

ORDINANCE NO. 1121

AN ORDINANCE AMENDING CHAPTER 21-A OF THE REVISED ORDINANCES OF THE CITY OF HOT SPRINGS, SOUTH DAKOTA, BY AMENDING SECTION 21-A.07.01 RELATING TO SEWER MAIN ASSESSMENT DISTRICTS.

BE IT ORDAINED by the Common Council of the City of Hot Springs, Fall River County, South Dakota:

Section 1. That Section 21-A.07.01 of Chapter 21-A of the revised ordinances of the City of Hot Springs, South Dakota shall hereby include sub-section 'C' and shall read as follows:

Section 21-A.07.01. Permanent Extensions; Assessment Districts.

C. Sewer Main Assessments.

Be it ordained by the City of Hot Springs that assessments for sewer main installations are hereby at the discretion of the City of Hot Springs Common Council.

Section 2. That the parts of this ordinance that may be in conflict with any other ordinance of the City of Hot Springs hereby supersede any other ordinance.

Hot Springs Common Council
Hot Springs, South Dakota

Don DeVries, Mayor

ATTEST:

Harley Lux, City Administrator/ Finance Officer

Passed first reading: Nov. 5, 2012
Passed second reading: Nov 19, 2012
Published: Nov. 26, 2012

ORDINANCE NO. 1100

AN ORDINANCE REPEALING CHAPTER 21, SEWERS AND SEWAGE DISPOSAL OF THE REVISED ORDINANCES OF THE CITY OF HOT SPRINGS, SOUTH DAKOTA AND CREATING CHAPTER 21-A WASTEWATER AND STORM SEWER ORDINANCE.

BE IT ORDAINED by the Common Council of the City of Hot Springs, Fall River County, South Dakota:

Section 1: That Chapter 21-A of the revised ordinances of the City of Hot Springs, South Dakota, shall hereby read as follows:

CHAPTER 21-A

WASTEWATER AND STORM SEWER ORDINANCE

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Mission Statement.

The provisions of this ordinance shall apply to and govern sanitary facilities, sewers and wastewater treatment; the excavation, construction, installation, usage, maintenance, extension, alteration, repair, or removal of any building sewer, building drain, or sanitary sewer systems; the type of wastewater prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible.

It shall be the mission of the City of Hot Springs Wastewater Department to reduce to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal, and to accomplish the necessary local legislation to meet the requirements of the State of South and the Federal Government. All this is a furtherance of the health, welfare, comfort and convenience of the inhabitants of the City of Hot Springs and the betterment of Fall River County.

21-A.01. Definitions.

21-A.01.01. Definitions.

1. "ARSD" shall mean the Administrative Rules of South Dakota.
2. "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.
3. "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees (20°) Centigrade, expressed in milligrams per liter.
4. "Biosolids" shall mean the solid, semisolid, or liquid residues generated during primary, secondary, or advanced treatment of domestic sanitary sewage through one or more controlled processes that reduce pathogens and attractiveness to vectors.
5. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.
6. "Building Official" shall mean appointed official responsible for the administration and enforcement of the City's codes and ordinance regulating construction and the use or occupancy of buildings and structures, public or private.
7. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

8. "Chemical Oxygen Demand (COD)" shall mean the quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in Milligrams per liter.
9. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
10. "DENR", also referred to as "SD-DENR" shall mean the South Dakota Department of Environment and Natural Resources.
11. "Domestic Wastes" shall mean liquid wastes and liquid-borne wastes discharged from sanitary convenience such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens, and floor drains free of industrial wastes or toxic materials.
12. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
13. "EPA" shall mean the United States Environmental Protection Agency.
14. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.
15. "Force Main" shall mean any sanitary sewer carrying wastewater under pressure as in a pump discharge or inverted siphon.
16. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
17. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as differentiated from domestic or sanitary waste.
18. "Natural outlet" shall mean any natural occurring outlet, including storm sewers and combined sewer overflows, watercourse, crack, crevice, seasonal drainage, draw, pond, ditch, lake, or other body or surface or groundwater.
19. "May" is permissive.
20. "Owner" shall mean the owner of record according to the Fall River County Tax Assessor's files.
21. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

22. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

23. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-half inch ($\frac{1}{2}$ ") (1.27 centimeters) in any dimension.

