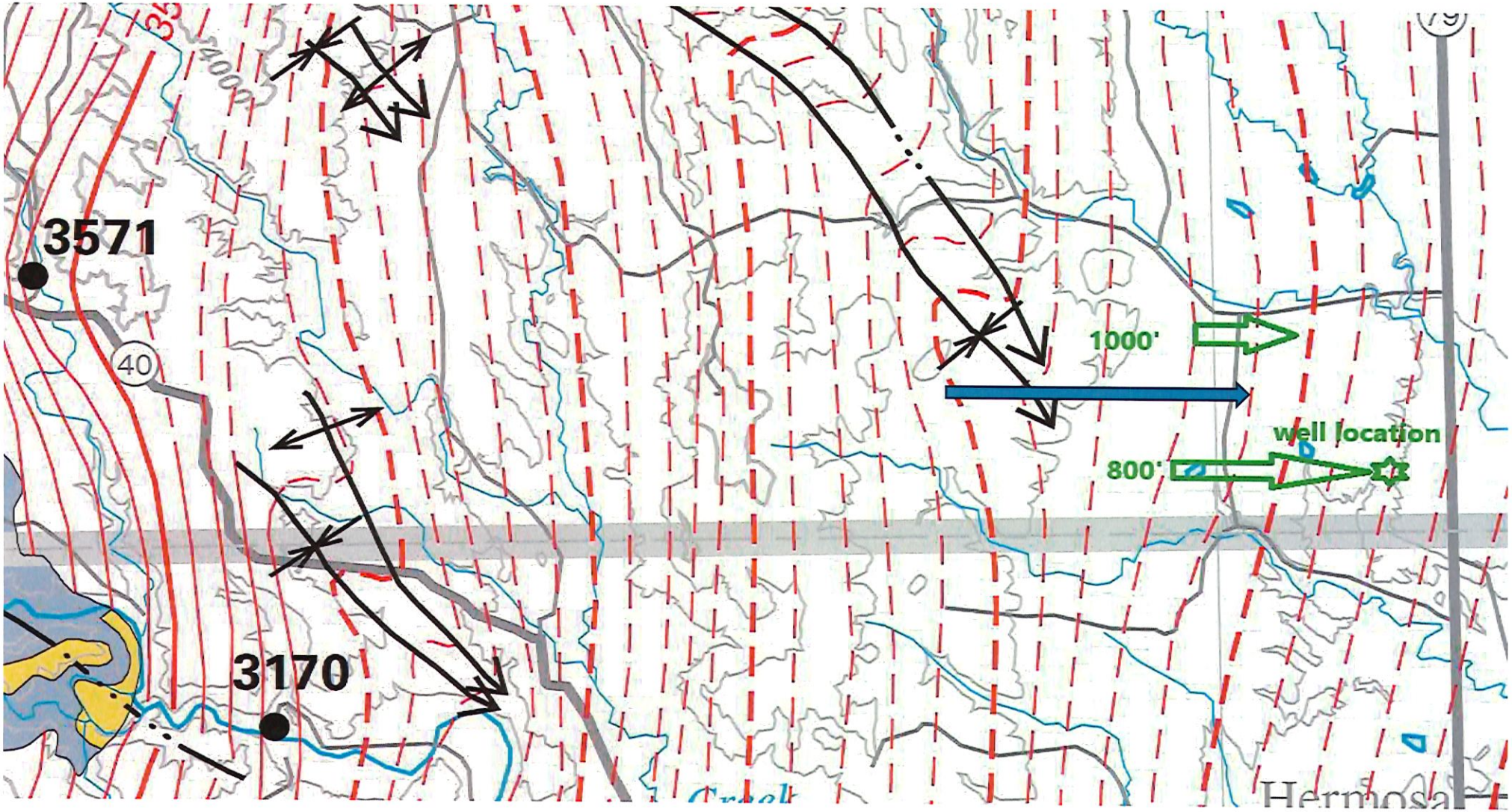
HERMOSA TOWN BOARD
WORK SESSION
March 25, 2025
5:00 PM

1) **<u>WORK SESSION ITEMS</u>**:
   A. Discussion on location of new well
   B. Water Ordinance
   C. Fireworks Vendor Permits
   D. Abatement/Complaints Ordinance
   E. Discussion on Ordinance 30.07 Board Member Attendance and Compensation

2) **<u>ITEMS FROM CONSTITUENTS:</u>** No action can be taken by the board on any issue related without being first placed on a future agenda, to allow for proper notice.
   1. Reserved time for public comment is **15 minutes.**
   2. This is a time for citizens of the town of Hermosa or owners of property within town Limits to express concerns or discuss issues having relevance to the town.
   3. Anyone wishing to address the Town Board during this time shall be asked to stand and Identify themselves after being recognized the Board President.
   4. Each person will be allotted **3 minutes** to speak.
   5. After these time limits are reached, all further commentary shall be made only with the Chair's approval.

3) **<u>TRUSTEE INPUT:</u>**
   - Kramer
   - Ferguson
   - Harris
   - Koontz
   - Serviss



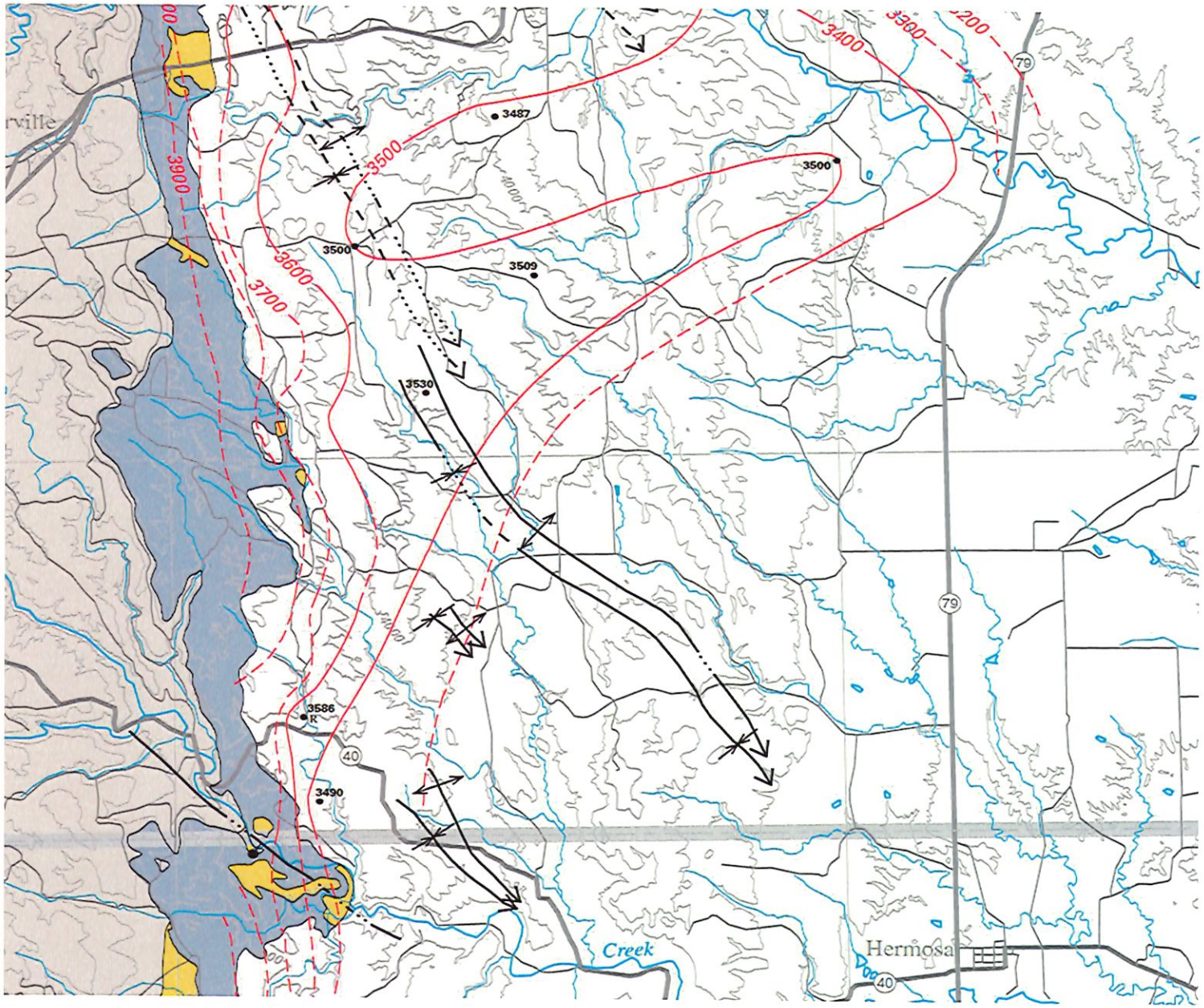
1100' contour of top of Madison FM

INFERRED elevation of top of Madison near propose site is 1100' above sea level. Ground elevation from above map will be near 3450' at north end of parcel and 3420' at south end of parcel. Drill depth to top of Madison 2350' at North end and 2320' at South end of parcel . Note identified structural folds to northwest of location that could skew the structural top downward 100'-200'. The well plan should have a contingency for drilling up to 300' of Madison aquifer, if possible. Total depths for drilling could be 2650' at North end and 2620' at south end of parcel

HYDROLOGIC INVESTIGATIONS ATLAS HA-744-C
Southern part of area —SHEET 2 OF 2
Carter, J.M., and Redden, J.A., 1999, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota

Data Source: Google Earth for ground elevations

POTENTIOMETRIC SURFACE OF MADISON AQUIFER



Potentiometric surface of Madison is not directly inferable from current mapping data. Possibly 3000'-3100' (400'-500') below GL

CHAPTER 50: WATER PROVISIONS

Section

GENERAL PROVISIONS

§ 50.01 APPLICATION FOR WATER CONNECTION PERMIT.

(A) As per SDCL § 9-47-28, the owner of every residence, business, structure, or building wherein water is used, abutting upon any street or alley in which municipal water mains are maintained shall, at his or her own expense, connect the residence, business, structure, or building to the municipal water system within 30 days after notice to do so, provided the municipal water main is within 200 feet of his or her property line. Application must be made to the Board of Trustees for permits to connect/tap any water pipe or pipes to the town water supply main. Application must be made by the owner or agent of the property served. Application shall designate the legal description of property, what kind and size of tap to be made, the nature and number of the water users, and be accompanied by the appropriate fee as described below. This fee is to be retained by the town.

(B) The cost of such tap shall be based on the size of the meter:

	Residential	***Commercial***
1"	$1,000.00	$2,000.00
1 ½"	$1,000.00	$2,000.00
2"	$1,250.00	$2,500.00

(C) If larger taps are required than depicted in the above table, the rates will increase $250 per one-inch increments for residential and will increase $500 per one-inch increments for commercial.

(D) If the permit is granted, applicant assumes all expenses covering material, labor, etc. for installation and connection of such pipes. This shall include, but is not limited to, curb stops, valves and boxes, and dual check back flow prevention valves and water meters. Applicant shall assume all responsibility, cost, and expense of maintenance and repairs of such components including, but not limited to, such pipes, curb stops, valves and boxes, and dual check back flow prevention valves and water meters, from the property owner's property line to the structure.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015; Ord. passed 1-8-2019; Ord. passed 5-18-2021; Ord. passed 4-18-2023)

§ 50.02 METERS.

All connections shall be metered. The town will provide the meter. Only persons designated by the town shall read the meter on or about the twentieth of each month for all service meters. A person, designated by the town, shall read and verify meter and remote once each year to verify accuracy.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015; Ord. 52.02A, passed 11-21-2017)

§ 50.03 PLUMBERS.

Only a duly licensed plumber/contractor, per the *Town's Standard Construction Specification and Standard Details*, approved by the Town Board, or an employee of the Water Department shall be permitted to do any work on any pipes or connections in any way connected with the town water supply. All such plumbers/contractors shall be governed by state and town regulations that are in force or that may be hereafter adopted.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.04 PERMISSION REQUIRED.

Written permission shall be obtained from the supervisor or other officer in charge of the Water Department before plumbing work of any kind shall be done by any plumber in or upon any water pipes, fixtures, or apparatus connected with the town water system.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.05 INSTALLATION OF CURB STOPS, VALVES AND BOXES, AND DUAL CHECK BACKFLOW PREVENTION VALVES.

All connections with the municipal water mains must be in accordance with the *Town Standard Construction Specifications and Standard Details.*

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.06 STANDARD SERVICE PIPE INSTALLATION.

Service line installation shall be done by a licensed water and sewer contractor as required by the *Town Standard Construction Specifications and Standard Details* and inspected and approved by the town. Service lines are to be installed according to South Dakota State Plumbing Codes with regard to water and sewer line spacing and interior plumbing. Under no circumstances will any contractor without water and sewer licenses be allowed to dig, trench, or install any piping.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.07 INSPECTION AND TESTING.

All water service lines shall be tested in accordance with the *Town of Hermosa Standard Construction Specification and Standard Details.*

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.08 RIGHT-OF-WAY REPAIR.

All back fill and surface repair shall be done to the satisfaction of public works per the *Town's Standard Construction Specifications.*

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.09 APPLICATION FOR WATER SERVICE/SECURITY DEPOSIT.

(A) Written application for water service shall be made to the Town Finance Officer by the owner/occupant of the property or his agent, together with a security deposit. Such deposit shall be recorded by the Town Finance Officer and receipts issued to the applicant. Upon discontinuance of service, the applicant shall be entitled to a refund of such deposit, less such part thereof applied toward payment of current or delinquent water bills. Such deposit shall be as follows:

Homeowner	As per current fee schedule
Rental property owner	As per current fee schedule
Renter	As per current fee schedule
Contractor/ home builder	As per current fee schedule

(B) The town shall retain a floating deposit until such time that the property ownership changes.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.10 RENTAL PROPERTIES.

Property owners must give notice of change of tenants or parties responsible for utility bills. Renters shall be responsible for balance owed. The property owner will be contacted if payment is not made by due date of the current month. After a five-day grace period, water will be disconnected and not resumed until said balance is paid in full. A reconnection fee, per the current fee schedule, will be assessed and collected prior to resuming service. If a new tenant applies for water service, they will be denied service if there is a balance due for the metered property which they intend to rent. The property owner will not be able to restart service until the balance is paid in full.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.11 COMMERCIAL AND RESIDENTIAL WATER RATES.

Fees, charges, and rates for water services, connections, and tap fees may be changed per resolution by the Board of Trustees whose authority to do so is granted by the State of South Dakota SDCL § 9-47-19. The Board of Trustees shall establish just and equitable rates by policy. Refer to the current water rate resolution, as outlined within the current fee schedule.

(Ord. 10, passed 6-20-2006; Ord. 10.1, passed 8-18-2009; Res. 2009-5, passed 9-1-2009; Ord. 10R-2015, passed 2-2-2015)

§ 50.12 BILLING AND PAYMENT.

Bills are due and payable upon receipt and shall become delinquent on the fifteenth of same month. If the Town Office does not receive payment by the fifteenth a late fee will be charged to the account on the twentieth of same month as per current fee schedule. If payment is not received by the fifteenth of the following month, or the balance of the current month is more than $100, collection action shall commence including but not limited to disconnecting service. There will be an additional late fee, as per current fee schedule, charged to the account for each subsequent month if account is not paid in full.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.13 DISCONNECTION FOR NON-PAYMENT.

(A) In the event a customer is disconnected due to non-payment that customer will be charged a reconnect fee, per current fee schedule, and may be required to pay an additional and/or increased security deposit, per current fee schedule, and initial

deposit may be applied to the past due amount.

(B) Water service will be reconnected after all past due amounts have been paid or a payment agreement has been signed by the customer. Only an authorized agent of the town shall be allowed to turn water service back on. A fine will be assessed, as per current fee schedule, if water is turned back on without authority of the town.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.14 NOTICE OF DISCONTINUANCE REQUIRED.

Property owners or consumers desiring to discontinue the use of water shall be required to give notice to the town office. Regular water rates and charges to be billed accordingly until proper notice has been received, and a final meter reading has been taken.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.15 METERS FAILING TO REGISTER.

In cases where meters shall fail to register the amount of water used, charges shall be based on the average use.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.16 INTERFERING WITH FIRE HYDRANTS.

Only persons designated by the town shall open, take any water from, or in any way interfere with any public fire hydrant within the town. The Fire Department, or other emergency services may take water from a fire hydrant in the case of an emergency without prior approval.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015) Penalty, see § 50.99

§ 50.17 EXTENSION OF WATER PIPES.

Water pipes cannot be extended from one premise to another without permission of the Board of Trustees or its duly authorized agent.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015) Penalty, see § 50.99

§ 50.18 WATER LIMITATIONS.

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

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.19 AUTHORITY OF WATER DEPARTMENT.

Only persons designated by the town shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters, examining water pipes, to set or remove a meter, or change its location whenever necessary.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.20 DUTY AND RESPONSIBILITY OF OCCUPANT OR OWNER.

