

## CHAPTER 26-A

### WATER CODE

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**Mission Statement.**

It is the mission of the City of Hot Springs Water Department to provide the City's customers with a safe drinking water supply, water for fire protection, and an adequate supply of water for our essential daily needs. The Water Department shall do so by maintaining a strict Operations and Maintenance Program, promptly repairing disruptions of pumping and distribution systems, and by giving due diligence to the entire collection, treatment, storage and distribution system of the municipal water supply.

The City of Hot Springs Water Department strives for excellence by having certified operators who are committed to high standards, personal accountability, and teamwork to achieve the goals of providing value, vision, and purpose to the public.

The City of Hot Springs Water Department is dedicated to providing our customers prompt and courteous service and shall:

- React in a timely, professional manner to all inquires, problems, and requests from customers.
- Maintain our distribution system, storage reservoirs, fire hydrants, and water meters to standards which meet or exceed state and federal requirements.
- Protect our water distribution system from intended or accidental contamination.
- Maintain a safe, friendly and drug-free working environment for the safety and protection of employees and the public.

#### **26-A.01. Definitions.**

##### 26-A.01.010 Definitions.

1- “As-built Map” shall mean a map that indicates the actual location, depth, size and type of a utility or service installed below grade, to include location indicators such as names, address, legal description, streets and other permanent landmarks to assist in the mapping of said utilities or services for the purpose of locating those utilities or services in the future.

2- “City” or Municipality” shall mean the City of Hot Springs, South Dakota and the area within the territorial limits of the City of Hot Springs, South Dakota.

3- “Comprehensive Plan” shall mean the City of Hot Springs Comprehensive Development Plan.

4- “Construction Water” shall mean water from the municipal water system that is used for purposes incidental to the construction process where municipal sewer system is not utilized. Construction water accounts are billed for water use only.

5- “Copper Meter Setter” shall mean the apparatus that is also known as the meter ‘yoke’ that is utilized for the placement and connection of the water meter.

6- “Municipal Water System” shall mean all aspects of the water system including, wells and spring boxes, pumps and pumping stations, treatment, control systems, storage facilities, and distribution infrastructure.

7- “Public Works Engineer” shall mean the appointed official whose duties shall include the supervision of all planning, construction, maintenance, and repair of public works of the City.

8- “Water Department” shall mean the department responsible for all aspects of the water collection and distribution system including, treatment, storage, repair, and service of such system. The term shall include administration, clerical and support staff when appropriate.

9- “Water Department Superintendent” shall mean the city employee or contract employee in direct responsible charge for the fundamental and day to day operations of the collection, treatment, storage, and distribution system of the municipal water service.

10- “Water Main” shall mean the primary water distribution lines lying within the city right-of-ways and utility easements for the purpose of providing water service.

11- “Water Service Connection Permit”, also known as a “Tap Application”, shall mean the application form filled out by the water service installer as a means of requesting water service to a building or premises by means of tapping into the city water main.

12- “Water Service Line” shall mean the line and apparatus from the City water main to the building or premises being served.

**26-A.02. Application For Water Service.**

26-A.02.010. Application.

- A. Application for a water service connection, also referred to as a ‘tap application’ shall be made to the Building Official on a form provided by the City.
- B. A site plan shall accompany the application indicating the proposed location of the connection to the water main.
- C. An ‘as-built’ map shall be provided to the Building Official indicating the exact location and depth of the actual connection, such as-built shall be attached to the application as part of the permanent record of installation.

Ord. 1130, 4/2012

26-A.02.020. Connection Fees.

- A. Said application must be made at least five (5) working days before the work is commenced. A permit shall be issued after the application has been approved by the City Building Official or Public Works Engineer and the payment of a fee as determined in the following fee schedule for the water service connection.

**Water Service Connection Fee Schedule:**

SIZE OF TAP	FEE
1”	\$150.00
2”	\$300.00
4”	\$1,200.00
6”	\$1,500.00

- B. Such fees are to be paid at the time of application. For users out of the city, the fees shall be two (2) times the fees above specified.

Ord. 1063, 6/2008; Ord. 1130, 4/2012

26-A.02.030. Information Verification.

- A. Prior to the approval of any application, the City shall verify that any water main, water service line, water meters or apparatuses have been installed or will be installed in accordance with this Chapter. In the event there is any change in the information required in 26-A.02.010 (A), the application will be deemed void and the owner shall submit a new or revised application for permit to the City for approval.
- B. In the event the subject property is not serviced by the municipal water system and legal connection cannot be made to service the property, the application shall be denied unless provisions for a water main extension are included in the application.