24. "Public sewer" or "Sewer Main" shall mean a common sewer not less than six inches (6") in diameter with manholes and/or clean-outs installed for maintenance access, within a right-of-way or legal utility easement, and controlled by a governmental agency or public utility.

25. "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.

26. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

27. "Sewage" is the spent water of a community. The preferred term is "wastewater"

28. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

29. "Sewer Service Line" shall mean the private service line that carries wastewater from any residential or non-residential building or structure to the public sewer main.

30. "Shall" is mandatory.

31. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

32. "Storm Sewer" shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source to discharge into or onto an approved lands or waters.

33. "Storm Water" shall mean waters that originate during precipitation events to include snow melt or runoff water from over watering, or other surface waters that enters the storm water system.

34. "Total Suspended Solids (TSS)" shall mean a measure of the filterable solids present in a sample.

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

36. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, or storm water that may be present.

37. "Wastewater Department" shall mean the department responsible for all aspects of the wastewater system including, collection, treatment, storage, repair, and service of such system. The term shall include administration, clerical and support staff when appropriate.

38. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

39. "Wastewater Superintendent" shall mean the superintendent of wastewater facilities of the City of Hot Springs or his/her authorized deputy, agent, or representative.

40. "Wastewater Service Connection Permit", also known as a "Tap Application", shall mean the application form filled out by the wastewater service installer as a means of requesting sewer service to a building or premises by means of tapping into the city sewer main.

41. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes referred to as "wastewater treatment plant".

42. "Watercourse" shall mean a natural or artificial channel for the passage of water either seasonally, continuously or intermittently.

21-A.02. Use of Public Sewers Required.

21-A.02.01. Connection to Public Sewer.

- A. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, except force mains, is hereby required, at the owner(s) expense, to such facilities directly to the proper public sewer in accordance with the provision of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the property line.

- B. Exception: Where in the findings of the Public Works Engineer or Building Official that it is not readily achievable to install the infrastructure necessary for connecting to the sanitary sewer due to topography, rocks or other naturally occurring barrier, other methods of private wastewater disposal may be used where approved and appropriate.

21-A.02.02. Unlawful Disposal or Discharge.

- A. It shall be unlawful to discharge to any natural outlet within the City of Hot Springs, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- B. It shall be unlawful to construct or maintain any outhouse, privy, cesspool, or other similar facility intended or used for the disposal or detention of wastewater, polluted water or human or animal excrement within the jurisdiction of the City of Hot Springs.

21-A.02.03. Composting of Manure or Human Excrement.

- A. The composting of human excrement shall be prohibited.
- B. The composting of animal excrement shall be prohibited.

21-A.03. Private Wastewater Disposal.

21-A.03.01. Construction; Regulation,

- A. Where a public sanitary or combined sewer is not available under the provisions of 21-A.02.01(A), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall:
 - 1. Submit the proposed plans for the private wastewater disposal system to SD-DENR for review and approval, and

2. Obtain an On Site Wastewater Disposal Permit approved by the City Building Official. The application for such permit shall be made on a form furnished by the City. The applicant shall submit any plans, specifications, and other information as are deemed necessary by the Building Official.
 3. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the City upon approval of the application. Where construction of a private wastewater disposal system has commenced without a permit the fee shall be multiplied by a factor of four (4).
- C. A private wastewater disposal system shall not become operational until the installation is completed to the satisfaction of the Building Official.
- D. The Building Official shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Building Official when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two (2) business days from the receipt of notice by the Building Official, exclusive of weekends and holidays.

21-A.03.02. Termination; Abandonment.

- A. At such time as a public sewer becomes available to a property served by a private wastewater disposal system the following shall be required:
1. Upon failure of the private wastewater disposal system, or upon demand of the Building Official or Public Works Engineer, direct connection shall be made to the public sewer within sixty (60) days of official notice, and
 2. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of wastewater and sludge and then either removed or filled with fine sand or other approved material.
- B. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the City of Hot Springs or the State of South Dakota in the interest of public health and safety.

21-A.04. Sanitary Sewers,-Connections and Fees.

21-A.04.01. Sewer Service Line Connections.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first making application on a form provided by the City. Such application to be approved by the Building Official or Public Works Engineer.
- B. The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.
- C. All costs and expense associated with the installation and connection and maintenance of a private sewer service line shall be borne by the owner.
- D. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the private sewer service.