A suitable place for meters, safe from frost or other damage and accessible for examination, must be provided by and at the expense of the owner or occupant. In any case where the meter is injured by freezing or otherwise damaged by act or neglect of the owner or occupant, it shall be repaired and the expense thereof shall be paid by the owner or occupant of said premises. In case of neglect, refusal to repair, or refusal to pay expenses thereof, the water supply may be turned off and not turned on until such costs and a reconnect fee have been paid.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.21 MALICIOUS OR WILLFUL DAMAGE TO WATER SYSTEM.

No person shall maliciously or willfully break, damage or tamper with any water main, meter, structure, device, or equipment that is a part of the municipal water system. Any violator, upon conviction, shall be guilty of a misdemeanor and shall be subject to a penalty of up to 30 days in jail, and/or a fine, as per current fee schedule, and the total cost of the repairs.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015) Penalty, see § 50.99

§ 50.22 WATER USERS OUTSIDE OF TOWN LIMITS.

(A) All users of water supplied by the town waterworks, outside the town limits, shall be responsible for repairs and maintenance of water lines that are not in the town limits. Users outside town limits shall be governed by all rules, regulations

and ordinances in effect with the town concerning the same, and shall be charged rates, as per the current fee schedule.

(B) The town has the right to require annexation to any new or current serviced area. All new services may be required to agree, in writing, to annex into the town limits when, and if, the property is within the legal proximity.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.23 RESPONSIBILITY FOR BREAKAGE OF LINES.

The town shall have authority to close the curb stop at any time a break in the service line appears to have occurred, and will reopen the curb stop when satisfied that no break exists or the break has been repaired.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.24 RATES AND CHARGES FOR SERVICES.

The Board of Trustees shall establish just and equitable rates by policy. Refer to the current water rate resolution, as outlined within the current fee schedule.

(Ord. 10R-2015, passed 2-2-2015)

§ 50.25 FEES; WATER FUND.

Any fees, regular charges, connection collections, etc., shall be deposited in the Water Fund.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.26 CONSTRUCTION STANDARDS.

All construction covered under this chapter shall comply with state codes, and laws, and shall comply with the *Town of Hermosa Standard Construction Specifications and Details*.

(Ord. 10, passed 6-20-2006; Ord. 10R-2015, passed 2-2-2015)

§ 50.27 REPAIRS OF CITY WATER MAINS AND SERVICE LINES.

(A) Any repairs performed to the city's water mains are the sole responsibility of the municipality with the exception of any damage incurred during the installation of any private service. In this situation the licensed contractor will be responsible to complete repairs to the line, per the current adopted Building Codes, and the supervision of the Public Works Department.

(B) Any repairs required to private service lines, starting from the property line to the home will be the responsibility of the property owner and from the property line to the main is the responsibility of the town. If during the repairs, it is discovered that the damaged section is not up to current adopted codes the service will not be continued until the line from the main is replaced.

(Ord. 10R-2015, passed 2-2-2015)

WATER PIPING SYSTEMS

§ 50.40 DESCRIPTION.

(A) *General.* This work consists of furnishing and installing water mains, service lines, and appurtenances. This includes all equipment, tools, materials, labor, and other incidentals to provide water mains and service lines complete and ready for immediate and continuous use. The work includes, but is not limited to, all necessary excavation, backfilling, compaction, testing, clean up, and restoration required for a complete installation of water mains, service lines, and appurtenances.

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASTM. The American Society for Testing and Materials.

AWWA. The American Water Works Association.

DISTRIBUTION MAIN. A water main that supplies one or more branch mains.

FIRE HYDRANT LEAD. That portion of the fire hydrant branch line from the main to the fire hydrant auxiliary valve.

FIRE SERVICE LINE. Pipe and appurtenances delivering water from the town water distribution system to a building fire extinguishing system. Fire service lines may be located on private property or in public right-of-way and are owned, operated, and maintained by the property being served.

L LENGTH FOR JOINT RESTRAINING DEVICES. The length of pipe from a fitting, valve, or feature that needs to have each pipe joint within that length restrained.

PRIVATE FIRE PROTECTION SYSTEM. Hydrants, valves, water pipes, and appurtenances, sprinkler systems, hose connections, and other equipment constructed for the purpose of providing fire protection for a building or group of buildings and

supplied with water from a public water supply system. Private fire protection systems are located on private property, although some components may be located in public right-of-way, and are owned, operated, and maintained by the property being served.

PROPERTY WATER DISTRIBUTING SYSTEM. Those pipes within the building or the premises which convey water from the water service pipe to the point of use. For purposes of this definition, the property water distributing system begins five feet outside of the building and will usually be the same pipe material as the water service line up to where it actually enters the building.

PSI. Pounds per square inch.

TRANSMISSION MAIN. A water main that supplies many tributary branches, serves a large area, and has few taps.

WATER MAINS. Those pipes of at least six inches in diameter, which will be installed in public right-of-way or easements and will become a part of the town water distribution system and which will be owned, operated, and maintained by the town.

WATER SERVICE LINE. The line from the main to within five feet of the building and is owned and maintained by the owner of the property being served. The service line then connects to the property water distributing system. For purposes of this definition, it is understood that the building or premises property water distributing system begins five feet outside of the building and will usually be the same pipe material as the water service line up to where it actually enters the building.

(C) *License and permit requirements.* For any construction, altering, repairing, or improving of water mains, appurtenances, and/or service lines, contractors will be licensed as state water contractors. All contractors will carry a minimum of the following insurance:

General liability aggregate	$1 million
Per occurrence	$500,000

(D) *Submittals.* Submittals may be required as deemed necessary by the Town Board and/or Town Engineer. The term ***SUBMITTALS*** includes, but is not necessarily limited to, manufacturer's product data, sheets of pipe, appurtenances, and fittings. Submittals may be required for the following items: fire hydrants, pipe, pipe fittings and their appurtenances including T-bolts, joint restraints, polyethylene encasement, and any other pertinent information concerning construction materials that the engineer deems necessary for the review of the materials used on the project in accordance with the specifications and drawings.

(E) All work under this subchapter shall comply with the current edition of Ten State Standards, Recommended Standards for Water Works.

(Ord. passed 3- -2006)

§ 50.41 MATERIALS.

(A) *Pipe.*

(1) *General.* Pipe for water mains shall be polyvinyl chloride (PVC) with push-on joints.

(2) PVC pressure pipe, four inches through 12 inches, shall conform to the requirements of AWWA specification C900 (CIOD). PVC pipe shall have bell ends with elastometric gaskets. Pipe joints shall use the Rieber joining system, which has the gasket formed into the pipe during the pipe manufacturing process. Installation procedures shall conform to AWWA C605 standards.

(3) Water service pipe one inch minimum through one-and-one–half inches diameter shall be Type K soft copper tubing or 200 psi coil with compression fitting. Two inches and larger service pipe shall be PVC or 200 psi coil with compression fittings minimum.

(4) Type K soft copper tubing shall be US government Type K soft tubing in 60 foot single or double pancake coils for one inch and one-and-one-half inch diameter material. The minimum center coil diameter shall not be less than 16 inches.

(5) Tubing material for two inches material shall be supplied in 20 foot lengths with ends of tubing to be cut off evenly. Two inch coiled material will not be accepted.

(B) *Fittings.*

(1) *Water main fittings.*

(a) *General.* Fittings used with ductile iron pipe shall be ductile iron. Fittings 12 inches and smaller, used with PVC pipe shall be ductile iron or PVC.

(b) All bolts and nuts shall conform to AWWA C111 and ASTM A325 Type 3. The bolts and nuts shall be cor-blue, fusion bonded epoxy, series 300 stainless steel, or approved equal. Coated bolts and nuts shall be near white or white metal with eight to ten millimeters minimum coating thickness. Fitting types applicable to this specification consist of bends, crosses, tees, reducers/increasers, plugs, caps, couplings, and sleeves.

(2) *Ductile iron water main fillings.* Fittings shall be ductile iron with 350 psi pressure rating and rubber gasket joints meeting all applicable requirements of the latest edition of AWWA C110, C111, and/or C153 specifications. All internal and external ferrous surfaces shall be coated with a minimum six millimeter thick fusion bonded epoxy coating applied electrostatically and at a minimum shall meet the requirements of AWWA C116.

(3) Unless specified otherwise on the plans or detailed specifications, fillings 12 inches and smaller shall be push-on joint. Push-on joint fittings shall be furnished with restraining lugs. The lug pattern for all sizes shall accommodate gripper-type restrainers.

(4) *PVC water main fittings.* PVC fittings may be used in-lieu of ductile iron fillings for PVC pipe installations 12 inches and smaller. PVC fittings shall meet all applicable requirements of the latest edition of AWWA C900. The PVC fitting bell ends shall have elastomeric gaskets. Installation procedures shall conform to AWWA C605 standards.

(5) *Couplings.* Straight couplings shall be Romac style 501, or equal, and shall have ductile iron center rings and end rings meeting ASTM A536-80, Grade 65-45-12. Center rings shall be epoxy coated. Gaskets shall be SBR compounded for water service.

(6) *Tapping sleeves.* Shall be two strap/bolt red brass configuration or stainless steel, flanged branch ends, with test plugs for pressure testing. The sleeve shall be approved for use at pressures equaling or exceeding those of the pipe classification being installed. Stainless steel tapping sleeves shall have a 304 stainless steel shell with SBR gaskets compounded for water service, a stainless steel flange, and shall have 304 stainless steel nuts, bolts, and washers.

(C) *Valves.*

(1) *General.* Valves 16 inches and smaller shall be gate valves, and valves 18 inches and larger shall be butterfly type or gate valves as specified on the plans or detailed specifications.

(2) Gate valves shall conform to the requirements of AWWA standards C509 and C515 with a 250 psi pressure rating and shall have a ductile iron body and bonnet, be resilient seated, utilize mechanical joints including gaskets and bolts, and include all accessories. Bolts shall be cor-blue, fusion bonded epoxy, series 300 stainless steel or approved equal. All internal and external ferrous surfaces shall be coated prior to assembly with a fusion bonded epoxy coating applied electrostatically prior to assembly meeting the requirements of AWWA C550. Gate valves shall have ductile iron wedge fully encapsulated with a SBR rubber or nitrile elastomeric coating. Stems shall be non-rising, one piece cast, forged, or rolled bronze. Valves shall have two inch ductile iron operating nuts and shall open left, counter clockwise. Bonnet bolts and nuts shall be Series 300 stainless steel and shall be rust proofed after threading and final tightening.

(D) *Valve boxes.*

(1) *Gate valves and butterfly valves.* Valve boxes shall be Mueller 666-S or equal and shall be a two piece screw-type construction with five-and-one-fourth inch riser and shall be adjustable from four-and-one-half feet to six feet, with the top section to be at least 24 inches in length. Drop lids shall be marked "water" and are to be of all metal construction.

(2) *Valve box adaptor.* A valve box adaptor shall be installed on the valve bonnet prior to installing the valve box. The valve box adaptor eliminates shifting of the valve box, protects the coatings, centers the valve box, and seals the valve box with a resilient material. The adaptor shall be installed in lieu of hardwood blocking and shall be incidental to the valve box. The valve box adaptor shall be installed per the manufacturer's recommendations. The valve box adaptor shall be an Adaptor Inc. Valve Box Adaptor II, an American Flow Control Valve Box Self-Centering Alignment Ring, or an approved equal.

(E) *Fire hydrants.*

(1) Fire hydrants shall meet AWWA standard C502 and shall be Mueller A423, American AVK Series 27, or Waterous WB-67 pacer, traffic model with six feet bury and six inch mechanical joint inlets. Hydrants shall have five-and-one-fourth inch minimum valve openings, having o-ring packing and oil chamber to hold soft oil for stem thread lubrication, and shall have all operating parts, including valve seat, removable through the barrel. Barrel and upper standpipe shall be ductile iron with breaker flange and operating stem at ground level. A steel breakaway coupling shall be installed on the operating stem so that in case of breakage, no damage will result to the fire hydrant other than safety breakers.

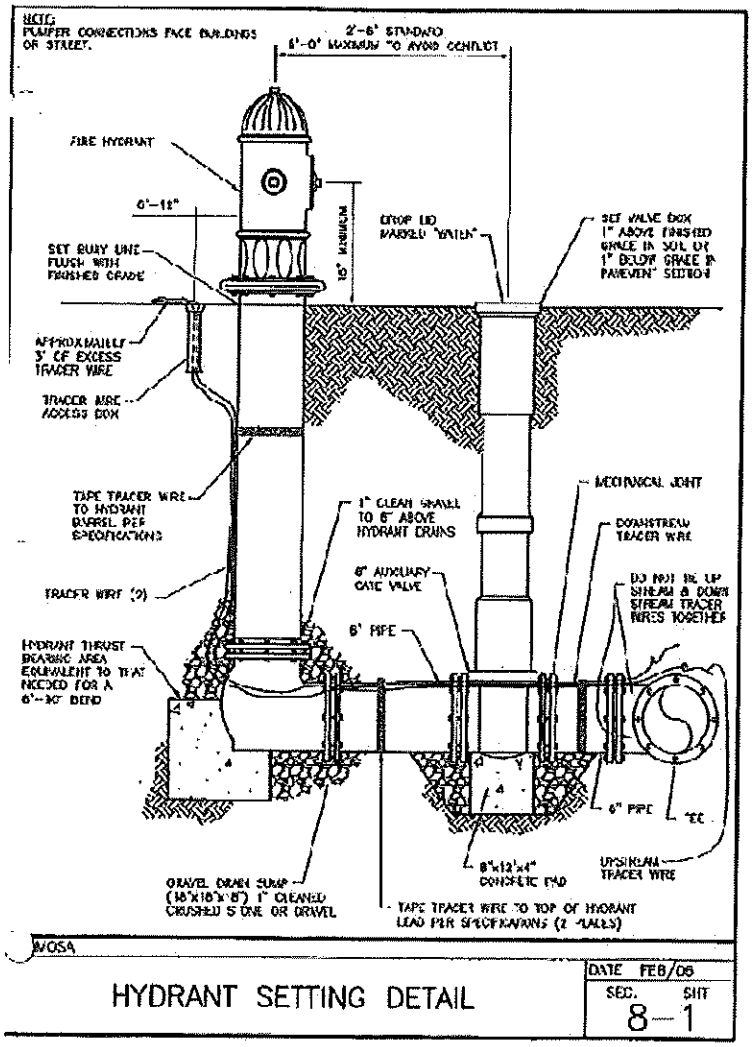
(2) All external surface areas on fire hydrant riser (barrel) sections and adjoining 90 degree ells shall be coated with HB Fuller IF1947T red oxide powder, Tnemec Series 140 Pota-Pox epoxy, or equal. All exposed nuts and bolts below the breakaway (direct bury) shall be series 300 stainless steel.

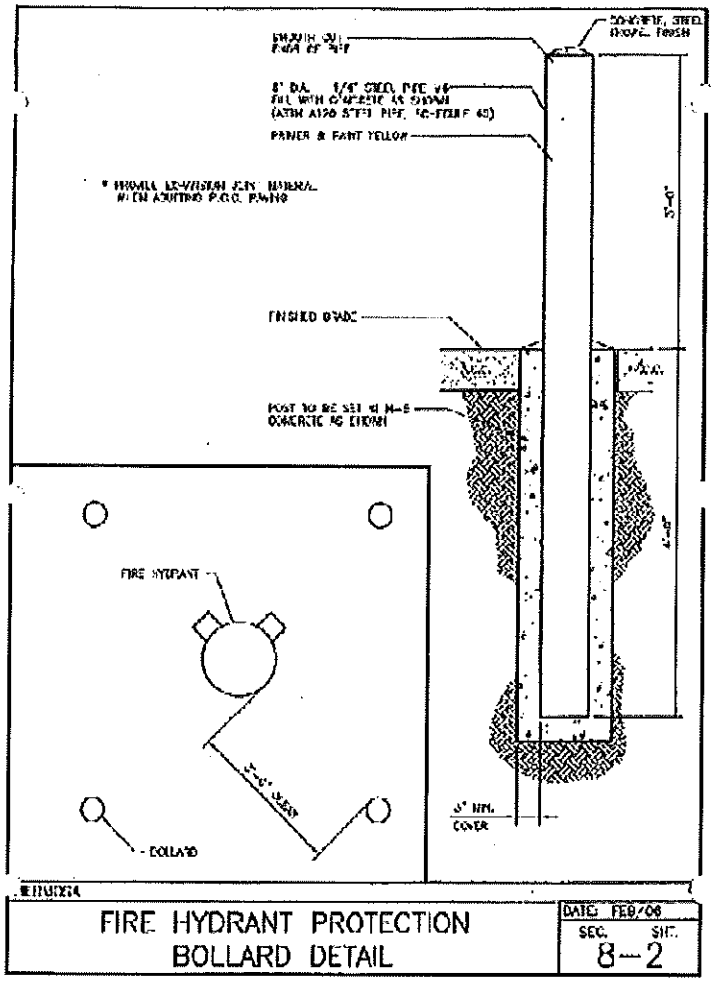
(3) All hydrants shall be capable of being extended in six inch increments. However, the minimum hydrant adjustment shall be 12 inches.

