5. Unit sales associated with the tiers shown above are billed according to the following tier structure:

Irrigation and Leased Accounts:

Meter Size	Tier 1 (Units)	Tier 2 (Units)	Tier 3 (Units)
5/8	0-30	31-65	>65
3/4	0-30	31-65	>65
1	0-30	31-65	>65
1-1/2	0-50	51-100	>100
2	0-50	51-100	>100
3	0-50	51-100	>100
4	0-100	101-200	>200
6	0-100	101-200	>200
8	0-100	101-200	>200

6. An advanced payment, which shall be included in the first month's billing, and will be applied as a credit against the final bill, shall be charge for each account as follows:

Meter Size	2009	2010	2011	2012	2013
3/4 and smaller	\$30.00	\$33.00	\$36.30	\$39.93	\$43.92
Larger than 3/4	\$120.00	\$132.00	\$145.20	\$159.72	\$175.69

7. For water delivered to service lines through the City or privately owned water mains outside the City limits or through mains owned by a governmental entity other than the City, the rates shall be established by contract.
8. Water sold to Ellsworth Air Force Base outside the City shall be negotiated between the City and Ellsworth Air Force Base.
9. Raw water:

At February 2009 Bill	\$.28 per unit
After January of: 2010	\$.30 per unit
2011	\$.32 per unit
2012	\$.35 per unit
2013	\$.38 per unit

B. The monthly meter charge for Residential, Commercial, Industrial, Irrigation, and Leased Account users shall be as follows:

1. A Meter Charge, based upon the size of the water meter serving the user, shall be paid for by the owner of the premises served. As set forth below, this Meter Charge shall include a charge associated with operating and debt service expense plus a surcharge associated with an environmental fee. The environmental fee shall be applied to Residential, Commercial, and Industrial accounts only.
2. The environmental fee surcharge covers the tax imposed by the state as an environmental fee upon drinking water treatment systems.

a. Residential:

Starting with the February 2009 Water Bills

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$6.75	\$.09	\$6.84
3/4	\$7.49	\$.09	\$7.58
1	\$9.12	\$.09	\$9.21
1.5	\$12.66	\$.09	\$12.75
2	\$17.88	\$.09	\$17.97
3	\$38.72	\$.09	\$38.81
4	\$55.07	\$.09	\$55.16
6	\$95.16	\$.09	\$95.25
8	\$144.20	\$.09	\$144.29

Starting in January 2010

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$6.92	\$.10	\$7.02
3/4	\$7.68	\$.10	\$7.78
1	\$9.37	\$.10	\$9.47
1.5	\$13.01	\$.10	\$13.11
2	\$18.39	\$.10	\$18.49
3	\$39.85	\$.10	\$39.95
4	\$56.69	\$.10	\$56.79
6	\$97.98	\$.10	\$98.08
8	\$148.50	\$.10	\$148.60

Starting in January 2011

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.22	\$.10	\$7.32
3/4	\$8.02	\$.10	\$8.12
1	\$9.79	\$.10	\$9.89
1.5	\$13.61	\$.10	\$13.71
2	\$19.26	\$.10	\$19.36
3	\$41.80	\$.10	\$41.90
4	\$59.48	\$.10	\$59.58
6	\$102.83	\$.10	\$102.93
8	\$155.87	\$.10	\$155.97

Starting in January 2012

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.22	\$.11	\$7.33
3/4	\$8.02	\$.11	\$8.13
1	\$9.79	\$.11	\$9.90
1.5	\$13.61	\$.11	\$13.72
2	\$19.26	\$.11	\$19.37
3	\$41.80	\$.11	\$41.91
4	\$59.48	\$.11	\$59.59
6	\$102.83	\$.11	\$102.94
8	\$155.87	\$.11	\$155.98

Starting in January 2013

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.28	\$.11	\$7.39
3/4	\$8.09	\$.11	\$8.20
1	\$9.87	\$.11	\$9.98
1.5	\$13.74	\$.11	\$13.85
2	\$19.44	\$.11	\$19.55
3	\$42.20	\$.11	\$42.31

4	\$60.06	\$.11	\$60.17
6	\$103.85	\$.11	\$103.96
8	\$157.42	\$.11	\$157.53

b. Commercial and Industrial:

Starting with the February 2009 Water Bills

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.06	\$.09	\$7.15
3/4	\$9.12	\$.09	\$9.21
1	\$13.30	\$.09	\$13.39
1.5	\$23.50	\$.09	\$23.59
2	\$36.19	\$.09	\$36.28
3	\$69.76	\$.09	\$69.85
4	\$111.58	\$.09	\$111.67
6	\$215.77	\$.09	\$215.86
8	\$341.22	\$.09	\$341.31

Starting in January 2010

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.06	\$.10	\$7.16
3/4	\$9.12	\$.10	\$9.22
1	\$13.30	\$.10	\$13.40
1.5	\$23.50	\$.10	\$23.60
2	\$36.19	\$.10	\$36.29
3	\$69.76	\$.10	\$69.86
4	\$111.58	\$.10	\$111.68
6	\$215.77	\$.10	\$215.87
8	\$341.22	\$.10	\$341.32

Starting in January 2011

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.19	\$.10	\$7.29
3/4	\$9.28	\$.10	\$9.38
1	\$13.55	\$.10	\$13.65
1.5	\$23.95	\$.10	\$24.05
2	\$36.90	\$.10	\$37.00
3	\$71.14	\$.10	\$71.24
4	\$113.79	\$.10	\$113.89
6	\$220.06	\$.10	\$220.16
8	\$348.03	\$.10	\$348.13

Starting in January 2012

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.19	\$.11	\$7.30
3/4	\$9.28	\$.11	\$9.39
1	\$13.55	\$.11	\$13.66
1.5	\$23.95	\$.11	\$24.06
2	\$36.90	\$.11	\$37.01
3	\$71.14	\$.11	\$71.25
4	\$113.79	\$.11	\$113.90
6	\$220.06	\$.11	\$220.17
8	\$348.03	\$.11	\$348.14

Starting in January 2013

Meter Size	Monthly Meter Charge	Environmental Fee Surcharge	Final Monthly Meter Charge
5/8	\$7.19	\$.11	\$7.30
3/4	\$9.28	\$.11	\$9.39
1	\$13.55	\$.11	\$13.66
1.5	\$23.95	\$.11	\$24.06
2	\$36.90	\$.11	\$37.01

3	\$71.14	\$.11	\$71.25
4	\$113.79	\$.11	\$113.90
6	\$220.06	\$.11	\$220.17
8	\$348.03	\$.11	\$348.14

c. Irrigation and Leased Accounts:

Starting with the February 2009 Water Bills

Meter Size	Final Monthly Meter Charge
5/8	\$14.95
3/4	\$17.36
1	\$22.53
1.5	\$34.28
2	\$50.44
3	\$106.66
4	\$158.32
6	\$285.80
8	\$440.77

Starting in January 2010

Meter Size	Final Monthly Meter Charge
5/8	\$24.71
3/4	\$28.82
1	\$37.60
1.5	\$57.57
2	\$85.05
3	\$180.62
4	\$268.44
6	\$485.15
8	\$748.62

Starting in January 2011

Meter Size	Final Monthly Meter Charge
5/8	\$41.79
3/4	\$48.85
1	\$63.96
1.5	\$98.30
2	\$145.57
3	\$309.94
4	\$461.00
6	\$833.74
8	\$1,286.90

Starting in January 2012

Meter Size	Final Monthly Meter Charge
5/8	\$60.14
3/4	\$70.38
1	\$92.29
1.5	\$142.08
2	\$210.62
3	\$448.97
4	\$668.00
6	\$1,208.48
8	\$1,865.55

Starting in January 2013

Meter Size	Final Monthly Meter Charge
5/8	\$77.88
3/4	\$91.20
1	\$119.67
1.5	\$184.41
2	\$273.51
3	\$583.36
4	\$868.10
6	\$1,570.72
8	\$2,424.92

C. *Water Rate Relief Program.* Residential water users can apply for a freeze on water monthly meter and unit charges. Eligibility for this program is based upon criteria outlined by the State of South Dakota Department of Revenue and Regulation Property Tax Division for the purpose of the Freeze on Assessments of Dwellings of Disabled and Senior Citizens Program. The Water Rate Relief program shall be administered through the City Public Works Department. The Director of Public Works shall have the authority to establish policies and procedures for administration of the program and to designate the program's calendar year. In order to qualify for the program an applicant must meet the following criteria:

1. Must either be 65 years of age or older or disabled as defined by the Social Security Act.
2. Income (Applicants Federal adjusted gross income including social security payments) guidelines:
  - a. Single income household: Less than \$24,599.44.
  - b. Multiple income household (must include income of all household members): \$30,749.30.
3. Applicant may own, rent, lease, or have a life estate in the property for which the freeze is applied for. Applicant must physically reside at the property. The water bill must be in the Applicant's name. If the residence has multiple units, but is served by only 1 service line or meter, the residents of the property are not eligible for the program. If each unit has its own meter the residents may be eligible for the program if they meet the other criteria. If the applicant owns or has a life estate in the property it must have a fair market value of less than \$168,855.21. If the applicant rents or leases the property the rent or lease payment must be less than \$900 for a single person or less than \$1,200 for a multiple income household.

If an applicant qualifies for the program their water and meter rates will remain the same for a period of 1 year or until the yearly renewal date. The applicant must reapply every year. If the fair market value of the applicants property or the rent paid by them exceeds the threshold amounts, they can still qualify for the program if they were qualified in the immediately preceding year and remain domiciled in the same residence.

D. The Director of Public Works shall, at the second meeting in May of each year, present to the Council an accounting of the status of the water utility and his or her recommendation regarding changes in the water use charge. If the Council determines that the rate increases according to the table in subsection subsections A and B of this section are not required, it shall resolve that the water rate increase shall be suspended for 1 year. In the years following the year in which the rate freeze was enacted, the rate shall automatically increase to the next higher incremental rate unless the Council resolves otherwise.

- E. No funds collected pursuant to charges imposed by subsections A. and B. of this Section shall be spent for other than waterworks expenditures.
- F. A portion of the funds collected pursuant to charges imposed by subsections A. and B. of this section shall be spent on construction for water system replacement, improvement, and expansion/economic development type projects as defined in § 13.04.010. Funding will be allocated for replacement and improvement type projects in the water construction department 933. Funding will be allocated for expansion/economic development projects in department 934.
- G. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

**13.08.440 Water conservation measures established.**

- A. For the purposes of conserving water and protecting limited supplies and facilitating the economical production of municipal water the following measures are established and shall be enforced:
  - 1. No outside watering, including lawn, tree and garden irrigation, shall be permitted during the months hereinafter specified. Outside watering shall be allowed between the hours of 6:00 p.m. and 9:00 a.m. according to the following schedule: Outside watering shall be allowed during the designated hours at addresses bearing an even number on days of the month bearing an even numbered date and may be allowed at addresses bearing an odd number on days of the month bearing an odd number; no outside watering shall be allowed on the thirty-first day of any month.
    - a. Normal Status. The aforesaid measures shall apply during the months of June, July and August of each year.
    - b. Concern Status. During such time as Pactola Reservoir contains less than 48,950 acre feet of water or the inflow to Pactola Reservoir is less than 90% of the mean monthly average, the aforesaid measures shall apply from April 1 through September 30.
    - c. Alert Status. During such time as Pactola Reservoir contains less than 26,950 acre feet of water or the inflows to Pactola Reservoir are less than 50% of the mean monthly average, the aforesaid measures shall apply throughout the entire year.
    - d. Critical Status. During such time as Pactola Reservoir contains less than 13,750 acre feet of water or the inflows to Pactola Reservoir are less than 25% of the mean monthly average no outside watering, regardless of hours or days, is permitted.

2. The Public Works Director shall notify the Council monthly of the level of Pactola Reservoir and the inflows to Pactola Reservoir. Based upon the information provided by the Public Works Director the Council shall determine which condition exists. If the Council shall determine that the status of the reservoir or the inflows has changed to a different level from its previous determination it shall publish notice of its new determination in the legal newspaper and shall make such news releases as it may find appropriate to inform the public of such change in status and the restrictions which shall then apply.
  3. Nothing herein shall prohibit manual watering with a handheld hose or with a bucket, sprinkling can or other similar container.
  4. The prohibition against outside watering applies only to watering with water taken from the City's water system or a system supplied from the City water system.
- B. The Public Works Director or his designee shall have the authority to issue a waiver to temporarily suspend the application of the water conservation measures contained in Subsection A. Any person may apply for the waiver, which application shall be made on a form provided by the Department of Public Works. The issuance of the waiver shall be at the discretion of the Director of Public Works or his designee and shall be governed by the following guidelines:
1. Waivers for new sod may be issued for watering within the water conservation hours established for in Subsection A. A waiver for new sod shall expire 2 weeks after the installation of the sod.
  2. Waivers for newly seeded areas may be issued for watering within the water conservation hours established for in Subsection A.
    - a. No waiver shall be granted unless the yard is mulched.
    - b. A waiver for a newly seeded yard shall expire 3 weeks after seeding of the yard.
  3. Waivers may be granted for daily watering, every-other-day watering, or watering at other intervals as deemed sufficient in the discretion of the Director of Public Works or his designee.
  4. Waivers for large areas, such as apartment complexes, athletic fields or similar size areas, may allow watering for certain portions of the area on certain days, as deemed sufficient in the discretion of the Director of Public Works or his designee.
  5. Waivers shall not be granted if Pactola Reservoir is in Critical Status.

6. The denial of an application for waiver may be appealed to the Common Council.
- C. During such time as the Council shall determine that Pactola Reservoir contains less than 13,750 acre feet of water or that the inflows to Pactola Reservoir are less than 25% of the mean monthly average for that month there is imposed a conservation surcharge, in addition to the charges made under § 13.08.430 of this code, upon the use of water from the waterworks system for residential water accounts at the rate of \$1 per 100 cubic feet of water in excess of the following monthly amounts:
1. For single-family residences for which such data is available, the average monthly water consumption for meter readings taken during the preceding January, February and March;
  2. For all other residential properties, eight hundred cubic feet multiplied by the number of dwelling units served under such account.

**13.08.450 Exception to metered service.**

- A. Dedicated fire service lines do not need to be metered provided they are a static system that only uses water in the event of a fire. Residential static fire sprinkler systems do not need to be metered provided they are a static system that only uses water in the event of a fire.
- B. When Temporary Service Approved. All structures requiring water services shall be metered, the only exception being, where conditions for a metered installation are unacceptable. When such conditions exist, a temporary service may be approved by the Water Department. Should a temporary service be approved, such service shall not exceed 180 days from the date of issuance. Should circumstances warrant, the water superintendent may grant extensions 30 days in length.
- C. Application. Temporary water service accounts may start immediately upon approval by the Water Department of the installation of the water service line. The person making application through the Water Department or building inspection Department will be required to sign an agreement of responsibility for payment of water account prior to the opening of a temporary water account. The water service line shall not be installed or connected to the City's water system unless the agreement of responsibility for payment of the water account has been signed.
- D. Fee-Billing. The amount charged for a temporary account will be a flat rate as set forth in the table below. These charges shall be billed monthly until the meter is installed and a regular water account is established. A meter will only be installed upon approval of the plumbing installation by the City Building Inspection Department. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

	2009	2010	2011	2012	2013
Temporary Account Fee	\$25	\$28	\$30	\$33	\$37

**13.08.460 Mobile home parks.**

- A. Water service shall be provided to mobile home parks within the limits of the City as follows:
- B. Effective as of the date of this ordinance, all new mobile home parks and one owner multi-residential complexes shall have individually metered water service and curb stop to each lot or mobile home; a single meter for the entire mobile home park or multi-residential complex will not be permitted. Refer to Universal Design Criteria Manual.
- C. If the mobile home park distribution system is privately owned, the owner shall provide written authorization for the City and its agents to enter upon the mobile home park for the purpose of reading meters and connecting or disconnecting water service to individual dwelling units within the mobile home park. The owner or agent of the mobile home park shall remain liable, as a single account consumer, for any water entering the water system of the mobile home park and not accounted for by individual meter reading.
- D. As of the date of this ordinance, mobile home parks currently being charged a wholesale rate will remain on the wholesale rate until notified by the Public Works Department.

**13.08.470 Billing generally.**

- A. Billing for water service shall be made on a monthly basis with such monthly date to be determined by the Finance Officer. The water bill shall be based upon the monthly reading of water usage, except as provided in § 13.08.480, and such bills shall be payable at the City Finance office or at an authorized bank depository by automatic withdrawal upon a written agreement with the City. Net monthly utility bills are due and payable when received. Any utility bills unpaid 23 days after the billing date shall be considered delinquent. A late payment charge of 1-1/2% or a flat rate charge of \$5, whichever is the greater amount, shall be assessed on the current unpaid balance of a delinquent account.
- B. A water account opened after the first or closed before the last day of a monthly billing period as established by the City finance officer, when such account uses less than the monthly minimum provided in § 13.08.430, shall be billed on a prorated daily basis, with each month considered to be 30 calendar days.

**13.08.480 Billing when meter not read.**

- A. If the Water Department is unable to obtain access to a premises or dwelling for the purpose of reading a water meter or remote meter, for any reason whatsoever, or if a

meter or remote meter fails to register the amount of water passing through it, for any reason, a monthly bill will be issued based upon the last actual meter reading obtained from such premises or dwelling. If an actual meter reading is not available, an estimate of 860 cubic feet will be billed.

- B. The proper adjustment will be made when the meter reading is obtained. In no case will any such bill be issued more than 3 months consecutively. If any meter reading is not obtained at the end of any such 3-month period, the water will be turned off after leaving notice by door card at the address of the consumer account that such water service will be shut off within 48 hours, exclusive of Saturdays, Sundays and legal holidays, until such meter reading is obtained, and the water shall not be turned on again until a charge established by the common Council is paid for turning water off and on.

**13.08.490 Adjustment of bill in case of leaks.**

- A. If any adjustment is requested on any water bill based upon a consumer's proof of leaks in piping unknown to the consumer, during the preceding month, plumbing fixtures excluded, the adjustment shall not be more than 50% of the bill after the minimum charge has been deducted, and no adjustment shall be made on more than 1 month out of any monthly periods. Reasonable proof of leaks must be established before any adjustment will be made.
- B. If any adjustment is requested on any water bill based upon a consumer's proof of a faulty metering device, and if such device has not been tampered with, the adjustment may be made based upon prior normal usage for that account prior to the time the metering device became faulty.

**13.08.500 Failure to pay.**

- A. If charges prescribed by this chapter are not paid within 45 days from billing date, the water may be shut off. Ten days prior to terminating the water service, a notice of intent to terminate the service will be mailed to the customer along with the procedures to contest the termination. The water shall not be turned on again until all current and delinquent unpaid charges are satisfactorily resolved, together with a service call charge as set forth below. If such services are requested to be provided outside normal City office hours, a service call charge specific to outside office hours, as set forth below, shall be paid. If a water serviceperson, called upon to shut off the water at a premises, arrives at the premises and the current and delinquent unpaid charges are satisfactorily resolved, together with a service call charge, the water to the premises shall not be shut off. All moneys on account will be credited to the oldest part of the bill first. Unless otherwise provided, the fees for 2014 and all subsequent years shall remain at the level for 2013.

	2009	2010	2011	2012	2013
Service Call Charge	\$30	\$33	\$36	\$40	\$44

Outside Office	\$50	\$55	\$61	\$67	\$73
Hours Service					
Call Charge					

- B. No person shall turn on the water to any premises from which the water has been turned off as provided for in this section, without written authority from the Water Division.
- C. If it is necessary to dig up the curb stop or corporation stop or shut off water for nonpayment of the water bill, the cost of work shall be added to the water bill in addition to all other charges.

**13.08.510 Shut off policy for new accounts.**

- A. A new Account on which a deposit and service charge is owed shall become delinquent if not paid within 15 days after the new account has first been billed. Water for any new account is subject to shut off if the delinquent amount is not paid in full within 7 days after receipt of a delinquent notice.
- B. This shut off policy shall apply only to the first billing of new accounts on which a deposit and service charge is owed. All future billings will be subject to the provisions of 13.08.500.

**13.08.520 When connection required.**

The owner of any house or building occupied or used by any person and located so that any part of the house or building is within 400 feet of a public water distribution system shall connect such house or building to the public water distribution system within 30 days from the time of receiving from the City a written notice to do so. Any extension of City public infrastructure to accommodate required connections shall comply with the IDCM and the Standard Specifications. This section only applies to domestic use, not to irrigation wells.

## Chapter 13.12 Private Water and Sewer Service Lines

### Section

- 13.12.010 Application to non-conforming service lines only.
- 13.12.020 Determination of financial participation by the City.
- 13.12.030 Location and notification of existing non-conforming water or sewer service lines, sewer collection systems, and water distribution systems.
- 13.12.040 Criteria for prioritizing existing non-conforming water or sewer service lines, sewer collection systems, and water distribution systems for upgrade.
- 13.12.050 Subsequently created non-conforming water or sewer service lines, sewer collection systems, and water distribution systems not covered.

### **13.12.010 Application to non-conforming service lines only.**

The provisions of this chapter shall only apply to projects in cases where public sewer mains or public water mains must be extended to allow existing non-conforming water or sewer service lines, sewer collection systems, or water distribution systems to be in accordance with the IDCM and built in accordance with the Standard Specifications.

### **13.12.020 Determination of financial participation by the city.**

- A. Upon either the presentation to the City of a petition for a project improvement or upon the determination of the Public Works Director that a new public sewer mains or public water mains must be extended to remedy existing non-conforming water or sewer service conditions as defined in 13.06.010 then the Public Works Director shall seek Council authorization to construct a project to correct the non-conforming water or sewer services. The City shall provide a portion of the funding for the design and construction of water and sewer mains as follows:
  - 1. For parcels receiving City water or sewer service prior to January 1, 1970, the city shall pay 70% and the landowner shall pay 30% of the proportionate share of the cost of design and construction of the project. The determination of whether a parcel had service prior to January 1, 1970, will be made based on the best available records. If a parcel did not have both water and sewer service prior to January 1, 1970, then the parcel is only eligible for cost sharing for the applicable utility.
  - 2. For all other qualifying parcels receiving City water or sewer service, the City shall pay 50% and the landowner shall pay 50% of the proportionate share of the cost of design and construction of the project. The determination of whether a parcel had service after January 1, 1970, will be made based on the best available records. If a parcel did not have water and sewer service after January 1, 1970, then the parcel is only eligible for cost sharing for the applicable utility.
- B. Notwithstanding subsections A.1. and A.2. of this section, the City's total participation shall not exceed \$10,000 per parcel per utility (if both water and sewer maximum cannot

exceed \$20,000). All costs exceeding \$10,000 per parcel per utility shall be the responsibility of the landowner.

- C. This Chapter shall not apply to properties that received final plat approval after January 1, 2007.
- D. Where current or previous property owners have executed and recorded a waiver of right to protest or covenant agreement relating to the extension of public water or sewer mains then the City shall not participate in the funding of the project as stated in this ordinance.

**13.12.030 Location and notification of existing non-conforming water or sewer service lines, sewer collection systems, and water distribution systems.**

The Public Works Department shall maintain a record of all identified non-conforming water or sewer parcels, as defined in this ordinance, within the city limits. The list shall be maintained in the office of the City's Finance Officer and be open to public inspection during normal business hours. Upon determining that a parcel is served by an existing non-conforming water or sewer service line, sewer collection system, or water distribution system, the Public Works Director shall notify the owner of record of the parcel as shown by the current county records by first class mail of the non-conforming nature. Upon completion of a project that corrects the non-conforming nature, the parcel served shall be removed from the list by the Finance Officer.

**13.12.040 Criteria for prioritizing existing non-conforming water or sewer service lines, sewer collection systems, and water distribution systems for upgrade.**

The Public Works Department shall develop criteria for prioritizing the existing non-conforming water or sewer service lines, sewer collection systems, and water distribution systems for upgrade. The criteria shall be presented to the Council for approval by resolution. Upon approval, the Public Works Department shall establish a priority list based upon the approved resolution. The priority list shall be maintained by the Public Works Department and an updated copy shall be available for public inspection in the office of the City's Finance Officer.

**13.12.050 Subsequently created non-conforming water or sewer service lines, sewer collection systems, and water distribution systems not covered.**

Non-conforming water or sewer service lines, sewer collection systems, and water distribution systems that are created after January 1, 2007 shall not be covered by the provisions of this chapter and the landowner shall be solely responsible for the maintenance and replacement of such non-conforming water or sewer service lines, sewer collection systems, and water distribution systems.

## Chapter 13.16 Sewer Service System

### Section

#### **Article I. General Provisions**

- 13.16.010 Purpose of provisions.
- 13.16.020 Public access to information.
- 13.16.030 When connection required.
- 13.16.040 Unsanitary disposal of waste prohibited.
- 13.16.050 Disposal of wastewater to storm sewers or natural outlet prohibited.
- 13.16.060 Onsite systems, etc. prohibited.
- 13.16.070 Plumbing code applicable to private wastewater systems.

#### **Article II. Building Sewers and Connections**

- 13.16.080 Authority to use, alter or make connection.
- 13.16.090 Tapping and connection – Permit – Authority to refuse for failure to obey regulations.
- 13.16.100 Taps and connections to be made by the City.
- 13.16.110 Sewer tapping and connection permits – Required.
- 13.16.120 Tapping permit – Application.
- 13.16.130 Responsibility for costs – Indemnification of City.
- 13.16.140 Building sewer required for each premises.
- 13.16.150 Surface runoff and groundwater prohibited.
- 13.16.160 Inspection of building sewer construction.
- 13.16.170 Connections outside City.
- 13.16.180 Extension of public infrastructure to accommodate individual service connections.
- 13.16.190 Special connections- Clean water to the sanitary sewer (sump pumps).

#### **Article III. Use of Public Sewers**

- 13.16.200 Clean water prohibited from sanitary sewer.
- 13.16.210 Materials prohibited in sewers.
- 13.16.220 Action resulting from deposit of deleterious materials.
- 13.16.230 Industrial waste permit.
- 13.16.240 Interceptors.
- 13.16.250 Screens required.
- 13.16.260 Pretreatment facility maintenance.
- 13.16.270 Monitoring, sampling, record keeping, reporting, notice, control manhole and flow measurement requirements.
- 13.16.280 Testing and sampling procedures.
- 13.16.290 Special agreements for unusual strength wastewater.
- 13.16.300 Authority to require compliance with federal categorical pretreatment standards.

#### **Article IV. Service Charges**

- 13.16.310 Tap Fees.
- 13.16.320 Industrial waste permit fees.
- 13.16.330 Connection permit.

- 13.16.340 Connection and re-inspection fees.
- 13.16.350 Sewer construction fees.
- 13.16.360 Sewer use charge.
- 13.16.370 Annual contracts.
- 13.16.380 Billing.
- 13.16.390 Use of fees.

**Article V. Appeals**

- 13.16.400 Generally.
- 13.16.410 Filing.
- 13.16.420 Procedure for conduct of hearing.

**Article VI. Enforcement**

- 13.16.430 Prosecution for damage to system.
- 13.16.440 Inspection of premises.
- 13.16.450 Observance of safety rules.
- 13.16.460 Notice of violation.
- 13.16.470 Violation – Penalty.
- 13.16.480 Violation – Liability for related costs.

**Article VII. Liquid Waste Haulers Regulations**

- 13.16.490 Applicability.
- 13.16.500 Interagency cooperation.
- 13.16.510 Liquid waste disposal.
- 13.16.520 Liquid waste haulage.
- 13.16.530 Liquid waste haulage permits.
- 13.16.540 Operation.
- 13.16.550 Liability.
- 13.16.560 Penalties.

**ARTICLE I. GENERAL PROVISIONS**

Sections:

**13.16.010 Purpose of provisions.**

The rules and regulations prescribed in this chapter are established for governing the sewage works of the City and the control of all persons doing any plumbing in and upon any of the mains, connections or appliances appertaining to the City sewage works.

**13.16.020 Public access to information.**

Any records, reports or information obtained under this chapter (i) shall, in the case of industrial user effluent data, be related to any applicable discharge limitation or prohibition, or permit condition, and (ii) shall be available to the public except under a showing satisfactory to

the Director by any person that the records, reports or information, or particular party thereof, other than effluent data, to which the Director has access under this chapter, if made public, would divulge methods or procedures entitled to protection as trade secrets of the person. The Director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this chapter, except that the record, report or information may be disclosed to officers, employees or authorized representatives of the State of South Dakota or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under the ordinance codified herein or other applicable laws.

**13.16.030 When connection required.**

The owner of any house or building occupied or used by any person, and located so that any part of such house or building is within 400 feet of a public sewer, shall connect such a house or building to a public sewer within 30 days from the time of receiving from the City a written notice to do so. Any extension of City public infrastructure to accommodate required connections shall comply with the IDCM and the Standard Specifications.