21-A.04.02. Wastewater Service Connection Permits.

- A. There shall be two classes of wastewater service connection permits:
 - 1. for residential service; and
 - 2. for commercial and industrial waste.
- B. Residential sewer services shall be a minimum of four inches (4") and shall have a double clean-out located within twenty-five feet (25') of the residence, and shall run directly from that property to the city right-of-way to connect to the municipal sewer main in the most direct route obtainable.
- C. Where wastewater service lines cannot be installed at a 90 degree angle to the street (+/- 5 degrees) as identified by the clean-out location, a tracer wire shall be installed with the wastewater service line and attached or affixed to the clean-out within six inches (6") of the finished or final grade.
- D. Commercial and Industrial sewer services shall be sized in accordance with applicable plumbing codes. Commercial or Industrial sewer services implementing the use of grease traps, interceptors or other containment system shall comply with the requirements of 21-A.08.04 Interceptors and

21-A.08.05 Pretreatment of Industrial Wastes.

- E. Commercial and Industrial sewer services greater than four inches (4") shall enter the sanitary sewer via an approved manhole, services not entering a manhole shall have a double clean-out located within twenty-five feet (25') of the structure.

21-A.04.03. Sewer tap fees.

A. Residential and Commercial Tap Fees.

1. For all commercial and residential sewer taps there shall be a fee paid of \$200.00.
2. For commercial and industrial sewer services entering the municipal sewer main via a manhole, there shall be a connection fee paid of \$100.00.

- B. In addition to all other fees paid for a new sewer service connection, those new services that were installed prior to January 1, 2010 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 Dollars (\$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.

Ord. 964 2/00; Ord. 1084 12/09

21-A.04.04. Wastewater Service Connection (Tap) Application.

- A. Application for a wastewater 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 sewer main.
- C. The applicant for the wastewater service connection permit shall notify the Wastewater Superintendent when the wastewater service line is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Wastewater Superintendent.

- D. 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.

21-A.04.05. Sewer Mains and Service Line Responsibility.

- A. The City Wastewater Department will be responsible for the maintenance and repair of all sewer mains, manholes, lift stations, and other appurtenances of the collection system located in the public right-of-way, with the exception of private wastewater service lines, provided that all parts of that system in question have been installed in accordance with the provisions of such installations and have been accepted by the Public Works Engineer.
- B. All private wastewater service lines , fixtures and clean-outs extending from the premises served to the sewer main in the public right-of-way is the responsibility of the property owner to service and maintain. All wastewater service lines and fixtures installed and connected to the municipal sanitary collection system shall be kept in good working order, and properly protected from frost and other damage at the expense of the owner.
- C. If any person shall fail to promptly repair any leaky, clogged, or inadequate wastewater service line, or if any person shall fail to promptly and properly empty or repair any septic tank, after receiving official notification by the City to do so, the supply of city water may be immediately shut off from the premises of all water users on that line, and shall remain off until the necessary repairs have been made. The City shall not be liable for any damage resulting from the shutting off of the water, and no deductions shall be allowed from 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 City has been satisfactorily completed and a fee of Twenty Dollars (\$20) paid for turning the water off and on. In addition, the City may cause the said service pipe to be repaired and assess the actual cost of the repair plus ten percent (10%) to the property.
- D. A wastewater service line now in existence which does not conform to the ordinances of the City may remain in service until such line needs to be replaced. Any replaced wastewater service line must conform to the City ordinances and will be treated as a new sewer service line.

21-A.05. Existing Buildings.

21-A.05.01. Wastewater Service Lines.

- A. A separate and independent 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 from the front building may be extended to the rear building and the whole considered as one building sewer.
- B. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

21-A.05.02. Existing Services; Abandonment.