(4) Hydrants shall be constructed so that they will close with the existing water pressure acting on the hydrant. Drain valves shall be bronze and shall be positively operated by the main operating rod. All threads shall be National Standard threads. Operating nuts shall be one-and-one-half inches point-to-flat, pentagon (National Standard). Hydrants shall open left, counter clockwise. Fire hydrants shall have an internal travel stop nut.

(5) Hydrants are to have 2 two-and-one-half inch nozzles and 1 four-and-one-half inch steamer nozzle, all with National Standard threads. The minimum distance from the hydrant breaker flange to the centerline of the lower nozzle shall be 16 inches. Caps shall be nut type and shall be provided with chains. Hydrants shall be painted fire hydrant red.

(6) All fire hydrants are to be ordered with barrel lengths of six to eight feet to facilitate their installation per the grades and lines shown on the drawings. Adjustments greater than eight feet shall be accomplished using vertical bends (45, 22.5, or 11.25) along the hydrant lead. The use of a fire hydrant extension will not be an acceptable method of adjustment for a new fire hydrant.





(F) *Service line valves and fittings.*

(1) *General.* Service line valves and fittings shall meet AWWA standard C800 and ASTM B26. All castings shall be 85/5/5/5 copper alloy.

(2) Service line copper splicing couplings shall be flared or compression type such as Mueller 110 conductive compression, Hayes-tite, or equal. Soldered joints shall not be used for service lines installed underground.

(3) Curb stop valves shall be a ball valve type with a 300 psi working pressure rating. A double o-ring port seal shall be provided in the stem and the o-rings shall be supported in precision machined grooves. The end pieces shall be o-ring sealed to provide additional protection against leaking. Ninety degree valve operation, with internal movement restraint, is required. Drains are not permitted on valves. Minneapolis type valve and box are required (not allowing Buffalo type).

(4) Copper pipe connections shall be Mueller 110 conductive compression, A.Y. McDonald McQuick Compression Q Series, Hayes-tite, or equal.

(5) Curb stop valves shall be:

(a) Mueller 300 Ball Curb Valve with Mueller 110 Conductive Compression Connection, model B-25155;

(b) A.Y. McDonald Minneapolis Pattern Ball Valves, 300 psig Water, model 6104Q or 6100Q;

(c) Ford B44 Series; or

(d) Equal.

(6) *Corporation stops.*

(a) Shall be a ball valve type with a 300 psig working pressure rating. The inlet shall have a taper thread (AWWA standard) and the outlet shall be a conductive compression connection for Type K copper. Copper pipe connections shall be Mueller 110 Conductive Compression, A.Y. McDonald McQuick Compression Q Series, Hayes-tite, or equal.

(b) Corporation stops shall be:

1. Mueller 300 ball with Mueller 110 Conductive Compression Connection, model B-25008;

2. A.Y. McDonald Ball Valves, 300 psig Water, model 4701BQ;

3. Ford FB1000 Series; or

4. Equal.

(7) *Service saddles.* Service saddles for one inch through two inch copper service pipe shall utilize a wide band/strap with a minimum of two bolts and nuts, per width of the band/strap, for securing the band/strap to the main. The saddle shall provide full support around the circumference of the pipe. Nuts and bolts shall be rolled thread stainless steel or silicon bronze. Gaskets shall be neoprene or NBR compounded for water service.

(8) It shall be the contractor's responsibility to ensure that saddles and corporation stops are compatible with the pipe on which they are to be installed. If a compatibility question arises, the contractor shall inform the engineer and provide him or her with a recommended substitution.

(9) *Saddles for six to 12 inch mains.*

(a) Saddles for six to 12 inch mains shall utilize a stainless steel, cast brass per ASTM B62, bronze, or a high strength ductile iron body with a minimum 12 millimeters of fusion applied epoxy or Nylon 11 coating and a stainless steel band.

(b) Saddles shall be pre-sized if required or recommended by the saddle or pipe manufacturer. Pre-sized saddles will conform to the pipe without placing undue stress on the PVC pipe. Not all of the following indicated saddles are pre-sized and it is the responsibility of the contractor and supplier to ensure that the saddle is pre-sized if required or recommended by the saddle or pipe supplier.

(c) Saddles for six to 12 inch mains shall:

1. *One inch service taps.* Provide a minimum total band/strap width of two inches along the axis of the pipe. Saddles for one inch taps on six to 12 inch pipe shall be Ford style FS303 or FC202, Romac styles 306, 202N and 202BS with SS straps, A.Y. McDonald Model 3845, Mueller DR2S series with double studs, or approved equal.

2. *One-and-one-half and two inch service taps.* Provide a minimum total band/strap width of three-and-one-fourth inches along the axis of the pipe. Saddles for one-and-one-half and two inch taps on six to 12 inch pipe shall be Ford style FS303 or FC202, Romac styles 306, 202N and 202BS with SS straps, A.Y. McDonald Model 3845, Mueller DR2S series with double studs, or approved equal.

(10) Curb boxes shall be Tyler series, Mueller, Minneapolis type, or equal. The box shall be capable of telescoping, at a minimum, from five feet to a length of six feet. Lid shall be marked "water" and have a 13/16 inch (point to flat) pentagon brass nut. Risers shall be a minimum of two-and-one-half inches in diameter.

(11) Tapping sleeves and valves shall be used for service lines larger than two inches.

(G) *Concrete thrust blocks.* Thrust blocks shall be M-6 (4,000 psi) concrete.

(H) *Joint restraining devices.* Joint restraint devices at fittings shall meet the following requirements.

(1) In general, solid ring restraints shall be used whenever possible. Split restraints may be used when connecting to existing systems, for special cases, and when a solid ring restraint is not available for the application. All joint restraint devices shall be epoxy coated (minimum six millimeters), utilize the E Coat coating system as specified by the Ford Meter Box Company, or utilize the Mega-Bond coating system as specified by EBAA Iron, Inc. All bolts, rods, etc. shall be cor-blue, epoxy coated, stainless steel, or fluoropolymer coated per EBAA Iron, Inc. and the Ford Meter Box Company specifications.

(2) *For PVC pipe to DI push-on fittings.* Fitting joint restraints shall be EBAA Series 15PF00, or equal.

(3) *For PVC pipe to DI MJ fittings.* Fitting joint restraints shall be EBAA Series 2000PV, Series 2000SV, Series 15PF00, or equal.

(4) *For PVC pipe to PVC push-on fittings.* Fitting joint restraints shall be EBAA Series 2500, or equal.

(5) Joint restraint devices at pipe bells shall meet the following requirements.

(a) In general, solid ring restraints shall be used whenever possible. Split restraints may be used when connecting to existing systems, for special cases, and when a solid ring restraint is not available for the application. All joint restraint devices shall be epoxy coated (minimum six millimeters), utilize the E Coat coating system as specified by the Ford Meter Box Company, or utilize the Mega-Bond coating system as specified by EBAA Iron, Inc. All bolts, rods, etc. shall be cor-blue, epoxy coated, stainless steel, or fluoropolymer coated per EBAA Iron, Inc. and the Ford Meter Box Company specifications.

(b) *For PVC C-900 pipe.* The bell restraint shall be EBAA Series 1600, or equal.

(c) *For PVC C-905 pipe.* The bell restraint shall be EBAA Series 2800, or equal.

(I) Polyethylene encasement (poly-wrap) shall meet AWWA C105. For fittings and joint restraining devices, which are not epoxy coated, the encasement shall be eight millimeters thickness sheet polyethylene meeting AWWA C105. Joint tape for encasement shall be 3M Scotchwrap 50, or equal.

(J) *Pipeline insulation.*

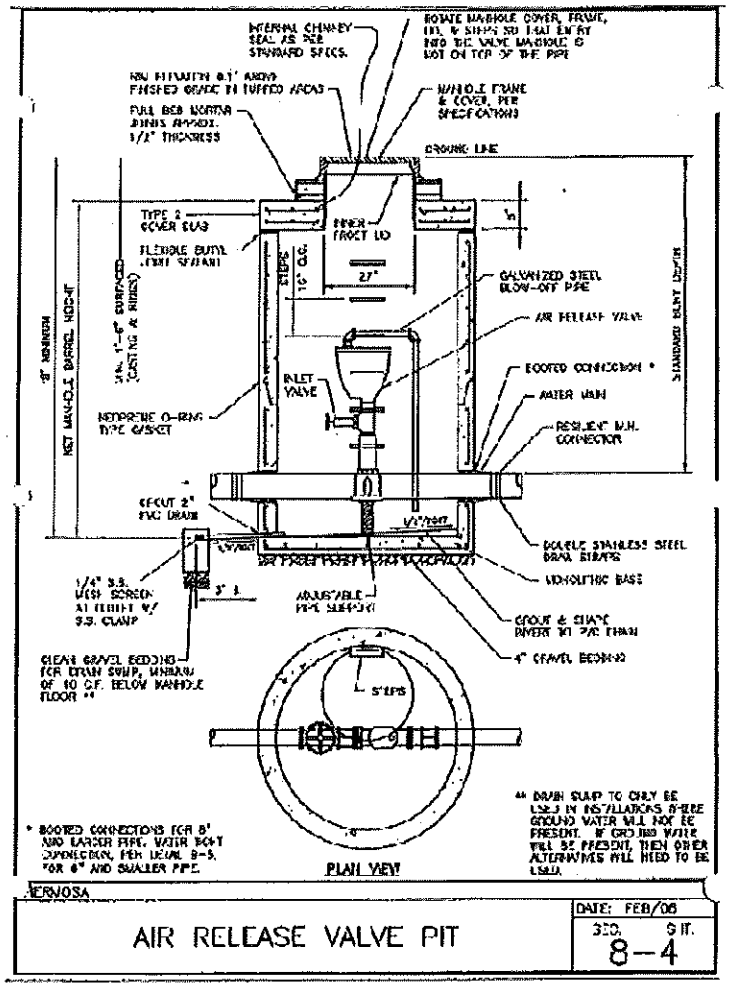
(1) Pipeline insulation shall be Type IV Styrofoam brand Square Edge or Score Edge as manufactured by Dow Chemical Company, or approved equal shall be used for insulating water pipes where required. The total thickness and dimensions shall be specified on the drawings or in the specifications. The minimum insulation thickness, however, shall be two inches.

(2) Approved equal products from other manufacturer's shall be extruded-polystyrene board insulation formed from polystyrene base resin by an extrusion process using hydrochlorofluorocarbons as blowing agent to comply with ASTM C578, Type IV, with 1.60 pounds per cubic feet minimum density and a compressive strength of 25 pounds per square feet in as specified in ASTM D1622 and ASTM D1621 respectively. The maximum thermal conductivity of the insulation shall conform to ASTM C518, C177, and C578. The maximum water absorption percentage by volume shall be 1% in accordance with ASTM D2842. The range of water vapor permeance shall be 0.4 to 1.0 perm in accordance with ASTM E96.

(K) *Meter, air release, and valve pits.*

(1) Meter, air release, and valve pits shall be constructed in accordance with the detailed drawings and unless specified otherwise on the drawings or detailed specifications, the pits shall be constructed in accordance with precast concrete manholes as modified as follows.

(2) Meter, air release, and valve pits shall be provided with steps. Flat cover slabs, when required, shall be designed for HS-20 loading and shall have an offset 24 inches diameter hole in line with the manhole steps. Cones shall have an offset 27 inches diameter hole in line with the manhole steps. Standard frames and covers shall be Neenah 1758, E Frost Retardant Frame and Lid with Inner Lid, or equal unless otherwise indicated on the drawings or specifications. The lid shall be a diamond top design Neenah Type C unmarked.



(L) *Tracer wire system.* Tracer wire shall be a direct bury wire that meets or exceeds the following requirements.

(1) *Conductor.* Twelve AWG solid strand softdrawn copper per ASTM B-3 , or B-8 . The breaking pounds of the wire shall be a minimum of 124 with an OD of 0.154. All wire shall be spark tested at 7,500 VAC.

(2) *Insulation.* Conductor shall be insulated with low density high molecular weight polyethylene insulation suitable for direct bury applications per ASTM D-1248. The minimum insulation thickness shall be 0.045. The color of the insulation shall be blue with a print line saying "water."

(3) *Splices and/or connectors.* Splices and/or connectors should be capable of handling two to four wires per connector and designated as water-proof. PVC adhesives or sealing compounds are not acceptable.

(Ord. passed 3- -2006)

§ 50.42 CONSTRUCTION REQUIREMENTS.

(A) *Materials handling and storage.*

(1) The contractor shall be responsible for the safe handling and storage of all materials furnished by them and shall replace, at their expense, all such materials found defective in manufacture or damaged in transportation, handling, or storage.

(2) Pipe, fittings, and accessories shall be loaded and unloaded by lifting with hoists or skidding to avoid shock or damage. Under no circumstance shall such materials be dropped. All material shall be stored in a neat and orderly manner. Pipe shall be stored, to the greatest extent possible, in unit packages or bundles, and shall be handled to prevent stress to bell joints and prevent damage to bevel ends. In addition, materials shall be handled and stored in accordance with manufacturer's recommendations.

(3) If, in the opinion of the engineer, damage or defects in the factory-applied external coatings on steel or ductile iron pipe and fittings (including fire hydrants) can be repaired, then the contractor shall make said repairs as follows.

(a) If approved by the engineer, the contractor may make repairs when damage or defects occur in the factory-applied external epoxy or MegaBond coatings supplied on steel or ductile iron pipe and fittings (including fire hydrant risers and joint restraint devices). Coating repairs shall be made using a high build, low temperature applicable, fast cure, liquid epoxy coating. This epoxy coating material shall be DENSO Protal 7125 Repair Cartridge in packaged two component tubes with dispensing gun.

(b) When high ambient temperatures (greater than 85 degrees Fahrenheit) occur or when metal surface skin temperatures are high (greater than 100 degrees Fahrenheit) such that use of the DENSO Protal 7125 Repair Cartridge may be difficult due to the very short handling time of the material, an alternate modified amine cured epoxy coating may be used. This alternate coating shall be Tapecoat TC 7010 FS-Gray Fast Setting epoxy coating.

(B) *Alignment and grade.* Pipe shall be laid true to the line and grade established on the drawings. Where the drawings indicate that the finished ground surface elevations are to be modified from the existing elevations by this or future construction, the contractor shall exercise care to ensure that pipe, fittings, hydrants, valves and valve boxes are placed to the elevations indicated on the plans.

(C) *Underground obstructions.* The contractor shall expose existing underground obstructions shown on the plans or located in the field and shall determine their elevations far enough in advance of pipe laying that the proposed water main can be installed without the use of fittings at or near the points of crossing. Wherever obstructions not shown on the plans are encountered during the progress of the work and interfere with the proposed horizontal or vertical alignment of the pipeline, the engineer will change the plans and order a deviation in the line and/or grade, or may arrange for the removal or relocation of the obstructions. The contractor shall not deviate from plan line or grade without the engineer's approval.

(D) *Water main and sewer main/storm sewer separation.*

(1) *Vertical separation at crossings.*

(a) Water mains may cross above sanitary and storm sewers with a minimum vertical distance of 18 inches between the invert of the water main and the top of the sewer. In these cases where the water main is above the sewer and there is at least 18 inches of separation, then at the crossings one full 20 foot length of water pipe shall be centered on the crossing.

(b) A water main may cross above a sewer main with a vertical separation of less than 18 inches, or below the sewer main if either the water or sewer main is encased in PVC, ductile iron, or six inches of concrete for at least ten feet each side of the crossing. If PVC or ductile iron is utilized as encasement material, the ends shall be sealed with six inches of concrete.

(c) Water mains crossing under vitrified clay sewer pipes or concrete sewer pipes shall be encased in six inches of concrete extending ten feet either side of the crossing.

(d) The ten feet either side shall be measured from the outside wall of the sewer to the end of the encasement and is not measured from the centerline of the sewer main.

(2) *Water main and sewer main/storm sewer horizontal separation.*

(a) Water mains shall be constructed with ten feet of horizontal separation from any existing sanitary or storm sewer or proposed sanitary or storm sewer. The ten feet horizontal separation shall be the clear distance (water pipe sidewall to sewer pipe sidewall) and not the centerline distance between the utilities.

(b) The following installation requires engineer approval and is appropriate for installations where the ten feet separation physically is not possible.

1. A water main may be constructed closer than ten feet to a sanitary or storm sewer if it is laid in a separate trench or it is laid in the same trench and the water main is located on the opposite side on a bench of undisturbed earth. In both cases, the elevation of the crown of the sewer has to be at least 18 inches below the invert of the water main. The sewer main shall be

constructed of water main pipe (pressure class pipe) meeting the requirements of § 50.41, and pressure tested for water tightness in accordance with AWWA standards for leakage testing.

2. As an alternative to constructing the sewer with water main pipe (pressure class pipe) and pressure testing the sewer, it would also be acceptable to either encase the water or sewer main with six inches of concrete or to encase either the water or sewer within a PVC or cast iron casing.

(3) *Sanitary sewer manholes and storm sewers.*

(a) Sanitary sewer manholes and storm sewer pipes and inlets are considered to be sewers in regards to the above separation requirements.