**13.16.040 Unsanitary disposal of waste prohibited.**

It is unlawful for any person to place, deposit or permit to be placed in any unsanitary manner on public or private property any human or animal excrement or garbage.

**13.16.050 Disposal of wastewater to storm sewers or natural outlet prohibited.**

It is unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewaters except where suitable treatment has been provided in accordance with this chapter, state and federal laws, and regulations.

**13.16.060 Onsite systems, etc. prohibited.**

Except as provided in the plumbing code of the City currently in effect and Chapter 13.20 of the Municipal Code, and as permitted by the Public Works Director, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility, adapted or used for the disposal of wastewater.

**13.16.070 Plumbing code applicable to private wastewater systems.**

All private wastewater systems within the jurisdictional area of the City of Rapid City shall conform with the City plumbing code currently in effect, the Rapid City Municipal Ordinances, the IDCM, Standard Specifications, and with the law of the State of South Dakota.

## **ARTICLE II. BUILDING SEWERS AND CONNECTIONS**

### **13.16.080 Authority to use, alter or make connection.**

No person except City employees or contractors directly employed by the City who are authorized to do so by the Public Works Director shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Public Works Director.

### **13.16.090 Tapping and connection – Permit – Authority to refuse for failure to obey regulations.**

If any plumbing or underground utility contractor fails to obey all regulations set forth in this chapter, it shall be within the authority of the Public Works Director to refuse any more permits to such contractor until all violations have been corrected.

### **13.16.100 Taps and connections to be made by the City.**

After permits have been issued, it shall then be the duty of the Utility Maintenance Group, upon due notice, to tap the collection pipe as provided in this chapter. No person shall tap or make connections, either directly or indirectly, to any of the collection systems of the sewer works of the City to include private sewer collection systems, except through the Utility Maintenance Group.

### **13.16.110 Sewer tapping and connection permits – Required.**

- A. Sewer tapping permit: It is unlawful for any person to directly or indirectly tap or connect to any City sewage collection pipe without first obtaining a permit to do such work.
- B. Connection permit: It is unlawful for any person to lay any sewer service pipe or introduce into or about any building or grounds any sewer service pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing, either directly or indirectly, to the City sewer mains, or make any additions or alterations of any sewer pipes, or other appurtenances for the collection of sewage from any premises, without first obtaining a permit to do such work.

### **13.16.120 Tapping permit – Application.**

Contractors desirous of tapping or connecting to the City's collection pipes, within the jurisdictional area of the City, shall have a licensed plumbing contractor or licensed underground utility contractor make application, in writing, to the Utility Maintenance Group, such application to state the name of the contractor, a description of the tap location, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least two days before the work is to be commenced. A permit shall

be issued after the Public Works Director or his designee approves the application, and payment is made for tapping fees as provided for in this chapter.

The owner or his or her agent shall make application for a connection permit on a form furnished by the City. This form may be combined with forms for other permits required by the City. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Public Works Director. Approval of the application shall be contingent upon payment of connection permit fees to the City.

**13.16.130 Responsibility for costs – Indemnification of City.**

All costs and expenses incident to the installation, connection and maintenance of the sewer service lines shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lines.

**13.16.140 Building sewer required for each premises.**

A separate and independent building sewer shall be provided for each lot. The location of sewer service lines shall be in conformance with the City's standard specifications.

**13.16.150 Surface runoff and groundwater prohibited.**

Except as allowed elsewhere in this chapter, no person shall connect roof drains, foundation drains, areaway drains, storm drainage, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the wastewater system. Outdoor dumpster(s) and refuse container(s) drains are prohibited if they are capable of receiving storm water either directly or indirectly.

**13.16.160 Inspection of building sewer construction.**

The person holding a building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made during the presence and under the inspection of the Public Works Director or his or her representative. The inspection will include private individual wastewater pumping facilities and grease and sand interceptors when required by code. Grease and sand interceptors are considered as a component of the Industrial waste permit within this chapter. Private individual wastewater pumping facilities will be considered as a facility governed by Title 15 and the fees will be in accordance with the provisions of Title 15.

**13.16.170 Connections outside City.**

No sewer connection permit shall be issued after the effective date of this chapter to serve any property located outside the corporate limits of the City, except with specific approval of the Common Council. The connections shall be authorized by resolution and shall be subject to such terms, conditions and fees as the Council finds necessary or appropriate.

**13.16.180 Extension of public infrastructure to accommodate individual service connections.**

Any extension of City public infrastructure to accommodate individual service connections shall comply with the IDCM and the Standard Specifications. The cost for installation of sewer infrastructure within a new development is the sole responsibility of the subdivider except for oversize cost as provided for in Title 16. The City may, at the discretion of the Common Council, choose to pay for a portion of the cost to extend sewer infrastructure to a new development.

**13.16.190 Special connections- Clean water to the sanitary sewer (sump pumps).**

In special circumstances the Public Works Director may allow in writing, connections of sump pumps or clean water connections to the sanitary sewer. The Public Works Director, with the approval of the Common Council, shall establish written policies for the connection of sump pumps or other clean water sources to the sanitary sewer. Such policies shall include the parameters which will qualify for connection, the fees to be charged in connection therewith in addition to the rates for use of sewer, and such other matters as the Director shall deem appropriate.

**ARTICLE III. USE OF PUBLIC SEWERS**

**13.16.200 Clean water prohibited from sanitary sewer.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater or unpolluted industrial process water to any sewer, except as allowed elsewhere in this chapter.

**13.16.210 Materials prohibited in sewers.**

- A. No person shall discharge or cause to be discharged any wastewaters to the wastewater system not in conformance with the national prohibited discharge standards, which may cause interference with the operation or performance of the wastewater facilities, or which may pass through the wastewater facilities. Wastewaters prohibited from discharge to the wastewater system under this section shall include those wastewaters:
1. Containing pollutants which create a fire or explosion hazard in the wastewater facilities, including but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C), or any pollutant that may create a health or safety hazard in the wastewater system;
  2. That are corrosive or that have a pH lower than 5;

3. Containing solid or viscous pollutants in amounts that will obstruct the flow in the wastewater system;
4. Containing materials that could potentially interfere with the operation of the wastewater treatment facilities;
5. With temperatures above 150°F (65°C), or which cause the wastewater entering the wastewater treatment facilities to exceed 104°F (40°C);
6. Containing radioactive wastes or isotopes in concentrations that exceed limits established by state and federal regulations;
7. Containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
8. Containing pollutants which result in the presence of toxic gases, vapors or fumes within the wastewater facilities that may cause acute worker health and safety problems;
9. Containing any trucked or hauled pollutants, except at discharge points designated by the Public Works Director or his or her designee.

B. Unless specific limits have been established through the application of categorical pretreatment standards or categorical pretreatment standards modified by the combined wastestream formula, no person shall discharge or cause to be discharged any wastewaters containing the following chemicals with a daily maximum in excess of the local limits stated:

Pollutant	Concentration mg/l
Arsenic (As)	0.047
Cadmium (Cd)	0.0310
Chromium (Hexavalent)	0.054
Total Chromium	0.487
Copper (Cu)	0.718
Lead (Pb)	0.346
Mercury (Hg)	0.0002
Nickel (Ni)	0.510
Oil and grease (O & G)	105
Selenium (Se)	0.092

Silver (Ag)	1.2660
Zinc (Zn)	5.307

- C. These local limits do not apply to specific chemical constituents contained in an industrial user's wastewaters when limits for the chemical constituent are set by categorical pretreatment standards. Categorical industrial users shall meet the more stringent of the local limits, applicable categorical standards, or, for a combined waste stream, the limits calculated in a manner prescribed by EPA.

**13.16.220 Action resulting from deposit of deleterious materials.**

If any wastewaters are discharged to the wastewater facilities which, in the judgment of the Public Works Director, may contain materials or have characteristics which will have a deleterious effect upon the wastewater facilities or which may create safety, health or environmental hazards, the Public Works Director may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the wastewater facilities;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost of handling and treating the wastes not covered by charges under other provisions of this chapter;
- E. The Director, or his or her designee, shall have the authority to establish additional discharge requirements as necessary for the protection of the wastewater facilities.

**13.16.230 Industrial waste permit.**

- A. No categorical or significant industrial user shall discharge wastewater to the wastewater facilities without having a valid industrial waste permit issued by the Public Works Director. A permit may be required for any industrial user as deemed necessary by the Director. All industrial users shall complete and submit an initial contract survey and any other reports required by the Director within 30 days after a written request by the City for the survey or report.
- B. Industrial users shall comply fully with the terms of their permits and the provisions of this chapter. Violation of a permit condition is deemed a violation of this chapter.
- C. Persons proposing to connect to the wastewater facilities and determined by the Public Works Director as requiring an industrial waste permit shall request same at least 60 days prior to commencing the discharge to the wastewater system. All permittees shall reapply for a new permit at least 60 days prior to the expiration of the old permit.

- D. All applications shall be in the form prescribed by the Public Works Director. The industry shall provide all information that could affect the characteristics of wastewaters to be discharged to the wastewater system.
- E. An applicant or permittee shall notify the Public Works Director of any new or increased contribution of pollutants or changes in the nature of pollutants not indicated in the permit application.
- F. Industrial waste permits shall include, but not be limited to the following terms:
  - 1. Notice of the general and specific prohibitions required by § 13.16.210;
  - 2. Prohibitions on discharge of certain materials determined by the Public Works Director pursuant to this chapter;
  - 3. Notice of applicable national categorical pretreatment standards;
  - 4. Requirements for installation of pretreatment necessary to achieve compliance with the requirements of this chapter. The design and installation of the technology shall be subject to the review, inspection and approval of the Public Works Director, and is also subject to the requirements of all applicable codes, ordinances and federal and state laws;
  - 5. Compliance schedules;
  - 6. Monitoring, sampling, recordkeeping, reporting, notice, control manhole and measuring requirements;
  - 7. Special requirements regarding unusual strength wastewater;
  - 8. Requirements for additional payments;
  - 9. Other conditions necessary to carry out the requirements of this chapter and applicable federal and state laws and regulations.
- G. Permits will be issued for a period not to exceed 5 years, but no less than 1 year.
- H. Permits are not transferable.
- I. Permits may be modified by the Public Works Director for just cause upon 30-days' notice. Just cause shall include, but not be limited to:
  - 1. Promulgation of a new applicable national categorical pretreatment standard;
  - 2. Changes in the requirements of this chapter;

3. Changes in processes used by the permittee or changes in discharge volume or character;
  4. Changes in design or capability of the wastewater facilities.
- J. Permits may be revoked for just cause including, but not limited to violation of any terms and conditions of the industrial waste permit or any other violation of this chapter; obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and false statements in any required report.
- K. The permittee will allow the Public Works Director, or his or her designee, with proper identification, to enter the premises for the purpose of inspection, observation, measurement, evaluation, sampling and/or testing a minimum of once per year.

#### **13.16.240 Interceptors.**

The following regulations shall govern the pretreatment and discharge of wastewaters from minor industrial users:

- A. Grease, oil and solids interceptors shall be installed by each minor industrial user for the proper handling of liquid wastes containing floating oils, fats or grease in excessive amounts or any flammable wastes, or other harmful ingredients. The Public Works Director may specify minimum construction standards for interceptors and other pretreatment devices. Suitable pretreatment devices shall be installed by all minor industrial users when making any modifications to the liquid waste plumbing or prior to January 1, 1995, whichever is the first to occur.
- B. Interceptors shall be of a type and capacity approved by the Public Works Director and shall be located under cover and shall be readily and easily accessible for cleaning and inspection. Drainwater, unpolluted runoff, groundwater or unpolluted waste streams shall not be discharged to interceptors.
- C. Interceptors approved by the Public Works Director shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- D. Interceptors shall be maintained by the owner, at his or her expense, and shall be continuously operated at all times.
- E. Failure by the owner to properly clean and maintain interceptors shall be considered sufficient cause for the Public Works Director to disconnect the industrial user from the wastewater facilities or to direct that the industrial user discontinue discharging to the wastewater facilities, or for punitive actions as provided for in this chapter.

**13.16.250 Screens required.**

In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the Director, they are necessary to reduce the concentration of industrial wastes to acceptable levels. Screens shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure by the owner to properly clean and maintain these units shall be considered sufficient cause for the Director to disconnect the industrial user from the facilities or to direct that the discharge of wastewater to the wastewater facilities be discontinued, or for punitive actions as provided for in this chapter.

**13.16.260 Pretreatment facility maintenance.**

Where preliminary treatment, flow measurement, sampling or flow-equalizing facilities are provided for any industrial wastewaters, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

**13.16.270 Monitoring, sampling, record keeping, reporting, notice, control manhole and flow measurement requirements.**

- A. Industrial users may be required at their own expense, to install, calibrate, operate and maintain sampling or monitoring equipment necessary to determine compliance with this chapter or requirements that may be specified as a condition of the industrial waste permit or to determine wastewater flows and characteristics as required to determine sewer use charges.
- B. Industrial users subject to categorical pretreatment standards shall be required, and all other industrial users may be required, to take samples of effluents in accordance with specified methods at the locations, at the intervals and in such a manner as may be prescribed by the Director, which are necessary to determine compliance with categorical pretreatment standards and other requirements contained in the industrial waste permit.
- C. Categorical industrial users shall be required to keep records as described in 40 C.F.R. pt. 403.12(n) and amendments thereto. All other industrial users may be required to keep records designated by the Director.
- D. Industrial users subject to categorical pretreatment standards shall be required submit to the Director the reports described in 40 C.F.R. pt. 403.12. Industrial users subject to categorical pretreatment standards shall also comply with any additional requirements specified in an applicable categorical pretreatment standard or elsewhere in 40 C.F.R. pt. 403.12, and amendments thereto. The Director may prescribe reporting requirements for all other industrial users as he or she determines to be necessary for the enforcement of this article.
- E. Industrial users shall notify the Director immediately of any slug loading.

- F. If not already required by this section, the Director may require any industrial user to install, at the owner's expense, a suitable device for continuously recording the flow discharged to the City's wastewater facilities. The measuring device may be installed on the source of the water to the industrial plant if that quantity is to be used as the measurement for the wastewater produced. If sufficient evidence is presented to the Director that not all water used reaches the sewer, an estimate will be made by the Director of the proper amount to be deducted to compute the wastewater flow.
- G. The Director may require an industrial user to install at its own expense a suitable control manhole to facilitate observation and sampling of industrial waste. The manhole and any monitoring or measuring devices required under subsections A. or F. of this section shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. They shall be of such design and construction as to prevent infiltration by ground and surface waters, or introduction of slugs or solids to the wastewater facilities. The installation of screens with a maximum opening of 1 inch, but of sufficient fineness to prevent the entrance of objectionable slugs or solids, may be required. The facilities shall be so maintained by the person discharging industrial waste that the Director may readily and safely measure the flow rate or obtain samples of the flow at all times.

**13.16.280 Testing and sampling procedures.**

All measurements, tests, sampling and analysis of the characteristics of wastewaters discharged to the City's wastewater facilities shall be determined in accordance with rules, specified in 40 C.F.R. pt. 136, or in the absence of 40 C.F.R. pt. 136 methods, by methods contained in the latest edition of *Standard Methods of Examination of Water and Wastewater*, as published by the American Public Health Association, and shall be determined at the location designated by the public works Director or his or her designee.

**13.16.290 Special agreements for unusual strength wastewater.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and industrial users whereby an industrial waste may be accepted by the City for treatment subject to payment by the industrial user of additional charges.

**13.16.300 Authority to require compliance with federal categorical pretreatment standards.**

- A. Upon promulgation of the Federal Categorical Pretreatment Standards (authorized by §307 of the Clean Water Act) for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this chapter, or in the absence of the applicable pretreatment limitations in this chapter, shall become applicable. The Director shall promptly notify all affected industrial users of the reporting requirements contained in 40 C.F.R. pt. 403.12 and shall require that the reports be signed by an officer of the industry who shall certify the completeness and accuracy of the report.

- B. The Director shall have the authority to place all affected industrial users on compliance schedules, receive and analyze reports on progress toward compliance, and insure that all applicable industrial users install the facilities necessary to achieve the required levels of treatment specified by the national categorical standard on or before the deadline specified in the standard. This authority shall also be applicable to those industrial users who discharge substances identified as prohibited discharges.

**ARTICLE IV. SERVICE CHARGES**

**13.16.310 Tap Fees.**

If it is necessary to tap a sewer at any place other than where a Tee has been placed, the City will make a tap after a regular sewer connection permit has been issued at the following fees:

Tap Size	2009	2010	2011	2012	2013
4-inch	\$165	\$182	\$200	\$210	\$220
6-inch	\$220	\$242	\$266	\$280	\$293

**13.16.320 Industrial waste permit fees.**

Each permittee shall pay an annual administrative fee effective for all permits as follows:

User	2009	2010	2011	2012	2013
Minor User	\$150	\$175	\$200	\$225	\$250
Significant Industrial Users and Categorical Users-Existing	\$250	\$1,500	\$2,000	\$2,500	\$3,000
Significant Industrial Users and Categorical Users-New	\$1,000	\$1,500	\$2,000	\$2,500	\$3,000

**13.16.330 Connection permit.**

Owners of property desirous of discharging to the sanitary sewer, within the corporate limits of the City, shall have a licensed plumbing contractor or licensed underground utility contractor make application, in writing, to the water and sewer department. Such application to state the name of the owner, a description of the premises, the size of the tap, the kind of service pipe to be used, and the purpose for which it is to be used. Such application must be made at least 2 days before the work is to be commenced. A permit shall be issued after the application is

approved by the Director of Public Works or his or her designee, and payment is made for fees as provided for in this Chapter.

**13.16.340 Connection and re-inspection fees.**

The service line inspection fee as shown below shall provide an initial field inspection of the private sewer service line from the sewer stub to the structure, mileage, administrative tracking and card drawing. Each additional inspection of the private sewer line shall require the payment of a re-inspection fee.

Fee	2009	2010	2011	2012	2013
Service Inspection	\$65	\$72	\$78	\$83	\$87
Re-Inspection	\$30	\$33	\$36	\$38	\$40

**13.16.350 Sewer construction fees.**

Upon recommendation by the Director, the Common Council may by resolution impose sewer construction fees on individual properties in certain identified, unserved areas when properties in such area are benefitted by the installation of a sewer. All users in such service area shall pay an additional sewer construction fee prior to connecting to the sewer. This sewer construction fee shall be in addition to the ordinary tap fees imposed by this chapter. The City may enter into agreements assigning the cost of installation of sewer water mains to serve such service areas. The ordinance codified in this section implements authority granted in SDCL § 9-48-15.

**13.16.360 Sewer use charge.**

**A. Unit Rate.**

- As set forth below, a total unit rate is established that includes a rate per unit associated with operating and non-debt service expense plus a surcharge per unit associated with debt expense.

		Rate per Unit	Surcharge per Unit	Final Rate per Unit
Starting with the February 2009 Bill		\$2.27	\$.39	\$2.66
Starting in January	2010	\$2.55	\$.35	\$2.90
	2011	\$2.69	\$.35	\$3.04
	2012	\$2.79	\$.35	\$3.14
	2013	\$2.90	\$.35	\$3.25

1. The proceeds of the surcharge upon sewer service are to be used for the payment of the principal of and interest on bonds issued under the authority of SDCL Ch. 9-40. No portion of the proceeds of such surcharge shall be expended for any purpose other than retiring sewer bonds until all of such bonds have been retired.
2. The rate to be paid for sewer service through lines owned by a governmental entity other than the City shall be established by contract.

B. *Meter Charge.* A total Meter Charge, based upon the size of the non-irrigation water meter serving the user, shall be paid for by the owner of the premises served. As set forth below, this total Meter Charge shall include a charge associated with operating and non-debt service expense plus a surcharge per unit associated with an environmental fee. The environmental fee surcharge covers the tax imposed by the state as an environmental fee upon municipal sewage collection systems.

1. For all Residential users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.22	\$0.26	\$3.48
3/4	\$4.17	\$0.26	\$4.43
1	\$6.06	\$0.26	\$6.32
1.5	\$10.78	\$0.26	\$11.04
2	\$16.45	\$0.26	\$16.71
3	\$29.68	\$0.26	\$29.94
4	\$48.58	\$0.26	\$48.84
6	\$95.83	\$0.26	\$96.09
8	\$152.53	\$0.26	\$152.79

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.48	\$0.27	\$3.75
3/4	\$4.50	\$0.27	\$4.77
1	\$6.54	\$0.27	\$6.81
1.5	\$11.65	\$0.27	\$11.92
2	\$17.77	\$0.27	\$18.04

3	\$32.06	\$0.27	\$32.33
4	\$52.47	\$0.27	\$52.74
6	\$103.50	\$0.27	\$103.77
8	\$164.73	\$0.27	\$165.00

Starting in January 2011

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.76	\$0.29	\$4.05
3/4	\$4.86	\$0.29	\$5.15
1	\$7.07	\$0.29	\$7.36
1.5	\$12.58	\$0.29	\$12.87
2	\$19.19	\$0.29	\$19.48
3	\$34.62	\$0.29	\$34.91
4	\$56.67	\$0.29	\$56.96
6	\$111.78	\$0.29	\$112.07
8	\$177.91	\$0.29	\$178.20

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.06	\$0.30	\$4.36
3/4	\$5.25	\$0.30	\$5.55
1	\$7.63	\$0.30	\$7.93
1.5	\$13.58	\$0.30	\$13.88
2	\$20.73	\$0.30	\$21.03
3	\$37.39	\$0.30	\$37.69
4	\$61.20	\$0.30	\$61.50
6	\$120.72	\$0.30	\$121.02
8	\$192.14	\$0.30	\$192.44

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.22	\$0.31	\$4.53
3/4	\$5.46	\$0.31	\$5.77

1	\$7.94	\$0.31	\$8.25
1.5	\$14.13	\$0.31	\$14.44
2	\$21.55	\$0.31	\$21.86
3	\$38.89	\$0.31	\$39.20
4	\$63.65	\$0.31	\$63.96
6	\$125.55	\$0.31	\$125.86
8	\$199.83	\$0.31	\$200.14

2. For all Commercial and Institutional users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.59	\$0.26	\$3.85
3/4	\$4.77	\$0.26	\$5.03
1	\$7.13	\$0.26	\$7.39
1.5	\$13.02	\$0.26	\$13.28
2	\$20.09	\$0.26	\$20.35
3	\$36.58	\$0.26	\$36.84
4	\$60.14	\$0.26	\$60.41
6	\$119.05	\$0.26	\$119.31
8	\$189.74	\$0.26	\$190.00

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.66	\$0.27	\$3.93
3/4	\$4.86	\$0.27	\$5.13
1	\$7.27	\$0.27	\$7.54
1.5	\$13.28	\$0.27	\$13.55
2	\$20.49	\$0.27	\$20.76
3	\$37.31	\$0.27	\$37.58
4	\$61.35	\$0.27	\$61.62
6	\$121.43	\$0.27	\$121.70
8	\$193.54	\$0.27	\$193.81

Starting in January 2011

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.88	\$0.29	\$4.17
3/4	\$5.16	\$0.29	\$5.45
1	\$7.70	\$0.29	\$7.99
1.5	\$14.07	\$0.29	\$14.36
2	\$21.72	\$0.29	\$22.01
3	\$39.55	\$0.29	\$39.84
4	\$65.03	\$0.29	\$65.32
6	\$128.72	\$0.29	\$129.01
8	\$205.15	\$0.29	\$205.44

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.12	\$0.30	\$4.42
3/4	\$5.47	\$0.30	\$5.77
1	\$8.17	\$0.30	\$8.47
1.5	\$14.92	\$0.30	\$15.22
2	\$23.02	\$0.30	\$23.32
3	\$41.92	\$0.30	\$42.22
4	\$68.93	\$0.30	\$69.23
6	\$136.44	\$0.30	\$136.74
8	\$217.46	\$0.30	\$217.76

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.36	\$0.31	\$4.67
3/4	\$5.79	\$0.31	\$6.10
1	\$8.66	\$0.31	\$8.97
1.5	\$15.81	\$0.31	\$16.12
2	\$24.40	\$0.31	\$24.71
3	\$44.44	\$0.31	\$44.75

4	\$73.06	\$0.31	\$73.37
6	\$144.63	\$0.31	\$144.94
8	\$230.51	\$0.31	\$230.82

3. For all Industrial users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$12.30	\$0.26	\$12.56
3/4	\$17.33	\$0.26	\$17.59
1	\$27.41	\$0.26	\$27.67
1.5	\$52.59	\$0.26	\$52.85
2	\$82.82	\$0.26	\$83.08
3	\$153.34	\$0.26	\$153.60
4	\$254.08	\$0.26	\$254.34
6	\$505.94	\$0.26	\$506.20
8	\$808.17	\$0.26	\$808.43

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$13.53	\$0.27	\$13.80
3/4	\$19.07	\$0.27	\$19.34
1	\$30.15	\$0.27	\$30.42
1.5	\$57.85	\$0.27	\$58.12
2	\$91.10	\$0.27	\$91.37
3	\$168.67	\$0.27	\$168.94
4	\$279.49	\$0.27	\$279.76
6	\$556.53	\$0.27	\$556.80
8	\$888.99	\$0.27	\$889.26

Starting In January 2011

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$14.88	\$0.29	\$15.17

3/4	\$20.97	\$0.29	\$21.26
1	\$33.16	\$0.29	\$33.45
1.5	\$63.64	\$0.29	\$63.93
2	\$100.21	\$0.29	\$100.50
3	\$185.54	\$0.29	\$185.83
4	\$307.44	\$0.29	\$307.73
6	\$612.19	\$0.29	\$612.48
8	\$977.89	\$0.29	\$978.18

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$15.77	\$0.30	\$16.07
3/4	\$22.23	\$0.30	\$22.53
1	\$35.15	\$0.30	\$35.45
1.5	\$67.46	\$0.30	\$67.76
2	\$106.22	\$0.30	\$106.52
3	\$196.67	\$0.30	\$196.97
4	\$325.88	\$0.30	\$326.18
6	\$648.92	\$0.30	\$649.22
8	\$1,036.56	\$0.30	\$1,036.86

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$16.40	\$0.31	\$16.71
3/4	\$23.12	\$0.31	\$23.43
1	\$36.56	\$0.31	\$36.87
1.5	\$70.16	\$0.31	\$70.47
2	\$110.47	\$0.31	\$110.78
3	\$204.54	\$0.31	\$204.85
4	\$338.92	\$0.31	\$339.23
6	\$674.87	\$0.31	\$675.18
8	\$1,078.02	\$0.31	\$1,078.33

- C. *Rate determination.* All wastewater and industrial waste discharged to the wastewater facilities shall be paid for by the tenant or owner of the premises served. The methods used for determining the sewer use charge shall be as follows:
1. *Residential users.* All residential wastewater users shall be assessed a monthly meter charge per the rates under subsection B.1 of this section. The wastewater flow from residential connections shall be determined each year from the metered water use for 3 winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the rate in subsection A.1 of this section and the product will determine the monthly sewer use charge for the 12- month period commencing April 1 for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of 700 cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February). For any of the 3 averaging months in which the meter is not actually read, the amount of 700 cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the 3 months. Residents with City Sewer service only (ie no City water) will pay a City use charge of 700 cubic feet per month. The resident may elect to install a potable water meter and radio read as an alternative to the 700 cubic feet per month and be charged per the normal winter use average as identified within this chapter. Residents experiencing leaks located after the meter during the sewer usage averaging period will be allowed sewer billing adjustments until the completion of the next sewer averaging period following notification by the customer. Sewer usage will be adjusted by taking the last 3 years average, or the minimum billing volume of 700 cubic feet if the record is less than 3 years. Residential users irrigating during any of the 3 months from which the sewer rates are determined will be allowed a rate reduction, as set forth in the previous paragraph. To receive such an adjustment, a residential user must sign an affidavit provided by the Public Works Department, affirming that they irrigated during the time of the sewer charge calculation.
  2. *Commercial and Institutional users discharging domestic wastewater.* All Commercial and Institutional wastewater users shall be assessed a monthly meter charge per the rates under subsection B.2 of this section. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in 100 cubic feet by the rate established by subsection A.1 of this section per 100 cubic feet. The wastewater volume shall be determined from the monthly metered water use unless special allowances are made or the wastewater is metered as provided herein.
  3. *Industrial users.* All Industrial wastewater users shall be assessed a monthly meter charge per the rates under Subsection B.3 of this section. The sewer charge

for industrial connections shall be determined by multiplying the monthly wastewater volume measured in 100 cubic feet, by the rate established by subsection A.1 of this section per 100 cubic feet, whenever the BOD concentration is less than 260 mg/l and the suspended solids concentration is less than 250 mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the Director. Whenever the BOD concentration exceeds 260 mg/l or the suspended solids concentration exceeds 250 mg/l, based on the sampling and testing program specified by the Director, a surcharge will be assessed at the following rates per pound on the portion of wastes in excess of 260 mg/l BOD or 250 mg/l TSS.