- A. Existing building wastewater service lines may be used in connection with new buildings only when they are found to meet all requirements of this ordinance and such use is authorized by the Wastewater Superintendent, Public Works Engineer or Building Official.
- B. Provisions for the termination or abandonment of existing wastewater services shall be as follows:
 - 1. Any property owner who shall discontinue an existing sewer service line to any building or premises for any reason shall, at his or her own expense, have said service capped and sealed at the right-of-way line provided that the line is not damaged or compromised in any manner. All work within the right-of-way shall be performed by a licensed installer or plumber. An as-built map indicating location and depth in relation to a permanent landmark shall be provided to the City.
 - 2. Upon demand of the Public Works Engineer, the existing sewer service line shall be capped and sealed at the public sewer main.
 - 3. It shall be prohibited to terminate an existing sewer service line 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 sewer service line 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.

21-A.06. Installations.

21-A.06.01. Excavation.

- A. Excavations in streets, alleys, and public rights-of-way of the City require such work to be done by a contractor with a City of Hot Springs' Trenching Contractor License and Excavation Permit.
- B. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- C. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored as prescribed in Chapter 22 Streets and Sidewalks.

21-A.06.02. Installation Requirements.

- A. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.
- B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

21-A.07. Sewer Main Extensions.

21-A.07.01. Permanent Extensions; Assessment Districts.

- A. Inside City Limits.

1. Property owners desiring to have the city make permanent extensions of its wastewater collection 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 collection 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 wastewater collection system extension, the City shall estimate the total installed cost of the requested extension and will advise the 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.

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

21-A.07.02. Privately Funded and Installed Main Extensions; Cost Recovery.

The purpose of this provision is to allow for reasonable cost recovery to developers who privately fund a wastewater main extension project where that wastewater main extension directly benefits certain properties. The City of Hot Springs may enter into an agreement with a developer where the City collects a pre-determined connection fee through the wastewater service connection process, that pre-determined portion is then forwarded to that developer to off-set the initial cost of the construction of that wastewater main.

A. Wastewater main extensions that are completely privately funded shall:

1. first receive approval from the Hot Springs City Council.
2. be designed and installed in accordance with plans that have been reviewed and accepted by the Public Works Engineer.
3. be inspected by designated City personnel.
4. be certified with a two (2) year warranty against defects and workmanship.

B. The cost of privately funded wastewater main extension projects may be recovered, in part or in whole, in accordance with SDCL 9-47-16 with the following provisions:

1. Apportionments, charges, and negotiated connection fees are subject to approval by the Hot Springs City Council.
2. The Developer is free to negotiate with potential connectors, and reasonable charges will be accepted by the Hot Springs City Council.
3. Properties that will potentially benefit from the wastewater main extension, and the owners of those properties, shall be provided on the agreement to be entered into between the developer and the City.
4. No interest or charges in excess of the cost of construction, including engineering costs, can be collected.
5. Cost Recovery Agreements:
 - a. No agreements shall exceed ten (10) years of commitment by the City of Hot Springs.
 - b. Developer may pursue private cost recovery methods in lieu of entering into a cost recovery agreement with the City.

21-A.08. Use of the Public Sewers.

21-A.08.01. Infiltration Into Sanitary Sewer.

- A. No person(s) shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage or foundation drainage, into any sewer that is connected directly or indirectly to a public sewer main.

- B. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City Public Works Engineer, to a storm sewer, combined sewer, sanitary sewer, or natural outlet.

21-A.08.02. Prohibited and Limited Wastes.

- A. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
 - 1. any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - 2. any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Treatment Plant;
 - 3. any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works;
 - 4. solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, cloth or paper towels, rubber or latex gloves, baby wipes or personal hygiene wipes, disposable diapers, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

B. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The City Public Works Engineer may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the City Public Works Engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the Wastewater Treatment Plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City Public Works Engineer are as follows:

1. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City Public Works Engineer for such materials.
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the City Public Works Engineer.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Public Works Engineer in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the Wastewater Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

21-A.08.03. Violations.

- A. Waters or wastes that are discharged, or are proposed to be discharged to the public sewers, which contain any of the substances or possess the characteristics enumerated in 21-A.08.02, and which in the judgment of the City Public Works Engineer, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Public Works Engineer may:
 1. reject the wastes;
 2. require pretreatment or screening to an acceptable condition for discharge to the public sewers;
 3. require control over the quantities and rate of discharge, and/or
 4. require payment to cover the added cost of handling and treatment of wastes not covered by existing taxes or sewer charges under the provisions of this Chapter.
- B. When considering the above alternative, the City Public Works Engineer shall give consideration to the economic impact of each alternative on the discharge. If the City Public Works Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Public Works Engineer, the Wastewater Superintendent, and South Dakota Department of Environment and Natural Resources.