(b) A water main can be constructed within the ten foot horizontal separation from a storm sewer pipe or storm sewer inlet provided that the storm sewer pipe is constructed with sealed joints. The pressure test shall be maintained for a minimum of 30 minutes.

(E) *Installation.*

(1) (a) Minimum cover depth from top of pipe to finished grade shall be as follows.

Size of pipe (inches)	*Minimum cover (feet)*
12 or less	6
14 to 18	5 1/2
20 or larger	5

(b) In the event adequate cover cannot be achieved, then, if approved by the engineer, the water pipe may be insulated. Insulation may also be required if adequate separation between a storm sewer or culvert and the water pipe cannot be achieved.

(2) Cleaning shall be done as necessary so that the interior of all water pipe and fittings is free from all dirt, cement, or other foreign material before installation. Contact surfaces shall be wire brushed immediately prior to jointing.

(3) Pipe cutting shall be done without damage to the pipe with saw or abrasive wheel and shall be smooth, straight, and at right angles to the pipe axis. Ends of pipe shall be dressed and beveled to remove roughness and sharp corners.

(4) (a) Laying and joining of PVC pipe shall be in accordance with AWWA C900, AWWA C905, and AWWA C605, and with the pipe manufacturer's instructions.

(b) Pipe shall be laid with bell ends facing in the direction of laying. Each pipe length shall be inspected for defects prior to being lowered into the trench. All pipe and fittings shall be carefully lowered into the trench piece by piece by means of pipe slings to prevent damage to the pipe and/or coating. Full lengths of pipe shall be installed except where connecting to appurtenances and fittings. The contractor shall leave an appurtenance or fitting with a full length of pipe whenever possible.

(c) Water main pipe shall not be installed in frozen ground or in water, and no water shall be allowed to run into or through the pipe.

(d) During the course of construction, a suitable stopper shall be kept in the end of the pipe so as to prevent any dirt and/or water from entering during the progress of the work at all times. Any dirt, loose material, or cement mortar which may accumulate in the pipe shall be removed as the work progresses.

(e) *Push-on joints.* The spigot end of field cut piping shall be cut square and then beveled. Joint surfaces shall be cleaned and lubricated immediately before completing the joint.

(f) *Mechanical joints.* Joints shall not be over-tightened. If an effective seal is not obtained the joint shall be disassembled, cleaned thoroughly, and reassembled. Where joint restraint devices are used with a mechanical joint, the holes shall be carefully aligned to permit installation of harness bolts. At mechanical joints, a beveled PVC spigot may not be used. Rather, a non-beveled spigot shall be used for insertion into mechanical joint.

(5) *Protection of the work.* Once in place, the pipe shall have its open end plugged to prevent soil, water, or other matter from entering the pipe.

(6) *Pipe deflection.* Deflection of the pipe or pipe joint shall not be permitted except as approved by the engineer. Changes in horizontal and vertical direction shall be achieved using standard fittings, fabricated fittings, and/or high deflection pipe couplings specifically designed and approved for use in joint deflection. The engineer may approve deflection of the pipe or pipe joint if the engineer of record specifically designed for the deflection and the deflection is approved by the pipe manufacturer.

(7) *Fittings.* Bends and tees shall be placed on a stable foundation, which may require the use of concrete pads of equal size or larger than specified for valves. Fittings shall be provided with thrust blocks, joint restraining devices, and polyethylene encasement (where fittings which are not epoxy coated) as specified herein.

(8) *Couplings.* Couplings shall be placed on a stable foundation and shall be wrapped in polyethylene encasement as specified herein. Couplings shall be approved by the pipe manufacturer for the use with the pipe and shall be installed according

to the coupling manufacturer's recommendations.

(9) *Thrust restraint.*

(a) Thrust restraints in the form of concrete thrust blocks shall be provided at tees, crosses, horizontal bends, plugs, caps, valves, fire hydrants, and similar locations whether specifically indicated on the drawings or not. Refer to subdivision (10) below regarding joint restraining device installations for situations and fittings that require the use of joint restraints in lieu of thrust blocks.

(b) Concrete thrust blocks shall have a thickness at the fitting equal to at least half the diameter of the pipe being installed, but shall not be less than six inches thick under any circumstances. They shall extend from the fitting to the undisturbed wall of the excavation. The contractor shall ensure that the concrete does not cover or render inoperable nuts or bolts on the fittings. All metal fittings, valves, or appurtenances shall be wrapped in polyethylene prior to pouring thrust blocks.

(c) Concrete thrust blocks shall be allowed to cure for 48 hours prior to activating the water main. If the water main needs to be activated prior to the concrete curing, then the water main shall be restrained using joint restraining devices. Prior to backfilling, thrust blocks shall cure for a minimum of four hours.

(d) Thrust blocks shall be installed as shown on the drawings and shall meet or exceed the minimum volume or bearing area requirements as specified on the drawings or specifications for the water pressures and soil conditions.

(e) In muck, peat, or similar weak soils, thrust loads shall be resisted by using joint restraining devices or by removal of the soil and replacement with a material of sufficient stability to resist thrust loads as determined by the engineer.

(f) Where prior approval of the engineer is obtained, the contractor may substitute acceptable joint restraining devices for concrete thrust blocking.

(10) *Joint restraining device installations.* Joint restraining devices are required for the following installations.

(a) All valves 12 inches and larger, and pipe joints within their corresponding L lengths shall be restrained;

(b) All high pressure valves (working pressures greater than 110 psi) and pipe joints within their corresponding L lengths shall be restrained;

(c) Valves ten inches and smaller placed on dead end mains with less than 71 feet of pipe downstream of the valve shall be restrained using the appropriate joint restraining devices for a dead end. Both the upstream and downstream pipe joints within their corresponding L lengths shall be restrained;

(d) All reducers/increasers and their corresponding L lengths shall be restrained;

(e) All vertical bends and pipe joints within their corresponding L lengths shall be restrained;

(f) All water main lowering and pipe joints shall be restrained. Water main lowering restraint shall include restraining all joints within the filling's corresponding L length, plus restraining all pipe joints which lie between the start of the lowering and the end of the lowering, regardless whether or not the pipe joint is located within the fitting's L length;

(g) All joint restraint devices shall be double poly wrapped and taped per city specifications for polyethylene encasement. If cathodic protection anodes are used, double poly wrap shall not be required. The polyethylene encasement ends shall be taped around the entire pipe diameter;

(h) Joint restraining devices shall be installed per the manufacturer's recommendations and for the appropriate water pressures and soil conditions as shown on the drawings or specifications.

(11) *Tracer wire.* Tracer wire shall be installed along with all water pipes as described below.

(a) The tracer wire shall be extended along with the water main. The wire shall be installed along the top of the pipe and shall be securely anchored to the pipe every four feet horizontally with an adhesive tape. The tracer wire shall be extended along all water main branches and hydrant leads as well. At fire hydrant leads, two tracer wires (the upstream tracer wire and the downstream tracer wire) shall be brought along the lead and brought to the surface at the fire hydrant. The upstream and downstream tracer wire at fire hydrants shall not be tied together, as this is intended to allow independent tracing of the downstream and upstream main.

(b) Tracer wire shall not be installed with copper water service lines.

(c) Tracer wire shall be installed with PVC water services. Tracer wire installed with PVC service lines shall be installed in accordance with water main requirements except that the tracer wire shall be brought to the surface at a service line valve location. Do not connect the water service tracer wire to the tracer wire on the main. Tracer wire installed along service lines shall be independent of the tracer wire installed along the main. This allows for only tracing the service line.

(d) At locations where the PVC water service is not being replaced entirely, the contractor shall splice the new tracer wire to the existing tracer wire at the point of re-connection. In instances where a PVC water service is not being replaced entirely and an existing tracer wire is not encountered, the contractor shall coil approximately five feet of wire at the re-connection location(s) to facilitate a future splice.

(e) All tracer wire connections shall be accomplished through the use of pig-tails. All splices and pig-tails shall be accomplished by stripping the wires to be connected, twisting the wires together, securing the connection by using an appropriately sized wire nut, and then preserving the splice or pig-tail wire nut with silicone.

(f) The main line tracer wire shall run continuous along the main(s) from fire hydrant auxiliary valves to fire hydrant auxiliary valve but shall not be continuous at fire hydrant auxiliary valves. At fire hydrant auxiliary valves, two tracer wires shall be installed. One wire is the main line wire from downstream of the fire hydrant, and the second wire is the main line wire going upstream of the fire hydrant. The tracer wire shall be extended at least three feet above the auxiliary valve, the wires folded, connected with wire nuts, wire nuts made waterproof with silicone and inserted into the auxiliary valve box for storage. The wire shall be easily retrievable for connection to and subsequent testing. The main line tracer wire shall not be interconnected at the fire hydrant auxiliary valve or at the main. This is intended to allow independent tracing of the downstream main from the upstream main and vice versa. Service line tracer wire shall not be connected to the main line tracer wire.

(g) The Public Works Department shall be able to successfully electronically trace all newly installed tracer wire/water mains. Personnel should be able to connect to tracing wires at every fire hydrant auxiliary valve location and energize all water mains between that fire hydrant auxiliary valve and the surrounding fire hydrants auxiliary valve. The contractor is responsible for coordinating conductivity testing with public works personnel prior to finish surfacing activities. If the tracer wire does not function as intended, the contractor shall repair the system to the satisfaction of the engineer.

(h) The Public Works Department shall inspect all underground splices and pig tails prior to backfilling.

(12) *Insulation.* Insulation shall be placed where noted on the plans. Insulation board shall be placed on a smooth and level cushion, minimum of two inches, of fine concrete aggregate (sand) and shall be covered with a minimum of two inches of the same material before placing bedding or backfill material on the insulation. The build-up of insulation sheeting shall be done by staggering the joints. An acceptable adhesive may be used to retain the individual sheets in the final specified dimensions.

(13) *Fire hydrants and auxiliary valves.*

(a) Fire hydrants shall stand plumb and shall have their nozzles parallel with or at right angles to the street, with the pumper nozzle facing the street. At intersections, the pumper nozzle shall face the higher classification street. Hydrants shall be set with the bottom of the breaker flange two inches above the finished ground elevation as shown on the standard details, resulting in the centerline of the lowest nozzle being at least 18 inches above finished grade. In no case shall hydrants be set closer than four feet from curb or edge of pavement, measured from outside of hydrant barrel to back of curb or edge of pavement.

(b) The contractor shall set each fire hydrant on an eight inch by 12 inch precast concrete pad with a four inch thickness and shall place a minimum of one-third cubic yards of Type 2 Foundation Material around the lower part of the hydrant to at least six inches above the drain port to provide a drainage area for the hydrant barrel. The contractor shall ensure that the drain port at the base of the hydrant is open to allow for the hydrant to drain properly when closed. Cast in place concrete may be used in lieu of the pre-cast pad if the hydrant lead is not charged for at least 48 hours and the drainage ports are maintained.

(c) The hydrant barrel shall be poly wrapped to the ground surface and the poly wrap shall not cover up the weep holes.

(d) An appropriately sized thrust block shall be installed between the hydrant valve chamber and the undisturbed trench wall. The thrust block shall meet the thrust block specifications herein.

(e) An auxiliary valve matching the size of the fire hydrant lead and a valve box shall be installed on the fire hydrant lead. Auxiliary valves shall be installed as detailed on the standard plate and shall be placed on a precast concrete block, or shall be fitted with a joint restraining device as approved by the engineer. Cast in place concrete may be used in lieu of the pre-cast pad if the hydrant and hydrant lead are not charged for 48 hours, and four hours cure time is allowed before backfilling. If the auxiliary valve needs to be moved away from the fire hydrant to avoid a conflict, it may be moved up to five feet away from the hydrant.

(f) Tracer wire conduit shall be attached to the fire hydrant auxiliary valve prior to backfill. Refer to subdivision (11) above for tracer wire installation requirements.

(g) Fire hydrant lead shall mean that portion of the hydrant branch line from the main to the auxiliary valve.

(14) *Valves.*

(a) Valve interiors and adjacent piping shall be cleaned of foreign material prior to making valve to pipe connection. Pipe/valve joints shall be straight and without deflection. All valves shall be encased in polyethylene per AWWA standard C105 and as specified herein, and shall be placed on a precast concrete anchor block and centered on the valve. Valves shall be backfilled with Type 1 bedding material to one foot above the valve. The contractor shall check all operating mechanisms for proper functioning. Valves which do not operate easily or are otherwise defective shall be replaced at the contractor's expense.

(b) Valves placed on dead-ends of mains with less than the required L length of pipe extending beyond the valve shall be restrained using the appropriate joint restraining devices.

(c) All valves which are not epoxy coated shall be poly wrapped.

(15) *Valve boxes.*

(a) Valve boxes shall be installed straight and plumb directly over the valve stem and shall not be placed in direct contact with the valve. The top of the valve box shall be placed flush to one-fourth inches below flush with the surfacing in paved or graveled areas and one to two inches above finished grade in grass surfaced areas. Where the drawings indicate that the future grade at the valve location will be higher or lower than the existing grade at the time of valve installation, the contractor shall provide the correct combination of extension pieces so that the valve box can be adjusted to the future finished grade without replacing the valve box.

(b) A valve box adaptor shall be installed on the valve bonnet prior to installing the valve box.

(c) Tracer wire shall be secured to the valve box section prior to backfill.

(16) *Tapping tees for taps four inches and larger.*

(a) Where new four inch or larger service lines or mains are to be connected to a main, the contractor shall furnish all material necessary for connection to the water main, as specified herein. The tapping tee shall be assembled in accordance with the manufacturer's instructions. Tapping sleeves shall be supported independently from the pipe prior to tapping and shall be provided with thrust restraint as specified for other fittings. All tapping tees which are not epoxy coated or non-corrosive material shall be poly wrapped.

(b) The Public Works Department will coordinate all taps, and the contractor shall schedule all taps between 7:30 a.m. and 12:30 p.m. Monday through Friday, or as alternately scheduled by the Public Works Department.

(c) The contractor shall obtain and pay for all applicable permits and tapping fees.

(17) *Polyethylene fitting encasement.* All fittings and accessories, which are not epoxy coated or made of non-corrosive material, shall be encased in eight millimeter thickness sheet polyethylene per AWWA standard C105. The polyethylene sheet shall be installed per AWWA C105 and taped. The polyethylene shall fully encase the fitting and appurtenances. Excess material shall be neatly trimmed away and all seams shall be tapped. The transition between the polyethylene sheet and PVC pipe or the DI poly tube shall be accomplished by sealing the ends of the sheet and taping the material fully around the circumference of the pipe. Cost of the encasement shall be incidental to the bid price of the fitting.

(F) *Disinfection.*

(1) *General.* Disinfection shall comply with the requirements of AWWA standards C651, C605, and C600. All new water mains and appurtenances shall be disinfected before they are placed in service. All water mains taken out of service for inspecting, repairing, or other activity that might lead to contamination shall be disinfected before they are returned to service.

(2) *Preventative methods.*

(a) The tablet method specified below may be used only if the pipes and appurtenances are kept clean and dry during construction. Therefore, the contractor shall take precautions to protect the interiors of pipes, fittings, and valves against contamination. Pipe delivered for construction shall be strung so as to minimize the entrance of foreign material.

(b) If dirt enters the pipe, it shall be removed and the interior of the pipe surface swabbed with a 1-5% hypochlorite disinfecting solution. If, in the opinion of the engineer, the dirt remaining in the pipe will not be removed by flushing, the contractor shall clean the interior of the pipe by mechanical means, such as a hydraulically propelled foam pig. Following mechanical cleaning the contractor shall flush the line achieving minimum flushing velocities of at least 30 feet per second, and shall then disinfect the pipe using either the continuous feed or the slug method. Flushing a completed main will not be allowed as a method of cleaning sediment allowed to enter the pipe during construction.

(c) All openings in the pipeline shall be closed with watertight plugs when pipe laying is stopped at the close of the day's work or for other reasons, such as rest breaks or meal periods. If water accumulates in the trench, the plugs shall remain in place until the trench is dry. If, for any reason, the water main is flooded during construction, it shall be cleared of the floodwater by draining and flushing with potable water until the main is clean. The section exposed to floodwater shall then be filled with a chlorinated potable water that, at the end of a 24 hour holding period, will have a free chlorine residual of not less than 25 milligrams per liter. The chlorinated water shall then be flushed from the main and after construction is completed, the main shall be disinfected using the continuous feed or slug method.

(3) *Disinfectant.*

(a) Unless specified otherwise in the detailed specifications or on the drawings, or required by other provisions of this specification, disinfection shall be accomplished by the tablet method. The contractor shall obtain the engineer's approval prior to using a method other than the tablet method.

(b) This method requires that the pipes and appurtenances be kept clean and dry. This method may not be used if the pipes and appurtenances are not kept clean and dry. In the event this happens, the engineer must be contacted.

(c) Tablets shall be five gram calcium hypochlorite tablets conforming to AWWA standard B300 and shall contain between 65-70% available chlorine. Tablets shall be fresh and shall be stored in a cool, dry, and dark environment to prevent loss of strength, which occurs upon exposure to the atmosphere.