Ord. 964, 2/2000; Ord. 1063, 6/2008; Ord. 1130, 4/2012

### **26-A.03. Service Sizes, Materials, and Installation.**

#### 26-A.03.010. Minimum Service Sizes.

- A. Three-fourths inch (3/4") service taps for single family mobile home dwellings will only be permitted in accordance with the provisions of the National Plumbing Code.
- B. Minimum size service taps for single family dwellings is one inch (1").

#### 26-A.03.020. Service Taps.

- A. The applicant for the water service connection shall notify the Water Superintendent when the water service connection is ready for inspection and connection to the water main. The City of Hot Springs will make all taps on all City owned water mains.

**Exception:** The City reserves the right to contract with outside resources where deemed necessary

#### 26-A.03.030. Installation Requirements and Responsibility.

- A. All approved materials will be furnished by the contractor or owner with the exception of the water meter, which will be furnished by the City.
- B. All two inch (2") and larger services require flanged connections for the water meter along with shut-off valves directly upstream and downstream of the meter.
- C. All installations within the City's area of responsibility shall be installed in accordance with the City water standards.

#### 26-A.03.040. New Services Connected to Existing Municipal Stub-outs.

- A. In addition to all other fees paid for a new water service connection, those new services that connect to a municipally installed service line stub-out to the property line will pay an additional Seven Hundred Fifty Dollars (\$750.00) for the service line connection. For

those stub-outs installed after January 1, 2010 the fee shall be one thousand (\$1,000). Municipally installed service line stub-outs are normally constructed at the City's expense in order to avoid future excavation in a newly constructed street.

26-A.03.050. Excavation Permits.

- A. Excavation work done in the public right-of-way (streets, alleys, etc.) shall be done by a City of Hot Springs' licensed trenching contractor. (See Chapter 11-A)
- B. An excavation permit as provided by the ordinances of this city must first be obtained before a water service connection permit can be issued.

26-A.03.060. Water Main Repair; Shut-Offs.

- 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 such users affected. In case of emergency, except where the health and safety of the people is involved, the water may be shut off without notice.

Ord. 964, 2/2000; Ord. 1063, 6/2008

**26-A.04. Service Line Connections; Termination.**

26-A.04.010. Unlawful Connections.

- A. It shall be unlawful for any person to install any water service line into or about any building or any grounds, or do any plumbing work that directly affects the supply of any premise with water from the City water mains without first obtaining a water service connection permit to do such work. All water mains constructed within the corporate limits or jurisdiction of the City of Hot Springs must be installed according to plans approved by the City's Public Works Engineer.

26-A.04.020. Water Service Line Connections.

- A. All work to be done for the installation of the service line from the water main into said premises, and all labor connected therewith, shall be done by or under the direction of a plumbing contractor or pipe laying contractor, licensed by the State of South Dakota, who shall be employed and paid by the owner or consumer and who shall at all times save the City harmless and indemnify said City against all accidents or damage to persons or property arising from neglect in performance of the said work.
- B. Provisions for the termination or abandonment of existing water services shall be as follows:

1. Any property owner who shall discontinue an existing water service to any building or premises for any reason shall, at his or her own expense, have said service disconnected at the City water main,
  2. Upon approval of the Water Department Superintendent or the Public Works Engineer, the existing water service may be allowed to remain provided that the water service line is not compromised in any manner and shall remain connected to a properly placed and installed curb stop valve.
  3. It shall be prohibited to terminate an existing water service within the city right-of-way in any manner other than as provided herein.
  4. Violations of these provisions shall result in the City causing such existing water service to be terminated in accordance with the provisions herein, the costs of which shall be charged to the property owner. Upon failure of the property owner to satisfy the bill within thirty (30) days of the date of billing, the City shall place a lien against that property in the amount of the bill and all costs associated with such action.
- C. The City may shut off water to any user that has caused, or is causing, the contamination of any source of surface or ground water because of a faulty or inadequate septic system or where that cause is eminent.

26-A.04.030. Water Service Line Materials.