User	2009	2010	2011	2012	2013
BOD	\$0.13	\$0.16	\$0.19	\$0.23	\$0.27
TSS	\$0.09	\$0.11	\$0.14	\$0.17	\$0.21

D. *Non-residential rate adjustments.* Non- residential users may receive an adjustment to their sewer charge for non-irrigation water that is not discharged to the sanitary sewer. Such an adjustment shall only be made if the water is not used for irrigation and if the amount of water that is prevented from being discharged into the sanitary sewer system is metered, or if the actual sewage flow is metered.

E. *Sewer Rate Relief Program.* Residential sewer users can apply for a freeze on monthly sewer and unit charges. Eligibility for this program is based upon criteria outlined by the State of South Dakota Department of Revenue and Regulation Property Tax Division for the purpose of the Freeze on Assessments of Dwellings of Disabled and Senior Citizens Program. The Sewer Rate Relief program shall be administered through the City Public Works Department. The Director of Public Works shall have the authority to establish policies and procedures for administration of the program and to designate the program’s calendar year. In order to qualify for the program an applicant must meet the following criteria:

1. Must either be 65 years of age or older or disabled as defined by the Social Security Act.
2. Income (Applicants Federal adjusted gross income including social security payments) guidelines:
  - a. Single income household: Less than \$24,599.44.
  - b. Multiple income household (must include income of all household members): \$30,749.30.
3. Applicant may own, rent, lease, or have a life estate in the property for which the freeze is applied for. Applicant must physically reside at the property. The sewer

bill must be in the Applicant's name. If the residence has multiple units, but is served by only one service line, the residents of the property are not eligible for the program. If the applicant owns or has a life estate in the property it must have a fair market value of less than \$154,950. If the applicant rents or leases the property the rent or lease payment must be less than \$900 for a single person or less than \$1,200 for a multiple income household.

4. If an applicant qualifies for the program their sewer and meter rates will remain the same for a period of one year or until the yearly renewal date. The applicant must reapply every year. If the fair market value of the applicants property or the rent paid by them exceeds the threshold amounts, they can still qualify for the program if they were qualified in the immediately preceding year and remain domiciled in the same residence.
- F. *Monitoring.* All categorical and significant industrial users shall, at their own expense, monitor their wastewater discharge to determine their sewer use rate. Any other industrial user choosing to monitor its discharge may do so at its own expense.
- G. *Exempt from monitoring.* All minor industrial users shall be exempt from self-monitoring for the purposes of this section.
- H. *Wastewater volume measurement.*
1. Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply.
  2. Any industrial user receiving non- metered water shall either install water meters for all non-metered sources or provide wastewater flow measurement in accordance to the conditions set forth herein.
  3. All meters for non-metered water sources and wastewater flow measurement devices shall be installed in accordance with plans and specifications approved by the Director. All costs for design and installation shall be borne by the owner. The owner shall guarantee the City access to the meter or meters for periodic meter reading.
- I. *Review of each user's wastewater service charge.* If an industrial user has completed in-plant modifications which would change the user's wastewater characteristics or flows, the user can request that the Director adjust the industrial user's surcharge rate. The Director's decision can be appealed to the City Council in a manner designated in §13.16.400.

**13.16.370 Annual contracts.**

Industrial users may enter into annual contracts for sewer surcharges based on historical wastewater charges tied to water use or units of production. This alternative must be requested by the industry and the contract must be approved by the Director.

**13.16.380 Billing.**

The sewer use billing shall be monthly and shall be based on the rates determined in § 13.16.360. The sewer use bill shall be submitted with the monthly water bill and the provisions of §§ 13.08.470 and 13.08.500 shall apply.

**13.16.390 Use of fees.**

All connection fees, tap fees and re-inspection fees paid to the City pursuant to this chapter shall be deposited into the wastewater enterprise fund, shall be separately accounted for, and shall be used for the purpose of providing funds for amortizing sewer bonds, wastewater facility capital improvements or wastewater facility operation.

All sewer use charges, industrial user permit fees and connection fees shall be deposited in the wastewater enterprise fund and used for the purpose of providing funds for payment of wastewater facilities bonds, construction and completion of wastewater facility improvements and for the payment of operation, maintenance and repair of the wastewater facilities.

**ARTICLE V. APPEALS**

**13.16.400 Generally.**

Any person who feels aggrieved by a decision of the Director under this chapter may file an appeal with the Public Works Committee of the Common Council as a Utility Board of Appeals on the terms and conditions hereinafter specified. As such board, the committee shall have the power to adopt, amend or modify any order or determination made by the Director or his or her designee under this chapter.

**13.16.410 Filing.**

A. *Form of appeal.* Any person entitled to appeal may do so by filing at the office of the Director within 10 days from the date of determination or order of the Director or his or her designee and the appeal shall contain the following:

1. A heading in the words: Before the Public Works Committee of the Rapid City Common Council;
2. A caption reading Appeal of giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order,

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
  5. A brief statement in ordinary and concise language of relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
  6. The signatures of all parties named as applicants and their official mailing addresses;
  7. The verification (by declaration under penalty of perjury) of at least 1 appellant as to the truth of the matters stated in the appeal.
- B. *Processing of appeal.* Upon receipt of any appeal filed pursuant to this chapter, the Director shall notify the Chairperson of the Public Works Committee and shall present the appeal at the next regular or special meeting of the Public Works Committee.
- C. *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the Utility Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. The date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the Director. Written notice of time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Director either by causing a copy of the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.
- D. *Failure of any person to file an appeal.* In accordance with the provisions of this chapter shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.
- E. *Scope of hearing an appeal.* Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- F. *Staying or order under appeal.* Except for certain orders made pursuant to this chapter, enforcement of any notice and order of the Director or his or her designee issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

**13.16.420 Procedure for conduct of hearing.**

- A. *Hearing examiners.* The Public Works Committee may appoint 1 or more hearing examiners or designate 1 or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the committee for decision.

- B. *Record.* A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Committee.
- C. *Reporting.* The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. The fees may be established by the committee, but shall in no event be greater than the cost involved.
- D. *Continuances.* The committee may grant continuances for good cause shown; however, when a hearing examiner has been assigned to the hearing, no continuances may be granted except by him or her for good cause shown so long as the matter remains before him or her.
- E. *Oaths-certification.* In any proceedings under this chapter, the committee, any committee member, or the hearing examiner has the power to administer oaths and affirmation and to certify to official acts.
- F. *Reasonable dispatch.* The committee and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.
- G. *Form of notice of hearing.* The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the Public Works Committee of the Rapid City Common Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour, \_\_\_\_\_ upon the notice and order served upon you. You may be present at the hearing. You may be, but not be represented by counsel, you may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Public Works Committee.

- H. *Subpoenas.*
  - 1. *Filing of affidavit.* The Public Works Committee or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Committee or upon the written demand of any party. The issuance and service of the subpoenas shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his or her possession or under

his or her control. A subpoena need not be issued when the affidavit is defective in any particular.

2. *Cases referred to examiner.* In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.
3. *Penalties.* Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his or her possession or under his or her control as required by any subpoena served upon the person as provided for herein shall be guilty of a misdemeanor.

I. *Conduct of hearing.*

1. *Rules.* Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be efficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
3. *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts of competent jurisdiction in the state.
4. *Oral evidence.* Oral evidence shall be taken only as an oath or affirmation.
5. *Excluding of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.
6. *Rights of parties.* Each party shall have these rights, among others:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce documentary and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - d. To impeach any witness regardless of which party first called him or her to testify;
  - e. To rebut the evidence against him or her;

- f. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.
7. *Official notice-what may be noticed.* In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the state or of official records of the Public Works Committee or departments and ordinances of the City or rules and regulations of the Public Works Committee.
8. *Parties to be notified.* Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein or appended thereto.
9. *Opportunity to refute.* Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of the refutation to be determined by the Public Works Committee or hearing examiner.
10. *Inspection of the premises.* The Public Works Committee or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing; provided, that (i) notice of the inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Committee or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Committee or hearing examiner.

J. *Method and form of decision.*

1. *Hearing before the public works committee itself.* Where a contested case is heard before the Public Works Committee itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
2. *Hearing before examiner.* If a contested case is heard by a hearing examiner alone, he or she shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the committee. The report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the Committee as its decision in the case. All examiner's reports filed with the Committee shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the Committee.

3. *Consideration of report by committee notice.* The Committee shall fix a time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than 5 days prior to the date fixed, unless it is otherwise stipulated by all of the parties.
4. *Exceptions to report.* Not later than 2 days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision with written argument in support of the decision. By leave of the Committee, any party may present oral argument to the Public Works Committee.
5. *Disposition by the committee.* The Committee may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.
6. *Proposed decisions not adopted.* If the proposed decision is not adopted as provided in subdivision 5. of this subsection, the Committee may decide the case upon the entire record before it, with or without taking additional evidence or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, he or she shall prepare a report and proposed decision as provided in subdivision 2. of this subsection after any additional evidence is submitted. Consideration of the proposed decision by the Committee shall comply with the provisions of this section.
7. *Form of decision.* The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested.
8. *Effective date of decision.* The effective date of the decision shall be as stated therein.

## **ARTICLE VI. ENFORCEMENT**

### **13.16.430 Prosecution for damage to system.**

No unauthorized person shall maliciously, wilfully or negligently deposit materials in a manhole or sewer, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment; open manholes or enter on any property which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charges of disorderly conduct.

### **13.16.440 Inspection of premises.**

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon the property of all industrial users for the

purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this chapter or any other permits issued there under. The Director or his or her duly authorized representative shall have the authority to examine and copy any and all records required to be maintained by industrial users for the purpose of determining compliance with this chapter.

**13.16.450      Observance of safety rules.**

While performing the necessary work on private properties referred to in § 13.16.440, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the industrial user, and the industrial user shall be held harmless for injury or death to the City employees, and the City shall indemnify the industrial user against loss or damage to its property by City employees and against liability claims and damages for personal injury or property damage asserted against the industrial user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the industrial user to maintain safe conditions as required in this chapter.

**13.16.460      Notice of violation.**

Any person found to be violating any provision of this chapter, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. The notice requirements of this section may be waived by the Director if, in the Director's opinion, the violation constitutes an imminent threat to safety or the proper operation of the wastewater facilities.

**13.16.470      Violation – Penalty.**

- A. Any person who violates the provisions of this chapter who continues any violation beyond the time limit provided for in the notice of violation issued in accordance with § 13.16.460, the violation shall be punishable by a fine not to exceed \$1,000. Each day in which the violation shall continue shall be deemed as a separate offense.
  
- B. Any industrial user who shall be found to be in significant noncompliance with the provisions of the Clean Water Act, including regulations promulgated by EPA in accordance with the provisions of the Clean Water Act, shall be subject to the penalties provided for in the Clean Water Act and in EPA regulations promulgated under the authorities granted to EPA by the Clean Water Act.

**13.16.480      Violation – Liability for related costs.**

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of the violations. If a user violates the conditions of this chapter and continues to discharge wastewaters after receiving the notice under § 13.16.460, the Director may terminate the facility's service by terminating water service and/or physically disconnecting the facility's sewer service.

## **ARTICLE VII. LIQUID WASTE HAULERS REGULATIONS**

### **13.16.490 Applicability.**

These regulations shall apply to all liquid waste haulers that dispose of liquid wastes at the wastewater treatment works.

### **13.16.500 Interagency cooperation.**

In those cases where statutes, ordinances, regulations or other legal conditions exist which refer to or require approval by the County, the Director will coordinate with said entity for proper liquid waste disposal.

### **13.16.510 Liquid waste disposal.**

It is unlawful to dispose of liquid waste into surface waters, fractured bedrock, groundwater or in any other manner which would endanger public health. It is also unlawful to dispose of liquid waste in a manner not in compliance with 40 C.F.R. part 503.

### **13.16.520 Liquid waste haulage.**

- A. It is unlawful to haul liquid waste in any vehicle that is improperly maintained such that the waste leaks or may reasonably be expected to leak from the tank, pump or associated equipment.
- B. Anyone engaged in the business of liquid waste and disposing of liquid wastes at the wastewater treatment works shall be required to obtain a liquid waste haulage owner's permit.
- C. Anyone operating a liquid waste hauling vehicle while in the employ of a person or company engaged in the business of liquid waste haulage and disposing of liquid wastes at the wastewater treatment works shall be required to obtain a liquid waste haulage operator's permit.

### **13.16.530 Liquid waste haulage permits.**

- A. *General requirements.*
  - 1. Written application, on forms provided by the City, shall be submitted to the Director before a liquid waste hauler's permit will be considered.
  - 2. Applicant shall possess all necessary county, state and federal licenses and requirements.

3. The Director may issue liquid waste haulage permits only after all requirements of the application process have been met. Permits are not transferrable; any may be denied or revoked for violation by the holder of any applicable provision of this ordinance or similar laws or rules of the state.
4. Permits shall expire June 30 of each year unless the permit has been suspended prior to that date. Permits submitted for renewal 30 days or longer following the expiration date will be considered as a new permit and not a renewed permit.

**B. *Liquid waste haulage owner's permit.***

1. As part of the application process, all applicants shall make their liquid waste haulage vehicles available for inspection by the Director to ensure that equipment used to pump, haul and dispose of liquid waste is maintained and operated in a sanitary manner and is capable of properly handling and disposing of liquid waste.
2. Each vehicle used for hauling liquid wastes shall be registered with the City and display the owner's permit number in black 3-inch-high numbers, on a white reflective background, in 3 locations on each vehicle. The locations shall be on opposing sides and the back. Permit numbers shall be visible and easily readable at all times.
3. Liquid waste haulage vehicles shall be inspected on a yearly basis as a condition of renewal of the owner's permit to verify continued accordance with these regulations.

**C. *Liquid waste haulage operator's permit.***

1. Applicants shall have their application signed by the permitted owner by whom they are employed who shall certify that the applicant is authorized to operate equipment registered by the owner.
2. Operators shall renew their permit annually and at any time they become employed by an owner other than the person who signed the applicant's operator's permit application.

**D. *Permit fees.***

1. The permit fee and the annual renewal fee for a liquid waste haulage owner's permit shall be as shown below:

	2009	2010	2011	2012	2013
Permit Fee	\$110	\$121	\$133	\$140	\$147
Annual	\$28	\$31	\$34	\$36	\$37

Renewal Fee

- The permit fee for a liquid waste haulage operator's permit and the annual renewal fee shall be as shown below:

	2009	2010	2011	2012	2013
Operator's Permit	\$28	\$31	\$34	\$36	\$37
Annual Renewal Fee	\$11	\$12	\$13	\$14	\$15

E. *Disposal Fees.*

- The following fees shall be charged for disposal of liquid waste at the Rapid City Wastewater Treatment Works:

Domestic Septage	2009	2010	2011	2012	2013
First 1,000 gal	\$26.40	\$29.05	\$31.95	\$33.55	\$35.20
Each 500 gal increment in excess of 1,000 gal	\$8.80	\$9.70	\$10.65	\$11.20	\$11.75
Holding Tank Wastes	2009	2010	2011	2012	2013
First 1,000 gal	\$26.40	\$29.05	\$31.95	\$33.55	\$35.20
Each 1,000 gal increment in excess of 1,000 gal	\$8.80	\$9.70	\$10.65	\$11.20	\$11.75
Portable Toilet Wastes	2009	2010	2011	2012	2013
First 1,000 gal	\$26.40	\$29.05	\$31.95	\$33.55	\$35.20
Each 500 gal increment in excess of 1,000 gal	\$8.80	\$9.70	\$10.65	\$11.20	\$11.75

- Other hauled wastes shall be at a rate determined by the Director.
- Surcharges for high strength wastes as established in 13.16.360 also apply to holding tank wastes.

### **13.16.540      Operation.**

Only liquid wastes generated within the planning jurisdictional area (3-mile limit) of the City or within the Rapid Creek drainage basin between the Pactola Reservoir Dam and the City's western boundary will be accepted at the wastewater treatment works unless otherwise approved by the Common Council.

#### *A.      Manifest requirements.*

1.      All liquid waste haulers shall complete a hauled waste manifest for each liquid waste system that is pumped.
2.      The liquid waste generator must certify by signature that no known hazardous materials or wastewaters prohibited from discharge are contained in the liquid wastes pumped from their system. The liquid waste hauler shall certify that the liquid wastes disposed at the wastewater treatment works are only those wastes certified by the generator.
3.      The top copy of each hauled waste manifest shall be collected at the City's water reclamation facility each time liquid waste is deposited there. The liquid waste hauler shall retain the middle copy of each invoice for a period of at least 3 years. The bottom copy of the hauled waste manifest shall be given to the liquid waste generator following each pumping of a system.
4.      Liquid waste manifest forms shall be as provided by the Director.

#### *B.      Disposal procedures.*

1.      No person shall dispose of liquid waste at the wastewater treatment works without first obtaining permission from the Superintendent. Permission to dispose of liquid waste will not be granted until a complete hauled waste manifest from each generator of liquid waste being disposed is provided to the Superintendent.
2.      When the hauler combines liquid wastes from more than 1 generator, the liquid waste hauler shall collect separate representative samples from each generator and shall deliver all such samples with manifests to the superintendent at the time of disposal.
3.      No person shall dispose of liquid waste at the wastewater treatment works except in the presence of an authorized designee of the Director.
4.      The Superintendent may refuse to accept any liquid waste which, in his or her judgment, may cause interference or pass-through, or may contain hazardous materials or wastewaters prohibited from discharge.

5. Samples of each load disposed at the wastewater treatment works will be collected by the Superintendent.
6. Liquid wastes may be disposed only during regular business hours of the wastewater treatment works. The Superintendent may accept liquid wastes during nonworking hours upon receipt of additional fees as he or she may establish.
7. Any costs incurred by the City as a result of a liquid waste hauler's spillage or damage to the wastewater treatment works facilities shall be reimbursed by the person or company holding the liquid waste haulage owner's permit. Use of the disposal facilities at the wastewater treatment works will be denied to the haulers until all such costs have been paid.

**13.16.550 Liability.**

- A. This article shall not be construed as imposing upon the City any liability or responsibility resulting from damage caused by improper collection and/or final disposal of liquid waste, nor shall the City or county or their employees be held as assuming any liability or responsibility by reason of authorized inspection.
- B. Liquid waste generators and haulers shall be jointly and severally liable for any and all costs resulting from improper transportation, storage or disposal of liquid wastes.

**13.16.560 Penalties.**

Any person who shall fail to comply with any of the provision of this article, or who shall counsel, aid and/or abet any such violation or failure to comply, shall be subject to the general penalty provision as set forth in § 1.12.010 of this Code. Each day any violation of this Chapter continues shall constitute a separate offense. In addition, a civil penalty of not more than \$1,000 per violation per day may be assessed against any person violating any provision of this article. Each day of violation of this article shall constitute a separate offense.

## Chapter 13.20 Onsite Wastewater Disposal and Treatment

### Section

#### **Article I. General Provisions**

13.20.010 Responsibility for onsite wastewater system.

13.20.020 Definitions.

#### **Article II. Compliance Criteria**

13.20.030 Compliance with wastewater system requirements.

13.20.040 Onsite wastewater systems to comply with rules.

13.20.050 Onsite wastewater system design and type considerations.

13.20.060 Types of treatment available to onsite wastewater systems.

13.20.070 Wastewater to receive primary treatment prior to discharge to absorption system.

13.20.080 Wastewater not allowed to surface on ground or enter state waters—Exception.

13.20.090 Wastewater not to be discharged into unused wells, gravel pits, or rock formations.

13.20.100 Drainage not to enter wastewater systems.

13.20.110 Protection of potable water supply.

13.20.120 Onsite wastewater system prohibited when public wastewater systems are available.

13.20.130 Review of plans prior to onsite wastewater system construction permit approval.

#### **Article III. Site Evaluation Requirements**

13.20.140 Determination of acceptability of lot or site to support onsite wastewater system.

13.20.150 Separation required above ground water or geological formations.

13.20.160 Minimum lot size required.

13.20.170 Distance between onsite wastewater system components and pertinent ground features.

13.20.180 Onsite wastewater system construction permit application requirements.

13.20.190 Compliance with any other provisions of law.

13.20.200 Completed site plan.

13.20.210 Percolation tests required prior to approval and installation of absorption system.

13.20.220 Soil observation pits and soil borings.

13.20.230 Ground water determination.

13.20.240 Field evaluation.

13.20.250 Site evaluations during the platting stages.

#### **Article IV. Sensitive Regional Areas**

13.20.260 Sensitive regional areas—Scope.

13.20.270 Alterations in sensitive areas.

13.20.280 Design criteria for sensitive regional areas for new or repaired onsite wastewater systems.

- Article V. *Design Flow Determination***  
13.20.290 System sizing.  
13.20.300 Design flow.  
13.20.310 Wastewater flow capacity requirements of residential and non-residential establishments.  
13.20.320 Alternative method of determining wastewater flow capacity requirements for commercial or public service establishments.  
13.20.330 Alternative method of determining wastewater flow capacity requirements for public parks and marinas.

- Article VI. *Septic Tanks***  
13.20.340 Design and construction requirements for septic tanks.  
13.20.350 Minimum capacities for septic tanks.  
13.20.360 Installation requirements for septic tanks.

- Article VII. *Treatment of Effluent***  
13.20.370 Distribution of septic tank effluent to absorption fields.  
13.20.380 Distribution pipes.  
13.20.390 Gravity distribution.  
13.20.400 Additional requirements for drop boxes, distribution boxes, or valve boxes.  
13.20.410 Dual field systems.  
13.20.420 Dosing or pressure systems required when absorption systems are large.  
13.20.430 Dosing of effluent.  
13.20.440 Dosing chamber, pump pit, wet well, or lift station.  
13.20.450 Dosing devices for gravity distribution.  
13.20.460 Dosing devices for pressure distribution.  
13.20.470 Determining required absorption system area.  
13.20.480 Alternative method of determining required absorption trench system area.  
13.20.490 Class II dwelling sizing factors.  
13.20.500 Requirements for absorption trenches.  
13.20.510 Gravelless systems.  
13.20.520 Chamber systems.  
13.20.530 Requirements for absorption beds.  
13.20.540 Additional criteria for design and construction of absorption systems.  
13.20.550 Requirements for a mound or evapotranspiration system.  
13.20.560 Requirements for graywater system.

- Article VIII. *Alternative or Unconventional Systems***  
13.20.570 Holding tanks.  
13.20.580 Requirements for vault privies.  
13.20.590 Requirements for unconventional systems.  
13.20.600 Unconventional systems to be used when water or electrical systems unavailable.  
13.20.610 Absorption or alternative water-carriage system permitted under certain circumstances.  
13.20.620 Seepage pits allowable.  
13.20.630 Cesspool, pit privy or other failing systems.

**Article IX. State and Local Policies**

- 13.20.640 Conflict.
- 13.20.650 Disposal of septage.
- 13.20.660 Abandoned systems to be disconnected, plugged, dismantled, pumped, removed, and filled.

**Article X. Management and Administration**

- 13.20.670 Scope.
- 13.20.680 Purpose.
- 13.20.690 Objective.
- 13.20.700 Applicability.
- 13.20.710 Administration.
- 13.20.720 Interagency coordination.
- 13.20.730 Alternative systems.
- 13.20.740 Wastewater disposal.
- 13.20.750 Abandonment of onsite domestic wastewater disposal systems.
- 13.20.760 Standards applicability.
- 13.20.770 Applications.
- 13.20.780 Additional factors affecting the application process.
- 13.20.790 System Observations.
- 13.20.800 Sewerage system permits.
- 13.20.810 Operations and maintenance requirements.
- 13.20.820 Materials prohibited in on-site wastewater facilities.
- 13.20.830 Appeal procedure.
- 13.20.840 Waiver of regulations.
- 13.20.850 Liability.
- 13.20.860 Conflict.
- 13.20.870 Penalties.
- 13.20.880 Severability.

**ARTICLE I. GENERAL PROVISIONS**

**13.20.010 Responsibility for onsite wastewater system.**

The location and installation of each onsite wastewater system, and every part thereof, shall be such that, with reasonable maintenance, it will function in a satisfactory manner and will not create a nuisance or source of foulness, pose a threat to public health or safety of the environment, or otherwise adversely affect the quality of surface or ground water. Any person or entity owning or operating a facility on which an onsite wastewater system is installed shall be responsible for the inspection of, and any necessary upgrades to, the system.

**13.20.020 Definitions.**

The following terms used in this manual shall have the meanings given to them. For the purposes of this Chapter, certain terms or words used herein shall be interpreted as follows: the

words “shall” and “must” are mandatory, the words “should” and “may” are permissive. All distances, unless otherwise specified, shall be measured horizontally. Terms used in this Chapter are defined as follows:

***ABANDONED WASTEWATER SYSTEM.*** Any onsite wastewater system that has been disconnected from the pipes, building or structure it served, and/or is no longer being used to treat sewage.

***ABSORPTION BED.*** A subsurface absorption system consisting of excavations wider than 3 feet each, containing a minimum depth of 12 inches of clean aggregate, together with a system of absorption lines through which effluent may seep or leach into the surrounding soils.

***ABSORPTION FIELD.*** The soil or soils through which wastewater from absorption system percolates.

***ABSORPTION LINE.*** A perforated or open-jointed pipe that is installed in a covered trench or bed for the purpose of distributing wastewater to the surrounding soils through the perforations or the spaces between sections of the pipe.

***ABSORPTION SYSTEM.*** A system that utilizes absorption lines in trenches or beds to distribute wastewater to adjacent soils in an absorption field. This may also include gravelless or chamber systems as approved by the Department.

***ABSORPTION TRENCH.*** A long, narrow excavation made in soil for the placement of an absorption line.

***ADEQUATE WASTEWATER TREATMENT.*** The dispersal of wastewater in a manner that does not cause pollution of ground or surface waters or create a public health problem or odors.

***ALTERATION.*** Any change in the physical configuration of an existing onsite wastewater system, or any of its component parts, including replacement, modification, addition or removal of system components such that there will be a change in the location, design, construction, installation, size, capacity, type or number of one or more components. The term "alter" shall be construed accordingly.

***ALTERNATIVE ONSITE WASTEWATER SYSTEM.*** An onsite wastewater treatment system, other than a conventional septic tank and absorption system, designed to provide adequate wastewater treatment.

***AQUIFER.*** A geologic formation, group of formations, or part of a formation that is capable of yielding potentially usable quantities of potable water from wells or springs.

***AQUIFER RECHARGE AREA.*** The area in which water enters the formation by surface infiltration.

**BEDROCK.** The layer of parent material composed of consolidated or cemented rock particles, or of interlocking mineral crystals, which is either in a weathered or unweathered condition.

**BUILDING OR FACILITY SEWER.** That part of a drainage system extending from a building or facility, which conveys wastes discharged from the building or facility to a public or individual wastewater treatment system.

**CERTIFICATE OF COMPLIANCE.** A document written after a compliance observation, certifying that an onsite wastewater system is in compliance with applicable requirements at the time of the observation.

**CESSPOOL.** A covered underground receptacle, which receives untreated domestic wastewater and permits the untreated domestic wastewater to seep into the surrounding soils.

**CHAMBER SYSTEM.** A system of chambers, each of which is a molded, polyolefin plastic, arch-shaped, hollow structure, with an exposed bottom area, a solid top and a louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chamber systems may be of different sizes and configurations to obtain desired surface areas.

**CHEMICAL TOILET.** A toilet constructed to accept and discharge human excreta into a deodorizing and liquefying chemical solution contained in a watertight tank, without the use of water as a transport medium.

**CISTERN.** A watertight underground receptacle of nontoxic material designed for the storage of potable water.

**COMPLIANCE OBSERVATION.** An evaluation, investigation, observation, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

**CONVENTIONAL INDIVIDUAL ONSITE WASTEWATER SYSTEM.** An individual onsite wastewater system composed of a septic tank followed by an absorption system.

**DEPARTMENT.** The South Dakota Department of Environment and Natural Resources.

**DIRECTOR.** The Rapid City Public Works Director, or a duly authorized representative.

**DISPERSAL SYSTEM.** A system for the distribution of effluent by such methods as transpiration, evapotranspiration, or soil absorption.

**DISTRIBUTION BOX.** A watertight chamber below the outlet level of a septic tank or pretreatment unit from which effluent is distributed evenly to various portions of an absorption system.

**DOMESTIC WASTEWATER.** Wastewater, not including stormwater, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices, including but not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

**DOSING CHAMBER.** A tank that stores pretreated wastewater for periodic pressurized discharges to mounds or absorption fields.