(d) Do not use calcium hypochlorite intended for swimming pool disinfection, as this material has been sequestered and is extremely difficult to eliminate from the pipe after the desired contact time has been achieved.

(4) *Dosage.* Unless otherwise specified, the contractor shall place hypochlorite tablets in each section of water pipe installed, including the hydrant branch, according to the table below.

Number of five gram calcium hypochlorite tablets required							
Length of pipe section (feet)	***Diameter of pipe (inches)***						
Number of five gram calcium hypochlorite tablets required							
Length of pipe section (feet)	***Diameter of pipe (inches)***						
	4	**6**	**8**	**10**	**12**	**14**	**16**
13 or less	1	2	2	3	5	6	8
13-18	1	2	3	5	6	8	11
18-20	1	2	3	5	7	9	12
	4	**6**	**8**	**10**	**12**	**14**	**16**
20-30	2	3	5	7	10	14	18
30-40	2	4	6	9	14	18	24
[1] For pipes 18 inches and larger, refer to drawings or detailed specifications for disinfection requirements.							

(5) *Placing tablets.* Tablets shall be adhered to the inside top section of each pipe length using a food-grade adhesive, such as Permatex Form-a-Gasket No. 2 or Loctite Corporation Permatex Clear RTV Silicone Adhesive Sealant. There shall be no adhesive on the tablet except on the broad side attached to the surface of the pipe. If the tablets are attached before the pipe section is placed in the trench, their position shall be marked on the pipe section to indicate the pipe has been installed with the tablets at the top.

(6) *Filling and contact.* The water main shall be filled slowly so that the water velocity is no greater than one foot per second. Precautions shall be taken to assure that air pockets are eliminated. The water shall be allowed to stand in the pipe for at least 24 hours. Valves shall be positioned so that the strong chlorine solution in the treated main will not flow into water mains in active service. The chlorinated water shall remain in the pipe for at least 24 hours. The contractor shall notify the engineer at the end of the 24 hour retention period prior to flushing to allow the engineer to check the chlorine residual in the pipe. If the chlorine residual is less than 25 milligrams per liter, the contractor shall, at his or her expense, disinfect the water main again by the continuous feed method or the slug method, as approved by the engineer.

(7) *Flushing.*

(a) Within 48 hours of the end of the 24 hour retention period, the contractor shall flush the heavily-chlorinated water from the main until the chlorine concentration in the water leaving the main is no higher than that prevailing in the system or is less than one ppm as determined by the engineer. In addition to the above requirements, a minimum flushing velocity of three feet per second and flushing duration of one minute per 100 feet of pipe being flushed shall be achieved per the table below.

(b) Flushing shall be done in accordance with AWWA C651. Flushing shall be accomplished through use of hydrants or temporary fittings installed for the purpose. Flushing through corporations and/or water service lines is prohibited. The contractor shall obtain the engineer's approval prior to installing special fittings for flushing.

(c) Flushing shall be conducted in such a way as to prevent contamination of existing water mains and/or water service lines and to minimize traffic and pedestrian hazards and nuisance conditions. When possible, flushing shall be to the nearest storm sewer or drainage way. Flushing to the sanitary sewer is prohibited.

(d) The contractor will be responsible for any damage to fish and/or aquatic life caused by the chlorine residual. If chlorine reaches or is detected in a stream, river, or other waterway the contractor will be in violation for that discharge.

(e) A velocity in the main of at least three feet per second shall be attained during flushing. The flushing shall proceed until the chlorine concentration in the water leaving the main is no higher than that prevailing in the system, or is less than one ppm as determined by the engineer. The table below shows the rates of flow required to produce a velocity of three feet per second in pipes of various sizes, and the minimum flushing duration per 100 feet of pipe length. In no case shall the flushing duration be less than that indicated in the table below.

Required flow and minimum flow duration to flush pipelines				
Pipe diameter (inches)	***Flow required to produce 3 feet per second velocity in main[2] (gpm)***	***Fire hydrants***		***Minimum flushing duration (minutes per 100 feet of pipe)***
		Number of fire hydrants	***Outlet size (inches)***	
Required flow and minimum flow duration to flush pipelines				

Pipe diameter (inches)	*Flow required to produce 3 feet per second velocity in main*[2] (gpm)	*Fire hydrants*		*Minimum flushing duration (minutes per 100 feet of pipe)*
		Number of fire hydrants	*Outlet size (inches)*	
4	120	1	2.5	1
6	280	1	2.5	1
8	480	1	2.5	1
10	740	1	2.5	1
12	1,100	2	2.5	1[3]
14	1,450	2	2.5	1[3]
16	1,950	3	2.5	1[3]

1 For pipes 18 inches and larger, refer to drawings or detailed specifications for flushing requirements
2 Requires a minimum 40 psi pressure in the main and the hydrant flowing to atmosphere
3 Assumes that the corresponding flow rate is being met

(f) Per AWWA C651, the contractor shall sample for coliform bacteria contamination. After the water lines have been flushed, the contractor shall sample the lines. Two consecutive samples of water from the end of the disinfected/flushed line must be collected at least 24 hours apart. These samples must be submitted to the state health laboratory, or other laboratory acceptable to the state Department of Environment and Natural Resources and the engineer. The samples must show the absence of coliform bacteria contamination before any taps may be made to the main or the main is activated and placed into service. Copies of all sample results shall be submitted to the engineer within 48 hours of receipt thereof.

(g) Because of the high risk of contamination during sampling, the contractor shall use certified lab personnel or a trained sampler to collect all samples submitted for testing.

(8) *Disposal of chlorinated water.* When, in the opinion of the engineer or contractor, the potential exists for chlorinated water to reach a stream, river, or waterway, the contractor shall apply a neutralizing chemical to the water to be wasted to neutralize thoroughly the chlorine residual remaining in the water as listed in appendix B of AWWA standard C651. The contractor will be responsible for any damage to fish and/or aquatic life caused by the chlorine residual. If chlorine reaches or is detected in a stream, river, or other waterway the contractor will be in violation for that discharge.

(G) *Pressure and leakage test for mains and service lines four inches or larger.*

(1) *General.* Pressure and leakage tests shall be performed on all newly installed water mains. The simultaneous pressure and leakage tests will be used unless otherwise specified. The testing methods specified in this division are specific for water pressure testing only. Air pressure testing is prohibited due to the catastrophic nature of failure should failure occur.

(2) *Test restrictions.*

(a) The pressure shall be 150% of the working pressure at the point of test, but not less than 125% of normal working pressure at the highest elevation, whichever is greater. Test pressure shall not exceed pipe, valve, or thrust restraint design pressures, and shall not vary by more than five psi (plus or minus) for the duration of the test. The duration of the hydrostatic test shall be a minimum of two hours.

(b) The contractor shall anticipate the need to conduct multiple tests in areas of varying topography and shall conduct testing in such a manner and sequence that the pressure requirements indicated above are achieved.

(3) *Pressurization.* Before applying the specified test pressure, each valved section of pipe to be tested shall be slowly filled with potable water and all air expelled from the pipe, valves, fittings, and hydrants. Where town water is not available, the contractor shall furnish sufficient potable water to fill and test the pipe. The specified test pressure, based on the elevation of the lowest point of the section under test and corrected to the elevation of the test gauge, shall then be applied by means of a suitable pump connected to the pipe in a manner satisfactory to the engineer and shall be sustained for the specified time. The test pump shall be equipped with two accurate pressure gauges, between the pump shut-off valve and water main being tested, both to show the line pressure reading during testing. When hydrants are in the test section, the test shall be made against closed hydrant valves.

(4) Leakage shall be defined as the quantity of water that must be supplied into the newly laid pipe or any valved section thereof to maintain pressure within five psi of the specified test pressure after the pipe has been filled with water and the air has been expelled. Leakage shall not be measured by the drop in pressure for a test section over a period of time.

(5) *Allowable leakage for PVC pipe.* The PVC pipe shall be pressure and leakage tested in accordance with AWWA C605. No pipe installation will be accepted if the leakage is greater than that indicated in the table below.

Allowable leakage in gallons per hour per 1,000 feet of pipe (gph)						
Average test pressure (psi)						
Pipe diameter (inches)	*50 psi (gph)*	*100 psi (gph)*	*150 psi (gph)*	*200 psi (gph)*	*250 psi (gph)*	*300 psi (gph)*

Allowable leakage in gallons per hour per 1,000 feet of pipe (gph)						
	Average test pressure (psi)					
Pipe diameter (inches)	*50 psi (gph)*	*100 psi (gph)*	*150 psi (gph)*	*200 psi (gph)*	*250 psi (gph)*	*300 psi (gph)*
4	0.19	0.27	0.33	0.38	0.43	0.47
6	0.29	0.41	0.50	0.57	0.64	0.70
8	0.38	0.54	0.66	0.76	0.85	0.94
10	0.48	0.68	0.83	0.96	1.07	1.17
12	0.57	0.81	0.99	1.15	1.28	1.40
14	0.67	0.95	1.16	1.34	1.50	1.64
16	0.76	1.08	1.32	1.53	1.71	1.87
18	0.86	1.22	1.49	1.72	1.92	2.11
20	0.96	1.35	1.66	1.91	2.14	2.34
24	1.15	1.62	1.99	2.29	2.56	2.81
30	1.43	2.03	2.48	2.87	3.21	3.51
36	1.72	2.43	2.98	3.44	3.85	4.21

(6) (a) Acceptance shall be determined on the basis of allowable leakage. If any test of installed pipe discloses leakage greater than that specified in the table above, the contractor shall, at his or her own expense, locate and make approved repairs as necessary until the leakage is within the specified allowance. All visible leaks shall be repaired, regardless of the amount of leakage.

(b) Any damaged or defective pipe, fittings, valves, hydrants, or joints discovered following the pressure test shall be repaired or replaced with approved material at the contractor's expense, and the test shall be repeated until it is within the specified allowance.

(H) *Pressure and leakage test for service lines less than four inches.* Pressure and leakage tests shall be performed on all newly installed copper water service lines if the service line has one or more couplings installed between the corporation and the curb stop, and/or one or more couplings installed between the curb stop and the property water distributing system. The testing method shall be as specified in the National Standard Plumbing Code with the exception that air pressure testing is prohibited.

(I) *Water main closures and temporary service.*

(1) Water main closures shall be scheduled to minimize the inconvenience to the public. Consequently, water main closures shall be scheduled between 8:00 a.m. and 4:00 p.m. Monday through Friday, when possible. Water main closures scheduled to begin prior to or continue beyond those times listed above will require approval from the engineer. In any case, water main closures will not be allowed until the engineer gives his or her approval.

(2) The contractor shall notify the Public Works Department of all proposed closures at least 48 hours prior to closure of any water main, unless a shorter time of notice is approved by the engineer. The Public Works Department will issue closure notification to affected landowners.

(3) *Operation of valves.* Only public works personnel shall operate valves on existing water mains. The contractor may operate valves on newly installed water mains that are under his or her control, until such time as they are accepted by the city for operation and maintenance.

(4) Temporary water service for private residences affected shall be provided by the contractor when the water main closure will exceed eight hours. The contractor shall provide temporary water service for businesses upon request, regardless of the length of closure. When temporary service is to be provided to businesses, the contractor shall obtain the name and phone number of a responsible contact person at each affected business and submit the information to the engineer at least 48 hours prior to closure.

(J) *Abandonment and/or salvage of water main and appurtenances.*

(1) *Water mains.* The contractor shall seal all open ends of water mains to be abandoned with a concrete plug having a length equal to the diameter of the pipe being plugged.

(2) *Fire hydrants.* Fire hydrants and auxiliary valves are to be removed and salvaged, unless indicated otherwise on the drawings or detailed specifications, and shall be delivered by the contractor to the Public Works Department in good working condition. Any damage to the hydrant and/or appurtenances as a result of removing, salvaging, and delivering, shall be repaired by the contractor at no cost to the city.

(3) *Valves.* Unless indicated otherwise on the drawings or detailed specifications, valves are to be removed, salvaged, and delivered by the contractor to the Public Works Department in good working condition. Any damage to the valve as a result of removing, salvaging, and delivering, shall be repaired by the contractor at no cost to the town.

(4) *Valve boxes.* The contractor shall close the valve, remove and salvage the top sections of those water main valve boxes marked on the plans to be abandoned and shall deliver them to the Public Works Department. The resulting holes shall be backfilled and compacted to meet the requirements of these specifications and shall be resurfaced with the appropriate material: i.e. seed, sod, asphalt, concrete, etc.

(5) *Others.* When the drawings indicate items are to be removed or salvaged, the contractor shall deliver the items to the Public Works Department in good working condition. Any damage to the items as a result of removing, salvaging, and delivering, shall be repaired by the contractor at no cost to the town. Unless an item is indicated as salvaged, the item will be considered a contractor obligation to remove and dispose of.

(K) *Service lines and fittings.*

(1) Permits, obtainable from the Public Works Department, will be required for all connections to the town water system.

(2) *Service pipe.* Copper pipe shall be laid with sufficient waving as to prevent rupture in settlement. A goose-neck shape shall be constructed in the copper pipe leading from the corporation stop. Copper splicing couplings shall be as described in this specification. PVC or Class 200 psi black poly service pipe shall be laid as specified herein for water mains. Minimum cover depth for water service lines shall be six feet. A ten foot horizontal separation shall be maintained between water service and sewer service lines. Tracer wire shall be installed along with all PVC service lines, as described in the specification section relating to tracer wire. Tracer wire shall not be installed with copper service lines.

(3) Service saddles shall be installed for all connections to water mains. Unless specified otherwise on the drawings or detailed specifications, the contractor shall furnish and install all service saddles.

(4) Corporation stops shall be provided by the contractor, and inspected by the Public Works Department.

(5) Service lines larger than two inches diameter shall be connected to the main with either an appropriately sized tapping sleeve and valve or an epoxy coated ductile iron tee as specified for water main fittings elsewhere in these specifications.

(6) Curb stops and boxes shall be installed on all service lines and shall be located entirely within the public right-of-way. The curb stop and box shall be located between one and seven feet from the property line, unless otherwise approved by the engineer. If any curb box is closer to the property line than 0.9 feet or farther from the property line than 7.1 feet, measured to the center of the box, then the box shall be reset to within the allowable tolerance.

(7) *Water service new connections.*

(a) Where new service lines are to be installed for undeveloped property or future buildings or additional services added to an existing building, the contractor shall furnish all materials necessary for connection of new service lines to the water main as specified herein, and shall obtain and pay permits and tapping fees as established by ordinance.

(b) Where the new service line is terminated, the service line shall be capped and plugged water tight to prevent leakage if the curb stop is inadvertently opened. New service connections shall have curb stops left turned off at the time of installation and the termination point shall be marked with a minimum three foot long steel fence post. The steel post shall be buried below the surface at least eight inches. The post needs to be steel to facilitate location by magnetic locators.

(c) The contractor shall schedule all service taps between 7:30 a.m. to 4:00 p.m. Monday through Friday, and the Public Works Department shall inspect.

(d) Water service new connections for service lines four inches or larger shall be made as described in division (E)(16) of this section.

(8) *Water service reconnections.*

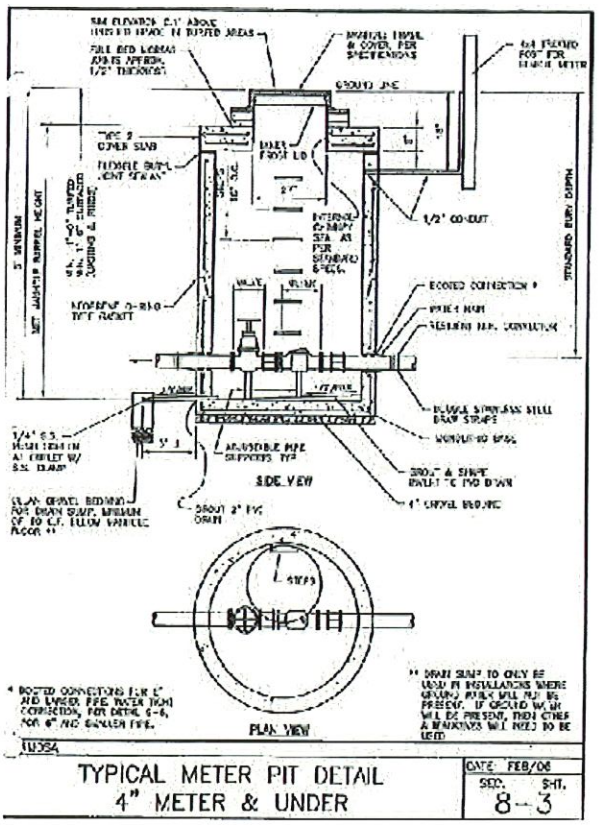
(a) The contractor shall furnish all materials necessary for reconnecting service lines existing prior to reconstruction of a water main. On town projects, all permits and tapping fees will be waived. However, the contractor shall obtain a no charge permit to work in the right-of-way from the Public Works Department.