- A. All materials for the installation of new water service lines, with the exception of the copper meter setter and the water meter, shall be furnished by the owner, or his plumbing or pipe laying contractor, and shall comply with the following requirements:
1. Water service line pipe from main to water meter, less than 2" in diameter shall be made of type "K" soft copper or AWWA C-901 polyethylene PE3408/PE4710 with a pressure rating of 200 psi or greater.
  2. Water service line pipe from main to water meter greater than 2" shall be made of AWWA Class 150 (or above) C-900 PVC, AWWA C-901 polyethylene PE3408/PE4710 or AWWA Class 50 (or above) C-150 Ductile Iron pipe.
- B. Curb stops and curb boxes.
1. Curb stops shall be placed on each new service line that is two inches (2") or less in diameter.
  2. Curb stops shall be of the Minneapolis pattern.
  3. Curb stops shall be placed on, or as near the property line adjacent to the water main, as possible.
  4. Curb stops shall be made of brass with ninety degree (90°) operation.

5. Connections for service pipe shall be Mueller style compression type with locknut rings.
6. Curb boxes shall be cast iron and of the Minneapolis type pattern.
7. The lid shall be a screw type marked "water" with a pentagon nut.
8. Risers shall be a minimum of one and one-half inches (1½") in diameter.
9. The top of the curb stop boxes shall be set at grade.

C. Gate valves and valve boxes.

1. Gate valves shall be used on all service lines larger than two inches (2") in diameter.
2. Valves shall be placed in proximity to the water main within five feet (5') of the tapping sleeve or installed "Tee".
3. Gate valves shall have a cast iron body, two inch (2") square operating nut, mechanical joint connections with mechanical joint restraints (megalugs), and are to open counterclockwise. The valve box shall be made of cast iron with a lid marked "water", with a rubber valve box alignment adapter.

D. Water Service Apparatus.

1. Tapping saddle. All taps two inches (2") or less in diameter shall use a tapping saddle with double straps and all bronze, or stainless steel with a two inch (2") or wider band.
2. Tapping sleeve. All taps larger than two inches (2") in diameter shall use a tapping sleeve and gate valve.
3. Corporation stop. All taps two inches (2") or less in diameter shall use a brass corporation stop of the Minneapolis pattern type in conjunction with a tapping saddle. The inlet shall be Corporation Connection (CC) tapered thread (AWWA Standard) and the outlet connection shall be for copper tube size pipe with Mueller style compression locknut ring fitting.
4. Stopcock. Every service shall be equipped with a stopcock or shut-off valve on the inside of the premises to enable consumers to turn off the water in case of accidents to the pipes on the premises and to be able to drain their pipes to prevent freezing. The stopcock or shut-off valve shall be located in a readily accessible location where the water service enters the premises.



5. Meter Pits. In new construction where meter pits are used, meter pits shall be of the PVC coil-type with backflow prevention and installed to a depth of not less than six feet (6') below finished or final grade.
6. Copper meter setters and backflow preventers.
  - a. Where a meter pit is not used, copper meter setters shall be used on water services lines two inches (2") or less in diameter.
  - b. The copper meter setter shall be located in a readily accessible location (a crawl space with less than four feet (4') of vertical clearance is not considered readily accessible).
  - c. Immediately downstream of the copper meter setter a double check backflow preventer will be installed. Following the backflow preventer, a pressure reducing valve may be installed if desired or recommended.
7. Flange meter settings and backflow preventers.
  - a. Flange meter settings will be used on all services larger than two inches (2") in diameter.
  - b. Unless otherwise specified by the Water Department Superintendent, the flange meter setting will be located just inside the premises where the water service enters the building.
  - c. The meter settings shall be located in a readily accessible location (a crawl space with less than four feet (4') of vertical clearance is not considered readily accessible).
  - d. The setting shall be located just downstream from a wheel type gate valve. Ball valves are permitted for use in service lines of one and one half inch (1½ ") or less. Immediately downstream of the meter setting will be a double check backflow preventer.
  - e. Following the backflow preventer, a pressure reducing valve may be installed if desired or recommended.
  - f. Following the backflow preventer (or in the case when a pressure reducing valve is used), a second wheel type gate valve shall be installed immediately downstream.

Ord. 1130, 4/2012

## **26-A.05. Water Meters.**

### 26-A.05.010. One Meter To Each Service.

Each separate service must be recorded by one meter only, for which only one bill will be rendered by the City. Following are the only three exceptions:

1. Meters that are installed for the purpose of metering irrigation water only.
2. For service provided outside the City limits to nongovernmental entities, the user may have more than one separate service recorded by one meter so long as the user receives prior approval from the City.
3. Duplexes and multi-family dwellings may be individually metered provided that each meter is provided with a shut-off valve that is accessible to the City without entering a private residence.