**DWELLING.** Any building or place used or intended to be used by human occupants as a single-family or multifamily residence producing sewage.

**EFFLUENT.** The partially or completely treated liquid waste discharge from a wastewater treatment system.

**EFFLUENT FILTER.** An effluent treatment device installed on the outlet of a septic tank that filters solid materials and prevents the passage of suspended matter from sewage tanks before discharge to a soil treatment system.

**EVAPOTRANSPIRATION SYSTEM.** An imperviously lined dispersal system that uses a process of evaporation and plant transpiration to withdraw water from the soil.

**EXPERIMENTAL SYSTEMS.** A new device or design that needs further testing to provide information before approval.

**FAILURE.** A condition existing within an onsite wastewater system, which prohibits the system from functioning in a sanitary manner, and which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface water, into ground water, or which results in the failure of building plumbing to discharge properly.

**FLOODPLAIN.** The area covered by a 100-year flood event along lakes, rivers, and streams as published in technical studies by local, state, and federal agencies, or in the absence of these studies, estimates of the 100-year flood boundaries and elevations as developed pursuant to a local unit of government's floodplain or related land use regulations.

**GEOTEXTILE FABRIC.** A woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt and clay through the filter material.

**GRAVELLESS SYSTEM.** The use of approved perforated 8-inch or 10-inch diameter, filter-wrapped, plastic pipe, in lieu of 4-inch pipe and gravel, in subsurface fields and serial distribution systems.

**GRAYWATER.** The wastewater generated by water-using fixtures and appliances, which do not discharge garbage or urinary or fecal wastes.

**GRAYWATER SYSTEM.** A wastewater system designed to recycle or treat wastes from sinks, lavatories, tubs, showers, washers, or other devices, which do not discharge garbage or urinary or fecal wastes.

**GREASE INTERCEPTOR.** An indoor/outdoor unit similar to a septic tank, used to remove, by flotation, excessive amounts of grease and oils, which may interfere with subsequent treatment of the waste.

**GROUND WATER TABLE.** The upper surface of a ground water aquifer in the zone of saturation of a geologic formation.

**HOLDING TANK.** A watertight, covered receptacle, designed to receive and store the discharge of domestic wastewater, and accessible for periodic removal of its contents.

**IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY.** Situations with the potential to immediately and adversely affect or threaten public health or safety. At a minimum, this includes ground surface or surface water discharges, and sewage backup into a dwelling or other establishment.

**INCINERATOR TOILET.** A waste disposal system that uses natural gas, propane, or electricity to incinerate wastes.

**INDIVIDUAL ONSITE WASTEWATER SYSTEM.** A system or facility for treating, neutralizing, stabilizing or dispersing wastes from one source.

**INSTALLATION.** To establish or construct an effluent disposal system in an indicated place.

**INVERT ELEVATION.** The lowest portion of the inside of any horizontal pipe.

**LIQUID WASTE HAULER.** One who operates a vehicle equipped to pump out liquid waste containers, hold liquid waste in a tank on the vehicle, and transport the waste to a final disposal site.

**LOCAL ORDINANCES.** All ordinances such as zoning ordinances, subdivision regulations, municipal code, and either the city or county onsite wastewater system ordinances.

**MAINTENANCE.** The regular cleaning of any leaching chamber, septic tank, building sewer, distribution lines or any other component of an onsite wastewater system for the purpose of removing any accumulated liquid, scum and/or sludge. "MAINTENANCE" shall also be held to include any regularly required servicing or replacement of any related mechanical, electrical or other equipment.

**MOBILE HOME PARK.** A parcel of land developed for subsequent rental or lease for placement of 2 or more mobile homes.

**NO-DAK SYSTEM OR MOUND SYSTEM.** A shallow wastewater dispersal system constructed partially aboveground, which uses plant transpiration and soil absorption for final treatment of wastes.

**ONSITE WASTEWATER SYSTEM.** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal, or using advanced treatment devices that discharge below final grade. **ONSITE WASTEWATER SYSTEMS** include holding tanks, subsurface sand chambers, "No-dak" systems, and vault privies.

**ONSITE WASTEWATER SYSTEM CONSTRUCTION PERMIT.** A permit issued by the Director required for any installation, repair, alteration or upgrade of an onsite wastewater system prior to the start of construction.

**ONSITE WASTEWATER SYSTEM OBSERVER.** A person employed by or approved by the city that is responsible for the observation of existing onsite wastewater systems to establish compliance.

**ONSITE WASTEWATER SYSTEM INSTALLER.** Any person, certified by the state, who is directly responsible for the supervision of the alteration, repair, construction and installation of an individual or small onsite wastewater system.

**ONSITE WASTEWATER SYSTEM OPERATING PERMIT.** The permit issued by the Director authorizing the use of, and requiring the proper operation and maintenance of, an onsite wastewater system.

**OWNER.** A person who is the owner of record of the land on which an individual or small onsite wastewater system is to be, or has been designed, constructed, installed, altered, extended or operated.

**PARALLEL DISTRIBUTION.** Refers to distribution in a system with more than one line, where there are equal amounts of flow in the lines at the same time.

**PERCOLATION TEST.** A soil test at the depth of a proposed absorption system to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which 1 inch of water is absorbed over an interval of time.

**PIT PRIVY.** A structure that allows for disposal of human excreta into a pit in the soil, where a portion of the waste is dispersed by seepage into the surrounding soil.

**PLATTED.** A parcel of land that has been plotted and filed with a local governmental authority.

**POTABLE WATER.** Water that does not contain objectionable pollution, contamination, minerals, or infective agents, and is considered satisfactory for domestic consumption.

**PRIVATE WATER SUPPLY SYSTEM.** A water supply system that provides water for human consumption to fewer than 15 service connections, that regularly serves fewer than 25 individuals, or that serves 25 or more individuals for no more than 60 days per year.

**PUBLIC WASTEWATER SYSTEM.** A facility for the treatment of wastewater owned by the state or any of its political subdivisions.

**PUBLIC WATER SUPPLY SYSTEM.** A water supply system that provides water for human consumption to 15 or more service connections, or that serves an average of 25 or more individuals for 60 or more days per year.

**RECEPTACLE.** A tank, basin, cistern, grease interceptor, or reservoir for the containment of water or wastes or both.

**REPAIR.** To fix, refurbish or replace one or more components of an individual subsurface sewage disposal system in a manner that will restore, preserve and not change the original location, design, construction and installation, size, capacity, type, or number of the components of the system.

**REPLACEMENT.** The substitution of a properly working component for a component that is no longer in proper working condition.

**RESERVE AREA.** An area of land with demonstrated capacity for subsurface sewage disposal upon which no permanent structure shall be constructed, and which is intended for replacement of the principal system should it fail.

**SAND.** A soil texture composed by weight of at least 25% of very coarse, coarse, and medium sand varying in size from 2.0 to 0.25 millimeters, less than 50% of fine or very fine sand varying in size from 0.25 to 0.05 millimeters, and no more than 10% of particles smaller than 0.05 millimeters.

**SEASONAL HIGH GROUND WATER TABLE.** The highest elevation or level to which a soil is saturated for a week or more, as observed as a free water surface in an unlined hole, or to which it has been previously saturated as indicated by mottling, whichever is higher.

**SECRETARY.** The Secretary of the Department of Environment and Natural Resources or the Secretary's authorized representative.

**SEDIMENTATION TANK.** A watertight basin or tank in which liquid waste containing settleable solids and suspended matter are retained for removal by gravity.

**SEEPAGE PIT.** A subsurface absorption device, which consists of a covered excavation no deeper than 4 feet, with open-jointed walls through which effluent, after primary treatment, may seep or leach into the surrounding soil.

**SENSITIVE REGIONAL AREAS.** Local areas where one or more of the following features exist:

1. Aquifer recharge areas as mapped by the Department;
2. The 100-year floodplains as shown by Federal Emergency Management Agency maps; and/or

3. Shallow ground water areas that will include a 250-foot buffer zone on either side of all perennial streams.

**SEPTAGE.** The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

**SEPTIC TANK.** A watertight, accessible, covered receptacle that receives domestic wastewater from a building or facility sewer, allows solids to settle from the liquid, provides digestion for organic solids, stores digested solids through a period of retention, and allows clarified liquid to discharge to additional treatment works for final treatment and dispersal.

**SERIAL DISTRIBUTION.** An arrangement of absorption trenches or beds, which retains effluent in each component so as to utilize the total effective absorption area of each component before allowing the effluent to flow into a succeeding component.

**SEWAGE.** The waste produced by toilets, bathing, laundry, or culinary operations, or the floor drains associated with these sources. Household cleaners in sewage are restricted to amounts normally used for domestic purposes.

**SMALL ONSITE WASTEWATER SYSTEM.** A system or device for the collection, storage, treatment, neutralization, stabilization, and dispersal of wastewater from dwellings or other facilities that serve 30 or fewer individuals or produce 7,500 gallons or less of wastewater per day.

**SOIL OBSERVATION PIT.** An excavation of an open pit of sufficient size and depth made for the purpose of exposing a soil profile, which is to be described.

**SOURCE WATER ASSESSMENT AREA.** The area delineated by the state for a public water supply, whether the source is ground water or surface water or both, as part of the State Source Water Assessment Program approved by the Environmental Protection Agency under § 1452 of the Safe Drinking Water Act.

**STATE.** The State of South Dakota.

**SUITABLE SOIL.** A soil that acts as an effective filter in the removal of organisms and suspended solids before the effluent reaches bedrock or ground water.

**UNCONVENTIONAL SYSTEM.** A system or device, such as a compost unit, vault privy, or chemical toilet, which receives and treats human excreta without the use of water as a transport medium.

**UNDERGROUND DISPERSAL.** A subsurface infiltration system for the absorption of wastewater by adjacent soils and vegetation.

**UPGRADE.** The modification of one or more components of an onsite wastewater system, or the design and construction of a new onsite wastewater system, which is intended to bring a

nonconforming system into conformance with all local ordinances to the maximum feasible extent. An emergency repair is not an upgrade.

**VAULT PRIVY.** A structure that allows for disposal of human excreta into a watertight vault, provides privacy and shelter, and prevents access to the excreta by flies, rodents and other animals.

**WATER-CARRIAGE WASTEWATER SYSTEM.** A system that transports wastes from buildings or other facilities hydraulically by the use of water in a piping system.

## **ARTICLE II. COMPLIANCE CRITERIA**

### **13.20.030 Compliance with wastewater system requirements.**

No person may install, construct, or operate an onsite wastewater treatment or dispersal system, or any other system for the treatment or disposal of human excreta, which does not meet the requirements of this chapter.

*Reference: ARSD § 74:53:01:02*

### **13.20.040 Onsite wastewater systems to comply with rules.**

All onsite wastewater systems designed for the reception and treatment of wastewater from premises, including but not limited to, homes, mobile home parks, commercial establishments, businesses, public parks, and institutions where public wastewater collection and treatment systems are not available, shall be constructed, added to, and altered in accordance with this chapter. No onsite wastewater system, regardless of when it was constructed, may cause a violation of any existing water quality standard, cause a health hazard, or fail to meet the requirements of ARSD 74:53:01:08 to 74:53:01:13 inclusive.

*Reference: ARSD § 74:53:01:06*

### **13.20.050 Onsite wastewater system design and type considerations.**

The designer of each onsite wastewater treatment system must take into consideration the distance from any producing water well to the proposed septic tank and absorption system, the slope of the site and the gradient from any producing water well to the wastewater treatment system, the seasonal high ground water table, the ground water table, the percolation rate, the lot size, and the type and maximum daily wastewater flow to be treated by the wastewater treatment system.

*Reference: ARSD § 74:53:01:14*

**13.20.060      Types of treatment available to onsite wastewater systems.**

An individual or small onsite wastewater system may use any of the following types of treatment:

1.      A conventional system consisting of a septic tank with a soil absorption system;
2.      An aerobic treatment unit utilizing a sedimentation process in conjunction with a soil absorption system;
3.      A septic tank with an evapotranspiration, an evapotranspiration-absorption, or a mound system;
4.      A holding tank;
5.      A septic tank with a graywater system; or
6.      Stabilization ponds, if plans and specifications are prepared, submitted and approved in accordance with ARSD § 74:53:03.

*Reference: ARSD § 74:53:01:09*

**13.20.070      Wastewater to receive primary treatment prior to discharge to absorption system.**

Wastewater shall pass through a septic tank, sedimentation tank, or aerobic system prior to discharge to an absorption system.

*Reference: ARSD § 74:53:01:08*

**13.20.080      Wastewater not allowed to surface on ground or enter state waters—  
Exception.**

No person may allow wastewater from an onsite system to be deposited upon the ground surface, nor may any person operate an onsite wastewater system that allows wastewater to surface upon the ground or enter any waters of the state. Graywater systems are exempt from this requirement in locations where they will not create a public nuisance or enter any waters of the state.

*Reference: ARSD § 74:53:01:12*

**13.20.090 Wastewater not to be discharged into unused wells, gravel pits, or rock formations.**

Wastewater, treated or untreated, shall not be discharged into any abandoned or unused well, nor shall it be discharged into any crevice, sinkhole, gravel pit, or naturally fissured rock formation.

*Reference: ARSD § 74:53:01:13*

**13.20.100 Drainage not to enter wastewater systems.**

Drainage and runoff from footings, roofs, and ground water sump pumps shall not be allowed to enter an onsite wastewater system. Absorption systems shall be located and designed so that surface runoff from drainage ways will not flow into or over the system. Absorption systems may not be located in floodplains without prior written approval of the Director.

*Reference: ARSD § 74:53:01:17*

**13.20.110 Protection of potable water supply.**

No connection may be made at any time between a tap or outlet furnishing potable water on any premises and a container or equipment holding wastewater by any means other than an open connection or back siphonage protection.

*Reference: ARSD § 74:53:01:43*

**13.20.120 Onsite wastewater system prohibited when public wastewater systems are available.**

No person may construct, install or operate an onsite wastewater system where a public wastewater system is available. A public wastewater system is considered available to premises under the following circumstances:

1. The structure or wastewater system is located within the jurisdictional boundaries of a municipality or sanitary district; and
2. The sewer collection system of the public entity exists within 400 feet of the home, mobile home park, commercial establishment, business, public park, or institution; and
3. The municipality or sanitary district requests to provide service to the premises.

*Reference: ARSD § 74:53:01:07*

**13.20.130 Review of plans prior to onsite wastewater system construction permit approval.**

- A. *Review of plans and specifications by Director prior to construction.*

Plans and specifications for all proposed onsite wastewater system installations, repairs, or alterations that receive human excreta, must be submitted to the Director for review and approval prior to construction. Installation, operation and maintenance of these systems shall be in accordance with the approved plans and specifications. Where the owner desires deviation from this manual, the proposed deviation shall be submitted to the Director for review and approval in accordance with this manual.

**B. *Review of plans and specifications for a non-conventional onsite wastewater system prior to construction.***

Plans and specifications for all installations that receive human excreta, other than a conventional onsite wastewater system, must be submitted to the Director for review and approval prior to construction. Installation and operation of these systems shall be in accordance with the approved plans and specifications. A conventional individual onsite wastewater system may be designed and installed in accordance with this chapter, without submission of project plans and specifications to the Secretary for review and approval. Where deviation from this chapter is desired by the owner, the proposed deviation shall be submitted to the Director for review and approval in accordance with the terms of this chapter, along with plans, specifications, and supporting information prepared by a registered professional engineer or licensed plumber.

***Reference: ARSD § 74:53:01:03***

## **ARTICLE III. SITE EVALUATION REQUIREMENTS**

### **13.20.140 Determination of acceptability of lot or site to support onsite wastewater system.**

The acceptability of a lot or site to support an onsite wastewater system of the type and size, as required by this manual and all applicable local ordinances, shall be determined on the basis of the approved soil test data, site conditions, and daily sewage flow quantity and characteristics. Site conditions include, but are not limited to, lot size, slope, restrictive soil layer elevation, rock outcroppings, bedrock elevation, seasonal ground water elevation, sinkholes, surface drainage, or flood-prone areas. The Director may conduct a site evaluation, prepare a report of findings, and prescribe the size and location of a conventional onsite wastewater system or repair of such system. When a site meeting the requirements of this manual has been chosen for location of the proposed onsite wastewater system, the suitability of the soil for treatment and disposal of the effluent shall be determined as prescribed below. This determination shall be made based upon soil characteristics observed by percolation test results, soil observation pits, and/or soil borings, as well as any other related data that may be required by the Director.

### **13.20.150 Separation required above ground water or geological formations.**

There shall be at least 4 feet of soil between an absorption bed, trench, or seepage pit bottom, the lowest construction joint on a septic tank, or any other component of a subsurface absorption system, and the seasonal high ground water table, ground water table, rock

formations, or impervious soil strata. Absorption systems shall not be constructed in soils rated as having severe or very severe limitations for underground dispersal by the Soil Conservation Service, U.S. Department of Agriculture, unless that limitation is not present, as shown by field investigation or unless prior written approval is granted by the Secretary.

**Reference: ARSD § 74:53:01:15**

**13.20.160 Minimum lot size required.**

A water-carriage wastewater system may not be installed or operated on a lot smaller than 20,000 square feet in surface area. A water-carriage wastewater system may not be installed or operated on a lot smaller than 43,560 square feet (1 acre), when potable water is supplied by a private water supply system located on the lot. A water-carriage wastewater treatment system may be installed and operated on a lot 20,000 square feet in surface area or larger, if the requirements of ARSD 74:53:01:19 are met, and the premises are supplied by a public water supply system, a private water supply system not located on the lot, or by hauling and storage of potable water in a cistern. The requirements of this section do not apply if wastewater is emptied into a holding tank or an unconventional system is used.

**Reference: ARSD § 74:53:01:16**

**13.20.170 Distance between onsite wastewater system components and pertinent ground features.**

All onsite wastewater system components shall be located and maintained in accordance with minimum distance requirements from pertinent ground and terrain features on or near the site of the system. The minimum required horizontal distances, in feet, between system components and pertinent ground features are shown in Table 1 as follows:

**TABLE 1**

<b>Wastewater System Components</b>	<b>Ground and Terrain Features</b>						
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
Septic tank, aerobic system, or holding tank	50	75	50	50	25	10	10
Absorption field, mound, evapotranspiration, seepage pit, or graywater system	100	150	100	100	25	20	10
Sewer lines of tightly jointed tile or equivalent material	50	75	50	50	10	0	0
Sewer lines – materials, construction, testing comply with AWWA standards for water mains	30	30	25	3	10	0	0
Unconventional systems	50	75	50	50	25	0	10

- (A) Wells over 100 feet to the top of the aquifer
- (B) Wells less than or equal to 100 feet deep to the top of the aquifer, springs, or water suction lines
- (C) Cisterns or reservoirs
- (D) High-water line of lakes, streams, or impoundments (meandered or ordinary, whichever is higher)
- (E) Pressurized water lines
- (F) Dwelling or occupied building
- (G) Property line – all sides

**Reference: ARSD § 74:53:01:19**

**13.20.180 Onsite wastewater system construction permit application requirements.**

The Director of Public Works may deny any application for an onsite wastewater system construction permit if the following information is not submitted in full:

1. A completed site plan;
2. A completed percolation data sheet;
3. Soil observation pit or soil boring information as required by the Director;
4. The method used to determine ground water table,
5. An “As Constructed” drawing once completed, and
6. All other pertinent information as required by the Director of Public Works..

**13.20.190 Compliance with any other provisions of law.**

The Director, or his designee, may also deny an application for an onsite wastewater system construction permit, if there exists on the property where the wastewater system is to be constructed any structure, construction or other condition that is not in compliance with any other chapter of this code or state law.

**13.20.200 Completed site plan.**

- A. The site plan shall contain the information required for the design and location of the onsite wastewater system. At minimum, this will include a completed site plan with the percolation test data. The Director may also require a field evaluation or soil observation pit information prior to the approval of an onsite wastewater system construction permit. A site plan shall be required as part of each application and shall, as a minimum, provide the information outlined below:

1. Date of evaluation, names of property owners with the legal description, property lines and lot dimensions;
  2. A map, drawn to scale or dimension, with a north arrow, and including:
    - a. Horizontal and vertical reference point of the proposed soil treatment area or areas, soil observations, soil borings, percolation tests, and distances from the proposed onsite wastewater system to all required setbacks, lot improvements, easements, ordinary high water mark of public waters, and percent slope;
    - b. The location of any unsuitable, disturbed or compacted areas; and
    - c. The access route for tank maintenance;
  3. Location of proposed or existing:
    - a. Water supplies within 200 feet of proposed onsite wastewater system;
    - b. Section lines and rights-of-way on the lot;
    - c. Buildings or improvements on the lot; and
    - d. Buried water pipes within 25 feet of the proposed system;
  4. Estimated depth of seasonally saturated layer or bedrock;
  5. Flow determinations for the dwelling or other establishment;
  6. Streams, creeks or other drainage channels within property boundaries, including any drainage right-of-way and any contemplated diversion thereof;
  7. Floodplain designation and flooding elevation from published data or data that is acceptable to and approved by the Director or the Department;
  8. Drainfield reserve areas; and
  9. In some cases, where the plat may be large, an inset map showing a detailed description of the proposed onsite wastewater system may be required.
- B. When the Director has determined that he/she does not have sufficient information for evaluation of an application or an onsite wastewater system, he/she may require additional tests or documentation, or may deny the application, if the prior requirements are not met.

**13.20.210 Percolation tests required prior to approval and installation of absorption system.**

The owner of the land on which a subsurface absorption system is to be constructed or installed shall ensure that a percolation test is conducted in accordance with ARSD 74:53:01:30 before installation of any such system. Absorption systems shall not be constructed in soils rated as having severe or very severe limitations for subsurface wastewater disposal by the Soil Conservation Service, U. S. Department of Agriculture, unless that limitation is not present, as shown by field investigation, or prior written approval is granted by the Director. (Note: A subsurface absorption system shall be considered the same as an onsite wastewater system.)

***Reference: ARSD § 74:53:01:29***

**A. Manner for conducting percolation test:**

A soil percolation test shall be made in at least 3 test holes within 5 feet of where the proposed absorption system or shallow wastewater system is to be located. The holes shall be randomly located in soil representative of, and similar in character to, the rest of the area where the system will be placed. An additional test hole shall be made to a depth of 4 feet beneath the bottom of the proposed absorption system, unless ground water or bedrock is encountered first, to determine the type and depth of absorption system.

The horizontal dimension or diameter of the percolation test hole shall be from 6 to 12 inches, and the vertical sides shall extend to the maximum depth of the proposed absorption system, or to a depth of at least 30 inches, whichever is greater.

Test holes shall be located in unfrozen soil, and shall be filled at least 50% full with water for at least 8 hours, but not more than 16 hours, before making the soil percolation test. Immediately before making the test, each hole shall be refilled with water to at least 50% of its volume. When the water reaches the lower 25% of the test hole, the test shall begin. The percolation rate of a test hole shall be expressed in the number of minutes it takes the water level to drop 1 inch. The percolation rate for the area where the subsurface infiltration system is desired is the average percolation rate of all the test holes. The percolation tests shall be conducted for 2 hours, unless the percolation rate is slower than 45 minutes per inch, in which case the percolation tests shall be run for at least 4 hours.

***Reference: ARSD § 74:53:01:30***

**B. Additional requirements for conducting the percolation tests:**

The following are additional requirements for conducting percolation tests:

1. For mound systems, the bottom of each test hole shall be in the upper 12 inches of the original soil. For trenches and seepage beds, the bottom of each test hole shall be at the design depth;
2. The percolation test shall be performed by or under the supervision of a state-certified onsite wastewater system installer or a registered professional engineer,

and the results of the test shall be reported to the Director of Public Works or his designee;

3. Soil texture descriptions shall note the depths from the ground surface where texture changes occur. These shall be noted on the percolation data sheet;
4. The bottom and sides of the hole shall be carefully scratched to remove any smearing, and to provide a natural soil surface into which water may penetrate;
5. All loose material shall be removed from the bottom of the test hole, and 2 inches of 1/4- to 3/4-inch gravel shall be added to protect the bottom from scouring.

### **13.20.220 Soil observation pits and soil borings.**

Disposal fields must be designed and constructed in locations with suitable soils. An adequate location, with proper drainage and with sufficient distance from the underlying water table, is necessary to ensure that the absorption system will operate both properly and in an environmentally sound manner. Soil observation pits may be required prior to the installation of any onsite wastewater system.

***SOIL OBSERVATION PITS*** are excavated pits that are necessary to determine the level of the seasonal high water table and/or the depth of impermeable substratum. Soil observation pits shall be excavated prior to any required percolation tests, to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depths percolation tests shall be conducted. A soil observation pit evaluation showing a dry condition, estimated or measured to be at least 4 four feet below the bottom of a proposed absorption system during the wettest months, may be considered adequate evidence that the maximum seasonal ground water table and the bedrock layer will be sufficiently below the bottom of the proposed absorption system. Underground utilities must be located before soil observations are undertaken.

Soil borings shall be made in a manner that will provide a continuous sample of the soil profile without mixing the soil from different depths. Hand augers may be used, provided that the hole remains open and does not slump. Partial substitution for soil observation pits may be made using soil borings. Soil borings shall be made to a depth of 8 feet.

Soil observation pits shall be excavated at the site of each proposed absorption system for the purpose of determining the suitability and distribution of soil types present at the site. At minimum, one soil observation pit or three soil borings shall be dug to provide evaluation of the soil profile of the area of the proposed absorption system. The hole may be terminated when ground water or bedrock is encountered.

1. A soil observation pit shall be excavated to a minimum depth of 4 feet below the bottom of the soil absorption system, and shall be 24 to 36 inches wide, unless digging is impractical due to bedrock, water or seasonal wetness.
2. The location of the soil observation pit or the soil borings for disposal fields shall be located at either end of the disposal field, within or no further than 15 feet beyond the boundaries of the disposal field.

3. In addition, the following depths shall be reported for a complete evaluation of the pit: seasonal high water table, observed water table, and impermeable substratum.
4. The depth to the limiting zone shall be measured from the existing ground surface to the top of the limiting zone. In the case of disturbed ground, depth to the limiting zone shall be measured from the preexisting natural ground surface or the existing ground surface, whichever is lowest.
6. The onsite wastewater system installer must request an observation from the Director during the normal duty day, at least 48 hours before the date and time the soil observation pit will be ready for evaluation. These evaluations must be scheduled during normal observation hours and in conjunction with the observation schedule of the Director having jurisdiction.

It is recommended that the sides of the soil observation pit be stepped and sloped to prevent caving-in, and to allow safe access to the upper portion of the pit. It is also recommended that persons involved with the soil evaluation not enter into portions of a soil observation pit, which have been excavated, to depths greater than 5 feet below the surrounding ground surface. It is the responsibility of persons performing or witnessing soil evaluation to comply with all applicable federal, state and local laws and regulations governing occupational safety.

#### **13.20.230 Ground water determination.**

An adequate number of observations, excavations, or borings shall be made by the onsite wastewater system installer to clearly establish the elevation of the ground water table in accordance with the procedure outlined above. The ground water table determination should be made when the ground water table is at its highest level. The results of each observation and pertinent information shall be recorded on the onsite wastewater system construction permit application. The location of the ground water table observations shall be indicated on the preliminary site plan.

##### **A. *Wet season determinations:***

The ground water table elevation determination shall be made when the water table is highest; this occurs usually during the months of April through July. In making this determination, it is necessary to bore or dig an adequate number of holes of convenient size in the proposed disposal area to a depth of 8 feet below the surface. All water table observations should be made no sooner than 24 hours after excavation, and shall be witnessed by the Director unless otherwise waived.

##### **B. *Dry season determinations:***

Although the ground water table is more accurately measured in the wet season, data may be available to predict the maximum ground water table elevation during the wet season. To make a dry season determination, the applicant shall dig a 10-foot observation pit in the location of the proposed absorption area. All water table observations should be made no sooner than 24 hours after excavation, and shall be witnessed by the Director unless otherwise waived.

#### **13.20.240 Field evaluation.**

The Director may require that a field evaluation be done on the proposed site. A field evaluation, if required, shall consist of verifying the items described in items A through C below:

- A. Identifying lot lines, lot improvements, required setbacks, and easements;
- B. Viewing soil observation pits and percolation holes; and
- C. Verifying all other pertinent information related to the approval process for an onsite wastewater system construction permit.

#### **13.20.250 Site evaluations during the platting stages.**

During developmental stages, site evaluations may be required prior to approval of platting changes. This would include, but not be limited to:

- A. Percolation tests may be required for each individual lot;
- B. It may be required that reserve areas or soil observations be completed prior to platting approval; and
- C. All other pertinent information as required by the Director.