21-A.08.04. Interceptors.

Grease, oil, and sand interceptors shall be provided in accordance with applicable plumbing codes and, when in the opinion of the City Public Works Engineer in coordination with the Wastewater Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in

this chapter, or any flammable wastes, or harmful ingredients that may adversely affect the wastewater collection or treatment system.

A. Grease Interceptors.

1. The City Public Works Engineer shall have the right of approval of the design, sizing, and installation of all grease interceptors.
2. All kitchen drainage receiving grease shall pass through the interceptor. The interceptor shall be easily accessible for cleaning and inspection. The responsibility of cleaning and maintaining the interceptor in an efficient operating condition shall be the owner and/or lessee's responsibility.
3. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the City Public Works Engineer or the Wastewater Superintendent.
4. Existing interior replacements may be allowed when proper sizing and installation procedures can be accomplished.
5. When, in the opinion of the City Public Works Engineer, it would be impractical or unnecessary to install a full-size grease interceptor due to the nature or relative size of a food establishment, the installation of an inline grease trap may be approved.
6. Expense shall not be considered sufficient reason to waive the requirements for full-size grease interceptors.
7. Single family dwelling units are exempt from the grease interceptor requirements.

B. Sand and Particulate Interceptors.

1. The City Public Works Engineer shall have the right of approval of the design, sizing, and installation of all sand and particulate interceptors.
2. All interceptors shall be of a type and capacity approved by the City Public Works Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

3. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the City Public Works Engineer or the Wastewater Superintendent.

21-A.08.05. Pretreatment of Industrial Wastes.

- A. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- B. When required by the City Public Works Engineer, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Public Works Engineer, and SD-DENR where required. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- C. The City Public Works Engineer may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
 - (1) wastewaters discharge peak rate and volume over a specified time period;
 - (2) chemical analysis of wastewaters;
 - (3) information on raw materials, processes, and products affecting wastewater volume and quality;
 - (4) quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
 - (5) a plot plan of sewers on the user's property showing sewer and pretreatment facility location;
 - (6) details of wastewater pretreatment facilities;
 - (7) details of systems to prevent and control the loss of materials through spills to the municipal sewer.
- D. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the procedures approved under ARSD 74:52:03:06 a. b. r.,

40 CFR, part 136, unless other test procedures, sampling methods, locations, times, durations, and frequencies are required by the City Public Works Engineer and/or the Wastewater Superintendent.

- E. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

21-A.09. Powers and Authority of Inspectors.

21.09.01. Right of Entry.

- A. The City Public Works Engineer, Building Official, Wastewater Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- B. The City Public Works Engineer, Building Official, Wastewater Superintendent and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.
- C. The industry may request specific information considered confidential to be held in confidence. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors. Disclosure of confidential information shall be subject to State law.
- D. While performing the necessary work on private properties, the City Public Works Engineer, Building Official, Wastewater Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

21-A.09.02. Easement Access.

- A. The City Public Works Engineer, Building Official, Wastewater Superintendent 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

purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement.

- B. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

21-A.10. Fees and Collection.

21-A.10.01. Purpose of Establishing Procedure for Determining Equitable Sewer Services to be Levied on All Users which Discharge Wastewater to the Wastewater Collection System.

- A. The purpose of this ordinance shall be to generate sufficient revenue to pay all costs of the operation and maintenance of the wastewater treatment system. The cost shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included in the basis of the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

21-A.10.02. Determining the Total Annual Cost of Operation and Maintenance.

- A. The City of Hot Springs, or its City Public Works Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

21-A.10.03. Determining Each User's Wastewater Contribution Percentage.

- A. The city of Hot Springs, or its City Public Works Engineer, shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine

such user's volume contribution percentage. The amount used as the total average daily volume shall exclude infiltration and inflow.