Ord. 1063, 6/2008; Ord. 1130, 4/2012

### 26-A.05.020. Meter Location and Accessibility.

- A. Each owner or water user shall provide a suitable location for the water meter to be installed by the City. The City shall have the right to deny water service where a meter is set in violation of this code.
- B. Where a meter pit is not used meters may be located on the water user's premises in the basement, cellar, utility room, or in exterior meter pits on the property of the consumer. Locations that are tight, narrow or low, such as crawl spaces with less than four feet (4') of vertical clearance, are not acceptable locations for meter installations.
- C. The City may install remote meter reading devices on the structure of the owner or water user and such devices shall be considered as part of the water meter. Each meter must be accessible during all reasonable hours of the day for the purpose of reading, inspecting, or repairing such meter.
- D. If the owner or water user refuses to grant access to any water meter or refuses to keep free access to said water meter for the purpose of reading, inspecting, or repairing by the City, the water service shall be shut off from such property and not turned on again until such violations have been corrected and a fee of Thirty Dollars (\$30.00) paid for turning the water service off and a fee of Thirty Dollars (\$30.00) paid for turning the water service on.
- E. The reading of the meter shall be prima facie evidence of the amount of water consumed.

Ord. 1130, 4/2012

26-A.05.030. Access to Consumer's Premises.

- A. The City shall be given permission to enter the water user's premises at all reasonable times for the purposes of reading meters, inspecting, and keeping them in repair, and/or installing or removing any or all of its apparatus used in connection with the supply of water or for any of the following reasons:
1. to make necessary or desirable repairs, or because of leaks, alterations, or extensions;
  2. for non-payment of any bills;
  3. for failure to provide proper security when requested to do so;
  4. for fraudulent use of water;
  5. for misrepresentation in the application to the City for water service;
  6. when the water user has vacated the premises;
  7. for tampering with the City's meter or meter connections, or to safeguard the City's property from damage or further damage;
  8. for reasons of health and/or safety;
  9. during periods of water shortage;
  10. for the purpose of securing compliance with orders issued by civil or military authority;
  11. for any violation of the provisions of this Water Code or contract for water service;
  12. to ensure compliance with Chapter 26-A, Water Code, Revised Ordinances of Hot Springs;
  13. to verify the size of the tap, the number of users, the kind of service and the purposes for which the water is used.

Ord. 1063, 6/2008;

26-A.05.040. Meter Location for Non-Resident Users.

- A. Water meters for all non-resident users will be located inside the corporate limit boundary or at a location designated by the City. The City will not be responsible for any water mains, water service, water meters, or apparatuses installed outside the City limits unless the same are installed by the City.

Ord. 964, 2/2000; Ord. 1063, 6/2008

**26-A.06. Service Line Installation.**

26-A.06.010. Service Line Installation.

- A. Water meters and water meter yokes shall not be less than three quarter inch (3/4") in new construction and service line replacement projects.
- B. Water service lines shall be installed at a minimum depth of six feet (6') below finished grade.

- C. A tracer wire shall be installed with each water service line and attached or affixed to the curb stop within six inches (6") of the finished or final grade.

26-A.06.020. Service Line Responsibility.

- A. The City shall be responsible for water service lines, pipes and fixtures from the water main to the curb stop with the following exceptions:
  - 1. Where a curb stop or other shut-off device was placed prior to the adoption of these regulations the City's responsibility shall be to that point of termination provided that it is not more than ten feet (10') from the property line.
  - 2. Where there is no curb stop or shut-off device between the corporation stop and the structure in question, the City's responsibility shall end at the property line.

Ord. 964, 2/2000; Ord. 1063, 6/2008; Ord. 1130, 4/2012

**26-A.07. Disputed Water Bills.**

26-A.07.010. Disputed Water Bills.

- A. Water rebates shall not be granted under the following conditions:
  - 1. When the water loss is the result of leaking service or distribution lines.
  - 2. When the water loss is the result of malfunction of fixtures, including but not limited to washers, ice machines, water softeners.
  - 3. Once the water has run through the meter, it becomes the responsibility of the customer to pay for the water, except where it is discovered through the normal billing process and checked by the Water Superintendent that an excessive amount of water has been metered and subsequently lost, without any evidence of the water leak being evident or observed and where the water user was not aware of the leak or negligent in any manner regarding the leak.
  - 4. When the water loss is the result of improper installation and operation of service line and related fixtures.
- B. Water rebates may be granted when one or more of the following conditions exist:
  - 1. Incorrect meter readings due to the negligence of City personnel.
  - 2. Faulty meter.
  - 3. Faulty meter installation.
  - 4. Leaks in city-owned equipment.
  - 5. Where it is discovered through the normal billing process and checked by the Water Superintendent that an excessive amount of water has been metered and subsequently lost, without any evidence of the water leak being evident or observed and where the water user was not aware of the leak or negligent in any manner regarding the leak.
- C. A customer wishing to dispute a water utility billing may do so provided the customer:
  - 1. First pays the disputed bill in full, and then;

