

CITY OF AURORA

ORDINANCE NO. 58

AN ORDINANCE REGULATING THE USE OF MUNICIPAL AND PRIVATE SANITARY SEWERS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF SEWAGE INTO THE SEWAGE DISPOSAL PLANT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND PRESCRIBING RATES, CHARGES AND RENTALS FOR USE OF THE SEWAGE DISPOSAL PLANT.

THE BOARD OF TRUSTEES OF THE TOWN OF AURORA, SOUTH DAKOTA, ORDAINS:

ARTICLE I

DEFINITIONS

Terms used in this ordinance mean as follows:

Section 101. "Sewage" means any combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Section 102. "Sanitary Sewage" means water-carried wastes from toilets, sinks, baths, household laundries or tubs and similar facilities.

Section 103. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, or from the handling, storage and sale of foods or produce.

Section 104. "Properly Shredded Garbage" means waste from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely, under the flow conditions normally prevailing in municipal sewers, with no particle greater than ½ inch in any dimension.

Section 105. "Industrial Wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage and garbage.

Section 106. "Sewer" means a pipe or conduit for carrying storm water, sanitary sewage, or both.

Section 107. "Sanitary Sewer" means a sewer which carries sanitary sewage.

Section 108. "Sewage Disposal Plant" means any arrangement of devices or structures for treating sewage in order to eliminate or reduce its odor, or other harmful or obnoxious characteristics.

Section 109. “Municipal Sewer” means a sewer operated by the municipality for the benefit of citizens of the municipality generally.

Section 110. “Private Sewer” means a sewer designated to serve a single user, provided that a special permit may be granted by the superintendent for use of such sewer by one or more additional users.

Section 111. “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, beginning outside the inner face of the building wall.

Section 112. “Building Sewer” means the extension from the building drain to the municipal sewer or other places of disposal.

Section 113. “Sewer System” includes all facilities for collecting, pumping, treating and disposing of sewage.

Section 114. “Superintendent” means the official charged with the duty of superintending the municipal sewer system, or his authorized deputy, agent or representative.

Section 115. “Suspended Solids” means solids that either float on the surface of, or are in suspension in water sewage, or other liquids; and which are removable by laboratory filtering.

Section 116. “Sewer Outlet” means any termination of a sewer system into a watercourse, pond, ditch, lake or other body of surface or ground water.

Section 117. “Watercourse” means a natural or artificial channel in which a flow of surface water occurs, either continuously or intermittently.

Section 118. “Person” means any individual, firm, company, association, society, corporation or group.

Section 119. “Shall” is mandatory; “may” is permissive.

Section 120. “Residential Premises” include all buildings or structures occupied and used exclusively as a home by not more than two families.

Section 121. “Commercial Premises” include all buildings or structures which are not residential premises as herein defined.

ARTICLE II

USE OF MUNICIPAL SEWER REQUIRED

Section 201. No person shall place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage or other similar waste.

Section 202. No person shall discharge into any sewer outlet within the municipality, or in any area under the jurisdiction of said municipality, any sanitary sewage, industrial wastes or other polluted waters, unless suitable treatment has been provided in accordance with this ordinance.

Section 203. Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 204. Whenever a municipal sanitary sewer is constructed within one hundred (100) feet of the property line of any premises, the Superintendent shall notify the owner of any building used for human occupancy, employment, recreation or similar uses on such premises of said fact and direct him to install toilet facilities thereon and to connect such facilities with the municipal sewer in accordance with this ordinance and the owner shall comply with said order within ninety (90) days after date of receipt of such notice, provided that this section shall not go into effect until one year after adoption of this ordinance.

ARTICLE III

PRIVATE SEWERS

Section 301. Where a municipal sanitary sewer is not available a private sewer may be constructed and connected to a private sewage disposal plant complying with the provisions of this article.

Section 302. Before commencement of construction of a private sewer or construction of a disposal plant, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of five (\$5) dollars shall be paid to the municipal treasurer at the time the application is filed.

Section 303. A permit for a private sewer shall not be final until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction. The applicant shall notify the Superintendent that the work is ready for final inspection before any underground

portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt notice by the Superintendent.

Section 304. The type, capacities, location and layout of a private sewage disposal plant shall comply with all recommendations of the Department of Public Health of the State of Minnesota. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge into any municipal sewer or sewer outlet.

Section 305. Whenever a municipal sewer becomes available to a property served by a private sewer, a connection shall be made to the municipal sewer in compliance with this ordinance, and any septic tanks, cesspools, or other private sewage disposal plant facilitates shall be abandoned and filled with suitable material.

Section 306. The owner shall operate and maintain the private sewer and sewage disposal plant in a sanitary manner at all times, at no expense to the municipality.

Section 307. Nothing herein shall limit any additional requirements that may be imposed by a health officer.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS WITH MUNICIPAL SEWER

Section 401. No unauthorized person shall uncover, make any connections with or opening into, use or alter any municipal sewer without first obtaining a written permit from the Superintendent.

Section 402. Any person desiring sewage service from the municipal sewer for premises not theretofore connected shall apply to the Superintendent for a permit. There shall be a separate form of sewer permit for residential and for commercial service. The owner, or an agent, may make application on a special form furnished by the municipality. The application shall be supplemented by any plans, specifications and other pertinent information. A permit and inspection fee of five dollars (\$5) shall be paid to the municipal treasurer at the time the application is filed. Upon approval of the application the applicant shall pay to the municipal treasurer, as and for a connection charge as follows:

Section 403. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner and the owner shall indemnify

the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of any building sewer.

Section 404. A separate building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer to the front building may be extended to the rear building and the whole considered as one building sewer. Under exceptional circumstances the Superintendent may waive the requirements of this section.