### **ARTICLE IV. SENSITIVE REGIONAL AREAS**

#### **13.20.260 Sensitive regional areas—Scope.**

Certain areas have been identified as sensitive regional areas, which are deemed particularly sensitive to the detrimental effects of nutrients, pathogenic organisms, organic chemicals and other substances that may be present in effluent from onsite wastewater system, and which are in need of special protection from such effects due to the unique and irreplaceable value of the resource, such as a public water supply, fisheries habitat and/or public recreation area. Standards for siting and design of onsite wastewater systems of this manual are established to enhance the wastewater treatment capability of onsite wastewater system, and thereby reduce the potential for adverse effects to critical resources. In areas designated as sensitive regional areas, the standards of this manual shall supersede minimum standards wherever applicable. The city will adopt the same areas as sensitive regional areas that have been identified by the South Dakota Department of Environment and Natural Resources. When specific evidence suggests questionable subsurface conditions exist, additional hydrological, geological, engineering or other information provided by a registered professional engineer or geologist may be required to be submitted by the applicant. The final determination shall be made by the Director.

**13.20.270 Alterations in sensitive areas.**

No alteration of a building served by an onsite wastewater system, which will result in an increase in flow or change in type of wastewater discharged, shall be approved in a sensitive regional area, unless after such improvements to the building on the lot satisfies, to the maximum extent possible, all design and siting requirements of the regulations in effect at the time of an onsite wastewater system construction permit application. If the lot does not satisfy all current requirements, the alteration may only be approved if the onsite wastewater system is brought into complete compliance with all local ordinances.

**13.20.280 Design criteria for sensitive regional areas for new or repaired onsite wastewater systems.**

Upon review of the onsite wastewater system construction permit application, the Director may require that:

- A. The lot sizes be larger than the minimum district lot sizes, in order to protect the public health;
- B. Due to the sensitivity of the aquifer recharge areas locally, a form of secondary treatment may be required in the aquifer recharge areas or areas where the ground water table is a concern;
- C. When an existing onsite wastewater system has been previously installed in a 100-year floodplain, then the new or repaired system shall meet or exceed the requirements of this manual and all local ordinances. The system as approved by the Director shall be designed to minimize or eliminate infiltration of floodwaters into the system, and discharge of the system into the floodwaters;
- D. A registered professional engineer or soil scientist shall perform the percolation tests or other soil evaluations, due to the lot being located in one of the areas classified as a sensitive regional area;
- E. The onsite wastewater system shall be designed by a registered professional engineer;
- F. The septic tank will be required to be a multi-compartmental or multiple tanks with a combined minimum capacity of 1,500 gallons;
- G. Horizontal separation distances from onsite wastewater systems and other pertinent ground features shall be 1.5 times the minimum distances required in § 13.20.170;
- H. All new, repaired or upgraded onsite wastewater systems within a sensitive regional area will be required to meet, at minimum, the requirements listed in § 13.20.300 for calculating the design flow;

- I. Drainfields in the sensitive regional areas, whether absorption trench systems or beds are used, may not be allowed to receive credit reductions when they are being sized unless certified by a registered professional engineer;
- J. Onsite wastewater systems shall not be permitted in highly permeable soils (percolation rate faster than 5 minutes per inch), except where the site evaluation has demonstrated that surface and ground water quality will be protected;
- K. Existing systems may be required to be retrofitted with an effluent filter;
- L. Existing onsite wastewater systems, which conform to this Chapter, ARSD Chapter 74:53:01, and all applicable local ordinances, shall be permitted to remain as installed, unless the onsite wastewater system is found to be in noncompliance.

**ARTICLE V. DESIGN FLOW DETERMINATION**

**13.20.290 System sizing.**

The onsite wastewater system shall be designed to accommodate additional capacity if any or all of the following can be reasonably anticipated:

- A. The construction of additional bedrooms such as where levels of new homes may be finished at a later time;
- B. The installation of water-using devices; or
- C. Other factors likely to affect the operation of the onsite wastewater system.

**13.20.300 Design flow.**

The average design flow shall be used to size soil treatment systems. The estimated average design flow for any dwelling shall provide for at least 3 bedrooms. For multifamily dwellings, the average design flow shall consist of the sum of the average design flows for each individual unit. These design flows are listed in Table 1b:

**TABLE 1b**

Number of Bedrooms	Flow Volume (gpd)	
	Class I	Class II
3	360	450
4	480	600
5	600	750
6	720	900

These design flows are based on the following formulas:

Classification I: Classification I dwellings correspond with the minimum standards allowed by ARSD §74:53:01:31.

Classification II: Classification II dwellings are those with more than 2 of the following water-use appliances: automatic washer, dishwasher, water conditioning unit, whirlpool bath, multi head showers, or self-cleaning humidifier in furnace. The average design flow for Classification II dwellings is determined by multiplying the number of bedrooms by 150.

**13.20.310 Wastewater flow capacity requirements of residential and non-residential establishments.**

All individual or small onsite wastewater treatment systems shall be designed to have a capacity at least equal to the anticipated maximum daily flow. For existing facilities where the average daily flow is measured, the anticipated maximum daily wastewater flow shall be assumed to be 150% of the average daily flow as the basis for the design of the system. In other cases, the anticipated maximum daily flow capacity shall be determined according to the type of facility as set forth in Table 2.

**TABLE 2**

<u>Flow</u>	<u>Maximum Daily</u> Gallons/Person/Day * Gallons/Unit/Day
<u>Residential</u>	
Boarding Houses (with food service)	50
Hotels and Motels (without private baths)	40
Hotels and Motels (with private baths)	50
Luxury Residences and Estates	150
Mobile Home Parks (minimum of 3.5 persons)	75
Mobile Home Parks (per space)	*250
Motels (with private baths and kitchenettes or laundry)	60
Multiple-Family Dwellings or Apartments	75

Rooming Houses (rooms with baths)	40
Single-Family Dwellings, Class I (minimum of 3.5 persons, or 120 gallons per bedroom, whichever is greater)	75
<u>Commercial</u>	
Airport (per passenger, without food service)	5
Airport (per public toilet room)	*500
Automobile Service Station (per toilet room)	*500
Automobile Service Station (per vehicle served)	*10
Bars and Cocktail Lounges (per patron)	2
Bars and Cocktail Lounges (per seat)	*20
Bus Stations (without food service)	5
Commercial Employees (except factory, plant, or office)	10
Factories and Plants (exclusive of industrial waste)	35
Laundries, Self-service (per washer)	*600
Offices (per employee)	15
Restaurants (kitchen wastes per patron)	3
Restaurants, on Interstate or Through Highways (per seat)	*180
Restaurants, (per seat)	*35
Restaurants (toilet and kitchen wastes per patron)	10
Restaurants (with paper service per patron)	1.5
Shopping Centers (per parking space)	2
Stores (per public toilet room)	*500
Theaters, Drive-in (not including food, per car space)	*10
Theaters, Movie Auditorium-type (not including food, per	*5

seat)	
Work or Construction Camps (semi-permanent, with flush toilets)	50
Work or Construction Camps (semi-permanent, without flush toilets)	25
<u>Institutional</u>	
Hospitals (per bed space)	250
Institutional and School Employees	15
Institutions Other Than Hospitals (per bed space)	125
Nursing or Rest Homes (per bed space)	100
Schools, Boarding	100
Schools, Day (without cafeteria, gym, or showers)	15
Schools, Day (with cafeteria, but not gym or showers)	20
Schools, Day (with cafeteria, gym, and showers)	25
<u>Recreational, Seasonal, or Other</u>	
Assembly or Dance Halls	2
Bowling Alleys (per lane)	*75
Bowling Alleys (with restaurant, per lane)	*100
Cabins, Resort	60
Campgrounds, Developed	30
Camps, Day (no meals served)	15
Camps, Luxury Resort	125
Churches (per sanctuary seat)	*5
Churches (with kitchens, per sanctuary seat)	*7
Cottages and Small Dwellings (seasonal occupancy)	50

Country Clubs, Employees	15
Country Clubs (per guest)	25
Country Clubs (per resident member)	100
Interstate Rest Areas	5
Parks, Picnic (toilet waste only)	5
Parks, Picnic (with bath houses, showers, and flush toilets)	15
Parks, Recreational Vehicles (with individual water and sewer hook-ups, per space)	*100
Parks, Recreational Vehicles (without individual water and sewer hook-ups, per space)	*50
Parks (with central toilet and shower facilities, per space)	*75
Store, Resort	3
Swimming Pools with Bath Houses	10
Visitor Center	5

Note: In addition to the above table, the following will also be considered:

1. Bed and breakfasts shall be designed with an anticipated maximum daily flow capacity of 50 gallons per person per day; and
2. Single-Family Dwellings, Class II (minimum of 3.5 persons, or 150 gallons per bedroom, whichever is greater), shall be designed with an anticipated maximum daily flow capacity of 90 gallons per person per day.

**Reference: ARSD § 74:53:01:20**

**13.20.320 Alternative method of determining wastewater flow capacity requirements for commercial or public service establishments.**

In lieu of calculating the wastewater flow capacity required pursuant to ARSD 74:53:01:20, Table 3 may be used to determine wastewater flow capacity for specific commercial or public service establishments when the amount of usage cannot be accurately determined. Flow projections, expressed as gallons per day (gpd), shall be calculated by multiplying total floor area in square feet of the commercial or public service establishment by the statistical factor given in Table 3.

**TABLE 3**

<b>Establishment</b>	<b>Statistical Factor</b>
Banks	0.04
Barber Shops	0.20
Beauty Salons	0.20
Car Wash (without recycling equipment)	4.90
Department Store (with lunch counter)	0.08
Department Store (without lunch counter)	0.04
Drug Stores	0.13
Dry Goods Stores	0.05
Hotels	0.25
Laundries and Cleaners	0.31
Laundromats	3.68
Medical Office Buildings	0.62
Motels	0.23
Office Buildings	0.09
Retail Stores	0.05
Service Stations	0.18
Shopping Centers	0.18
Supermarkets	0.20
Warehouses	0.03

*Reference: ARSD §74:53:01:21*

**13.20.330 Alternative method of determining wastewater flow capacity requirements for public parks and marinas.**

In lieu of calculating the wastewater flow capacity required pursuant to ARSD 74:53:01:20, Table 4 may be used to determine wastewater flow capacity for public parks and marinas when the usage cannot be accurately determined. Flow projections, expressed as gallons per fixture per hour, are based on the related statistical flow figures per unit of plumbing fixture. To determine the flow capacity of the system, multiply the number of hours the facility is open by the flow figure for each fixture available as given in Table 4.

**TABLE 4**

Type of Fixture	Gallons/Hour
Faucets	15
Flush Toilets	35
Showers	100
Urinals	10

*Reference: ARSD §74:53:01:22*

**ARTICLE VI. SEPTIC TANKS**

**13.20.340 Design and construction requirements for septic tanks.**

The minimum design and construction requirements for septic tanks are as follows:

1. Septic tanks shall be watertight and constructed of durable materials designed to withstand expected physical loads. Such tanks shall be capable of supporting a static vertical load of at least 1,000 pounds per square foot, when bedded and backfilled to the top of the tank. The septic tank, including baffles or tees, shall be constructed of materials resistant to acid, decay, and corrosion.

Prefabricated, coated metal tanks shall meet the requirements of the Plumbing Code, ARSD 20:54:03:03. Coated metal tanks are not permitted for wastewater systems when the usage will be longer than seven years. Concrete septic tanks shall be constructed of Portland type II sulfate-resistant cement, with a minimum strength of 3,000 pounds per square inch. The walls, floors, and covers of concrete septic tanks poured onsite shall be at least 3-1/2 inches thick, with reinforcing bars and welded wire mesh. Fiberglass or plastic septic tanks shall have a minimum wall thickness of 1/4-inch. All special reinforced precast concrete, concrete block,

plastic, or fiberglass septic tanks shall meet the minimum static vertical load requirement of 1,000 pounds per square foot, when bedded and backfilled to the top of the tank. The interior of concrete block septic tanks shall be surfaced with two 1/4-inch coats of Portland cement-sand plaster, and shall have mortar joints. Septic tank keyways or construction joints shall be made watertight by grouting with cement or corrosion-resistant sealants (Note: For number 1. above, under the requirements of this manual, metal tanks, concrete block tanks or concrete tanks that are poured onsite are no longer considered acceptable types of septic tanks. All tanks shall be precast concrete tanks. Fiberglass or plastic septic tanks are considered acceptable when properly used.);

2. Septic tanks larger than 3,000 gallon capacity and fabricated as a single unit shall consist of 2 or more compartments, with 1/2 to 2/3 of the tank capacity in the first compartment. In a multiple tank configuration, the first tank in series shall be 1/2 to 2/3 the overall required capacity. The minimum dimension of any interior compartment of a multiple compartment tank shall be 2 feet. Each compartment and/or tank shall have at least 1 access hole, with a minimum dimension of 20 inches located within 6 feet of all walls of the tank. The access holes shall extend through the top of the tank to a point within 12 inches, but not closer than 6 inches, below finished grade, and the access hole covers shall be covered with at least 6 inches of earth, unless the cover is airtight and equipped with a hasp and lock, in which case the cover may be shallower or above grade. If the access hole to the tank is covered with more than 12 inches of earth backfill, the access hole shall be extended to within 6 inches of the finished grade;
3. There shall be inspection pipes of at least 4 inches diameter over both the inlet and outlet devices. The inspection pipes shall extend through the top of the tank, and shall be capped flush or above finished grade with a removable watertight cap or cover. A downward projection of the centerline of the inspection pipe shall be directly in line with the centerline of the inlet or outlet device. The tank inlet and outlet devices shall consist of baffles or sanitary tees (Note: For number 3. above, the inspection pipe may not be required. The access hole, as outlined in number 2. above, can account for the inspection pipes.);
4. The minimum dimension or diameter of septic tanks shall be 4 feet. The tank shall have a liquid depth of between 30 inches and 72 inches, and shall have a uniform horizontal flow throughout its length;
5. The inlet elevation shall be at least 3 inches higher than the outlet elevation of the tank. The outlet elevation shall be at least 9 inches beneath the underside of the top of the tank, or 20% of the total liquid depth, whichever is greater. The inlet baffle or tee shall penetrate at least 6 inches, but not more than 20% of the total liquid depth, below the liquid level in the tank, and not lower than the outlet baffle or tee. The outlet baffle or tee shall penetrate at least 12 inches, but not more than 35% of the total liquid depth in horizontal cylindrical tanks, or 40% of the total liquid depth in rectangular tanks, below the liquid level in the tank. The inlet and outlet baffle or tee devices shall extend above the liquid level at least 8

inches, or to within approximately 1 inch of the underside of the tank top. At least 1 inch of vent space shall be provided between the baffle or tee devices and the underside of the top of the tank. The separation distance between the inlet or outlet opening at the tank wall to the nearest point on baffles or tees shall not be less than 6 inches nor more than 12 inches;

6. When a partition wall is used to form a multi-compartment tank, the partition wall opening shall be not less than 4 inches in diameter, and not smaller than the diameter of the influent and effluent pipes. The opening shall be located at the same elevation as the effluent pipe, with sanitary tees or baffles having the same size and location requirements as for the inlet and outlet devices. To provide adequate venting, the top of the partition wall, including baffles or tees, shall be set at least 1 inch below the underside of the tank top. All partitions, tees, and baffles shall be permanently and securely attached to the tank; and
7. The effluent pipe exiting the unit shall be at least 6 feet in length and unperforated until the first tee, distribution box, or drop box before the absorption field is encountered.

(Note: The State Plumbing Code may not be as stringent as the local plumbing code. Therefore, where the State Plumbing Code is referenced, the local code may apply.)

***Reference: ARSD Chapter 74:53:01:23***

### **13.20.350 Minimum capacities for septic tanks.**

The minimum capacities for septic tanks serving individual or small onsite systems shall be determined as follows:

- A. All septic tanks receiving wastewater flows of 750 gallons per day or less shall have a minimum capacity of at least 1,500 gallons of liquid before there will be an overflow into the septic tank outlet. When a housing unit or units served by a septic tank contains more than 5 bedrooms, each bedroom in excess of the 5 shall require an additional 250-gallon increase in the capacity of the septic tank beyond 1,500 gallons. If a septic tank receives wastes from a garbage disposal, the overall capacity of the tank shall be increased by an additional 20% and must include either multiple compartments or multiple tanks;
- B. Septic tanks serving premises other than housing units, or receiving wastewater flows of more than 750 gallons per day, but equal to or less than 1,500 gallons per day, shall have a minimum liquid volume capacity to permit retention of incoming sewage at 150% of the average daily flow, but in no case shall the tank capacity be less than 1500 gallons;
- C. Septic tanks receiving wastewater flows greater than 1,500 gallons per day shall have a minimum liquid volume capacity (V) equal to at least 1,125 gallons plus 75% of the daily wastewater flow (Q), or  $V = 1,125 + 0.75Q$ ; and

- D. Septic tanks serving premises where high amounts of oil or grease are anticipated shall be preceded by grease interceptors. Wastewater from garbage disposals may not be discharged to grease interceptors. Grease interceptors shall have a grease retention capacity of not less than 2 pounds for each gallon per minute of flow. The minimum size of grease interceptors shall be 750 gallons. Construction and installation of interceptors shall meet the requirements of the Chapter 20:54:06 of the South Dakota State Plumbing Code.

### **13.20.360 Installation requirements for septic tanks.**

The installation requirements for septic tanks are as follows:

- A. Septic tanks shall be installed on a solid, level base, with access hole covers 6 inches to 12 inches below the finished grade. If the cover is airtight, equipped with a hasp, and kept locked to prevent unauthorized access, the cover may be shallower or above grade. The tank shall be installed at a depth that provides adequate gravity flow from the building or facility sewer that meets the requirements of the South Dakota State Plumbing Code, ARSD 20:54:11:09;
- B. The tank shall be installed on undisturbed soil. If over-excavation occurs, it shall be backfilled with sand to the correct elevation and compacted. Backfilling around the tank shall be accomplished in a manner to prevent settlement, and to prevent undue stresses on the tank and to the inlet and outlet pipes;
- C. When multiple tanks are used to obtain the required liquid volume capacity, the tanks shall be connected in series. The interconnecting pipes between tanks shall be at least 6 feet in length and unperforated. No more than 4 tanks in series are permitted to obtain the required liquid volume capacity. The first tank shall not be smaller than any of the subsequent tanks in the series;
- D. All tanks shall be located in an area accessible for the pumping of their contents. There shall be no constructed building or facility of any kind covering any of the tanks;
- E. Flotation collars shall be used in areas with high ground water potential;
- F. The inlet and outlet pipes shall be made watertight by grouting with cement or corrosion-resistant sealants. The pipes shall be supported on the outside of the tank to prevent failures due to settling. The pipes connecting septic tanks installed in series shall be Schedule 40 PVC soil pipe of 4-inch minimum diameter; and
- G. During installation, any damage to the watertight coating or interior of a tank shall be repaired and tested by filling with water.

***Reference: ARSD § 74:53:01:24***

## **ARTICLE VII. TREATMENT OF EFFLUENT**

### **13.20.370 Distribution of septic tank effluent to absorption fields.**

The pretreated effluent from a septic tank shall be distributed to the absorption field using the following criteria:

- A. On relatively flat terrain, where the elevation difference of the ground surface does not exceed 6 inches in any direction within the absorption field, the septic tank effluent may be directed to the absorption field through a system of interconnecting distribution pipes;
- B. On slightly sloping terrain, where the elevation difference of the ground surface does not exceed 28 inches in any direction within the absorption field, the septic tank effluent may be distributed by a distribution box, provided the final ground surface elevation of the lowest trench is at least 1 foot higher than the invert elevation of the outlets of the distribution box. The inverts of all outlets shall be at the same elevation as measured from a liquid surface, which is at least 4 inches above the distribution box floor. The inlet pipe invert shall be at least 1 inch higher than outlet inverts. Each absorption line shall be connected separately to the distribution box and shall not be subdivided. When the septic tank effluent is pumped to the distribution box, either a baffle wall shall be installed in the distribution box, or the pump discharge shall be directed against a wall of the box on which there is no outlet. The baffle shall be secured to the box and shall extend at least 1 inch above the crown of the inlet pipe. The distribution box shall be watertight with a removable cover, constructed of durable materials resistant to corrosion or decay, and shall have sufficient capacity to handle the maximum daily flow rate; and
- C. On sloping terrain, where the elevation difference of the ground surface exceeds 28 inches in any direction within the absorption field, a serial distribution system shall be installed. The serial distribution system shall be connected with drop boxes or closed pipe relief lines, in such a manner that each trench is completely filled with septic tank effluent to the full depth of the gravel before effluent flows to succeeding trenches. The drop boxes or relief lines shall be placed on an undisturbed section of ground. The first drop box or relief pipe arrangement encountered shall not have the crown of the outlet pipe at its highest point above the invert of the septic tank outlet. At each drop box or relief arrangement, the invert of the inlet pipe shall be between 1 and 2 inches higher than the invert of the outlet pipe to the succeeding trench. The slope of the trench between the invert of the outlet and the invert of the inlet of successive drop box or relief pipe arrangements shall be 1 inch per 100 feet. When septic effluent is delivered to the drop box by a pump, the pump discharge shall be directed against a baffle wall or against a wall of the box on which there is no outlet. The drop box shall be watertight with a removable cover, constructed of durable materials resistant to corrosion or decay, and shall have sufficient capacity to handle the maximum daily flow rate.

***Reference: ARSD § 74:53:01:28***

### **13.20.380 Distribution pipes.**

For distribution pipes, items A. and B. apply:

- A. Distribution pipes used in trenches or beds for gravity distribution must be at least 4 inches in diameter, and must be constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions; and
- B. Distribution pipes used for gravity distribution must have 1 or more rows of holes of no less than 1/2-inch in diameter, spaced no more than 40 inches apart. Holes must be spaced to prevent failure due to loads.

### **13.20.390 Gravity distribution.**

For gravity distribution, items A. to C. apply:

- A. Supply pipes must be designed, installed and protected so that effluent will not freeze in the pipe;
- B. Supply pipes 5 feet entering and 5 feet exiting the septic tank shall meet the strength requirements of American Society for Testing and Materials (ASTM) Schedule 40 plastic pipe. Distribution pipes must meet the SDR 34 or equal rating. All pipes must be supported in a manner so that there is no deflection or longitudinal bending during the backfilling and subsequent settling of the soil; and
- C. Serial distribution must be used to distribute effluent to individual trenches in an absorption system. If the necessary elevation differences between trenches for serial distribution cannot be achieved by natural topography or by varying the excavation depths, parallel distribution may be used. Serial distribution shall not create a pressure head on trenches at lower elevations.

### **13.20.400 Additional requirements for drop boxes, distribution boxes, or valve boxes.**

If drop boxes, distribution boxes, or valve boxes are used, items A. to D. apply:

- A. The invert of the outlet pipe to the next drop box shall be no greater than 2 inches higher than the crown of the outlet pipe of the trench in which the box is located;
- B. The box shall be covered by a minimum of 6 inches of soil. If the top of the box is deeper than 6 inches, access must be provided above, at or within 6 inches of finished grade;
- C. The box shall be placed on firm and settled soil; and
- D. Distribution boxes must not be connected to one another if each box has distribution pipes.

#### **13.20.410 Dual field systems.**

Dual field systems using valve boxes shall comply with the following requirements:

- A. Dual field systems shall be sized, designed and constructed as set forth above for standard systems, except as follows:
  - 1. The absorption area shall be divided into 2 or more parts;
  - 2. Alternating absorption areas shall each be connected to a valve box outlet; and
- B. No part of an absorption area shall be used more than 1 year, unless the effluent level indicates that a longer duration is feasible.

#### **13.20.420 Dosing or pressure systems required when absorption systems are large.**

A dosing chamber shall be installed with a siphon or a pump, when the total length of absorption lines exceeds 750 feet, the area of the absorption system exceeds 1,200 square feet, the topography and location is such that any absorption line will exceed 100 feet in length, or it is necessary to elevate the wastewater effluent from the septic tank for discharge into a mound or absorption field. The dosing chamber shall be equipped with an automatic siphon or pump with level control switches and an alarm system. All electrical components in the dosing chamber shall be waterproof and corrosion-resistant. The alarm and electrical panel shall be located outside of the dosing chamber and shall be weatherproof. The total storage volume of the dosing chamber shall be such that the wastewater is discharged once every 3 to 4 hours. The dosing chamber shall be at least 30 inches in diameter and have a net capacity to dose 60 to 75% of the total volume of the absorption lines at one time. The siphon or pump for the dosing chamber shall be capable of maintaining a pressure of at least 1 pound per square inch at the outer ends of the absorption lines. The dosing chamber shall be vented but watertight, and designed for ease of maintenance. Absorption fields exceeding 1,000 feet in total length or 1,800 square feet in area shall be divided into at least 2 equal sections, with each section dosed alternately.

*Reference: ARSD § 74:53:01:27*

#### **13.20.430 Dosing of effluent.**

Where dosing is necessary, it shall comply with the requirements of this section.

#### **13.20.440 Dosing chamber, pump pit, wet well, or lift station.**

If dosing chambers, pump pits, wet wells, or lift stations are used, items A. to D. apply:

- A. The dosing chamber shall meet or exceed the requirements of Chapter 7, Sections 1 and 3, and be vented. Dosing chambers shall be setback as specified in Table 1. A tank's final cover shall be crowned or sloped to shed surface water. Dosing chambers shall not be placed in floodplains;

- B. The dosing chamber shall either include:
  - 1. An automatic siphon or pump with level control switches and an alarm system; or
  - 2. Have a minimum total capacity of 500 gallons or 100% of the average design flow, whichever is greater;
- C. The inlet of pumps shall be elevated at least 4 inches from the bottom of the dosing chamber, or protected in some other manner to prevent the pump from drawing excessive settled solids. The pump, pump controls, and pump discharge line shall be installed to allow access for servicing without entering the dosing chamber; and
- D. Electrical installations shall comply with applicable laws and ordinances, including the latest codes, rules, and regulations of public authorities having jurisdiction.

**13.20.450 Dosing devices for gravity distribution.**

If dosing devices are used for gravity distribution, then items A. through D. apply:

- A. For dwellings, the dosing device shall discharge at least 10 gallons per minute, but no more than 45 gallons per minute;
- B. If the dosing device is a siphon, the siphon shall be maintained in proper operating condition;
- C. If the dosing device is a pump, it shall be constructed and fitted with sound, durable and corrosion-resistant materials; and,
- D. Where the absorption system is at a higher elevation than the pump, sufficient dynamic head shall be provided for both the elevation difference and friction loss.

**13.20.460 Dosing devices for pressure distribution.**

If dosing devices are used for pressure distribution, then items 1. to 4. apply:

- A. The pump discharge capacity shall be based upon the perforation discharges for a minimum average head of 1.0 foot. Perforation discharge will be determined by the following formula:

$$Q = 19.65 cd^2h^{1/2}$$

where: Q = discharge in gallons per minute,  
c = 0.60 = coefficient of discharge,  
d = perforation diameter in inches, and  
h = head in feet.

- B. The pump discharge head shall be at least 5 feet greater than the head required to overcome pipe friction losses, and the elevation difference between the pump and the distribution device;
- C. The quantity of effluent delivered for each pump cycle shall be no greater than 25% of the average design flow; and
- D. A siphon will not be allowed as a dosing device to pressurize a system.

**13.20.470 Determining required absorption system area.**

The minimum area of absorption beds or trenches in a water-carriage dispersal system that utilizes an absorption system shall be expressed in terms of square feet, that is, the length times the width of the beds or trenches. The total absorption area (A) in square feet required for absorption beds or trenches is equal to the number derived by multiplying the gallons per day of wastewater flow (Q) for which the system is designed by the square root of the rate of percolation, as determined pursuant to ARSD 74:53:01:30, expressed in minutes per inch (t) and dividing this product by 5, as shown in the following formula:

$$A = \frac{Q\sqrt{t}}{5}$$

In no case may the gallons per day of wastewater flow (Q) used in this formula be less than 750 or more than 7,500. For systems receiving wastewater flows of less than 750 gallons per day, Table 5 shall be used, based on 120 gallons per day per bedroom. This formula gives the required bottom area, when 6 inches or more but less than 12 inches of fill material are placed below the distribution pipe for trenches and beds. The required bottom area may be reduced by the following percentages for trenches only: 20% for 12 inches or more but less than 18 inches of fill material below the distribution pipe; 34% for 18 inches or more but less than 24 inches of fill material below the distribution pipe; and 40% for 24 inches or more of fill material below the distribution pipe.

(Note: Table 5 may be used to determine the absorption area based on a minimum of 120 gallons per day per bedroom for a Class I dwelling. For a Class II dwelling, a minimum of 150 gallons per day per bedroom is required.)