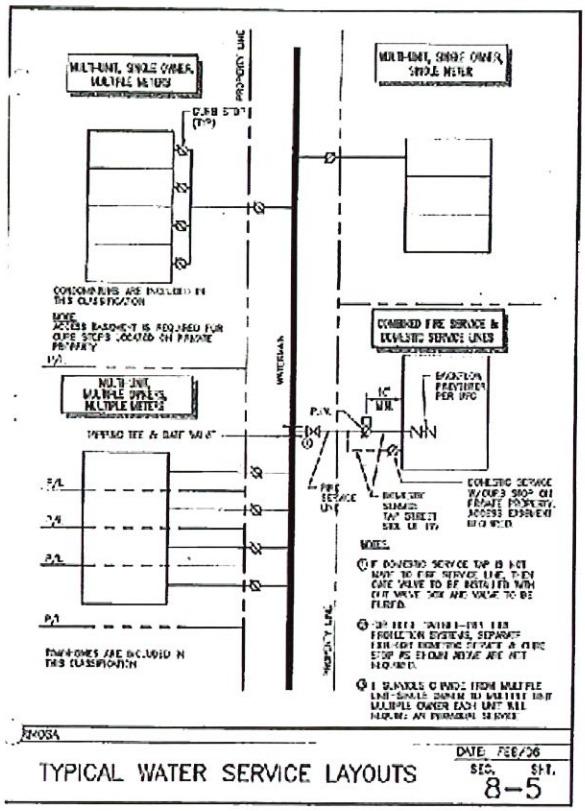
(b) On non-town projects, the new account set-up/inspection permit (tap permit), the right-to-work permit, and tapping fees are applicable and will be secured prior to beginning work.

(c) The contractor shall schedule all service taps between 7:30 a.m. to 4:00 p.m. Monday through Friday, with the Public Works Department to inspect.

(9) *Inspection.* All water service installations, regardless of whether or not the service is located on private property or in public right-of-way, shall be inspected by the Public Works Department prior to the contractor backfilling the trench. The contractor shall notify the Public Works Department Supervisor a minimum of four hours prior to the time he or she needs the inspection. Any trench backfilled without being inspected and approved by authorized town personnel shall be re-excavated by the contractor to expose the work for the required inspection. Discrepancies shall be corrected by the contractor and re-inspected by town personnel. Any re-inspection fees will be charged to the contractor.

(L) *Acceptance of curb stops and main valves.* As a condition for project acceptance, all curb stops and water main valves within the project boundaries shall be in proper operating condition. Town personnel will inspect and operate each curb stop and water main valve as part of the final inspection. The contractor shall correct any deficiencies discovered during the inspection.





(Ord. passed 3- -2006)

§ 50.43 FINAL INSPECTION.

(A) Upon substantial completion of the improveme nts, the contractor will request a final inspection of the project to be attended by public works personnel, the Town Engineer, contractor, and owner.

(B) During the final inspection, a punch list of discrepanci es will be identified. Once these discrepanci es have been corrected and corrective action verified, an acceptance letter will be issued by the town per § 50.44.

(Ord. passed 3- -2006)

§ 50.44 PROJECT ACCEPTANCE AND WARRANTY PERIOD.

Final acceptance of the project by the owner will be documented by the issuance of an acceptance letter, which is issued according to the following criteria.

(A) Construction has been substantially completed and the facilities can be put to their intended use.

(B) All testing has been completed, and the required results have been met.

(C) The date of the acceptance letter documents the start of the two year warranty period, during which the contractor shall be notified in writing of any defects in the project and shall correct the defects at his or her expense within ten days of receipt of the notice. Failure to correct or undertake with due diligence, to correct the deficiencies within the specified time, will cause to have the owner make the necessary repairs and bill the contractor one-and-one-half times the costs incurred. Providing, however, that in case of an emergency, where, in the judgment of the owner, delay would cause serious loss or damage, repairs may be made without notice being sent to the contractor, and the contractor shall pay the cost thereof.

(D) The owner reserves the right to extend the warranty period if excessive problems are apparent during the initial two year period.

(E) During a period of two years after the completion of the work covered by this contract and the final acceptance in writing thereof by the owner, the contractor shall make all needed repairs arising out of defective workmanship or materials furnished by the contractor, or both, which in the judgment of the owner shall become necessary during said period. The owner is hereby authorized to make such repairs at the contractor's expense, if within ten days after the receipt of a written notice to the contractor, or his or her agent, the said contractor shall neglect to make, or undertake with due diligence to make, the aforesaid repairs. Providing, however, that in case of an emergency where, in the judgment of the owner, delay would cause serious loss or damage, repairs may be made without notice being sent to the contractor and the contractor shall pay the cost thereof.

(F) The contractor shall be required to provide a warranty bond in the amount of 10% of the construction cost of the improvement or as agreed upon by the Town Engineer and the Town Board. The town will hold the warranty bond for the two year warranty period.

(G) Acceptance letter shall remain on file at the Town Hall for the duration of the warranty period.

(Ord. passed 3- -2006)

§ 50.45 ACCEPTANCE BY TOWN.

(A) Following expiration of the warranty period, unless extended per § 50.44, the town will accept maintenance responsibility for the improvements.

(B) The acceptance letters will remain on file at the town office for documentation of improvements accepted by the town.

(Ord. passed 3- -2006)

§ 50.46 INITIAL CHARGING AND FLUSHING OF WATER MAINS.

(A) The contractor will be charged for municipal water used for charging, testing and flushing of water mains.

(B) *Initial charge.* The charge will be based upon the calculated quantity of water to fill the line based on size of line and lineal feet of line.

(C) If pressure testing fails and the line requires recharging, the quantity of water for the initial charge will be billed for each additional charge whether the line is completely drained or not.

(D) The following rates apply.

6 inch line	1.47 gallons per lineal feet
8 inch line	2.62 gallons per lineal feet
10 inch line	4.08 gallons per lineal feet

(E) *Flushing.* The amount of water for flushing will be on set usage of two times the initial charge. Each flushing will be charged this usage if multiple flushings are required. If excess water is used, public works personnel can recommend a higher usage amount be billed.

(Ord. passed 3- -2006)

§ 50.47 INSPECTION FEES.

(A) Inspection fees for inspection required by this specification shall be billed to the contractor at the hourly rate of the public works personnel or the hourly rate of the Town Engineer, depending on who performs the inspection.

(B) It shall be the responsibility of the contractor to pay inspection fees in full prior to the town issuing a final acceptance letter.

(C) The cost of initial inspection required to verify pressure testing of the water main and for inspection of taps will be included as part of the tap fees. However, if the testing fails, all subsequent inspections will be billed to the contractor at the applicable hourly rate.

(D) The public works personnel will validate pressure testing and perform taps, unless other arrangements are coordinated through the Public Works Department, and any additional fees paid prior to beginning work.

(E) The contractor is responsible for conducting the pressure testing and taps under the supervision of public works personnel, but the Public Works Department is not responsible for performing the testing or making the taps unless approved by public works personnel.

(Ord. passed 3- -2006)

§ 50.99 PENALTY.

Any person, firm, association or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of, any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of $100 in addition to the cost of the enforcement action, including but not limited to, reasonable attorney fees, expert fees and inspector fees. Each day of violation shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the petitioner or the owner of real estate within the district affected by the regulations of this chapter.

(Ord. passed 6-12-2017)

Water Ordinance

Proposed from Benesch

PURPOSE AND AUTHORITY

Purpose

The rules and regulations prescribed in this chapter are established for governing the municipal water system of the Town of Hermosa, South Dakota, and the control of all persons doing any plumbing in and upon any of the mains, connections, or appliances to the municipal water system.

Any person applying for and receiving water from the water system belonging to the Town, and receives such water on the express condition that the water is taken subject to this ordinance and other regulations of the Town and penalties provided for any infraction of such rules and regulations

Water furnished subject to this ordinance

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

Authority to Regulate:

A. The Board of Trustees shall have the authority to regulate the distribution and use of water supplied by the town and shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

B. The Board of Trustees may, by resolution, prohibit the sale of water to any persons or parties, which water is not for use within the city.

C. All fees and charges for use and connection to the water system of the city shall be established from time to time by resolution of the city council.

D. Any resolution passed pursuant to this chapter shall be deemed to be an emergency resolution.

E. Request for waivers, adjustments, or rate forgiveness shall be solely determined by the Board of Trustees.

Administration Responsibility

A. The Public Works Director and Finance Officer shall be administrators of this ordinance.

B. Authority Of Officers and Employees: The Public Works Director and his/her designee shall have power to enter the premises or buildings of consumers at any reasonable hour for the purpose of reading, removing, installing, testing or repairing meters or for examining piping. The director shall have power to shut the water off from any premises for nonpayment of water bills, to enforce repair of service between water main and meter, to

prevent waste of water or to shut the water off from any main for the purpose of repairs or improvements. If necessary to dig up or repair to corporation cock or curb cock to shut off water, the cost of such labor and materials required may be added to the water bill for such premises and considered part of the same.

C. Records Kept: Proper cost accounting and operation records shall be maintained by the Public Works Director and Finance Officer in such a manner as to be readily accessible to the Board of Trustees. Records of plant operation shall show all pertinent data relating to pumpage and chemical treatment from day to day and shall also be consolidated into figures of operation by calendar month. Proper records of all water meters shall be maintained showing tests and repairs made, date of purchase, were installed and similar pertinent data.

D. Annual Reports: As soon as practicable after the end of the year, an annual report shall be prepared by the Public Works and filed with the Finance Officer. Such a report shall cover both operational data and financial data pertinent to the previous calendar year's operation.

E. Water Enterprise Fund: A fund to be known as the water enterprise fund shall be established for accounting purposes within the general fund of the town All money and credits collected under this chapter, including fines and fees for violations of the same, shall be credited to the water enterprise fund.

Use of Fees

A. All water use charges, meter charges, connection fees, water tapping fees, and other fees directly related to the town's water system and paid to the town shall be deposited into the water enterprise fund. This collective funding shall be used for the purposes of providing funds for payment of water system bonds, constructing and completing water system improvements and expansions; operating, maintaining, and repairing the town's water system; and all other expenses directly related to the water system.
B. A portion of the water system funds collected shall be sent on construction for water system replacement, improvements, and expansion/economic development type projects.

C. Responsibility for costs-Indemnification of the town

All costs and expenses incident to the installation, connection, and maintenance of the water service lines shall be borne by the owner. The owner shall indemnify the town of any loss or damage that may directly or indirectly be caused by the installation of the water service by the owner or owner's contractor.

D. Connections for fire protection

Water meters shall not be required for private fire protection systems, provided the water is not used for any purpose other than fire suppression. Backflow prevention per town requirements shall be provided on fire protection systems. Connections shall be made in accordance with other provisions of this ordinance and shall be built in accordance with the town's specifications. Private fire protection systems shall be kept free from leaks and in good repair, and water used for fire suppression purposes only will be free of charge.

WATER USERS OUTSIDE OF TOWN LIMITS.

(A) All users of water supplied by the town waterworks, outside the town limits, shall be responsible for repairs and maintenance of water lines that are not within the town limits. Users outside town limits shall be governed by all rules, regulations and ordinances in effect with the town concerning the same, and shall be charged rates, as per the current fee schedule.

(B) The town has the right to require annexation to any new or currently serviced area. All new services may be required to agree, in writing, to annex into the town limits when, and if, the property is within legal proximity.

Right of the town to shut off service for purposes of making repairs, connections or extensions or cleaning.

A. The town reserves the right to 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 town by reason of the break in service. The town, before shutting off water as provided in this section, shall give reasonable notice thereof to the water users affected. In case of emergency, where the town believes that the public's health and safety is at risk, the water may be shut off without notice.
B. Should a privately-owned water line break, the town may immediately shut off all water supply to all water users on that line, and all water services may be terminated by the town until the break is adequately remedied, as shown by the town's inspection of the repair.

Shutting off water for failure to repair private sewer line or house service sewer line or to empty septic tank or repair to any onsite system.

If any person shall fail to promptly and properly repair any leaking, clogged or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the Public Works Director to do so, the supply of city water may be immediately shut off from the premises of all water users on line and shall remain shut off until the necessary repairs have been made. The town shall not be liable for any

damage resulting from the shutting off of water under this section, and no deductions shall be allowed from the regular water and sewer 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 Public Works Director has been satisfactorily completed and all applicable fees have been paid.

Denial of Town liability

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

Use of Electrical Devices to Thaw

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

One per service maximum—Auxiliary Meters

Except as otherwise provided 13.08.330 and 13.08.420, the supply of water through each separate service must be recorded by one meter and remote reading device only, for which only one bill will be rendered by the town. This meter shall be provided by the town and remain the property of the town. If additional or auxiliary meters are desired for recording the subdivision of each supply, they must be furnished and set by the owner or consumer at his or her own expense, and he or she must assume all responsibility of maintaining and reading the same.

Size Determination

The water meter size shall be determined by the current plumbing code adopted by the town. Water meter size shall be approved by the Public Works Director and/or Town Engineer.

Location Generally

A. At the location where a water service enters a structure, there shall be a water service shut off and backflow prevention device installed if required by chapter 15.24.
B. In applications where a pressure reducing valve (PRV) is installed, the PRV shall be installed before (upstream) the water meter and as close, as practical, to the meter.
C. If the property being served is a multi-family residential user or a single-family residential user that incorporates a static fire sprinkler system which only uses water in the event of a

fire, then the static fire sprinkler tap shall be installed upstream of the meter and may be installed upstream of a PRV. The fire sprinkler system shall have a backflow prevention device installed if required by Chapter 15.24. The fire sprinkler tap is the only non-metered tap allowed.

D. If the property being served is a commercial user or industrial user that utilizes an additional irrigation meter dedicated to irrigation purposes, then the tap for the irrigation system and irrigation meter shall be made before (upstream) the domestic water meter. The irrigation system shall have a backflow prevention device installed if required by Chapter 15.24.

E. If the property being served is not a commercial user or industrial user and utilizes the water supply irrigation system, the tap for the irrigation system shall be made after (downstream) the domestic water meter and backflow prevention device. The city will not provide a separate irrigation meter, and all water used will be measured through the domestic water meter. The irrigation system shall have a backflow prevention device installed if required by Chapter 15.24.

APPLICATION

APPLICATION FOR WATER CONNECTION PERMIT.

(A) As per SDCL § 9-47-28, the owner of every residence, business, structure, or building wherein water is used, abutting upon any street or alley in which municipal water mains are maintained shall, at his or her own expense, connect the residence, business, structure, or building to the municipal water system within 30 days after notice to do so, provided the municipal water main is within 200 feet of his or her property line. Application must be made to the Finance Officer for permits to connect/tap any water pipe or pipes to the town water supply main. Application must be made by the owner or agent of the property served. Application shall designate the legal description of property, what kind and size of tap to be made, the nature ~~and~~ be accompanied by the appropriate fee ~~as described below~~. This fee is to be retained by the town.

(B) The cost of such tap shall be based on the size of the meter:

	Residential	Commercial
1"	$1,000.00	$2,000.00
1 ½"	$1,000.00	$2,000.00

2"	$1,250.00	$2,500.00

(C) If larger taps are required than depicted in the above table, the rates will increase $250 per one-inch increments for residential and will increase $500 per one-inch increments for commercial.

(D) If the permit is granted, the applicant assumes all expenses covering material, labor, etc. for installation and connection of such pipes. This shall include, but is not limited to, curb stops, valves and boxes, and dual check back flow prevention valves and water meters. Applicants shall assume all responsibility, cost, and expense of maintenance and repairs of such components including, but not limited to, such pipes, curb stops, valves and boxes, and dual check back flow prevention valves and water meters, from the property owner's property line to the structure.

~~**Authority to Regulate:**~~

Tapping Connection

A. Connection- No person shall lay any water service pipe or introduce into or about any building or any grounds any water service, or do any plumbing work in any building or on any grounds for the purpose of connecting the pipes or plumbing, either directly or indirectly, to the city water mains, or make any additions to or alterations of any water pipes, water closet, curb stop, or other fixtures or apparatus for the supply of any premises with water from the town water mains, without the permission of the Public Works Director and/or the Town Engineer.
B. Owners of property that wish to use water, either directly or indirectly, from the town's distribution pipes shall have a licensed plumbing contractor or licensed underground utility contractor receives permission from the Public Works Director and/or Town Engineer. Such permission shall state the name of the owner, a description of the premises, the size of the service, the kind of service pipe to be used, and the purpose for which it is to be used. The permit application shall be supplemented by the plans, specifications or other information the Public Works Director and/or Town Engineer require. Applicants shall pay a fee.
C. Such application shall be at least five calendar days before work commences. Except in cases of emergency that may impact public health, safety, or the environment. In such an emergency, the applicant shall contact the town immediately to provide notice of the work.
D. The Public Works Director and/or Town Engineer shall grant permission if permit fees, water tapping fees, construction fees, or other fees as provided for in this ordinance. If the permission is issued prior to the applicant's payment in full, the applicant shall pay all amounts due within five business days after the issuance of the permit.

E. No permit shall be issued to serve any property located outside the municipal limits of the town except with specific approval of the Board of Trustees. The connections shall be subject to the terms, conditions and fees as the Board finds necessary.