2. Files a written request for review of said billing on a form provided by the City within thirty (30) days following the receipt of the disputed bill.
  3. Where the disputed bill exceeds three (3) times a 12 month average of normal water usage monthly billing. Partial payment in the amount of the undisputed portion of the bill may be accepted by the City Finance Officer prior to the review of the disputed amount of the bill.
- D. Adjustments:
1. The disputed bill shall be adjusted by using the following formula:  
A 12 month average of normal water usage shall be determined. The overage water used shall be billed at 30% of the current rate per thousand, as produced by the City of Hot Springs.
  2. Any water bill adjustments granted in this section shall be made in the form of a credit to the water bill, unless the account is being closed, then the adjustment shall be made in the form of a check refund paid after the next regular meeting of the Common Council.

Source: Ord. 964, 2/2000; Ord. 1063, 6/2008; Ord.1101 2/2011; Ord. 1151 11/2014

**26-A.07.020. Testing Water Meters at Request of User.**

- A. In addition to routine City meter tests, the City will test a meter whenever it is requested to do so by a water user. A charge of Twenty Dollars (\$20.00) for meters on service lines one inch (1") and a charge of Fifty Dollars (\$50.00) for meters on service lines larger than one inch (1") shall be paid to the City by the water user in advance of such requested test.
- B. In the event the meter so tested is found to have an error in registration of more or less than three percent (3%) of its normal rated capacity, the advance charge will be refunded and the disputed bill or bills shall be corrected accordingly.
- C. In the event the meter so tested is found to be accurate within three percent (3%) of its normal rated capacity, then the advance charge will be retained by the City.
- D. Correction of a disputed bill shall apply both to excess or insufficient registration. All meters shall be considered accurate if they register within three percent (3%) fast or three percent (3%) slow. Whenever a meter is found to be inaccurate, it shall be replaced by the City with an accurate meter without expense to the water user.
- E. A disputed bill will be corrected retroactive for a maximum of three (3) billing periods only.

Ord. 964, 2/2000; Ord. 1063,

**26-A.08. Water Rates and Billing.**

26-A.08.010. Water Rates for Resident Family Dwellings and Commercial Users shall be set by resolution by the Common Council.

- A. There shall be a minimum monthly demand charge for water for all users based on the size of the meter which shall include the first 1,000 Gallons of water used, plus a standard rate fee per 1,000 gallons of water used over the first thousand gallons. These fees shall be set by resolution by the Common Council.

26-A.08.020. Water Rate for Municipal Facilities.

- A. Water for the City of Hot Springs, South Dakota, will be metered but not billed.

26-A.08.030. Water Rate for Non-Resident and Hydrant meter Users.

- A. The water rates of non-resident users shall be calculated as follows:
  - 1. A non-resident user having only one separate service with one meter shall pay two times the minimum monthly fee, and two times the standard water rate over 1,000 gallons for resident users.
  - 2. A non-resident user having more than one separate service with one meter shall pay two times the minimum monthly fee for each service had each service been metered individually, and two times the standard water rate over 1,000 gallons for resident users.
  - 3. The City may negotiate and contract for a different rate for bulk water sales to other entities and the fees will be set by resolution.
  - 4. Hydrant meter rate shall be \$50.00 per month plus two times the standard rate per 1000 gal of water for resident users.

Ord. 1063, 6/2008;

26-A.08.040. Billing Upon Estimate.

- A. If the City is unable to obtain access to premises or dwellings for a meter reading, an estimated bill will be issued based upon the last meter reading.
- B. The proper adjustment will be made when the meter reading is obtained. In no case will any bill be estimated more than one (1) billing period. If any meter reading is not obtained at the end of any such billing period, the water will be turned off ten (10) days after notice in writing has been mailed to the last known address of the person charged for water use, or by leaving notice by door card at the address of the consumer account that such water service will be shut off within forty-eight (48) hours until such meter reading is obtained, and the water shall not be turned on again until a charge of Thirty Dollars (\$30.00) is paid for turning water service off and a fee of Thirty Dollars (\$30.00) paid for turning the water service on.