**Reference: ARSD Chapter 74:53:01:31**

**13.20.480 Alternative method of determining required absorption trench system area.**

In lieu of calculating the absorption trench system area according to ARSD 74:53:01:30 and 74:53:01:31, the following criteria in Table 5 may be used for the design of individual or small onsite wastewater systems, if the absorption trench system is of an area sufficient for at least 3 bedrooms. The absorption area shall be determined according to the following:

**TABLE 5**

<b>Percolation Rate</b>	<b>Minimum Absorption Trench Area</b>
(Minutes for water to drop 1 inch)	(Square feet of trench bottom per bedroom)
1 but less than 5 minutes per inch	Not permitted—see ARSD §74:53:01:33
5 but less than 10 minutes per inch	125 square feet
10 but less than 15 minutes per inch	165 square feet
15 but less than 30 minutes per inch	200 square feet
30 but less than 45 minutes per inch	250 square feet
45 but less than 55 minutes per inch	300 square feet
55 but no more than 60 minutes per inch	350 square feet
Over 60 minutes per inch	Not permitted—see ARSD §74:53:01:33

The minimum absorption trench area, as shown in the above table, may be reduced in accordance with ARSD 74:53:01:31, when the depth of fill material below the distribution pipe is 12 inches or greater. (Note: The above method refers to a Class I dwelling. For a Class II dwelling, see § 13.20.490, Table 5b.)

**Reference: ARSD § 74:53:01:32**

**13.20.490 Class II dwelling sizing factors.**

The following criteria in Table 5b may be used for the design of individual or small onsite wastewater systems classified as Class II dwellings, if the absorption trench system is of an area sufficient for at least 3 bedrooms. The absorption area shall be determined according to the following:

**TABLE 5b**

<b>Percolation Rate</b>	<b>Minimum Absorption Trench Area</b>
(Minutes for water to drop 1 inch)	(Square feet of trench bottom per bedroom)
1 but less than 5 minutes per inch	Not permitted—see ARSD §74:53:01:33
5 but less than 10 minutes per inch	155 square feet
10 but less than 15 minutes per inch	200 square feet
15 but less than 30 minutes per inch	250 square feet
30 but less than 45 minutes per inch	300 square feet

45 but less than 55 minutes per inch	375 square feet
55 but no more than 60 minutes per inch	425 square feet
Over 60 minutes per inch	Not permitted—see ARSD §74:53:01:33

**13.20.500 Requirements for absorption trenches.**

An absorption system shall have at least 2 absorption trenches of approximately equal length. The length of a trench with gravity flow may not exceed 100 feet, the width of a trench may not exceed 3 feet. The bottom of the trench shall be at least 18 inches below the ground surface, but the depth may not exceed 3 feet. The trench shall be constructed with a fill material consisting of washed gravel, crushed stone, slag, or clean bank run gravel ranging in size from 1/2-inch to 2-1/2 inches in diameter. An absorption line shall be placed within each trench and shall run along the length of the trench. All absorption lines shall have the ends capped. The fill material shall be at least 6 inches deep below the bottom of the absorption line, and 2 inches deep above the top of the line. The bottom of the trench shall be uniformly graded to a slope from a minimum of 1/2-inch to a maximum of 4 inches per 100 feet. There shall be at least 6 feet of undisturbed soil between trenches. A closed-loop absorption trench system shall be level. To minimize sidewall compaction, trench excavation shall be made with bucket equipment having side cutters or raker teeth. When the soil does not exceed the plastic limit, the trench walls and bottoms shall be scarified before graded material is added.

(Note: All absorption lines shall be centered within the excavated trenches. Piping shall be laid out so as that no particular run is longer than 100 feet either as a single run or consecutive runs. Any run over 100 feet in length shall be dosed as described in Article VII. Any excavation greater than 36 inches wide shall be considered a seepage bed.)

(Note: If effluent is distributed by gravity, it shall not be loaded above the natural ground surface and the rock below the pipe must be in contact with original soil and gravity distribution must be designed to load effluent the entire depth of the rock below the pipe.)

**Reference: ARSD § 74:53:01:35**

**13.20.510 Gravelless systems.**

Gravelless drainfield pipe may be used when there are no other options and prior approval from the City is obtained, it shall:

- A. Be constructed of commercially fabricated corrugated pipe completely encased by the manufacturer in a geotextile wrap specific to this purpose;
- B. Be an 8-inch or 10-inch nominal ID pipe that conforms to subdivisions 1. and 2. below, and meets the requirements of American Society of Testing Materials (ASTM) F667:
  - 1. The pipes must be marked with an alignment stripe visible through the geotextile wrap, and installed with this stripe at top center; and

2. The pipes shall contain a row or rows of cleanly cut 3/8-inch- to 1/2-inch-diameter holes located in such a manner to provide storage of solids. Each row shall contain a hole in every other corrugation valley, staggered such that every corrugation valley contains 1 hole.
- C. Be wrapped in geotextile fabric specifically designed and tested for use with gravelless pipe and for installation and use in onsite wastewater systems, and designed to transmit sewage at a rate that corresponds to the sizing factor prescribed in subdivision 9. below;
  - D. Be protected from heat and ultraviolet rays prior to installation;
  - E. Be excavated to a width in accordance with the manufacturer's recommendations;
  - F. Have all joints secured as recommended by the manufacturer;
  - G. Not be loaded above the natural ground surface. The entire pipe must be below the original grade, and gravelless drainfield pipe with gravity distribution must be designed to fill the entire pipe;
  - H. Be backfilled so not to crush or damage the medium; and
  - I. Have the following size allotments:
    1. An 8-inch-inside-diameter pipe shall be equivalent to a 2-foot-wide, rock-filled trench, with 6 inches of drainfield rock below the distribution pipe; and
    2. A 10-inch-inside-diameter pipe shall be equivalent to a 3-foot-wide, rock-filled trench, with 6 inches of drainfield rock below the distribution pipe.

**13.20.520 Chamber systems.**

If chamber media, including all piping and appurtenances, is used, it shall:

- A. Be constructed of commercially fabricated materials, resistant to sewage, specific to this purpose;
- B. Be no greater than 3 feet in width, and have an open bottom with the vertical outside dimensions less than 30 inches;
- C. To support the load of overburden and sidewall soil;
- D. Have slotted or perforated sides to allow sewage to move laterally into the soil, and prevent soil penetration into the chamber;
- E. Have the joints secured as recommended by the manufacturer;

- F. Be excavated to a width in accordance with the manufacturer's recommendations;
- G. Not be loaded above the natural ground surface. The entire slatted sidewall must be below the original grade, and effluent must be loaded the entire depth of the slatted sidewall;
- H. Be backfilled so as not to crush or damage the medium;
- I. Have the following size allotments, with a 20% allowable credit reduction in the size of the absorption area:
  - 1. A 15-inch-wide chamber system shall be equivalent to a 2-1/2-foot-wide, rock-filled trench, with 6 inches of drainfield rock below the distribution pipe;
  - 2. A 22-inch-wide chamber system shall be equivalent to a 2-3/4-foot-wide, rock-filled trench, with 6 inches of drainfield rock below the distribution pipe; and,
  - 3. A 34- or 36-inch-wide chamber system shall be equivalent to a 3-foot-wide, rock-filled trench, with 6 inches of drainfield rock below the distribution pipe.

**13.20.530 Requirements for absorption beds.**

Absorption beds may not be constructed where the soil percolation rate is 30 or more minutes per inch. An absorption bed may be designed and constructed for gravity or pressure flows in accordance with the following criteria:

- A. A gravity absorption bed system shall consist of a level bed not exceeding 100 feet in length, 15 feet in width, and 3 feet in depth. Each distribution line shall extend the length of the bed, and shall be spaced not greater than 5 feet on center across the bed width. The distribution lines shall be preceded by a distribution box, to provide uniform distribution of effluent. The outermost distribution lines may not be closer than 30 inches to the bed walls, and all ends shall be capped if it is not a closed-loop system;
- B. A pressurized absorption bed system may exceed the length and width requirements in ARSD subdivision 74:53:01:36 (1), but must not be more than 3 feet in depth. The bed bottom shall be level. Each distribution line shall be installed within the perimeter limits of the bed, and spaced not greater than 10 feet on center across the bed. The bed shall be center-fed by a manifold pipe. The outermost distribution lines may not be closer than 5 feet to the bed wall perimeter. The distribution system shall be closed-loop or have all ends capped; and
- C. Additional requirements for gravity and pressurized absorption bed systems are as follows:

1. The distribution pipe network shall meet the requirements of ARSD subdivision 74:53:01:37 (8);
2. The distribution lines shall be placed in at least a 12-inch layer of 1/2-inch- to 1-1/2-inch-diameter washed gravel, with at least 6 inches of gravel beneath, and 2 inches of gravel above each line; and
3. The gravel above the distribution line shall be covered with untreated building paper, then a 6-inch layer of loose marsh hay or straw, and then a top layer of 12 inches of soil over the entire bed. Flax straw may not be used.

(Note: Parallel beds must be at least 10 feet apart. See also § 13.20.540G.)

***Reference: ARSD Chapter 74:53:01:36***

**13.20.540 Additional criteria for design and construction of absorption systems.**

The following criteria shall be required for absorption systems:

- A. Absorption systems shall be set back as specified in § 13.20.170. Distribution shall be made in accordance with all applicable requirements of Article VII of this chapter;
- B. Absorption systems shall not be placed in floodplains. Absorption systems should not be placed in areas subject to excessive runoff. All absorption systems located on slopes greater than 1% must have a diversion constructed immediately upslope from the system to intercept and direct runoff;
- C. The absorption area of trenches and seepage beds shall be in original soils. The bottom and sides of the absorption system to the top of the distribution medium shall be excavated in such a manner as to expose the original soil structure in an unsmearred and uncompacted condition;
- D. Excavation equipment or other vehicles must not be driven on the excavated trench or absorption bed bottom. Once the trench or absorption bed is excavated, it shall not be exposed to rainfall prior to placement of the final backfill;
- E. A vertical inspection pipe at least 1-1/2 inches in diameter shall be installed and secured in the distribution medium of every trench or absorption bed. The inspection pipe must be located at an end opposite from where the sewage tank effluent enters the medium. The inspection pipe must have 3/8-inch or larger perforations, spaced vertically no more than 6 inches apart. At least 2 perforations must be located in the distribution medium. No perforations shall be located above the geotextile fabric or untreated building paper. The inspection pipe must extend to the bottom of the distribution medium, and must be capped flush with or above finished grade;

- F. A finder wire of Number 14, solid strand, insulated copper wire shall be installed for all new and upgraded onsite wastewater system installations. The finder wire shall be accessible at the clean out, and run to and around the septic tank access hole, and through the trenches or around the bed;
- G. A geotextile fabric, or untreated building paper, or a 4 to 8 inch thickness of hay or straw, shall be used to cover distribution rock medium. The fabric must be of sufficient strength to undergo installation without rupture. In addition, the fabric must permit passage of water without passage of overlying soil material into the rock medium. When fabric or untreated building paper is used, the:
  - 1. Edges of adjacent sheets shall be overlapped by a minimum of 6 inches;
  - 2. Geotextile fabric shall have adequate tensile strength to prevent ripping during installation and backfilling, adequate air permeability to allow free passage of gases, and adequate particle retention to prevent downward migration of soil particles into the filter material; and
  - 3. Use of waterproof paper is prohibited. An impervious covering shall not be used. Tile or open-joint pipe shall not be used.
- H. The minimum depth of cover over the distribution medium shall be at least 6 inches. The trenches or absorption beds shall be backfilled and crowned above finished grade to allow for settling. The top 6 inches of soil shall have the same texture as the adjacent soil; and
- I. A vegetative cover shall be established over the absorption system. The absorption system shall be protected until a vegetative cover is established. The vegetative cover established shall not interfere with the hydraulic performance of the system, and shall provide adequate frost and erosion protection.

**13.20.550 Requirements for a mound or evapotranspiration system.**

A mound or evapotranspiration system may be designed for gravity or pressure flows in accordance with the following criteria:

- A. Plans and specifications shall be submitted to the Secretary by a registered professional engineer or licensed plumber, for review and approval of any individual or small onsite mound or evapotranspiration system prior to construction;
- B. Mound and evapotranspiration systems shall not be constructed on sites located in a floodplain. Mound systems shall not be constructed on sites located on bedrock or on soils with percolation rates of 120 or more minutes per inch, or 3 or fewer minutes per inch, at a depth of 12 inches below the sand layer of the mound. Mound or evapotranspiration systems may not be located on natural slopes exceeding 12% under any soil percolation rate conditions. When a mound or evapotranspiration system is

located on a slope, no buildings, driveways, other surface or subsurface obstructions, or future construction are permitted within 30 feet of the system, on the down gradient side, while the system is being used. The systems shall be located in open areas with maximum available sunshine. The area surrounding the systems shall be graded to provide for diversion of surface runoff water;

- C. The mound or evapotranspiration system may be constructed only upon undisturbed, naturally occurring soils. The bottom of the system bed shall be excavated to a depth from 8 to 12 inches below the ground surface, and shall be completely level. The system may be round or rectangular;
- D. The mound system shall be constructed so that the minimum distance between the seasonal high ground water table and the invert elevation of the distribution system is 4 feet;
- E. The required bottom area of the bed shall be calculated on the basis of a recommended or design application rate with respect to the soil percolation rate. For mound systems receiving less than 1,500 gallons of wastewater per day, an application rate of 0.6 gallons per square foot per day shall be used when the percolation rate is from 60 to 120 minutes per inch and an application rate of 0.83 gallons per square foot per day shall be used when the percolation rate is 3 or more but less than 60 minutes per inch. For mound systems receiving 1,500 or more gallons of wastewater per day, the application design rate shall equal the soil percolation rate plus the seasonal evapotranspiration rate as shown in Table 6. For evapotranspiration systems, the application design rate is the seasonal evapotranspiration rate shown in Table 6 as follows;

**TABLE 6**

<b>Evapotranspiration Rate</b>	
<i>Season of Use</i>	Gallons per square foot per day
Year Around	0.12
Summer	0.20
Winter	0.06
<b>Soil Infiltration Rate</b>	
<i>Percolation Time, Minutes per inch</i>	Gallons per square foot per day
5 or more but less than 10	0.65

10 or more but less than 15	0.60
15 or more but less than 20	0.54
20 or more but less than 30	0.49
30 or more but less than 45	0.42
45 or more but less than 60	0.34
60 or more but less than 90	0.27
90 or more but less than 120	0.18
120 or more	0.12

- F. The fill material for the interior portion of a mound or evapotranspiration system shall consist of sandy loam soil, medium-size pit run sand, and pea rock or washed gravel ranging in size from 1/2-inch to 2-1/2-inch diameter. The first layer of fill material placed on the excavated bed bottom shall be a minimum of 12 inches of sand. The next layer of fill material shall consist of at least 9 inches of the pea rock or washed gravel, placed in the immediate area on which the distribution pipe system will be placed. After placement of the distribution pipe system, additional pea rock or washed gravel shall be added until there are at least 2 inches of cover over and around the entire pipe system. The rock or gravel layer shall be covered with untreated building paper. The finish fill shall consist of sandy loam soil, placed on the untreated building paper to a depth of 1 foot in the center of the mound, and to a depth of 6 inches at the sides, tapered out onto the side of the sand-filled layer;
- G. The exterior portion of mound shall consist of at least a 6-inch layer of loose marsh hay or straw over the sandy loam soil, covered with at least 6 inches of topsoil. Flax straw may not be used. The outside slopes may not be steeper than 3 feet horizontally to 1 foot vertically (3:1). Where the terrain slopes more than 7%, the downward slopes may not be steeper than 5 feet horizontally to 1 foot vertically (5:1). The entire system shall be seeded, sodded, or otherwise provided with a grass cover. No shrubs, trees or other woody vegetation may be planted on the top of the system;
- H. The distribution pipe network for an elevated mound or evapotranspiration system shall consist of a dosing chamber, pump or siphon, 1-1/4-inch- to 3-inch-diameter, flexible plastic pipe from the dosing chamber to the mound, and a manifold connected to the perforated distribution pipe. The distribution lines shall be installed in accordance with ARSD subdivision 74:53:01:36 (2). The pipe from the dosing chamber to the center of

the mound shall be installed below the frost line, or sloped uniformly back to the dosing chambers. The dosing or pressure system shall be constructed in accordance with ARSD 74:53:01:27. The distribution lines shall have perforations spaced from 2 to 7 feet along the pipe, with varying hole diameters from 3/16-inch to 1/2-inch, to provide uniform pressure and distribution over the bed. All drilled holes shall have burrs removed. All distribution pipe ends shall be capped. For gravity flow systems, all distribution pipes shall be at least 4 inches in diameter, and spaced not greater than 5 feet on center across the bed width, or closer than 30 inches to the bed wall perimeter; and

- I. Livestock and heavy equipment shall not be allowed on the bed.

**Reference: ARSD § 74:53:01:37**

**13.20.560 Requirements for graywater system.**

A graywater system shall be designed in accordance with the following criteria:

- A. All graywater treatment and recycle systems shall be located in accordance with the distances specified in ARSD 74:53:01:19, Table 1;
- B. Design of graywater systems for homes or cabins shall be based on a minimum graywater flow of 40 gallons per day per person. Three days retention time shall be provided for each graywater tank. For other facilities, the design flow shall be specified on a case-by-case basis by the Secretary;
- C. Graywater tanks are septic tanks and shall conform to the requirements for septic tanks as specified in ARSD 74:53:01:23;
- D. Effluent from graywater systems may be recycled for toilet use, conveyed to absorption fields, mounds, or seepage pits, or used for irrigation of lawns and areas not intended for food production. Percolation tests shall be conducted, and the minimum size of absorption area shall be determined in accordance with ARSD 74:53:01:29 to 74:53:01:32, inclusive.

**Reference: ARSD § 74:53:01:38**

**ARTICLE VIII. ALTERNATIVE OR UNCONVENTIONAL SYSTEMS**

**13.20.570 Holding tanks.**

- A. *Approval for use:* Due to the unique circumstances of a holding tank, it shall be used as an onsite wastewater disposal system only as a last resort. The Director shall approve in writing, on a form to be attached to the building permit, the circumstances under which a holding tank will be accepted, including an agreement to pay an observation fee. Included in this form will be the requirement for periodic observations by the Director

and the offsite location of waste disposal. An onsite wastewater system construction permit will be issued only when these additional requirements are met. Holding tanks shall not be used without an onsite wastewater system operating permit, the terms, conditions, and effective period of which shall be limited solely to the temporary use of the holding tank.

B. *Requirements for holding tanks:* The requirements for holding tanks are as follows:

1. The minimum liquid holding capacity shall be 1,000 gallons, or the wastewater flow generated over a period of 7 days, whichever is greater. There shall be no discharge of effluent from the tank (Note: In addition to number 1. above, the tank shall be sized to incorporate a 25% addition of projected sewage flows as a buffer in case of weather conditions, temporary unavailability of a liquid waste hauler, and other adverse conditions. Tanks at 75% of overflow capacity shall be considered to be full.);
2. The tank shall be equipped with a high-water alarm positioned to allow at least 3 days of storage after the alarm is activated. The alarm shall be placed in a location of easy recognition, and shall be labeled "Alarm-Sewage Holding Tank."
3. Holding tanks shall conform to the requirements for septic tanks under ARSD 74:53:01:23 (1) to (3) inclusive, with the exception of outlet devices. Tanks shall be fitted with easily accessible inspection holes for maintenance and pumpage. The inlet fixture and openings shall be properly sealed to assure watertightness of the tank. Baffle walls are not required in holding tanks.
4. Holding tanks shall be installed to meet the requirements for septic tanks under ARSD 74:53:01:24.

C. *Maintenance of holding tanks:* The conditions of use which may be prescribed by the Director on a onsite wastewater system operating permit may include, but not be limited to, the requirement that the owner/user:

1. Contract with a liquid waste hauler. The contract shall provide that the hauler maintain and make available to the Director a record of pumping activities at the site;
2. Deliver to the Director, on a quarterly basis, copies of the liquid waste hauler's weekly bills, statements, or invoices; and
3. Provide written authorization to allow the Director to initiate required maintenance at the owner/user's expense, if noncompliance with these rules or legal notices results in an imminent threat to public health or safety.

***Reference: ARSD § 74:53:01:26***

### **13.20.580 Requirements for vault privies.**

Vault privies shall be constructed to include a fly-tight vault; a superstructure affording complete privacy; an earth mound around the top of the vault and below the floor level, which slopes downward away from the vault; a floor and riser of reinforced concrete at least 4 inches in thickness, or other impervious material; and a hinged, self-closing, fly-proof seat and lid of easily cleanable impervious material. All venting shall be fly-proofed with Number 16 or smaller mesh screening. The vault shall be located in an area accessible for the removal of its contents. The vaults shall be durable, with corrosion-resistant material on the interior and exterior.

*Reference: ARSD § 74:53:01:39*

### **13.20.590 Requirements for unconventional systems.**

Unconventional systems, such as portable and non-portable chemical, composting, incinerating, recirculating, water-saving, or other innovative commercially manufactured toilets, shall be sized, installed, operate, and maintained in accordance with the manufacturer's specifications. When vents are required, they shall be of durable, corrosion-resistant material installed in accordance with the South Dakota State Plumbing Code, Chapter 20:54:12. The units shall have receptacles of smooth, durable, impervious material that are resistant to chemicals and can be easily cleaned. All portable units shall be designed to receive and contain the wastes deposited in them, and shall be located and maintained in a manner that will not create a nuisance condition. Waste material from unconventional system units shall be disposed of in vault privies, holding tanks, or in accordance with ARSD 74:53:01:41. Systems employing new technology are considered experimental systems, and their design shall have provisions for a back-up system to be installed if the proposed system, once installed, is not functioning properly or is otherwise creating a hazard to the public health. Applications for temporary approval of experimental systems for demonstration purposes shall be accompanied with documentation of reliability and applicability in full-scale operations, and provided with written guarantee for service, component parts, or replacement provided by the manufacturer.

*Reference: ARSD § 74:53:01:40*

### **13.20.600 Unconventional systems to be used when water or electrical systems unavailable.**

Vault privies, chemical toilets, incinerator toilets, or composting units shall be used when a water or electrical system is not available. With the exception of vault privies, all unconventional systems are considered experimental systems, and plans and specifications shall be submitted to the Secretary for approval as an experimental system prior to installation.

*Reference: ARSD § 74:53:01:10*

**13.20.610 Absorption or alternative water-carriage system permitted under certain circumstances.**

An absorption system or alternative water-carriage system may be used when the percolation rate, as determined by ARSD 74:53:01:31 and 74:53:01:32, is between 5 and 60 minutes per inch, if all other requirements for the absorption system or alternative water-carriage system are met. An alternative water-carriage system must be used when the percolation rate of the soil is slower than 60 minutes per inch or faster than 5 minutes per inch. An absorption system may be used where fill material is used to decrease the percolation rate from more than 1 but less than 5 minutes per inch, to more than 5 but less than 60 minutes per inch.

*Reference: ARSD § 74:53:01:33*

**13.20.620 Seepage pits allowable.**

A seepage pit is permissible at the end of an absorption system, if the bottom of the pit is no more than 4 feet below the ground surface, and the requirements of ARSD 74:53:01:15 and either ARSD 74:53:01:31 or 74:53:01:32 are met.

*Reference: ARSD § 74:53:01:34*

**13.20.630 Cesspool, pit privy or other failing systems.**

The construction of a cesspool or a pit privy is prohibited. The operation of a cesspool or a pit privy constructed after February 28, 1975, is prohibited. Cesspools will be considered failing systems under the guidelines of this manual. Where a property is determined to have a cesspool, pit privy or a failing onsite wastewater system, the system shall be replaced with an onsite wastewater system complying with all local ordinances. (Note: The use of metal tanks, drums, barrels or pipes as sewage tanks are prohibited for use with any onsite wastewater system. These failing systems are considered non-repairable, and shall be replaced with acceptable onsite wastewater systems.) If a failing system is determined, then the failing system shall be replaced with a conforming onsite wastewater system, and the failing system shall be abandoned according to Chapter 10, Article 4, of this manual. (Note: A free permit shall be required to abandon onsite wastewater systems.)

*Reference: ARSD § 74:53:01:18*

**ARTICLE IX. STATE AND LOCAL POLICIES**

**13.20.640 Conflict.**

In any case where a provision of these regulations is in conflict with the provisions of any zoning, building, fire, safety, or health regulations, law, or ordinance effective within the jurisdictional boundaries of these regulations, the provisions that establishes a higher standard or specification, or is more stringent in its requirements, shall control.

**13.20.650 Disposal of septage.**

The disposal of septage shall be handled in the following manner:

- A. Requirements for the use or disposal of septage are those in 40 C.F.R., pt. 503 (October 25, 1995); and
- B. Final disposal of contents may be made into a public system, if specific permission has been obtained for the disposal from local governmental officials, and the public system has the equipment and facilities to provide at least secondary treatment to the contents.

*Reference: ARSD § 74:53:01:41*

**13.20.660 Abandoned systems to be disconnected, plugged, dismantled, pumped, removed, and filled.**

Abandoned wastewater systems shall be plugged, and receptacles dismantled or removed; and any void space in which such receptacles were contained shall be filled with soil. Before filling, receptacle contents shall be pumped out and disposed of in accordance with ARSD 74:53:01:41.

*Reference: ARSD § 74:53:01:11*

**ARTICLE X. MANAGEMENT AND ADMINISTRATION**

**13.20.670 Scope.**

This Chapter applies to all territory within and one mile outside the City limits. If another legal entity regulates the intent of this ordinance outside City limits but within one mile of City limits, the City has the option of sanctioning regulation outside City limits to the government entity. The City shall regulate all onsite wastewater systems within the City limits.

**13.20.680 Purpose.**

The purpose of this Chapter is the protection of public health and the environment, by minimizing public health effects of onsite domestic wastewater disposal systems on surface and ground waters, and the potential for public exposure to wastewater.

**13.20.690 Objective.**

The objective of this Chapter is to establish design, installation, and operational requirements for onsite domestic wastewater disposal systems.

**13.20.700 Applicability.**

These regulations shall apply to all onsite domestic wastewater disposal systems, existing or proposed, within the above-described territory. Excluded from jurisdiction are those systems receiving state or federal grants, or systems using mechanical treatment, lagoons, or other treatment methods requiring a state-certified operator.

**13.20.710 Administration.**

Onsite domestic wastewater disposal systems shall be permitted in accordance with ARSD Article 74:53, Water Pollution Program, and in accordance with the regulations of this chapter. The Director shall administer and enforce these regulations under the authority and requirements of SDCL 9-32 and ARSD 74:53.

**13.20.720 Interagency coordination.**

In those cases where statutes, ordinances, regulations, or other legal conditions exist, which refer to and require approval by the County, the Director will coordinate permitting and observation of onsite wastewater disposal systems with such officer.

**13.20.730 Alternative systems.**

Alternative system design and approval shall be regulated under ARSD 74:53 and this ordinance. Permitting, construction, observation, operation and maintenance shall be regulated under this ordinance.

**13.20.740 Wastewater disposal.**

It shall be unlawful to dispose of wastewater from an improperly operating onsite domestic wastewater disposal system or excavation, into surface waters, fractured bedrock, ground water table, or in any other manner that would endanger public health. If any permitted onsite domestic wastewater disposal system, or part thereof, fails to operate properly, the owner shall notify the Public Works Director immediately. Failure to do so will subject the owner to penalties set forth in these regulations.

**13.20.750 Abandonment of onsite domestic wastewater disposal systems.**

Abandonment shall conform to requirements of ARSD 74:53.

**13.20.760 Standards applicability.**

The design, construction, installation, location, operation, and maintenance of onsite domestic wastewater disposal systems shall comply with the minimum standards set forth in these regulations and ARSD 74:53.

### **13.20.770 Applications.**

Any person desiring to install an onsite domestic wastewater disposal system, or to make any replacements, alterations, repairs, or extension of existing installations or parts thereof shall apply for and obtain approval of the desired installation, replacements, alterations, repairs or extensions.

- A. The application shall be made in writing on a form provided by the Public Works Director or his designee.
- B. The application shall be accompanied by a site plan in sufficient detail and at a scale which will permit proper evaluation of the desired action.
- C. The applicant shall submit plans and specifications of the proposed system with the permit application. Plans and specifications for onsite domestic wastewater disposal systems shall be prepared by a registered professional civil engineer, a state-certified installer of individual and small onsite wastewater systems, or a Plumber licensed by the City.