Section 405. Old building sewers may be used in connection with new buildings when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Section 406. A building sewer shall be constructed of cast iron soil pipe, ASTM specification A74-42 or equal; vitrified clay sewer pipe, ASTM specification C13-44T or equal; or other suitable material approved by the Superintendent. Joints shall be tight and waterproof. If installed in filled or unstable ground a building sewer shall be constructed of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

Section 407. The size and slope of the building sewer shall be subject to the approval of the Superintendent and in no event shall the diameter be less than four (4) inches and the slope less than one-eighth (1/8) inch per foot. The wye connection and the building drain shall be uncovered and the differential elevation determined before construction is begun. Where practicable, the building sewer be laid on a uniform grade.

Section 408. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in straight alignment insofar as possible and changes in direction shall be made only with properly curved pipe and fittings.

Section 409. Whenever any building drain is too low to permit gravity flow to the municipal sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer.

Section 410. All excavations required for the installation of a building sewer shall be open trench work unless other construction is authorized by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification C12-19. No backfill shall be placed until the work has been inspected.

Section 411. All joints and connections shall be made gas-tight and water-tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. All joints in vitrified clay pipe and metals shall be made with approved hot-pouring jointing material. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty degrees (160°) Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material. Other jointing materials and methods may be used by approval of the Superintendent.

Section 412. The connection of a building sewer with the municipal sewer shall be made at a wye branch. If the sewer is twelve (12) inches in diameter or less, and no properly located wye branch is available, the owner may at his expense install a wye branch in the municipal sewer at a location specified by the Superintendent.

Section 413. The applicant for a sewer permit shall notify the Superintendent when the building sewer is ready for inspection. The connection shall be made under the supervision of the Superintendent.

Section 414. Excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a satisfactory manner.

ARTICLE V

USE OF MUNICIPAL SEWER SYSTEM

Section 501. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any municipal sanitary sewer without an express permit from the Superintendent.

Section 502. Storm water or other unpolluted drainage including industrial cooling water or unpolluted process water may be discharged into such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent.

Section 503. No person shall discharge or cause to be discharged any of the following described waters or wastes into any municipal sewer:

- (a) Any liquid or vapor having a temperature higher than 150° F.
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (d) Any garbage except properly shredded garbage.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.
- (f) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or to create any hazard in the waters of the sewage disposal plant.
- (g) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (h) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 504. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

ARTICLE VI

POWERS AND AUTHORITY OF INSPECTORS

Section 601. The Superintendent or other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

ARTIVLE VII

RATES AND CHARGES FOR SEWAGE TREATMENT AND DISPOSAL SERVICES

Section 701. There are hereby established just and equitable rates, charges and rentals for treatment and disposal services and benefits as authorized by Section 9-50-16, S.D.C.L. 1967. Said charges shall from time to time be at least sufficient to produce net revenues adequate to pay the principal of and interest on the bonds payable from revenues of the sewage disposal plant as such principal and interest become due, and to create and maintain required reserve therefor, and said rates, charges and rentals shall be revised whenever necessary for such purpose. Said rates, charges and rentals shall be based on minimum monthly charges.

Section 702. The following rates, charges and rentals for sewage treatment and disposal are hereby established.

Private Sewer	\$6.00 per month
Residential premises	\$6.00 per month
Commercial premises	\$ per month

Section 703. It is hereby found and determined that the sewage disposal plant prevents pollution of the water supply and where the premises are connected to the municipal water system, the charge may be a surcharge on and collected with the regular monthly water bill. In case of non-payment of such sewer surcharge within thirty (30) days, the Superintendent shall promptly discontinue water service to the premises. In the event of the discontinuance of water service the same shall not be resumed until payment of all past due water and sewer charges, including penalties thereon and a charge of \$1.00 for the resumption of service.

Section 704. Where the premises are not connected to the municipal water service, the Superintendent may require that separate meters be installed to measure all sewage to be discharged into the municipal sewer or may refer the matter to the governing body for special charge and permit.

Section 705. Any claim for any unpaid rates, charges or rentals which have been properly billed may be collected in a civil action against such owner or occupant in any court of competent jurisdiction.

Section 706. There shall be maintained within 1963 Sewer Improvement Fund, a Sewer Maintenance and Construction Account. All receipts from the connection charge as made and collected pursuant to Section 402 of this ordinance shall be credited to the Sewer Maintenance and Construction Account. The amount in said account shall be used to pay cost of construction, maintenance and repair of main and service sewers. Any additional expense of such construction, maintenance or repairs shall be provided out of the general

fund of the municipality or from special assessments against property benefited by such sewers and shall not be paid from the other revenues in 1963 Sewer Improvement Fund. All proceeds from the rates, charges and rentals herein provided shall be credited to the Operation and Maintenance Account of said fund and shall be used and applied in accordance with the provisions of this ordinance.

ARTICLE VIII

PENALTIES

Section 801. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage system. Any person violating this provision shall be guilty of disorderly conduct.

Section 802. Any person violating any provision of this ordinance except Section 801 shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 803. Any person who shall continue any violation beyond the time limit provided for in Section 802 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding two hundred dollars (\$200.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 804. Any person violating any of the provisions of this ordinance shall become liable to the municipality for any expense, loss or damage occasioned the municipality by reason of such violation.

ARTICLE IX

VALIDITY

Section 901. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed.

Section 902. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

ARTICLE X

ORDINANCE IN FORCE

Section 1001. This ordinance shall be in full force and effect twenty (20) days from and after its passage, approval and publication as provided by law.

Approved: _____
President of the Board of Trustees

Attest:

Town Clerk

Passed first reading: December 27, 1971
Passed second reading: January 3, 1972
Adopted: January 3, 1972
Approved: January 3, 1972
Published: October 2, 1972