- B. The City of Hot Springs, or its City Public Works Engineer, shall determine for each user or user class the average daily poundage of 5-day, 20 degree centigrade biological oxygen demand (BOD) discharged into the wastewater system which shall be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine the user's BOD contribution percentage.
- C. The City of Hot Springs, or its City Public Works Engineer, shall determine for each user or user class the average daily total suspended solids (TSS) poundage discharged to the wastewater system which shall be divided by the average daily poundage of all TSS discharged to the wastewater system to determine such user's TSS contribution percentage.
- D. The volume contribution percentage, BOD contribution percentage, and the TSS contribution percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for the wastewater treatment of the total volume flow, total 5-day, 20 degree centigrade BOD and total TSS, respectively.

21-A.10.04. Determining a Surcharge System for Users with Excess BOD and TSS.

- A. The City of Hot Springs, or its City Public Works Engineer, will assess a surcharge rate for all users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above normal strength wastes. Normal strength wastes are determined to be 200 ppm BOD and 250 ppm TSS.
- B. The surcharge rate for users with above normal strengths as determined by 21-A.10.04 will pay an additional service charge of:
ten cents (10¢) per 1,000 gallons for each 25 ppm over 200 ppm BOD, and
ten cents (10¢) per 1,000 gallons for each 25 ppm over 250 ppm TSS.

21-A.10.05. Determining Each User's Wastewater Service Charge.

- A. Each nonresidential user's wastewater treatment cost contributions as determined in Sections 21-A.10.03 and 21-A.10.04 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial,

commercial, and other nonresidential establishments as a residential user provided that the wastes from these establishments are equivalent to the wastes from an average residential user with respect to volume, TSS, and BOD.

21-A.10.06. Rate Schedule.

- A. Residential users are considered to be one class of user. For the purpose of this ordinance, a residential user shall be deemed to be and mean any single independent family, and irrespective of whether living in a one-family residence, mobile home, or any other type of residence, if such residence is served by an independent connection to the municipal sewer system of the City. The user fee structure and the effective dates of implementation for this class of user are as follows:

| | | | |
|----------------------------------|----------------|----------------|----------------|
| Effective Date of Implementation | 1 January 2011 | 1 January 2012 | 1 January 2013 |
| Rate Structure | \$26.46/month | \$27.46/month | \$28.46/month |

- B. Multiple Family Residence and Mobile Home Parks are considered to be one class of user. For the purpose of this ordinance, a multiple family residence shall include duplexes, four-plexes, apartment buildings and any structure or series of structures that contain multiple residential units that collectively discharge their domestic waste into a single, independent connection to the municipal sewer system of the City. For the purposes of this ordinance, a mobile home park is two or more mobile homes that collectively discharge their domestic waste into a single, independent connection to the municipal sewer system. The user fee structure and effective dates of implementation for this class of user are as follows:

| | | | |
|----------------------------------|----------------|----------------|----------------|
| Effective Date of Implementation | 1 January 2011 | 1 January 2012 | 1 January 2013 |
| Rate Structure | \$26.46/month | \$27.46/month | \$28.46/month |

For the purpose of this ordinance, fees will be based on 90% of the number of apartments or mobile home spaces regardless of occupancy.

- C. Commercial Users of the municipal wastewater system that originate within the corporate boundaries of the City of Hot Springs shall pay according to the following user fee schedule and effective implementation dates as follows:

| | | | |
|----------------------------------|----------------|----------------|----------------|
| Effective Date of Implementation | 1 January 2011 | 1 January 2012 | 1 January 2013 |
|----------------------------------|----------------|----------------|----------------|

| | | | |
|----------------|--|--|---|
| Rate Structure | \$24.46/month minimum plus \$3.02/1,000 gallons over 7,000 gallons | \$27.46/month minimum plus \$3.02/1,000 gallons over 7,000 gallons | \$28.46/month minimum plus 3.02/1000 gallons over 7,000 gallons |
|----------------|--|--|---|

- D. All other users of the municipal wastewater system within the corporate boundaries of the City of Hot Springs and whose water supply did not originate from the City's municipal water system, shall be charged a fee for the use of the municipal wastewater system. This fee shall be based on the flow that the user to the total flow of the system. The fee shall be this percentage applied to the current years' total operation and maintenance budget for the City of Hot Springs wastewater treatment and collection system.
- E. Out-of-Town Users. The wastewater service charge for all out-of-town users of the municipal wastewater system shall be two (2) times the rate for in-town users in the same user class categories.

Ord. 964 2/00; Ord. 969 10/00; Ord. 1027 1/06; Ord. 1077 4/09

21-A.10.07. Review of Each User's Wastewater Service Charge.