### **13.20.780 Additional factors affecting the application process.**

- A. Following receipt of a written application, the Director shall review the site prior to application approval. The review shall include, but not be limited to, an examination of soil conditions, natural features, and other minimum requirements pertaining to the design, location, installation, operation and maintenance of a proper wastewater disposal system. In the event the site is determined to be unsuitable for a given wastewater disposal system, it shall be so indicated in writing to the owner, with the reasons for such a determination included, and signed by the Director.
- B. The Director may require re-submittal if the application information is incomplete or inaccurate.
- C. The applicant shall pay the appropriate fees for the original application. No fees will be charged for re-submittals prior to the expiration of an unapproved application.
- D. Unapproved applications shall be void after a 6-month period following the application date, unless a re-submittal is under consideration at that time, in which case the application will become void only if that re-submittal is not approved.
- E. Approved applications shall expire if the proposed work on a system has not been completed within 1 year of the date of issuance. A new application must then be processed in order to complete the proposed work. Fees will be charged as for an original application.

**13.20.790 System Observations.**

- A. The Public Works Director, his designee, or a City approved observer shall observe all onsite domestic wastewater disposal systems, or parts thereof, installed, altered, repaired, extended or replaced under the provisions of these regulations, unless the observation is specifically waived under these regulations.
- B. A written notice or telephone contact shall be given to the Public Works Director or his designee, at least 48 hours prior to the desired observation, by any person desiring observation of an onsite domestic wastewater disposal system.
- C. When installed, altered, repaired, extended, or replaced, all portions of the system or work shall be left open and uncovered until observed and approved, unless otherwise authorized by the Public Works Director or his designee. The Director shall be notified, and the installer shall sign and date the application to certify the system is ready for final observation. If, upon observation, it is found that the system, or any part thereof, work, or materials used, are not in accordance with the provisions of these regulations and the approved application, the person doing the work, the installer, and the person for whom the work is being done shall be notified in writing, detailing the violation(s) of these regulations or the approved application. Any such violation(s) must be corrected, and the work shall be left uncovered until the system is re-observed and approved.

**Sewerage system permits.**

- A. All owners of onsite wastewater systems are required to obtain sewerage permits before being allowed to operate and maintain such systems. Permit terms shall be as follows:
  - 1. Individual onsite wastewater systems, small onsite wastewater systems and mound systems - six (6) years:
  - 2. Unconventional systems, alternative onsite wastewater systems, holding tanks, experimental systems and evapotranspiration systems – as approved by the Director - six (6) years. The Director may set the permit term for problematic and experimental systems on a case by case basis, minimum of 1 year.
  - 3. Permit fees shall be as follows:

Existing Systems and Renewals	\$20
New Systems	\$300
Repaired or Modified Systems	\$300

- B. No sewerage permit shall be issued without the applicant having first submitted such information as required by these regulations to the Public Works Director or his designee.

- C. No sewerage permit shall be issued for and no person shall install or cause to be installed, an on-site wastewater disposal system, domestic or otherwise, in any area required by laws, rules, regulations, ordinances, conditions of plat approval, or other authorization to have other than on-site domestic wastewater disposal systems.
- D. Sewerage permits for new, altered, repaired, extended, or replaced systems will be issued by the Public Works Director or his designee only upon approval of an application, payment of appropriate fees, and final system inspection.
- E. The City will send a permit renewal notice by mail to the owner of record prior to the expiration date of each sewerage permit. Upon notification of permit expiration, the owner of the permitted disposal system shall have thirty (30) calendar days to schedule an observation of the system with a City approved observer.
  - 1. Prior to observation, the septic tank must be pumped.
  - 2. The tank shall be observed prior to the tank filling with liquid.
  - 3. The Public Works Director or his designee may extend a permit for up to six (6) years if proof is provided that the tank has been pumped and inspected by a City approved observer or City personnel.
  - 4. It is the owner's responsibility to schedule said pumping with a liquid waste hauler prior to the expiration of the sewerage permit. If after the observation it appears that the on-site wastewater system is in compliance with the provisions of this Chapter as well as all other City ordinances, the Public Works Director or his designee shall issue a renewed sewerage permit following the observation.
- F. Sewerage permits shall be renewed on or before the expiration date listed on the permit, unless said permit is extended by the Public Works Director or his designee.

**13.20.810 Operations and maintenance requirements.**

- A. All owners of on-site domestic wastewater disposal systems, who are required by the provisions of this ordinance to obtain renewable sewerage permits, shall operate and maintain said systems in the manner stated in these regulations including, but not limited to, the following:
  - 1. All conventional and alternative systems shall be observed by the Director or City approved observer at least once every six years (6), immediately preceding the expiration of the owner's renewable sewerage permit.
  - 2. All systems that include septic tanks and are affected by this ordinance must be pumped whenever (1) the bottom of the scum layer is within 3

inches of the bottom of the outlet device; or (2) the sludge level is within 8 inches of the bottom of the outlet device.

3. The Public Works Director or his designee may require more frequent observations or pumping if excessive operational problems occur.
  4. Written verification after each required pumping of a system shall be submitted to the Public Works Director or his designee within ten (10) working days of the pumping. The Public Works Director or his designee will provide the appropriate forms to City approved observers.
- B. All alternative systems as approved by the Department shall be operated and maintained pursuant to the requirements of the Department and the Public Works Director as set forth in the permit.
- C. For all unconventional systems which by design require periodic pumping or cleaning, operation and maintenance shall be specified at the time of the permit issuance.
- D. If any on-site domestic wastewater disposal system or part thereof fails to operate properly or requires repair, replacement, modification or cleaning to operate properly, the Public Works Director or his designee may issue a written order by mail requiring the owner to make the necessary repairs, replacement, modifications, and/or clean the system within 60 days of receipt of the order.
1. If the failure of a system is deemed an imminent danger to public health or safety, the Public Works Director shall suspend the owner's sewerage permit and order immediate shut down of the system until the owner makes necessary repairs.
  2. Failure of the owner to comply with an order as set forth in this subsection will be subject to penalties set forth in this ordinance and/or other city ordinances and state laws.

**13.20.820 Materials prohibited in on-site wastewater facilities.**

No person shall discharge or cause to be discharged, substances as defined under Section 13.16.210 into an on-site wastewater system. The Public Works Director's designee or a City approved observer shall notify the Public Works Director of any observation of violation and the owner is subject to the penalty provisions of Chapter 1.12.

**13.20.830 Appeal procedure.**

Any person aggrieved by a determination or order of the Public Works Director or his designee may appeal such determination or order within 10 days after such determination or order is imposed, by delivering to the Public Works Director a written notice of appeal, setting forth the specific grounds for the appeal. Upon receipt of such notice of appeal, the Public

Works Director shall enter the appeal on the agenda of the next scheduled meeting of the city's Public Works Committee, and notify the applicant in writing of the time and place of the hearing.

**13.20.840 Waiver of regulations.**

When strict interpretation of the regulations set forth in this ordinance would result in extreme hardship, the Public Works Director or his designee may waive such regulation or part thereof, provided that the waiver is consistent with the intent of these regulations, and that no imminent danger to public health or safety exists. Any waiver granted must be in writing, include all the reasons for granting the waiver and the notarized signature of the Public Works Director.

**13.20.850 Liability.**

This ordinance shall not be construed as imposing upon the city or county any liability or responsibility resulting from any defective portion of an onsite domestic wastewater disposal system, or the installation thereof. Nor shall the city or county or their employees be held as assuming any liability or responsibility by reason of authorized observation.

**13.20.860 Conflict.**

In any case where a provision of these regulations is in conflict with the provisions of any zoning, building, fire, safety, or health regulations, law, or ordinance effective within the jurisdictional boundaries of these regulations, the provisions that establish a higher standard or specification, or are more stringent in their requirements, shall control.

**13.20.870 Penalties.**

Any person who shall fail to comply with any of the provisions of this Chapter, or who shall counsel, aid, and/or abet any such violation or failure to comply, shall be subject to the general penalty provision as set forth in § 1.12.010 of this Code. Each day any violation of this Chapter continues shall constitute a separate offense.

**13.20.880 Severability.**

If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all valid portions which are severable from the invalid portion remain in effect. If application of any portion of any section or subsection of this ordinance is determined by a court of competent jurisdiction to be invalid, such portions remain in effect in all valid applications that are severable from the invalid applications.

## Chapter 13.24 Trenching Contractor's Licenses

### Section

13.24.010	Definitions.
13.24.020	License required.
13.24.030	License application.
13.24.040	License fees and renewal.
13.24.050	Requirements for issuance.
13.24.060	Limitations on licenses generally.
13.24.070	City of Rapid City Infrastructure Design Criteria Manual.
13.24.080	Rapid City Trenching Board.
13.24.090	License – Revocation, suspension or probation.
13.24.100	Criminal penalty.

### **13.24.010 Definitions.**

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter. Terms not defined in this section shall have the meaning customarily assigned to them:

- A. **CONTRACTOR.** A licensed sewer and water contractor or licensed trenching contractor as defined in this section.
- B. **DIRECTOR.** City of Rapid City Director of Public Works.
- C. **EMPLOYEE.** A person whose compensation for construction work is reported by the employer on an Internal Revenue Service W-2 form and is also otherwise considered an employee under applicable law.
- D. **EXCAVATING.** Any operation in which earth, rock or other material in the ground is moved or otherwise displaced and/or replaced at a depth of 12 inches or greater below the surface by means of tools, equipment or explosives, and includes trenching, digging, ditching, drilling, tunneling and cable or pipe plowing for the purpose of installing cable, conduit or pipe other than water, sanitary sewer or storm sewer pipe. **EXCAVATING** shall not include grading or scraping for street construction or reconstruction, drilling or auguring for installation of utility poles, light poles, sign posts, or mailboxes, or tilling of soil for landscaping purposes to a depth of 12 inches or less.
- E. **PERSON.** A person or an organization including, but not limited to, a sole proprietorship, partnership, corporation or limited liability company.
- F. **PLUMBER'S RIDER.** A plumbing contractor licensed and permitted under Chapter 15.24 of the Rapid City Municipal Code that has secured a Trenching Contractor's license and paid the applicable fees for such license.

- G. **SEWER and WATER CONTRACTOR.** A sole proprietorship, partnership or corporation, who undertakes or offers to undertake sewer and water installations.
- H. **SEWER and WATER INSTALLATION.** The new construction, alteration, repair or improvement of water mains and appurtenances, water service lines and appurtenances, water treatment plant piping and equipment; sewer mains and appurtenances, sanitary sewer services, sewer treatment plant piping and equipment; and storm sewers, and the placement of sewer and water pipe into a building sufficient distance to allow connection to the building plumbing. **SEWER and WATER INSTALLATION** does not include the minor adjustment of manhole castings, valve boxes and curb boxes to finish grade for street construction.
- I. **SEWER and WATER INSTALLER.** A person other than a contractor, who is engaged as an employee of, or is otherwise working under the direction of, a sewer and water contractor in sewer and water installation, and when present at a job site has direct supervision over work being performed.
- J. **STANDARD SPECIFICATIONS.** City of Rapid City Standard Specifications for Public Works Construction, as adopted by the City.
- K. **STATE LICENSE.** Either a sewer and water contractor's, installer's or plumbing license issued by the State of South Dakota in accordance with the provisions of Administrative Rules of South Dakota Chapter 20:53:06, or, a plumber's license issued by the State of South Dakota in accordance with the provisions of SDCL Chapter 36-25.
- L. **STORM SEWERS.** All pipes, culverts, catch basins, inlets, detention pond inlet and outlet piping, and storm sewer appurtenances which will become an integral part of the public storm sewer system, whether located in public right-of-way or drainage easements, except parking lot drainage pipes and appurtenances are not considered **STORM SEWERS** for purposes of this chapter.
- M. **TRENCHING CONTRACTOR.** A person who undertakes or offers to undertake excavating in the public right-of-way (streets, alleys, or other public places) for any purpose.
- N. **TRENCHING JOURNEYMAN.** A person other than a contractor, who is engaged as an employee of, or is otherwise working under the direction of a trenching contractor in excavating work, and when present at a job site, has direct supervision over work being performed.

**13.24.020 License required.**

- A. *Sewer and water contractor.* It is unlawful for any person to conduct, carry on or engage in the business of sewer and water main installation, or to act in the capacity of a sewer

and water contractor, without having first secured a City sewer and water contractor's license.

- B. *Sewer and water installer.* It is unlawful for any person to act, or to give the appearance of acting as a sewer and water installer without having first secured a City sewer and water installer's license.
- C. *Trenching contractor.* It is unlawful for any person to, in any manner, engage in the business of excavating in the public right-of-way (streets, alleys or other public places), or in City infrastructure easements, or act or give the appearance of acting as a trenching contractor without having first secured a City trenching contractor's license. A licensed sewer and water contractor may also act as a trenching contractor.
- D. *Trenching journeyman.* It is unlawful for any person to act or give the appearance of acting as a trenching journeyman without having first secured a City trenching journeyman's license. A licensed sewer and water installer may also act as a trenching journeyman.

**13.24.030 License application.**

- A. *Public Works Department to administer provisions.* The Public Works Department shall administer the provisions of this chapter. Before a contractor's, installer's or journeyman's license may be issued, the applicant shall be required to complete an application form. The Board shall determine the applicant's eligibility to take the required exam based on the information provided on the application. The examination shall be given under the direction of the Trenching Board.
- B. *Examination and reexamination.* Any applicant who fails to pass the examination may apply for reexamination after 30 days from the date of the previous examination without payment of an additional exam fee. Should any applicant fail to pass a second time, the Board may refuse to permit a third examination until after the expiration of 6 months. License fees shall not be refunded if an applicant fails to pass the examination. No reexamination will be permitted more than 1 year from the date of the first failed examination without a new application and payment of the full examination fee.
- C. *State license required.* Applicants for both sewer and water contractor, and sewer and water installer licenses must possess a current state license of a class at least equal to the class of city license for which they have applied. Applicants for trenching contractor, and trenching journeyman licenses are not required to possess a state license.

**13.24.040 License fees and renewal.**

- A. Fee schedule.
  - 1. Every person making application for a license shall pay to the Finance Officer a nonrefundable fee as follows:

Applicant	Initial	Renewal
	Fee	Fee

Sewer and Water Contractor	\$200	\$50
Sewer and Water Installer	\$25	\$10
Trenching Contractor	\$200	\$50
Trenching Contractor (plumber's rider)	\$50	\$50
Trenching Journeyman	\$25	\$10

2. *City Standard Specifications for Public Works Construction* shall be included with the initial contractor license fee only.

B. *License term renewal.* All licenses issued under this chapter shall expire on February 28 of the year following issuance. Any license not renewed within 30 days of February 28 shall be ineligible for renewal. In order to obtain a license after the 30 day grace period the applicant shall be required to complete the application requirements for a new license.

**13.24.050 Requirements for issuance.**

A. *Sewer and water contractor's license.* License may be issued only to a person who makes application therefore, pays the application fee, meets the requirements stated in this chapter, including passing the required examination, presenting to the City Finance Office a valid current state license, and the following additional requirements:

1. *Liability insurance.* Liability insurance shall be required of every contractor. Every applicant for a sewer and water contractor's license shall present to the City Finance Office for their review, a valid certificate of insurance at the time of application. It shall be the duty of every sewer and water contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$2,000,000, with \$50,000 fire damage and \$1,000,000 each occurrence;
2. *Worker's compensation insurance.* In accordance with South Dakota State Law, proof of worker's compensation insurance shall be provided prior to the issuance of a contractor's license;
3. *Proof of excise tax number.* Applicants for contractor's license shall be required to supply their excise tax number.
4. *Previous utility main installation experience.* Applicants for sewer and water contractor's license shall be required to show at least one year of previous experience installing utility mains.

- B. *Trenching contractor's license.* License may be issued only to a person who makes application therefore, pays the application fee, meets the requirements stated in this chapter, including passing the required examination, and the following additional requirements:
1. *Liability insurance.* Liability insurance shall be required of every contractor. Every applicant for a trenching contractor's license shall present to the City Finance Office for their review, a valid certificate of insurance at the time of application. It shall be the duty of every trenching contractor to continually maintain valid liability insurance. The minimum required general aggregate liability shall be \$300,000, with \$50,000 fire damage and \$300,00 each occurrence;
  2. *Worker's compensation insurance.* In accordance with South Dakota state law, proof of worker's compensation insurance shall be provided prior to the issuance of a contractor's license;
  3. *Proof of excise tax number.* Applicants for contractor's license shall be required to supply their excise tax number.
- C. *Installer and Journeyman license.*
1. *Sewer and water installer.* License may be issued only to the person who meets the requirements in this chapter, including passing the required examination and presenting to the Trenching Board a valid current state license.
  2. *Trenching journeyman.* License may be issued only to the person who meets the requirements in this chapter including passing the required examination.
- D. *Age at time of application.* Applicants for any license issued under this chapter must have attained at least 18 years of age, at the time of making application therefore.

**13.24.060 Limitations on licenses generally.**

- A. For the first 12 months after issuance of any license, or upon order of the Board pursuant to § 13.24.090, the holder of such a license shall be under a probationary status to allow both the City and the Trenching Board to review the performance of the licensee.
- B. During the 12-month probationary period, any water and sewer contractor or trenching contractor will be allowed to have 1 right-to-work permit active at any given time. Any other exception to this policy may be granted only after review by the City Council upon recommendation of the Trenching Board.
- C. The probationary status may be extended if the Trenching Board determines that the licensee has not completed enough work to allow for proper evaluation.

- D. Each person to whom a sewer and water contractor's license or trenching contractor's license is issued shall designate at least 1 individual employee who must take and pass the contractor's examination. Upon passage of the contractor's examination, the issued license shall be held jointly by the individual who passed the examination and the person to whom a sewer and water contractor's license or trenching contractor's license was issued. If the person designates only 1 individual, and the individual's employment is terminated or ends for any reason, the person holding the contractor's license must designate, within 60 days, another individual to take and pass the contractor's examination. No additional fee or application will be required for said individual. Failure to designate another individual to take and pass the contractor's examination within 60 days will result in automatic expiration of the contractor's license and no additional permits will be issued. Reactivation of the license will occur only upon the completion of a new application, payment of any applicable application fees, and the passage of the contractor's examination by a designated individual.
- E. It is unlawful for any person to perform, or allow to be performed, any work for which they are licensed without having a licensed person present at the job site with direct supervision over all aspects of the work at all times when work is being performed. Permitted persons to exercise such supervision include:
1. The contractor;
  2. A designated individual who has passed the contractor's examination; or
  3. A licensed installer or journeyman who is an employee of the contractor.
- F. No person to whom a license is issued shall allow any other person, or nondesignated individual, to operate thereunder.
- G. A Sewer and Water Installer or Trenching Journeyman license shall be the property of person to whom the license is issued and shall not be transferable.
- H. The following are exceptions:
1. Plumbing contractors licensed and permitted under Chapter 15.24 of the Rapid City Municipal Code are not governed by this chapter, except when performing excavation in public right-of-way or performing new construction, alteration, repair or improvement of water or sewer mains and appurtenances. A plumbing contractor may excavate in the public right-of-way for the purposes of installing service lines only, provided he or she has secured a trenching contractor's license and paid an initial fee of \$50 for the license. (Trenching contractor-plumber's rider).
  2. Private utility companies, or the City, when excavating in the public right-of-way for the purposes of repairing, altering or maintaining their facilities, are exempt

from the licensing requirements of this chapter. This exemption shall not apply to installation of new facilities or replacement of existing facilities.

### **13.24.070 City of Rapid City Infrastructure Design Criteria Manual**

All work completed by a licensee must meet the criteria set out in the current edition of the City of Rapid City Infrastructure Design Criteria Manual.

### **13.24.080 Rapid City Trenching Board.**

There is established the Rapid City Trenching Board. The Board shall consist of 6 members composed of Public Works Director, a registered professional engineer engaged in consulting business within the city, an employee of a nongovernmental utility company other than telecommunications having underground utilities within the city, representatives of 2 licensed contractors, and a representative from the telecommunications industry. Members shall be appointed for 2-year staggered terms by the Mayor subject to confirmation by the Council at its first regular meeting in January. The members of the Board, except for city staff, shall serve without compensation for the service. The Board shall be assisted by city staff as directed by the Director.

- A. *Purpose of the Board.* The purpose of the Board is to protect the public health, safety and welfare, and to guard against unsafe, unstable or short-lived products or services related to installation of utility systems, and to excavating in the public right-of-way. The Board shall also insure new or small volume contractors are able to obtain a license without hardship.
- B. *Powers and duties of the Board.*
  - 1. The Board is authorized to adopt the rules and regulations as shall become necessary with the approval of the Council. The Board shall notify all license holders of the proposed rules and regulations within 30 days prior to the delivery of the rules and regulations to the Council.
  - 2. The Board shall hold meetings as necessary for transaction of business; for examination of applicants, to determine the qualifications and fitness of all applicants; and to grant approval for licenses and renewals to applicants who show proper qualifications and documentation.
  - 3. The Board shall have the power to review any license issued hereunder at any time.
  - 4. The Board may hear appeals from determination of the Public Works Director on interpretation and application of licensing ordinances. All decisions of the Board shall be eligible for final review by the Council.

**13.24.090 License – Revocation, suspension or probation.**

- A. The Board, in its discretion, may revoke, suspend, or place on probation any license for reasons including, but not limited to the following: performance of work without a permit; performance of consistently substandard work; violation of any applicable federal, state or local statute, ordinance, rule or regulation; violation of any provision of this chapter; or demonstrated inability or unfitness to perform the work for which he or she has been licensed.
1. The penalty of license revocation shall continue for a period of one year from the date the revocation became effective. Once the period of revocation has ended a licensee upon which the penalty of revocation has been imposed may apply for a new license, subject to the probationary period set forth in § 13.24.060 A, B, and C.
  2. The penalty of license suspension shall continue for a period not to exceed 30 days from the date the suspension became effective. Once the period of suspension has ended, the Board may, at its discretion, place the licensee on probation, as set forth in § 13.24.060 A, B, and C.
  3. The penalty of license probation shall operate as set forth in § 13.24.060 A, B, and C.
- B. The penalties of license revocation, suspension or probation shall be imposed only after licensee has had notice and an opportunity to be heard.
1. The notice of intent to impose penalty shall be sent by first class mail to the licensee's address of record on file with the Board. The Board shall mail the notice of intent to impose penalty no later than 14 days prior to the hearing date.
  2. The penalty hearing will take place at a regular or special Board meeting, at the discretion of the Board, provided the notice of intent is mailed no later than 14 days prior to the meeting date. A vote of a majority of Board members present shall be required to impose penalty.
  3. The Board shall provide written notice of its decision, to be sent by first class mail to the licensee's address of record on file with the Board. The effective date of any penalty imposed shall be 14 days from the date of mailing of the Board's written notice of decision.
- C. Should any applicant or licensee be aggrieved by a decision of the Board, he or she may, within 10 days, provide written notice to the Director of Public Works of his or her intent to appeal the decision to the Council. After the aggrieved applicant or licensee has provided written notice, he or she will have a hearing before the Council. The Council may affirm, modify or reverse the action of the Trenching Board. All decisions of the Council shall be final.

- D. Any licensee subject to investigation by the Board shall cooperate fully with the Board. Failure to cooperate fully with the Board is a basis for license probation, revocation or suspension.

**13.24.100 Criminal Penalty.**

Any person violating this chapter shall be subject to the general penalty provision of § 1.12.010.

## Chapter 13.28 Rapid City Regional Airport and Aircraft Regulations

### Section

#### ***Article I. General Provisions***

- 13.28.010 Aircraft defined.
- 13.28.020 Compliance with chapter.
- 13.28.030 Takeoff and landing location restrictions.
- 13.28.040 Reckless operation of aircraft–Acrobatic flying.
- 13.28.050 Operating aircraft while under influence of liquor or drugs.
- 13.28.060 Dropping handbills or circulars from aircraft.

#### ***Article II. Rapid City Regional Airport***

##### ***Division 1. Generally***

- 13.28.070 Definition.
- 13.28.080 Established.
- 13.28.090 Police power–Extension to airport.
- 13.28.100 Applicability of ordinances
- 13.28.110 Maintenance, management and operation–Managers’s authority.
- 13.28.120 Commercial aviation activities permit.
- 13.28.130 Lease agreements, generally.
- 13.28.140 Permit or lease for sale of goods or services.
- 13.28.150 Revocation of use permits.
- 13.28.160 Plans and specifications for buildings.
- 13.28.170 Responsibilities of instructors.
- 13.28.180 Movement of personnel and vehicles on runways, taxistrips or ramp areas–Other vehicle regulations.
- 13.28.190 Leaving parking lot without paying fee.
- 13.28.200 Removal of illegally parked vehicles.
- 13.28.210 Storage of flammable liquids.
- 13.28.220 Smoking restrictions.
- 13.28.230 Duty of shop tenants with respect to oily waste, rags and rubbish.
- 13.28.240 Cleaning of hangar floors.
- 13.28.250 Accident reports.
- 13.28.260 Payment for damages to facilities.

##### ***Division 2. Aircraft Regulations***

- 13.28.270 Compliance with federal regulations.
- 13.28.280 Compliance with state law.
- 13.28.290 Operating while intoxicated or drugged.
- 13.28.300 Use of taxistrips and runways generally.
- 13.28.310 Where landings and takeoffs permitted.
- 13.28.320 Clearance for entering runway–Run-up checkups.
- 13.28.330 Taxiing into or out of hangars.
- 13.28.340 Engines not to be run in hangars.

- 13.28.350 Parking of unhoued aircraft.
- 13.28.360 Supervision of moving of parked aircraft.
- 13.28.370 Control when starting or left running.
- 13.28.380 Fueling.
- 13.28.390 Repair work–Location restriction.
- 13.28.400 Cleaning engines with flammable liquids.
- 13.28.410 Doping operations.
- 13.28.420 Removal of damaged aircraft.

## **ARTICLE I. GENERAL PROVISIONS**

### **13.28.010 Aircraft defined.**

For the purposes of this article the term AIRCRAFT includes any airplane, aircraft, dirigible, airship, free balloon, glider, helicopter, autogiro, or any other contrivance for flight in the air.

### **13.28.020 Compliance with chapter.**

It is unlawful for any person to operate or fly any aircraft in or over the city, except in accord with the provisions of this Chapter.

### **13.28.030 Takeoff and landing location restrictions.**

Takeoffs and landings of aircraft shall be made only at the Rapid City Regional Aircraft or at other airports owned by the city, the state or the United States Government, or at aviation fields or helicopter landing areas approved by the Federal Aviation Administration. Provided, however, nothing herein shall prohibit the takeoff or landing of a free balloon from a site within the city provided the takeoff or landing is made with the express permission of the owner of the property upon which such site is located, and further provided that the takeoff or landing may be made safely and without causing any hazard or nuisance.

### **13.28.040 Reckless operation of aircraft- Acrobatic flying.**

- A. No person shall operate any aircraft in a careless or reckless manner so as to endanger life or property, nor shall any person operate any aircraft acrobatically over any area within the city limits. The term acrobatically includes any maneuver not necessary to maintain normal flight.
- B. Notwithstanding the provisions of subsection A. of this section, the Mayor may grant permission in writing for air shows over airfield property.

### **13.28.050 Operating aircraft while under influence of liquor or drugs.**

No person shall operate any aircraft while under the influence of any intoxicating liquor, narcotic drug, stimulant or depressant.

**13.28.060 Dropping handbills or circulars from aircraft.**

No person shall drop, distribute or throw from any aircraft any handbill, circular or other printed literature or any other object or substance whatsoever.

**ARTICLE II. RAPID CITY REGIONAL AIRPORT**

**Division 1. Generally**

**13.28.070 Definition.**

As used in this article, the term AIRPORT or MUNICIPAL AIRPORT means the Rapid City Regional Airport, as described in § 13.28.080.

**13.28.080 Established.**

The following described property, together with such other lands and facilities as may be used in connection therewith for airport purposes, shall constitute and be known as the Rapid City Regional Airport:

Lot 1 in SW 1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 2 and 3 in S 1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 4 and 5 in E 1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lot H-1 in the SE 1/4 of Section 7, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 6 in NW 1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 1 and 2 of the SW 1/4 Section 8 and Lot 1 of SW 1/4 SE 1/4 Section 8, all located in TIN, R9E, BHM, Pennington County, South Dakota; and Lot 7 of R.C. Airport Subdivision No.1 in SW1/4, Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 6 in SE 1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW 1/4, Section 9, TIN, R9E, BHM, Pennington County, South Dakota; and Lot H-1, NW1/4, Section 16, TIN, R9E, BHM, Pennington County, South Dakota; and all of Section 17, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 2 in SE 1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and all of the N1/2 of Section

20, TIN, R9E, BHM, Pennington County, South Dakota; and Lot A and B, SW1/4, Section 20, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W1/2 and S E 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 5 A in SW 1/4 SW 1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and W1/2 NW 1/4, NW 1/4 SW 1/4, Pt. SW 1/4 SW 1/4, Tracts G and H in the SE 1/4 NW 1/4 and E 1/2 SW 1/4, and Tract I in the SW 1/4 SW 1/4, Section 21, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 7 and 8 in N 1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota.