CONNECTION TO TOWN WATER SYSTEM:

A. Permit To Tap Water Mains:

1. Permit Required: No person shall tap any water main without first securing a permit, the cost of which shall be as established by the Public Works Director with the approval of the Board of Trustees.

2. Issuance Of Permit: Upon exhibition of the finance officer's receipt for the proper fee, the Public Works Director shall issue the permit to tap the water main, which tap shall be made only by competent public works employees. The service shall be installed by and under the direction of a licensed master plumber. Tapping permits shall be signed by the owner or his or her agent and shall carry the name of the licensed plumber authorized to make the installation of the service.

B. Cost Of Connection Supplies: The cost of pipe, curbs top, stop box and all other water service appurtenances, including the cost of cutting and re-pavement, shall be paid by the owner and shall not be included in the fee paid for tap permit. The town shall furnish and install the necessary corporation cock with the cost thereof to be charged to the owner as part of the tapping fee.

C. Authorized Person to Perform Work; Restrictions:

1. Persons Authorized: No person, except a licensed plumber or public works employee, shall connect with the town water mains or shall perform any work upon any pipes or fixtures connected with such service. Such a plumber shall comply with all ordinances, rules or regulations that now or may hereafter be adopted by the town.

2. Plumber's Restrictions:

   a. No plumber shall commence work of any kind mentioned hereof until a permit for such service has been secured.
   b. Upon completion of the test of a new service, the plumber shall turn the water off at the curb stop and shall not again turn it on.

c. In case of leaks or other accidents to pipes or apparatus connected with the city water mains, the plumber may shut off the water to make the necessary repairs.

d. In all cases, a plumber shall have the water shut off or turned on as he found it to be when he commenced work on the service or premises, except that the corporation cock on approved new or repaired services shall be left open.

e. No plumber or other person shall extend water pipes from one premises to another without permission from the Public Works Director.

D. Required Connections:

1. Connections Required: Whenever the Board of Trustees shall deem it necessary to construct water service connections from the water main to behind the curb line in any streets or alleys, a resolution shall be passed by the Board of Trustees requiring the property owners, whose property has not been connected with the water main, to construct such connecting service lines from the water main to behind the curb line in the streets or alleys, within the time specified, not less than thirty (30) days from the passage of the resolution.

2. Notice To Owners: The resolution shall contain a notice to the owners stating that work is to be done and the time within which they are required to do it. Such notice may be general to owners but must be specific as to the description of the lots or parcels of ground in front of which such property connections are to be constructed.

3. Town's Right to Have Work Done at Owner's Cost:

a. If such water connections are not built, laid and constructed in the manner and within the time prescribed in said resolution, the Board of Trustees may order the same to be done by such person as it may contract with and under the direction of the Public Works Director, at the expense of the lots and parcels of land adjoining in front of and for the benefit of which said water connections have been laid, built and constructed. Such expense shall be assessed on said lots and parcels of land, so changeable, by the Public Works Director and approved by the Board of Trustees, and in accordance with South Dakota Codified Laws chapter 9-47-1 and all amendments thereto.

b. Payment shall be due and payable after the filing of the assessment roll with the finance officer and shall be collected in the same manner as other special assessments are now collected as provided by law.

c. All steps taken for the charge of the property affected in the collecting of such assessment and the selling of such property in default of payment of such assessments shall be done and performed in the same manner as all other special assessments for local improvements as are now collected by the town.

E. Disconnection Of Abandoned Services: Upon abandoning any water service, the water line shall be disconnected at the main. The property owner shall be required to engage a licensed plumber to perform the work in a satisfactory manner to the Public Works Director

RATES AND CHARGES:

A. Rates And Charges Established: For all users of the water system, the water rate shall be established from time to time by resolution of the Board of Trustees.

B. Water For Public Use; Estimates: The town shall be credited for water used for public purposes. Those public usages which cannot be metered will be arrived at by estimation.

A. Reading Meters; Rendition of Bills: It shall be the duty of the Public Works Director to cause all meters to be read and to cause water bills to be rendered by mail.

A. Payment Of Bills; Delinquencies: Water bills for excess water used during the preceding quarter and for minimum due in advance for the next quarter shall become due on the first day of the following month after being read, and if not paid by the twentieth of such month, the same shall become delinquent, and the water service may be shut off as provided in subsection 8-8-15B of this chapter. Failure to receive a bill shall not be an excuse for nonpayment.

COMMERCIAL AND RESIDENTIAL WATER RATES.

Fees, charges, and rates for water services, connections, and tap fees may be changed per resolution by the Board of Trustees whose authority to do so is granted by the State of South Dakota SDCL § 9-47-19. The Board of Trustees shall establish just and equitable rates by policy. Refer to the current water rate resolution, as outlined within the current fee schedule.

BILLING AND PAYMENT.

Bills are due and payable upon receipt and shall become delinquent on the fifteenth of the same month. If the Town Office does not receive payment by the fifteenth a late fee will be charged to the account on the twentieth of the same month as per the current fee schedule. If payment is not received by the fifteenth of the following month, or the balance of the current month is more than $100, collection action shall commence including but not limited to disconnecting service. There will be an additional late fee, as per the current fee schedule, charged to the account for each subsequent month if the account is not paid in full.

DISCONNECTION FOR NON-PAYMENT.

(A) In the event a customer is disconnected due to non-payment that the customer will be charged a reconnect fee, per current fee schedule, and may be required to pay an additional and/or increased security deposit, per current fee schedule, and initial deposit may be applied to the past due amount.

(B) Water service will be reconnected after all past due amounts have been paid or a payment agreement has been signed by the customer. Only an authorized agent of the town shall be allowed to turn the water service back on. A fine will be assessed, as per the current fee schedule, if water is turned back on without the authority of the town.

NOTICE OF DISCONTINUANCE REQUIRED.

Property owners or consumers desiring to discontinue the use of water shall be required to give notice to the town office. Regular water rates and charges are to be billed accordingly until proper notice has been received, and a final meter reading has been taken.

METERS

WATER METER GENERALLY.

(A) Water meters for the measurement of all classes of service provided by the city shall be furnished by the city with the cost thereof borne by the requesting party and paid at the time of receipt of a building permit. Such meters shall be installed by a licensed plumber or authorized person.

(B) The city shall retain control and be responsible for the cost of meter replacement due to normal meter usage.

(C) Any meter having been abused, tampered with, intentionally damaged or damaged through the fault or misuse by the customer shall be replaced at the customer's expense, costs of which shall be set by resolution.

ESTIMATED CHARGES.

If for any reason a meter is not read for a period and an estimate is necessary, the consumption of the three previous periods will be used

All connections shall be metered. The town will provide and own the meter. Only persons designated by the town shall read the meter on or about the twentieth of each month for all service meters. A person, designated by the town, shall read and verify the meter and remote once each year to verify accuracy.

WATER METERS:

A. Size Of Meters; Responsibility for Installation: The minimum size of water meters shall be as follows:

Size Of Water Service	Minimum Meter Size
1 inch	3/4 inch
11/2 inch	1 inch
2 inch	11/2 inch
2 inch - special use	2 inch
3 inch	2 inch compound
4 inch	3 inch compound
6 inch	4 inch compound
8 inch	6 inch compound

B. The Public Works Director shall furnish meters up to and including two-inch (2") standard, and the applicant shall pay for all larger meters. Large meters shall be of a type approved by the Public Works Director. The applicant shall provide such opening in connection in his service as may be required by the director for the installation of a meter.

B. Location And Installation of Meters: Meters shall be placed in the basement or cellar and within two feet (2') of the wall where such service enters the building, except that the Public Works Director may permit the locating of the meter at another place when, in his opinion, such meter will be safe from frost and other destructive conditions. The unobstructed place for a meter setting shall be twelve inches (12") on each side of the meter and thirty-six inches (36") above the top of the meter. The director of public works may permit meters to be installed in meter boxes outside of the basements or cellars. Such meter boxes shall be constructed of brick, stone, concrete or cast iron and shall be of a design approved Public Works Director.

C. Check Valves: A check valve shall be placed between the meter and any hot water or steam pipeline or connection with boiler or heater.

D. Testing Meters: Meters may be tested at any time by the Public Works Director. Requests for tests of a meter shall be made not to exceed once each year without charge. Should a consumer wish additional tests, a deposit as established from time to time by resolution of the Board of Trustees shall be made by the consumer, which deposit shall be retained by the Director of Public Works if the meter is found not to exceed two percent (2%) fast and returned together with a proportionate refund of the cost if in excess of two percent (2%) fast.

Connections for fire protection

Water meters shall not be required for private fire protection systems, provided the water is not used for any purpose other than fire suppression. Backflow prevention per town requirements shall be provided on fire protection systems. Connections shall be made in accordance with other provisions of this ordinance and shall be built in accordance with the town's specifications. Private fire protection systems shall be kept free from leaks and in good repair, and water used for fire suppression purposes only will be free of charge.

User's Responsibility for water meter damage

Each owner or water user must provide, at his or her expense, a suitable place to keep the water meter safe from damage. Where the meter is damaged by the act or neglect of the owner or occupant of the premises, or his or her agents or servants, the cost of replacing the same shall be paid by the account holder. In case of failure to pay the same on demand, the water supply may be turned off or the meter removed, or both, in which case the water shall not be turned on until

the cost of the meter and any applicable fees as established by the Board of Trustees are paid. This meter shall be provided by the town and remains the property of the town.

External Matters

All water meters located outside of buildings, except irrigation systems, must be approved by the Public Works Director. All such meter locations and enclosures shall be per the plans as approved by the Public Works Director and/or the Town Engineer and constructed by the property owner. A high hazard reduced pressure principal backflow prevention device (RPZ) shall be installed with all external meter facilities. The meter facility shall be above ground, heated, and protected from freezing, except irrigation enclosures that will be winterized. The meter facility shall be designated for ease of maintenance and accessibility for city staff.

Accessibility

A. The owner or occupant of premises where a water meter or remote meter reading device is located shall see that the meter or device is kept free from obstruction on or around the same and conveniently accessible during all reasonable hours of the day for the purpose of reading, inspecting or repairing such meter or device. If the owner or occupant refuses to grant access to any water meter or remote reading device or refuses to keep free access to the water meter or remote reading device for the purpose of reading or checking by the Public Works Director, the water may be shut off from the property and not turned on again until such violations have been corrected and the applicable fee provided for this chapter is paid.
B. Meters and backflow prevention devices shall not be installed in a pit, or a place identified as a confined space. Existing meters and backflow prevention devices located in pits or locations identified as confined spaces shall not be repaired or replaced in these locations and shall be relocated at the expense of the property owner being served when directed to do so by the Public Works Director.

Bypasses

A. No water service shall be installed with a bypass unless such bypass is provided with a separate meter installed in parallel and separately valved in such manner as to permit removal of either meter without disrupting service. The Public Works Director must approve the installation and use of a bypass and bypass meter at his or her discretion. The charge for the second meter shall be the meter charge set by ordinance or resolution of the Board of Trustees.
B. Existing installations of meters with closed sealed bypasses may continue to be used; however, if any seal on the bypass is broken, other than by authorized personnel of the

town, the bypass shall be removed by the owner upon written notice by the town. The removal shall be a condition of continued water service

Remote reading device installation

A. All water meters shall be equipped with a remote reading device whereby the meter can be read without entering the building. The device shall be installed by the city on all water meters, the type of device and the date of installation to be determined by the Public Works Director. The cost of installing the device shall be charged in monthly installments which will be billed over a period of five months after installation. The town shall retain ownership of the device, and the device will always be under the control of the town. The device shall be considered as part of the water meter serving the property and shall not be removed or altered except by the Public Works Director. Where an outside meter reading device shall be installed for a nonresidential building and the cost of the installation exceeds the established charge, the property owner shall pay an additional charge which will cover the additional cost of installation. The rates for all charges the town shall make under this provision shall be prescribed by resolution of the Board of Trustees.
B. If the consumer or property owner refuses to grant access to the city to install a remote reading device, the city may shut off water to such property.

Meter Testing

Upon the request of any holder or consumer, the town will test the water meter supplying the premises to ensure the meter is registering accurately, as determined by the meter manufacturer's specifications.

A. If the meter is found to be malfunctioning, the town shall replace the meter at no cost to the customer and allow credit for excess billing in proportion to the error, for up to the last three billing cycles.
B. If the meter is found to be operating within the manufacturer's specifications, the meter may be returned to the premises at the discretion of the Public Works Director or designee.
C. If the meter is found to be operating with the manufacturer's specifications, or if the meter malfunctions as result of a violation, the customer shall pay a testing fee to cover the town's cost to perform the test. All fees charged under this section shall be prescribed by resolution of the Board of Trustees and shall be added to the account holder's utility bill.

Notice of breakage or stoppage

In case of breakage or stoppage or any other irregularity in the water meter installed by the town, the owner or occupant shall immediately notify the town.

Notice of removal

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

Breaking seal or bypassing prohibited.

No person shall break or deface the seal of any water meter or shall obstruct or injure the action of any water meter, or shall make any connection by means of a pipe or otherwise with any main or pipe used for the delivery of water to the consumer in such manner as to take water from the main or pipe knowingly without it passing through the meter, or shall use any water so obtained.

Exception to metered service

A. Dedicated fire service lines do not need to be metered provided they are a static system that only uses water in the event of a fire. Residential static fire sprinkler systems do not need to be metered provided they are static systems that only uses water in the event of a fire and have proper backflow protection.

Exception to metered service

B. Dedicated fire service lines do not need to be metered provided they are a static system that only uses water in the event of a fire. Residential static fire sprinkler systems do not need to be metered provided they are static systems that only uses water in the event of a fire and have proper backflow protection.
C. When temporary account approved. All structures requiring water services shall be metered, the only exception being, where conditions for a metered installation are unacceptable. When such conditions exist, a temporary account may be approved by the Public Works Director. Should a temporary account be approved, such a service shall not exceed 180 days from the date of issuance. Should circumstances warrant, the Public Works Director may grant extensions 30 days in length.
D. Application. Temporary water service accounts may start immediately upon approval by the town of the installation of the water service line. The person shall make an application through the Public Works Director and will be required to sign an agreement of responsibility for payment of water account prior to the opening of a temporary water account. The water service line shall not be installed or connected to the town's water system unless the agreement of responsibility for payment of the water account has been signed.
E. Fee-billing. The amount charged for a temporary account will be a flat rate as prescribed by the resolution of the Board of Trustees. These charges shall be billed monthly until the

meter is installed and a regular water account is established. A meter will only be installed upon approval of the installation of plumbing by the Public Works Director.

Water service configuration and water meter placement per utility user classification

A. General
   a. Water Services and private water distribution systems shall be in accordance with this chapter and shall conform to the state and local Standard Specifications.
   b. Each water meter will be assigned to a separate account for utility billing purposes
   c. No person shall extend a water service from one structure to another structure after a water service has entered a structure.
   d. No person shall extend a water service or private water distribution system to another premises. If a single owner has multiple structures on multiple premises, each premises shall have a separate independent water service or private distribution system conforming to the state and local Standard Specifications.
   e. Private Water distribution shall have a South Dakota Certified Water Distribution Operator who is responsible for operation and maintenance of the private water distribution system, unless it is determined by the Public Works Director that a certified operator is not required.
   f. Private water distribution systems shall be owned, operated, and maintained by the owner of the premises.
   g. Existing systems that do not comply with town ordinances and/or do not comply with current state and local Standard Specifications shall not be repaired, or individual components replaced. Instead, the owner shall bring the premises into compliance. Additionally, the Public Works Director may order an owner to bring a noncompliant property into compliance with town ordinances and/or the current IDCM and Standard Specifications. Upon receipt of such written order, the owner shall undertake to install the infrastructure as directed by the Public Works Director to bring the property into compliance.