Ord. 1130, 4/2012

26-A.08.050. Construction Water; Deposit Required.

- A. On all new construction a construction water account shall be opened any time that construction water is desired.
- B. Application for water service shall be made on a form provided by the City. A One-Hundred dollar (\$100.00) water deposit shall be made at the time of application.
- C. The water user shall notify the Water Department to request the water service to be turned on for construction water use. The Water Department shall provide the necessary meter yoke to be installed by the plumbing contractor. The Water Department shall install the water meter provided that an approved back flow prevention device has been properly installed by the plumber. The water service shall then be turned on by water department personnel.
- D. Construction water accounts shall be billed for water use in accordance with 26-A.08.01.
- E. Upon the issuance of the Certificate of Occupancy by the Building Official, the construction water account shall transition out of the construction water account and into the applicable residential or commercial water account.
- F. Unauthorized persons shall not turn water service on or off to any structure under penalty as provided in this Chapter except as follows:
  - 1. Emergency water leaks.
  - 2. Charging and testing new or newly repaired water service lines.
  - 3. Flushing of newly installed service lines by a licensed plumber.

26-A.08.060. Application for Water Account; Credit Requirements of Water Users.

- A. Application for water service shall be made by the property owner or tenant on a form provided by the City. The application shall include the billing address of the property owner and the account shall be the responsibility of the applicant.
- B. The City shall have the right at any time to require the water user to make a reasonable deposit or to give a reasonable safe guarantee to secure payment of its bills for water service, conforming to the laws of the State of South Dakota. The minimum deposit required will be:
  - 1. Two Hundred Dollars (\$200.00) for city residents, such deposit shall be credited to the customer account after one year provided the account has not been late or delinquent in that time, and
  - 2. Three Hundred Dollars (\$300.00) for non-residents of the city, such deposit shall be retained by the City for the duration of the account.

**Exception:** For accounts where Direct Payment from the applicant's financial institution has been approved, resident and non-resident deposits shall be reduced to a One Hundred Dollar (\$100.00) deposit.

3. Seven Hundred and Fifty Dollars (\$750.00) for Hydrant Meter.

Ord. 1130, 4/2012

26-A.08.070. Bills and Payments.

- A. Municipal utility bills are rendered monthly which show billing amounts for various city services as are applicable to a specific user. Bills are due when rendered and are delinquent fifteen (15) days after they have been rendered.
- B. If any municipal utility user neglects or refuses to pay the amount due for any or all of the municipal charges on or before the delinquent date, the City shall provide such delinquent municipal utility user with a written notice of termination of water service.
- C. The notice of termination will specify the reason for the impending shut-off, the exact amount owed, the steps which the municipal utility user can take to avoid the shut-off, the steps necessary to have service restored after the shut-off, and the means to appeal the notice of termination.
- D. A municipal utility user shall have the right to appeal said notice of termination to the City of Hot Springs Common Council. Application for appeal shall be made within five (5) business days of notification and shall be made on a form provided by the City. The hearing shall be held during a regularly scheduled City Council meeting. Failure to appeal the notice of termination within the specified time period shall constitute a waiver of the right to an administrative hearing and adjudication of the notice or any portion thereto.
- E. Following hearing, if it appears that there is no bona fide and just dispute regarding the bill, a notice of shut-off will be provided the water user, which notice shall specify the time and date the shut-off will be made.
- F. Delinquent Bills.
  1. All municipal utility users whose bills are delinquent shall be subject to a late fee penalty of twenty percent (20%) of the bill.
  2. Where water service has been disconnected due to delinquency a thirty dollar (\$30.00) disconnect and (\$30.00) reconnect fee shall apply.
  3. Accounts that are delinquent greater than sixty days (60) shall have the balance of that account, including any associated fines or fees, assessed to that property.

Ord. 964, 2/2000; Ord. 970, 11/2000; Ord. 1028, 1/2006; Ord. 1030, 2/2006; Ord. 1076, 4/2009; Ord. 1093, 6/2010; Ord. 1130, 5/2013; Ord. 1168 10/2016



**26-A.09. After Hours Service Calls.**

26-A.09.010. After Hours Service Calls.