**13.28.090 Police power-Extension to airport.**

The police power of the city is extended to include all territory of the municipal airport.

**13.28.100 Applicability of ordinances.**

The lands included in the municipal airport shall be deemed to be a part of the corporate limits of the city, and all general ordinances of the city are declared to be applicable to the airport.

**13.28.110 Maintenance, management and operation-Manager's authority.**

- A. The maintenance, management and operation of the airport shall be supervised by the Airport Manager. The Airport Manager shall have the right to make and promulgate rules and regulations for the management and good order of the airport and to deny the privileges of the airport to any person violating any such rule. The rules and regulations shall be subject to the approval of the Common Council.
- B. The Airport Manager shall, at all times, have authority to take such action as may be necessary in the handling, conduct and management of the public in attendance at the airport, and shall have police authority to enforce all rules and regulations in and around the airport.

**13.28.120 Commercial aviation activities permit.**

- A. No person shall use the airport as a base or terminal for conducting commercial aviation, or carrying passengers, freight, express or mail, or for student flying, without first securing a permit from the city. Fees and charges for permits and the use of facilities will be established from time to time by the Airport Board. A permit will be issued to any individual upon request and upon receipt of the established fee and upon receipt of a signed statement that the individual has read the rules and regulations prescribed in this article and upon compliance with subsection B. of this section.

- B. No permit for commercial flying purposes shall be issued unless the applicant agrees to indemnify and hold the city harmless from and against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or recovered from the city by reason or on account of damage to the property of the city or the property of, injury or death of any person, arising from the applicant's use and occupancy of and operations at the airport, including acts of his or her agents, contractors and subcontractors, and not arising solely out of the negligence of the city, its agents or employees. Any final judgment rendered against the city for any cause for which the applicant is liable hereunder shall be conclusive against the airline as to liability and amount. Each applicant shall, at his or her own expense, keep in force insurance of the following types and in not less than the following amounts, issued by a company or companies of sound and adequate financial responsibility, insuring the applicant and the city against all liabilities for accidents arising out of or in connection with the applicant's use and occupancy of and operations at the airport, and shall furnish to the city certificates evidencing the insurance, and naming the city as an additional insured thereunder, subject to the preceding limitations in respect to the city's negligence:
1. Aircraft bodily injury liability insurance: \$100,000 per person; \$1,000,000 per accident.
  2. Aircraft property damage liability insurance: \$300,000 per accident.
  3. Comprehensive bodily injury liability insurance: \$100,000 per person.
  4. Comprehensive property damage liability insurance: \$100,000 per accident.
- C. Permittees assume all risks incidental to use of the airport. The permission granted by the city to use the airport and its facilities or to fly to, from, or over the same, shall be at all times conditioned upon the assumption of full responsibility therefor by every person exercising or taking advantage of the permission. It shall be a further condition thereof that each person, as a consideration for the use of the airport and its facilities, shall at all times release, hold harmless and indemnify the city or its agents and employees from any and all responsibility, liability, loss or damage resulting to any such person or caused by or on his or her behalf incident to the manner in which the airport is operated, constructed or maintained, or served from within or used from without, except injury or death resulting solely from the negligence of the city, its agents or employees. The use of such airport by any person for any purpose or the paying of any fees thereof, or the taking off or landing of aircraft thereon, shall be itself an acknowledgment that the person accepts the privileges on the conditions herein set forth.

### **13.28.130 Lease agreements generally.**

Applications for lease of ground or space at the airport will be obtained from the Airport Manager, who will take necessary steps to see that they are processed through the Airport Board and negotiated through it.

**13.28.140 Permit or lease for sale of goods or services.**

A permit or lease authorizing the sale of any goods or services at the airport, either by vending machine or otherwise, must be approved by the Airport Board.

**13.28.150 Revocation of use permits.**

Any operator, tenant or other person violating any of the rules or regulations contained in this article may have his or her permit to use the airport revoked or suspended, after hearing by the Airport Board. Any person whose permit has been revoked shall have the right to have the permit restored to him or her, upon application to and approval by the Airport Board.

**13.28.160 Plans and specifications for buildings.**

Plans and specifications for all types of buildings to be erected on the airport shall be submitted to and approved by the Airport Manager, the City Engineer and the Building Inspector.

**13.28.170 Responsibilities of instructors.**

All persons instructing student pilots flying on the airport shall fully acquaint such students with the rules and regulations in effect on the airport, and shall be responsible for the conduct of the students while under their supervision.

**13.28.180 Movement of personnel and vehicles on runways, taxistrips or ramp areas- Other vehicle regulations.**

- A. The movement of personnel or vehicles on the runways and taxistrips at the airport shall not be permitted unless permission has been granted for the movement by the Federal Aviation Administration control tower, during its hours of operation. When the control tower is closed, permission shall be obtained from the Airport Manager.
- B. The movement of personnel or vehicles on the airport ramp areas shall not be permitted unless permission has been granted for the movement by the Airport Manager. No vehicles will be allowed east of the east building line without permission of the Airport Manager. No vehicles will be parked on any of the taxistrip areas. All vehicles permitted on the ram areas shall be operated at a safe and prudent speed with extreme caution.

**13.28.190 Leaving parking lot without paying fee.**

It is unlawful for any person to leave or attempt to leave the parking lot at the airport without paying the prescribed parking fee.

**13.28.200 Removal of illegally parked vehicles.**

The Airport Manager shall have authority to remove or cause the removal of all vehicles found illegally parked at the airport and to store the same at some place designated for that purpose.

**13.28.210 Storage of flammable liquids.**

Gasoline or other flammable liquids, including those used in connection with the processes of doping, shall not be stored in hangars at the airport. The storage of the liquids shall be in compliance with the regulations of the American Insurance Association, successor to the National Board of Fire Underwriters, for the construction and installation of containers for flammable liquids.

**13.28.220 Smoking restrictions.**

No person shall smoke in any hangar or in any room or building on the airport, except in offices, waiting rooms or buildings in which smoking is specifically authorized.

**13.28.230 Duty of shop tenants with respect to oily waste, rags and rubbish.**

Shop tenants at the airport shall provide approved waste cans for the storage of oily waste, rags and other rubbish. The contents of these receptacles shall be removed from time to time by the tenants.

**13.28.240 Cleaning of hangar floors.**

The floors of hangars at the airport shall be kept clean and free from oil at all times. The use of volatile or flammable substances for the cleaning of floors is prohibited.

**13.28.250 Accident reports.**

Every person witnessing an accident at the airport shall report the same to the Airport Manager and shall give such information as he or she may possess.

**13.28.260 Payment for damages to facilities.**

Damages or injuries to runways, taxiways or other airport installations or facilities shall be paid for by the operator, pilot or other person responsible therefor.

**Division 2. Aircraft Regulations**

**13.28.270 Compliance with federal regulations.**

No airperson, as designated by any law or laws of the United States, or other person, shall navigate or fly any aircraft to or from or in the vicinity of the airport other than in conformity

with the air traffic rules and other provisions and rules and regulations as established by the Federal Aviation Administration or any of its predecessors.

**13.28.280 Compliance with state law.**

No airperson or other person shall operate any aircraft over, land upon or take off from the airport other than in conformity with the provisions of SDCL Title 50 of the South Dakota Compiled Laws of 1967, and acts' amendatory thereto.

**13.28.290 Operating while intoxicated or drugged.**

No person shall take any aircraft from a landing area or hangar or operate the aircraft at the airport while under the influence of any intoxicating liquor or habit-forming drug.

**13.28.300 Use of taxistrips and runways generally.**

- A. Taxistrips will be used, instead of runways, whenever possible, to get to and from points of takeoff and landing at the airport. Upon landing, all aircraft shall continue to the first taxistrip or intersection. No 180-degree turns will be permitted. There shall be no deviation from this subsection, except as directed by the Federal Aviation Administration control tower.
- B. No person shall board nor disembark from any aircraft on the landing or live runway except in case of an emergency.

**13.28.310 Where landings and takeoffs permitted.**

- A. Fixed wing aircraft shall use the airport runways at all times for landings and takeoffs.
- B. Helicopters shall use the runways and taxiway strips or helipads for all landings or takeoffs, as are designated by the Federal Aviation Administration control tower.

**13.28.320 Clearance for entering runway–Run-up checks.**

During the hours the Federal Aviation Administration control tower is in operation, no aircraft shall enter the runway without proper clearance. When the control tower is not in operation, the pilot will operate under his or her own clearing authority, as outlined in Federal Air Regulations. Run-up checks shall be made on the warm-up pad well clear of the live runway.

**13.28.330 Taxiing into or out of hangars prohibited.**

No airplane shall be taxied into or out of storage hangars at the airport.

**13.28.340 Engines not to be run in hangars.**

No aircraft engine shall be run in a storage hangar at the airport.

**13.28.350 Parking of unhoued aircraft.**

- A. All unhoued aircraft shall be parked in a space designated for this purpose by the Airport Manager and properly secured when left unattended. Owners of the aircraft will be held responsible for any damage from failure to comply with this subsection.
- B. All unhangared aircraft, except air carriers, shall be parked in the tie-down areas and shall be firmly secured to the ground by means of rope or other appropriate means.

**13.28.360 Supervision of moving of parked aircraft.**

Aircraft parked in a hangar or on a ramp at the airport shall be moved only under the direct supervision of pilots, qualified mechanics or qualified line personnel in line of duty, except in an emergency.

**13.28.370 Control when starting or left running.**

No aircraft engine shall be started or left running at the airport without a competent person at the controls.

**13.28.380 Fueling.**

- A. No aircraft with the engine running shall approach closer than 20 feet to the gasoline pump at the airport. After refueling at the gasoline pump, all aircraft shall be returned immediately to the parking ramp and shall be chocked or the brake set.
- B. No aircraft shall be fueled while in a storage hangar at the airport.

**13.28.390 Repair work–Location restriction.**

No aircraft shall be permitted to remain in any part of the landing or take-off area of the airport for the purpose of repairs. All repairs shall be effected at the place designated by the Airport Manager.

**13.28.400 Cleaning engines with flammable liquids.**

If volatile flammable liquids are employed for the cleaning of engine parts, the cleaning operation shall be carried on in the open air at least 100 feet from any building or airplane.

**13.28.410 Doping operations.**

The process of doping shall be carried on in a well-ventilated area, with open fire and smoking prohibited.

**13.28.420      Removal of damaged aircraft.**

Every aircraft owner, or his or her pilot or agent, shall be responsible for the prompt removal of damaged aircraft from the landing area of the airport, upon release from the proper federal authorities.

## Chapter 13.32 City Cemeteries

### Section

- 13.32.010 Definitions.
- 13.32.020 Designated.
- 13.32.030 General supervision and care–Superintendent's duties.
- 13.32.040 Determination of portion to be platted, lot prices and conditions of sale.
- 13.32.050 Lots and grave spaces–Certificate of purchase.
- 13.32.060 Lots and grave spaces–Purchase contracts.
- 13.32.070 Lot purchaser to hold city harmless for burial on wrong lot or damage to improvements.
- 13.32.080 Cemetery and cemetery endowment funds.
- 13.32.090 Perpetual care certificate.
- 13.32.100 Perpetual care contract.
- 13.32.110 Maintenance charges for unendowed lots.
- 13.32.120 Use of money received from sale of lots, cemetery services and interest on endowment funds.
- 13.32.130 Plantings and improvements generally.
- 13.32.140 Grading, seeding and maintenance of lawns.
- 13.32.150 Irrigation.
- 13.32.160 General lot regulations.
- 13.32.170 Single grave spaces.
- 13.32.180 Lot corners.
- 13.32.190 Elevated lots, grave mounds or structures.
- 13.32.200 Grading of lots.
- 13.32.210 Monuments and markers to conform to master plan.
- 13.32.220 Requirements for markers on specific lots.
- 13.32.230 Monuments–Location–Number.
- 13.32.240 Monuments–Advertisements prohibited.
- 13.32.250 Foundations for monuments and vaults.
- 13.32.260 Aboveground mausoleums and vaults.
- 13.32.270 Receptacles for flowers or plants on graves.
- 13.32.280 Interment order and permit.
- 13.32.290 Digging of graves.
- 13.32.300 Fees for opening and closing graves.
- 13.32.310 Double and stack burials.
- 13.32.320 Supervision of funerals.
- 13.32.330 Casket enclosures.
- 13.32.340 Ashes of cremated body–Container.
- 13.32.350 Funerals after 5:00 p.m.
- 13.32.360 Burials on Sunday or legal holiday.
- 13.32.370 Disinterments.
- 13.32.380 Visiting hours–Children under 14 to be accompanied by adult.
- 13.32.390 Required use of walks and roads–Trespass on lots.
- 13.32.400 Motor vehicle regulations.
- 13.32.410 Firearms.

- 13.32.420 Dogs prohibited.
- 13.32.430 Picking flowers or damaging property–Disturbing the peace.
- 13.32.440 Interfering with funeral.
- 13.32.450 Littering.
- 13.32.460 Rules and regulations of Superintendent of Parks.

**13.32.010 Definitions.**

As used in this chapter:

- A. **CEMETERY.** The Mountain View Cemetery and the Mount Calvary Cemetery, as referred to in § 13.32.020.
- B. **SUPERINTENDENT.** The Superintendent of Parks.

**13.32.020 Designated.**

The cemeteries and all additions that may hereafter be made thereto, and now designated and known as Mountain View Cemetery, and Mount Calvary Cemetery are designated city cemeteries and are set apart and shall be maintained forever for the burial of the dead.

**13.32.030 General supervision and care–Superintendent's duties.**

The Superintendent of Parks shall have general supervision and care of the cemetery, and shall take care that all lots, lawns, walks, drives, trees, shrubs and plants therein are kept in proper order and condition. He or she shall take care that all lots or grave spaces endowed as provided for in this chapter are put and kept in such good order and condition as their endowment contemplates.

**13.32.040 Determination of portion to be platted, lot prices and conditions of sale.**

A. The Mayor shall determine and direct, from time to time, the portions of the cemetery which are to be platted and laid out, and the Common Council shall determine, by resolution, the prices for which the lots and parcels of land in the cemetery are to be sold and the limitations and conditions under which the sales are made.

B. The price established by the Council for the lot and endowment for perpetual care shall be paid by the county the same as any other purchaser.

**13.32.050 Lots and grave spaces-Certificate of purchase.**

The Finance Officer shall, upon payment in full for lots, portions of lots and grave spaces, deliver to the purchaser thereof a certificate of purchase executed by the mayor and attested by the finance officer under the seal of the city. The certificate shall be in such form as is approved by the Council, provided, however, that contracts for the purchase of lots may be signed by the Superintendent of Parks or his or her designee. No certificate of purchase shall be issued or any services performed unless all moneys for purchase, perpetual care, and internment have been received by the city; however, this shall not prohibit a local mortuary from making all

arrangements for purchase and service and agreeing to pay all charges within 30 days of the date of service.

**13.32.060 Lots and grave spaces-Purchase contracts.**

An individual may enter into a purchase contract not to exceed 9 months with a minimum down payment of 20% in a form approved by the City Attorney for the purchase of a cemetery lot and payment of perpetual care. However, the contract shall not entitle the individual to any particular grave space until a certificate of purchase is issued upon payment in full for the space and perpetual care, and no service or internment shall be allowed until the contract is paid in full.

**13.32.070 Lot purchaser to hold city harmless for burial on wrong lot or damage to improvements.**

Any person who purchases any cemetery lot shall, by such purchase, be deemed to have agreed, on behalf of himself or herself and his or her heirs and assigns, to hold the city harmless for any damages resulting from an inadvertent burial on the wrong lot or for any damage to any stone, marker or other improvement placed on the lot so purchased.

**13.32.080 Cemetery and cemetery endowment funds.**

A. There are created 2 funds, 1 of which shall be designated as the Cemetery Fund and the other as the Cemetery Endowment Fund, and the funds shall be used as follows:

1. The Cemetery Fund shall be used for the expenditures incurred in the operation of the cemetery for the proper care, maintenance and service thereof.

2. The Cemetery Endowment Fund shall be kept by the City Treasurer and used only for the endowment for perpetual care of lots or parcels of ground in the cemetery and the full faith, credit and resources of the city are irrevocably pledged for the proper, full and faithful preservation and application of the fund. All moneys at any time in the endowment fund shall be invested and kept invested in the securities as the Common Council shall, by resolution, direct or approve, and the interest thereon shall be transferred to the Cemetery Fund.

B. The City Treasurer is designated as the Trustee of the Cemetery Endowment Fund. For endowment for perpetual care of lots or parcels of ground in the cemetery, the purchasers thereof shall pay into the Fund such sums as shall be designated from time to time by the Common Council, at the time the lots are purchased. Endowment charges for perpetual care of lots in the original plat of the cemetery shall be based upon the area of the land, and the conditions which hinder the work of maintenance. Endowment charges for perpetual care of lots in the revised plat of the cemetery shall be based upon the area of the land. All such charges shall be as designated by the Common Council, from time to time, by resolution.

C. The Endowment Fund shall be entirely independent of, and in addition to, the purchase price of the use of the lot or parcel of ground which it shall endow.

**13.32.090 Perpetual care certificate.**

Upon payment of the designated sum for the endowment for perpetual care of any lot or parcel of ground in the cemetery, as provided for in § 13.32.080, the City Treasurer, as Trustee

of the Cemetery Endowment Fund, shall issue to the person paying same a certificate, which shall acknowledge the receipt of the payment, and shall show the purpose for which the payment was made, and the lot or parcel of ground so endowed.

**13.32.100 Perpetual care contract.**

The Finance Officer, upon the filing in his or her office of a certificate issued in accordance with § 13.32.090, shall issue and deliver to the person to whom the certificate is issued, a contract filed (signed) by the Mayor and attested by the Finance Officer under the seal of the city, for such lot or parcel of ground, to the effect that money so paid, shall be deposited into the proper fund and held as a permanent fund with the money so deposited and the income therefrom shall be certified to the use as allowed by SDCL §§ 9-32-18, 9-32-20 and 9-32-20.1 as presently existing or amended in the future. The contract, so delivered by the Finance Officer, shall be substantially in a form approved by the Council; provided, however, that, contract for the purchase of lots and perpetual care may be signed by Superintendent of Parks or his or her designee.

**13.32.110 Maintenance charges for unendowed lots.**

The Common Council shall determine the annual charges to be made for maintenance of unendowed lots in the cemetery.

**13.32.120 Use of money received from sale of lots, cemetery services and interest on Endowment Funds.**

All money received from the sale of lots in the cemetery and from interest and Endowment Funds, and the premiums and interest from perpetual care funds shall be held by the City Treasury and expended as directed by the Common Council for the maintenance, improvement, beautification and enlargement of the cemetery as allowed by SDCL Chapter 9-32 as presently existing or amended in the future.

**13.32.130 Plantings and improvements generally.**

The planting of trees, shrubs, flowers or other plants, and the construction of curbs, artificial walks, fencing, coping or enclosures of any kind whatsoever, will not be permitted to be done upon lots or graves by the owners thereof. All plantings will be made and cared for by the city under the supervision of the Superintendent of Parks, according to adopted plans. No gravel, stone, brick or any chairs, benches, boxes, shells, trinkets, toys or similar articles will be allowed to be placed upon graves or other portions of lots in the cemetery.

**13.32.140 Grading, seeding and maintenance of lawns.**

The grading, seeding, making and maintenance of lawns in the cemetery will be done by the city.

**13.32.150 Irrigation.**

Water for irrigation at the cemetery will be supplied by the city. All irrigating in the sections of the cemetery where perpetual care is required and on walkways shall be done by cemetery employees. Persons using water on other lots must provide the hose and equipment, and unnecessary waste of water is prohibited. The privilege of using water will be denied to those found wasting it.

**13.32.160 General lot regulations.**

- A. Lots in the cemetery are sold for no other purpose than for the burial of human dead, and the incidental uses that are suitable and proper for a cemetery lot, but under restrictions as contained in this chapter.
- B. All internments in lots shall be restricted to members of the immediate family or relatives of the proprietor thereof, unless permission to the contrary is obtained from the city.
- C. No sale, assignment or transfer of a cemetery lot shall be valid without the consent of the city, endorsed upon such transfer or assignment, and entered on record by the city.
- D. The city does not agree to give joint deeds to cemetery lots sold. No objection exists, when persons hold lots in partnership, by agreement among themselves as to lots to be used by each, but the city will not undertake to enforce the agreements.
- E. When more than one person claims an interest in a cemetery lot, no visible dividing line will be allowed.
- F. No cemetery lot owner shall have the right to have a body interred in his or her lot for a remuneration, sale or hire of space.
- G. Should there be an interment on a cemetery lot for which full payment has not been made as per the terms of the contract, the city reserves the right to disinter the remains and remove the burial, together with any monument or other structure thereon, to some other portion of the cemetery equal in price to the amount paid on the lot, after the actual cost of removal has been deducted.
- H. When a cemetery lot owner dies intestate, the heirs will be recognized according to the laws of South Dakota which are in force at the time of the death.
- I. It shall be the duty of the heirs or devisees to file with the city, full proof of the ownership upon the death of the owner of any cemetery lot.
- J. To prevent relatives from disposing of their family lot and disinterring the bodies therein, lot owners may reconvey lots to the city to be held in perpetual trust for their permanent interment and for such other persons as the lot owner may designate.

**13.32.170 Single grave spaces.**

- A. Single grave spaces in the cemetery will be sold only for immediate use and in certain designated portions of the cemetery, but there can be no choice of location, as the spaces will be filled in regular order as to location.
- B. Whenever a single grave space shall become vacant by the removal of the body therein, the land shall revert to the city, but if the body is moved to a larger space within the cemetery, the party making the change shall receive full credit for the single grave space so vacated.

C. All markers for single graves shall be flush with the surface, and not more than 2 feet long and 1 foot wide. No monuments will be permitted on single grave spaces.

**13.32.180 Lot corners.**

Lot corners will be placed in the cemetery by the city flush with the surface of the ground, and no other markings will be allowed upon the lots to distinguish fractions of lots.

**13.32.190 Elevated lots, grave mounds or structures.**

No elevated lots, grave mounds or structures, other than monuments, will be allowed in the cemetery.

**13.32.200 Grading of lots.**

All cemetery lots shall be graded before they are sold and no change in the grade will be permitted.

**13.32.210 Monuments and markers to conform to master plan.**

All monuments and markers in the cemetery shall be erected to comply with the master layout plan on file with the city.

**13.32.220 Requirements for markers on specific lots.**

All markers for adults in Lots 119, 120, 121, 121A, 122, 122A, 123, 124, 137, 138, 139, 139A, 140, 140A, 141, 142, 155, 156, 157, 157A, 158, 158A, 159, 160 and Lots 2001 through 2129 in the cemetery, or as designated by the Park Superintendent, shall be flush with the surface of the ground, with the maximum length not to exceed 48 inches, the maximum width not to exceed 24 inches and with a maximum concrete border of 4 inches surface area.

**13.32.230 Monuments-Location-Number.**

All monuments at the cemetery shall be located only within the spaces designated. Not more than 1 monument shall be allowed on any portion of a lot held in a single or partnership ownership.

**13.32.240 Monuments-Advertisements prohibited.**

No advertisement or the name of any firm shall be permitted upon any monument in the cemetery.

**13.32.250 Foundations for monuments and vaults.**

Foundations for monuments and surface burial vault foundations in the cemetery shall be built of reinforced concrete under city supervision. All materials used in reinforced concrete shall be approved by the city prior to the construction and erecting of any monuments.

**13.32.260 Aboveground mausoleums and vaults.**

Mausoleums and vaults may be erected aboveground in the cemetery, with the consent of the city, when all plans and materials have been approved by it.

**13.32.270 Receptacles for flowers or plants on graves.**

Grave space holders are not permitted to place cut flowers or plants in or on graves in the cemetery, except in standard receptacles furnished and installed at the space holder's expense and approved by the city. Not more than 2 receptacles shall be placed on each grave.

**13.32.280 Interment order and permit.**

A. All orders for interment in the cemetery must be filed by the lot holder in the office of the City Treasurer on blanks furnished by the city, before the grave will be opened. A permit to open shall not be given if the lot holder is in default in his or her contract. If the original lot owner is dead and there are 1 or more legal heirs, the order must be signed by 1 of them, or by his, her or their agent. If the lot is owned by a lodge or any other organization, the order must be signed by the proper officer having authorized power to act.

B. Before interment is permitted, burial permit as required by state law, shall be exhibited to the official in charge of the cemetery.

**13.32.290 Digging of graves.**

The Superintendent shall cause to be dug any grave for which a proper permit is delivered to him or her and shall have the grave in readiness for the appointed time of burial after notice of at least 6-hours' working time under normal digging conditions. If the ground is frozen or other abnormal conditions exist, at least 12-hours' notice must be given. All graves shall be dug and refilled by city employees.

**13.32.300 Fees for opening and closing graves.**

Fees for opening and closing graves shall be established by resolution of the Common Council of the city.

**13.32.310 Double and stack burials.**

A. No double burial will be allowed in the cemetery; that is, 2 burials in the same grave; except when the remains of the bodies can be placed in 1 ordinary overbox.

B. Nothing in subsection A. of this section shall be construed to prohibit the 2-level stacking in lots 2060 through 2069, in block 211; provided, that only flush-type markers will be permitted, and that the appropriate fee is paid.

**13.32.320 Supervision of funerals.**

Funerals, on reaching the cemetery, will be under the charge of the Superintendent or his or her assistants.

**13.32.330 Casket enclosures.**

No person 4 years of age and over shall be buried in the cemetery unless the casket is enclosed in either a concrete, steel or equally hard material container and the container shall have a minimum of 40 inches of soil covering. Concrete surface vaults shall continue to be permitted in the sections now in use, but in no event in the new section designated as lots 2001 through 2217. The foregoing notwithstanding, the following designated spaces shall not require casket

enclosure upon payment of a surcharge in the amount of \$400: Block 220, Lots 2145 through 2148.

**13.32.340 Ashes of cremated body-Container.**

When the ashes of a cremated body are to be interred in the cemetery, the urn must be in a strong wood, metal or concrete case.

**13.32.350 Funerals after 5:00 p.m.**

No funeral will be allowed in the cemetery after 5:00 p.m., except by special permission of the Mayor.

**13.32.360 Burials on Sunday or legal holiday.**

Burials on Sundays and any legal holiday declared by state law will not be permitted in the cemetery, except upon special permit therefor issued by the mayor, on recommendation of the Health Officer.

**13.32.370 Disinterments.**

Disinterments shall be made only by cemetery employees, and all charges for the work must be paid to the City Treasurer before the remains are taken away.

**13.32.380 Visiting hours-Children under 14 to be accompanied by adult.**

All persons are welcome to visit the cemetery while the gates are open. The hours are from 8:00 a.m. until dark, according to the season of the year. Children under 14 years of age shall not be permitted to enter the grounds unless accompanied by some adult who will be responsible for their conduct.

**13.32.390 Required use of walks and roads– Trespass on lots.**

All persons are required to keep on the walks and roads of the cemetery, and under no circumstances are they allowed to sit upon, walk upon or otherwise occupy any private lot not belonging to them or to a member of their family.

**13.32.400 Motor vehicle regulations.**

A. Motor vehicles must be driven carefully in the cemetery and not to exceed 10 mph. They shall not be driven anywhere except on the established driveways.

B. Vehicle motors shall not be kept running in close proximity to any funeral service being conducted in the cemetery.

**13.32.410 Firearms.**

No person shall be permitted to enter the cemetery with firearms, except those persons attending funerals involving military honors.

**13.32.420 Dogs prohibited.**

Dogs are not permitted in the cemetery at any time and it is unlawful for any person to bring any dog into the cemetery.

**13.32.430 Picking flowers or damaging property–Disturbing the peace.**

A. The picking of flowers, breaking or injuring trees, plants or any other property within the cemetery is strictly prohibited and shall be a misdemeanor.

B. No person shall write on, deface or injure any monument, or any other structure in the cemetery, nor disturb the peace therein.

**13.32.440 Interfering with funeral.**

Persons who have not accompanied a funeral to the cemetery shall not congregate around a grave or vehicles, while ceremonies are in progress.

**13.32.450 Littering.**

No person shall place papers, decayed flowers or any rubbish on lots or in roadways and walks in the cemetery.

**13.32.460 Rules and regulations of Superintendent of Parks.**

The Superintendent of Parks is authorized to establish rules and regulations, not inconsistent with this chapter, governing the operation and maintenance of the cemetery and the conduct of persons therein. The rules and regulations shall be subject to approval by resolution of the Common Council. When so approved, it shall be unlawful for any person to violate any such rule or regulation.

CITY OF RAPID CITY

---

Mayor

ATTEST:

---

Finance Officer

(SEAL)