- A. The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two (2) years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works.

21-A.10.08. Wastewater Facilities Replacement Fund.

- A. A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater 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 wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.
- B. The Wastewater Facilities Replacement Fund shall be an interest bearing reserve fund. It shall be funded by thirty-three percent (33%) of the total gross

revenue collected from wastewater user fees. This fund is to be used for capital improvements within the municipal wastewater system.

Ord. 964 2/00; Ord. 969 10/00; Ord. 1027 1/06; Ord. 1077 4/09

21-A.10.09. After Hours Service Calls.

- A. There can be charged in addition to any other authorized charge, the sum of Two Hundred Dollars (\$200.00) to any account owner who requests the City to make sewer calls other than during regular working hours, including Sundays and holidays.
- B. A twenty Dollar (\$20.00) charge shall be made for any call requests at any time for service requiring more than an ordinary inspection during regular working hours. All such charges are to be added to the appropriate sewer bill.
- C. The City of Hot Springs, South Dakota, shall not be responsible for thawing frozen sewer services. The Wastewater Superintendent shall be responsible for determining when these costs shall be assessed against the property owner, plumber or contractor.

Ord. 1056 10/07

21-A.11. Bills and Payment.

21-A.11.01. Billing.

- 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 utility 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 and/or sewer service.
- C. The notice of termination will specify the reason for the impending termination of services, 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 date, time, and place for hearing on the matter.

- 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 the date of the notice 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 the 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. All municipal utility users whose bills are delinquent will be subject to an interest penalty of eighteen percent (18%) annual interest on unpaid accounts, plus a charge of Twenty Dollars (\$20) to reconnect a water service disconnected for nonpayment of the bill.

21-A.11.02. Disputed Sewer Bills.

- A. A customer wishing to dispute a sewer 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 said bill.
 - 3. Where the disputed bill exceeds three (3) times the average 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.
- B. Sewer rebates may be granted when one or more of the following conditions exist:
 - 1. Incorrect billing amount due to negligence of City personnel.
 - 2. On commercial accounts whose sewer bill is based on a percentage of the water bill, a rebate or bill adjustment for sewer may be given when:
 - a. the corresponding water bill has been adjusted under 26-A.07.01. of the water ordinance; or
 - b. when a water leak develops on the customer side of the meter and it can be shown that the water from the leak did not enter the sewer collection system.
- C. Adjustments:

1. Any adjustments made to a disputed bill will be made in the form of a credit which will be applied to the next billing, except where the amount of the disputed bill exceeds three (3) times the average monthly billing, at which time a rebate may be given upon approval of the City Council.
2. Cash settlements will only be made on accounts that are intended to be closed.

21-A.12. Biosolids.

21-A.12.01. Land Application of Biosolids.

- A. In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota, Article 74:52, the City of Hot Springs, South Dakota, is hereby authorized to land apply biosolids and to comply with the Sludge Management Plan as approved by the United States Environmental Protection Agency. The City will also comply with additions to the Sludge Management Plan as required by the United States Environmental Protection Agency and the City will comply with all of the permit requirements in the authorization to land apply sludge biosolids.

21-A.13. Termination, Remedies, Separability.

21-A.13.01. Termination of Service; Appeals.

- A. If any user violates any section of Chapter 21-A, Wastewater Ordinance, 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. 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 the date of the notice 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.

- 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.

21-A.13.02. Penalties.

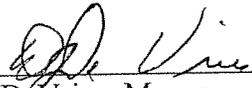
In addition to, or in the alternative to, the provisions of this Chapter, and person, firm, or corporation violating any of the provisions of this ordinance shall also be subject to any remedy or injunction as allowed by law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable by not more than Two Hundred Dollars (\$200.00) per day.

21-A.13.03. Separability.

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, an independent provision and such holding shall not affect the validity of the remaining portions thereof.

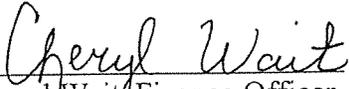
Section 2: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they contradict any provisions of this ordinance.

Hot Springs Common Council
Hot Springs, South Dakota



Don DeVries, Mayor

ATTEST:



Cheryl Wait, Finance Officer

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