- A. There shall be charged in addition to any other authorized charge, the sum of Forty Dollars (\$40.00) to any account owner who requests the City to make water calls other than during regular working hours, including Sundays and holidays.
- B. All such charges are to be added to the appropriate water bill.
- C. Any plumber or pipe laying contractor requesting a service call to locate a curb box on a new service will be charged Twenty Dollars (\$20.00) for such call unless the meter pit or curb box is lost and cannot be found without the use of detection instruments.
- D. The City of Hot Springs, South Dakota, shall not be responsible for thawing frozen water services past the point of City responsibility.

Ord. 964, 2/2000; Ord. 1051, 8/2007; Ord. 1130, 4/2012

**26-A.10. Critical Water Condition.**

26-A.10.010. Critical Water Condition.

- A. During a critical water condition or shortage as determined by the City, it shall be the responsibility of the Mayor, or the President of the Council in the Mayor's absence, to initiate such measures and restrictions as recommended conserving precious water resources. Such water restrictions may be imposed on all water users, and shall remain in effect until the situation warrants that they be removed or lessened.
- B. Disregard for restrictions so imposed shall be sufficient cause for refusal or discontinuance of service.

Ord. 964, 2/2000; Ord. 1063, 6/2008

**26-A.11. Resale of Municipal Water.**

26-A.11.010. Resale of Water.

- A. Water furnished by the City shall be used by the water user, members of his household, guests, tenants, and employees only. The water user shall not sell water within the City limits, but the sale of water outside the City limits may be permitted under such terms and conditions as the Common Council may provide.
- B. The water user shall not permit the water supplied to him to be piped or transported to any other place or location other than his own within the City limits, but such water may

be piped or transported to another place or location outside the city limits under such terms and conditions as the Common Council may provide.

- C. The City reserves the right to discontinue the supply of water to any water user for violation of the provisions of this section.

**26-A.12. Private and Public Fire Protection.**

26-A.12.010. Private Fire Protection Systems.

- A. Private fire protection systems must be installed in accordance with standards set forth by the National Fire Protection Association (NFPA). Plans, specifications, and calculations shall be supplied to the City Building Official or Public Works Engineer for review and acceptance.

- B. Rates for private fire protection systems shall be as follows:

Private Fire Hydrants	\$5.00/month each
Private fire service: 3-4" outlets	\$5.00/month each
Fire Sprinklers	
a. 8" connections or smaller	\$8.00/month each
b. Connections greater than 8"	\$12.00/month each

- C. Connections to water mains for automatic fire sprinkler systems shall be permitted only after the specifications for said connections have been submitted to and approved by the City Building Official or Public Works Engineer prior to the commencement of construction of said connections.

26-A.12.020. Public Fire Hydrants for Fire Protection Only.

- A. Fire hydrants authorized by the City are for the use of the Hot Springs Fire Department for the extinguishment of fires and must not be used for any other purposes, except such as may be specified in writing by the City of Hot Springs Public Works Engineer or the Water Department Superintendent.

**26-A.13. Water Main Extensions.**

26-A.13.010. Permanent Extensions; Assessment Districts.

- A. Inside City Limits.
  - 1. Water users desiring to have the city make permanent extensions of its water distribution system through an assessment district shall petition the City for such extension.
  - 2. The petition shall set forth the nature and character of service requested, the location of the distribution system extension requested, the number of potential properties to be served, the legal descriptions of those properties, and all other pertinent facts and details relating to the extension.

3. The petition shall contain the names, mailing addresses and signatures of the owners of at least fifty percent (50%) of those properties to be served.
4. Upon acceptance of the petition for water distribution system extension, the City shall estimate the total installed cost of the requested distribution system extension and will advise all affected property owners, in writing, of the estimated total cost of such extension.
5. Upon acceptance of the proposed assessment district by the owners of at least seventy-five percent (75%) of the affected properties, the City shall begin the notification and public hearing process required for assessment districts.
6. The City will perform engineering design and inspections for areas of the city that are already developed or partially developed with multiple residential or commercial improvements.
7. The City shall not provide engineering design for new or proposed subdivisions in substantially undeveloped portions of the City. This expense will lie with the developer. Plans will require approval of the Public Works Engineer and installations will be subject to inspection and acceptance by the City.
8. All materials and methods of installation shall comply with the provisions of the City's Standard Specifications for Water and Sewer Improvements.

B. Outside City Limits.

Water main extension projects outside the city shall comply with the Subdivision Ordinance and the City of Hot Springs Comprehensive Development Plan as applicable.

26-A.13.020. Repealed Ord. 1130, 4/2012.

**26-A.14. Privately Owned Water Wells.**

26-A.14.010. Installation and Operation of Privately Owned Wells.

The purpose of this ordinance is to protect the municipal water supply and distribution system from contamination resulting from cross-sections with privately owned wells. It is also the purpose of this ordinance to protect the water supply of the City of Hot Springs and to insure equitable distribution of clean water and its related costs, to include water for fire protection, to the residences and businesses of the City of Hot Springs.

- A. No new privately owned wells will be permitted within the City of Hot Springs following the passage of this ordinance except as follows:

1. Wells used exclusively for outside irrigation of lawns and/or gardens.
  2. Wells used exclusively for heat transfer systems (heat pumps).
  3. Domestic wells will be permitted only if the municipal water distribution system is more than three hundred and fifty feet (350') from the boundary of the property to be served.
  4. If in the opinion of the Building Official or Public Works Engineer it is not feasible or reasonable to extend the system due to inaccessibility (topography, rock, etc.).
- B. No property or facility will be permitted to be served simultaneously by a privately owned well and the municipal water supply for domestic service. Privately owned wells are permitted for outside irrigation systems and heat transfer systems provided they are physically separated from the domestic service with no pipes, valves, or fittings connecting the two systems together.
- C. All properties and facilities currently receiving domestic, irrigation, or heat pump water from privately owned wells, and all future wells whether for outside irrigation or heat transfer systems shall have no pipe, valve, or fitting connecting any of these systems with the municipal water system. Privately owned wells and the municipal water system must have no physical connection.

**Exception:** Provisions for municipal water supply for back-up or emergency operations may be approved by the Public Works Engineer.

- D. Before a privately owned well can be installed, the owner must first obtain a building permit from the City Building Official which shows the location, depth, planned capacity, and proposed piping schematics. The permit must also show where the discharge from the system will be delivered. All new installations will be subject to the inspection and approval of the Building Official.
- E. When an existing privately owned well is discontinued from service by the owner the well will be permanently discontinued and will not be permitted to operate again. The owner of property on which a discontinued or abandoned well is located is deemed to be the owner of that well. The owner is responsible for plugging the abandoned well or wells as required by South Dakota Codified Law (SDCL) 46-6-18 and 46-6-27.

## **26-A.15. Water Facilities Replacement Fund.**

### 26-A.15.010. Water Facilities Replacement Fund.

- A. A reserve fund called the Water Facilities Replacement Fund is hereby established within the water utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life of the drinking water treatment & distribution facilities necessary to

maintain the capacity and performance for which such facilities are designed and constructed.

- B. The Water Facilities Replacement Fund shall be an interest bearing reserve fund. It shall be funded by thirty-three percent (33%) of the total gross revenue from all water sales except bulk water sales, and fifty-five percent (55%) of bulk water sales. This fund is to be used for capital improvements within the municipal water system.

Ord. 964, 2/2000; Ord. 1076, 4/2009

## **26-A.16. Penalties and Remedies.**

### 26-A.16.010. Penalties and Remedies.

- A. If any user violates any section of Chapter 26-A, Water Code, Revised Ordinances of Hot Springs, the City reserves the right to terminate water service. Prior to termination the City shall provide the user with written notice of termination of water service. The notice of termination shall state the reason for the termination, the steps which the user can take to avoid the termination, the steps necessary to have service restored after the termination, and the date, time, and place for hearing on the matter, and the means to appeal the notice of termination.
- B. Following a hearing on the notice of termination, if it appears that there is no bona fide or just dispute concerning the reason for termination, a notice of shut-off will be provided to the user. The notice of shut-off shall state the time and date the shut-off will be made. Once the shut-off is made there shall be a charge of Thirty Dollars (\$30.00) for disconnecting the water service and there shall be a charge of Thirty Dollars (\$30.00) to reconnect water service.
- C. Following a hearing on the notice of termination, if it appears that there is no bona fide or just dispute concerning the reason for termination, a notice of shut-off will be provided to the user. The notice of shut-off shall state the time and date the shut-off will be made. Once the shut-off is made the user shall be a charge of Twenty-Dollars (\$20.00) to reconnect water service.
- D. In addition to, or in the alternative to, the provisions above, any person, firm, or corporation violating any of the provisions of this ordinance shall also be subject to any remedy or injunction as allowed by law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Ord. 1063, 6/2008; Ord. 1130, 4/2012

### 26-A.16.020. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Ord. 964, 2/2000; Ord. 1063, 6/2008