B. Commercial users and industrial users shall comply with the following requirements for water service.
   a. A single structure on a premise:
      i. The structure shall have a separate service line with curb stop connected to a city water main fronting the premises.
      ii. A single water meter, except as allowed for irrigation, will be furnished by the town for the structure. If the owner desires additional or auxiliary meters at

his or her expense and shall assume all responsibility of maintaining and reading the same. If additional meters are installed, they shall be set downstream of the town meter.

b. Multiple structures on a premise.
    i. Water service lines or private water distribution systems shall connect to a town water main fronting the premises.
    ii. The water distribution system on the premises may be public and owned, maintained, and operated by the town, or it may be private and owned, maintained, and operated by the owner of the premises.
        a. The owner of the premises may request the water distribution system be a public system. The public works director may approve the requests if the system serves multiple buildings on a premise. If the Public Works Director does not approve of a public system, then the system shall be a private water distribution.

c. If a water distribution system on premises that are publicly owned, maintained, and operated by the town:
    i. A public water distribution system shall be placed in a dedicated easement in accordance with the easement requirements in the IDCM and Standard Specifications.
    ii. Each structure shall have a separate service line with curb stop connected to the public water distribution system. The public water system shall be in a location acceptable to the Public Works Director to provide ease of maintenance and to minimize the length of building service lines.
    iii. A single water meter, except for irrigation as allowed will be furnished by the town for each structure. If the owner desires additional or auxiliary meters within a structure, the owner shall furnish the meters at his or her expense and shall assume all responsibility of maintaining and reading the same. If additional meters are installed, they shall be set downstream of the town meter.

d. For a private water distribution system on a premises:
    i. The private water distribution system shall connect to a master meter facility furnished and installed by the owner of the premises. The master meter facility will be owned and maintained by the owner of the premises.
    ii. The master meter facility shall be located above ground and shall utilize a high hazard backflow prevention device (RPZ).
    iii. The master meter and RPZ shall be in a facility designed to protect the infrastructure from freezing and shall be easily accessible.

iv. The master meter facility may be located within a room of a structure which is not a dedicated meter facility structure, so long as the structure with the master meter facility is the structure closest to the public water main connection and the room is unoccupied and accessible to town personnel. The location of a meter in a structure must be approved by the Public Works Director. After the system runs through the master meter facility, it shall immediately branch out to other structures and shall not continue in the structure to provide individual services before existing the structure. This is the only circumstance where a water distribution system may enter a structure and exit a structure to provide service to other premises.

v. A master meter facility that is a standalone structure shall be located as close as practical to the connection point to the public water main.

vi. A separate irrigation service and irrigation meter shall be provided. The irrigation service tap shall be made prior to (upstream of) the domestic master meter facility.

vii. The owner of the premises shall remain liable, as a single account consumer, for all water entering the private water distribution system.

e. Manufactured Housing Communities

i. The water service for premises with a manufactured home community shall comply with the provisions for a private water distribution system as described above.

ii. Water service shall be obtained by connecting to a town water main fronting the premises.

iii. The owner of the community premises shall remain liable, as a single account consumer, for all water entering the private water system.

iv. Manufactured Housing Communities currently charged a contracted rate may remain on the contracted rate until notified by the town.

C. Irrigation user, as defined in 13.04.010. The "irrigation user classification" is utilized for premises that are commercial and industrial users, except as provided in subsection C2, below. Other user classifications are not allowed to utilize the irrigation user classification.

a. Irrigation service and meters. All irrigation service lines and meters shall be installed in accordance with the IDCM, Standard Specifications and plumbing code.

b. Irrigation only account. A premises that uses city water only for livestock or crop production may have an irrigation user account without having a commercial or industrial user account, provided the water is only used for irrigation or livestock purposes.

c. Irrigation meter enclosures. If a separate irrigation enclosure structure is utilized and the irrigation meter is not located with a room of a structure, then the irrigation meter enclosure shall be located above ground and shall utilize a high hazard backflow prevention device

(RPZ). A separate irrigation enclosure shall be winterized seasonally. If the water service is utilized more than seasonally, then the meter and RPZ shall be in an enclosure designed to protect the infrastructure from freezing and shall be designed for ease of maintenance and accessibility. Any facility that will not be winterized seasonally requires approval from the Public Works Director.

D. Multi-family residential user. The dwelling units may be in a single structure, in multiple structures, or in a combination of two.
   a. Each structure shall have a separate curb stop and meter installed, in accordance with the state and local Standard Specifications.
   b. If the owner desires additional or auxiliary meters within a structure, the owner shall furnish the meters at his or her own expense and shall assume all responsibility of maintaining and reading the same.
   c. Irrigation meters, for the irrigation user classification, are not allowed.
   d. A water service may not be extended from one structure to another structure one the service has entered a structure.

E. Raw Water User, A customer desiring a connection to a town raw water supply shall make such a request to the Public Works Director. Raw water connections shall be per the Public Works Director's direction and requirements. The Public Works Director solely has the authority to allow or deny raw water connections. The owner of a premises utilizing a raw water connection shall discontinue service if ordered to do so by the Public Works Director. Upon receipt of such an order the owner shall undertake the infrastructure abandonments and disconnects as directed by the Public Works Director.

F. Single Family Residential User,
   a. The dwelling unit shall have a separate curb stop and meter installed in accordance with state and local Standard Specifications.
   b. If the owner desires water service to a detached structure(s) that is not intended to be a dwelling unit or is not occupied in a manner that would constitute being a dwelling unit, then a separate service line with curb stop and meter shall be installed to the detached structure in accordance with state and local Standard Specifications. The second service and meter will be considered as a single-family residential user for account purposes.
   c. A service may not be extended from one structure to another structure once the service has entered a structure.

G. **DUTY AND RESPONSIBILITY OF OCCUPANT OR OWNER.**

H. A suitable place for meters, safe from frost or other damage and accessible for examination, must be provided by and at the expense of the owner or occupant. In any case where the meter is injured by freezing or otherwise damaged by the act or neglect of the owner or occupant, it shall be repaired, and the expense thereof shall be paid by the owner

or occupant of said premises. In case of neglect, refusal to repair, or refusal to pay expenses thereof, the water supply may be turned off and not turned on until such costs and a reconnect fee have been paid.

I. MALICIOUS OR WILLFUL DAMAGE TO THE WATER SYSTEM.

J. No person shall maliciously or willfully break, damage or tamper with any water main, meter, structure, device, or equipment that is a part of the municipal water system. Any violator, upon conviction, shall be guilty of a misdemeanor and shall be subject to a penalty of up to 30 days in jail, and/or a fine, as per the current fee schedule, and the total cost of the repairs.

CONSTRUCTION

CONSTRUCTION REGULATIONS:

A. Service Pipe and Distribution System Installation: A service pipe shall be considered the water line extending from a water main to a meter. Fire lines not connected to a meter shall be considered a service pipe extending from the water main to a building wall.

All underground water distribution systems shall be constructed in accordance with state statute and the state plumbing code.

1. Pipe Size: The minimum water service line shall be one inch (1"). However, in repair work if only a portion of the existing service needs replacing, the existing size may be continued.

2. Coverage Of Pipes: Minimal cover for underground piping shall be six feet (6').

3. Types Of Pipes: Only copper pipes shall be used for any size service line through two-inch (2") pipe within the street right of way. If any existing noncopper service line is repaired or replaced within the street right or way, that portion replaced within the street right of way, that portion between the water main and the curb stop or six feet (6') from the property line, whichever is farthest, shall be repaired or replaced with copper pipe. For sizes over two inches (2") only copper, ductile iron or polyvinylchloride pipe shall be used.

a. The copper pipe shall be type K or type L meeting the requirements of ASTM B88. Copper water service pipes shall be installed with flared type joints.

b. Ductile iron pipe shall comply with the requirements of the AWWA C151. For sizes through four inches (4"), the pipe shall be class 51. For sizes over four inches (4"), the pipe shall be class 50. That portion of a ductile iron pipe service line within a street right of way shall be wrapped with minimum eight mill polyethylene sheeting meeting the requirements of AWWA C105.

c. Polyvinylchloride (PVC) pipe shall conform to the AWWA standard C900 and shall be class 150, SDR-18, minimum, with integral bell and spigot joints.

4. Pipe Installation Requirements:

a. That portion of a water service line within the street right of way shall be installed perpendicular to the street center line. No water service line shall be extended parallel or nearly parallel to the street within the right of way

b. Temporary or permanent piping materials from meter pits to uninhabited areas or structures, including commercial and industrial applications, shall be selected and buried in accordance with good acceptable design practice for the installation under consideration.

c. All such installations shall be protected by a suitable vacuum breaker to be installed at the meter outlet and sized in accordance with the branch line leading to the meter.

B. Trenches:

1. All trenches must be at least six feet (6') below the ground surface and the low point of the street gutter. No trench, whether dug for a new service or repairs, shall be filled until the service has been accepted by the Public Works Director.

2. All trenches shall be guarded and refilled in the manner provided to the Public Works Director.

3. All trenches shall be guarded and refilled in the manner provided by this code or other ordinances.

C. Separate Service Pipes for Each Meter: Each meter shall be provided with a separate service pipe from the water main to the meter; provided, that when two (2) meters are now on one service, such service may be continued until separate service and cut off are ordered by the Public Works Director. The director may, at any time, on two (2) weeks' notice, shut off such service and discontinue same until a separate service is provided for each meter.

APPLICATION FOR WATER SERVICE:

A. Procedure To Have Water Turned On:

1. After the installation of a new water service, the owner or occupant desiring to use the town water shall make an application to the Finance Officer for such a service and make the required advance minimum payment on the water. Similar procedure shall be followed in requesting a turn on after service has been discontinued. The Finance Officer shall authorize the service personnel of the water division to make the necessary turn on.

2. No application for municipal water service shall be accepted by the Finance Officer unless the same shall be signed by a person having an ownership interest in the premises sought to be served by municipal water service.

3. All persons who sign an application for water service shall be jointly and severally liable to the town for payment for water service provided pursuant to any such water service application.

B. Notice To Discontinue Service; Change of Tenants: Owners or occupants wishing to discontinue the use of water shall be required to give notice thereof to the Finance Officer, and regular rates shall be continued until such notice is given. Owners shall give notice of change of tenants.

CURB STOPS AND SERVICE BOXES:

A. Curb Stops: Each service shall be provided with a curb stop at the outside edge of the sidewalk. Such curb stop shall be provided with round way inverted key with "T" head of uniform size malleable iron galvanized up to and including one and one-quarter inches (11/4") in diameter. The inverted key of said curb stop shall be protected by a close-fitting sand cap. Said curb stop shall be of red brass with Minneapolis threaded top to screw into the bottom of an iron casing or service box. A small vertical channel shall be provided through the threaded top of said curb stop to permit drainage of water accumulating in the box. Said curb stop shall be tested one hundred (100) pounds hydraulic pressure.

B. Service Boxes: An iron service box known as the "Minneapolis Pattern" shall be placed over each curb stop. The top of such service to be placed on grade with the sidewalk. Each service pipe shall be provided with a suitable gate valve or suitable meter stop which shall be placed in the basement or below the action of the frost.

INSPECTION

Service inspection and re-inspection fees

Each inspection of the private water service line shall require the payment of an inspection fee as set by the resolution of the Board of Trustees. Each trip for inspection if the same section of the private water service line shall require the payment of a separate inspection fee.

ENFORCEMENT

PROHIBITED ACTS:

A. No person shall deface, damage, move, obstruct or interfere with any fire or water hydrant, main or other property of the town. For violation of this subsection, any person convicted thereof, in addition to other penalties provided, shall be required to pay the cost of restoring and repairing the property damaged.

B. No person, except by permission of the Public Works Director, shall place, remove, repair or tamper with any water meter or shall open or connect to, dig out or remove any hydrant, stop cock, valve box, water main or other part of the waterworks' system.

ENFORCEMENT:

A. Every police officer of the town, in connection with his duties imposed by law, shall diligently enforce the provisions of this chapter.

B. The Public Works Director shall have the authority to enforce the provisions of this chapter by the discontinuance of water service in the event of violation thereof.

VIOLATIONS AND PENALTIES:

A. No plumber, consumer or other person shall violate any of the provisions of this chapter.

C. The Public Works Director may shut off the water to any premises when the water rental shall have become delinquent or upon violation of any of the rules and regulations of the department or of this chapter by the user or owner of the premises served.

1. When the water has been so shut off, it shall not be turned on again until all arrears have been paid, together with an additional sum as provided from time to time by resolution of the Board of Trustees to cover the expense of shutting off and turning on.

2. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, punishable by a fine as provided in the general penalty of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as provided herein.

PENALTY.

Any person, firm, association or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of, any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of $100 in addition to the cost of the enforcement action, including but not limited to, reasonable attorney fees, expert fees and inspector fees. Each day of violation shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the petitioner or the owner of real estate within the district affected by the regulations of this chapter.

C

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094
Email: town@hermosasd.com

Submitted 2024

TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE 5-3-24

Receipt # _____ Cash _____ Check # _____ Amount _____

* TBD

Transient Vendor & Peddler Information _____
Company Name MAINSTREET FIREWORKS LLC
Owner/President RON Weifenbach
Mailing Address 4153 AUGUSTA DR
Email LIBERTYCALL@GMAIL.COM
Phone _____ Cell 605-209-2418
Description of Items to Be Sold FIREWORKS
Location of Temporary Business 25 N HEARTLAN EXPRESSWAY
Times When the Sales Will Be Conducted JUNE 26 — JULY 5 - 10 days
South Dakota Vendor License 84-3879689
South Dakota Sales Tax License # 10409892 ST

Fees: 1 day - $50.00 7days - $200.00 Monthly - $800.00 + 5%

The Above Information Is True and Correct

Vendor Signature 5-3-2024 Date

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

* Name, address and phone number of the person, partnership, partner, corporation, or similar business entity;
* A description of the nature of the sales to be conducted and type of business that will conduct sales;
* Description of the location where the sales will be conducted within the town;
* The times when the sales will be conducted within the town;
* License or permits with the county and/or the state;
* If electrical access, open fires, or use of propane: certificate from Fire Marshal's office showing that all codes are met;
* All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
* All current governmental registrations and licenses must be displayed at the sale.

License # 009338 Office Use

PLANNING COMMISSION
☐ Approved ☐ Denied

NAME: _____
TITLE: _____
SIGNATURE: _____
DATE: _____

HERMOSA BOARD OF TRUSTEES
☐ Approved ☐ Denied

NAME: _____
TITLE: _____
SIGNATURE: _____
DATE: _____

3-19-2024 BOT Mtg

FINANCE OFFICE: Monthly financials presented. 2024 Legislature bills discussed. There are funds appropriated for water and wastewater projects – board/finance officer to investigate applying for funding. Motion made and seconded to add Terri Cornelison to Pioneer Bank & Trust signature card; vote: all ayes, motion carried. Motion made and seconded to remove this item from the agenda; vote: all ayes, motion carried.

OLD BUSINESS: Hermosa Connects, Vendor Fair Permits: motion made and seconded to remove this item from the agenda; vote all ayes, motion carried. Motion made to remove, "Reprimand Trustee Holsworth for being disrespectful and calling a board member a name" no second, motion failed.

NEW BUSINESS: Vendor Permit Fees – Hermosa Community Center – Fireworks; discussion on removing the 5% gross sales fee. Motion made to remove the 5% gross sales fee from the permit for this particular incident; no second, motion failed. Motion made and seconded to eliminate the 5% gross sales fee, the board will go into the next Work Session to change the fee schedule so that it reflects it straight across the board; discussion. Vote: one nay, three ayes, motion carried. The Finance Officer will request Hermosa Connects to distribute Vendor Permits to vendors, with no fees. The purpose is to ensure vendors are insured and will be paying sales tax on their sales. Gravel on Tower Road: pending. Will be meeting with landowner to discuss project specs. West River Coalition, Cat care group: Leimer reported conclusion of the project. Motion made and seconded to remove, "Reduction in number of newsletter copies" from the agenda; vote: one nay, three ayes, motion carried. Harris reported a donation was made to the newsletter to help defray expenses. Volunteer of the Year: Connie Leimer for the West River Coalition Cat Care Group and Nancy Schultes for beautifying the town by potting flowers and placing planters in different areas in town. The presentation will be made at a future meeting.

ITEMS FROM CITIZENS: Thanks to the board for the approval of the removal of the 5% vendor gross sales fee. The fairgrounds will also be putting up fence and removing power poles. Citizen requested board to consider going forward to put the Cells B and C into Surcharge; no action. Accolades to the Hermosa Community Center for their activities for children.

EXECUTIVE SESSION:
Motion made and seconded to enter Executive Session allowable by SDCL 1-25-2.1 – Legal at 7:46 pm; vote: all ayes, motion carried. Motion made and seconded to exit executive session at 8:24 pm; vote: all ayes, motion carried. Motion made and seconded to authorize Attorney Johnson to sign off on the SBHW Consent Judgment in order to settle the matter and bring it to final conclusion; vote: one nay, three ayes, motion carried. Motion made and seconded to remove the following items from the agenda: "SBHWS – Consent judgement; Engineer expense reimbursement; ACES Engineering, file complaint with SDBTP on lagoon and WRT projects; and, Approval to send letter to ACES regarding current Statement." Vote: all ayes, motion carried. Motion made and seconded to adjourn meeting at 8:26 pm, vote: all ayes, motion carried.

ATTEST:

_____
Gail Boddicker
Finance Officer

_____
Vicki Henrichsen
Town Board President

Published once at the approximate cost of _____.

New - Approv 3-4-25

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094
Email: town@hermosasd.com

TRANSIENT VENDOR / PEDDLERS APPLICATION

Date: _____ License #_____

Operating on Hermosa **Public Property - $50.00/year**
Operating **on Private Commercial/Industrial Property – No Permit required/No charge**

Transient Vendor & Peddler Information:

Company Name_____ Owner/President _____
Mailing Address _____Town _____State_____ Zip Code_____
Phone _____Cell _____
Email _____
Vending Type (circle one) Truck Truck/Trailer Stand Tent Booth Other:_____
Expected Start Date: _____ Expected End Date: _____
Proposed hours of operation: _____ Proposed days of operation: _____
Street address/Location of operation: _____
Description of items to be sold: _____
South Dakota Vendor License: _____ **(PLEASE PROVIDE COPY)**
South Dakota Sales Tax License: _____ **(PLEASE PROVIDE COPY)**
Peddlers: Vehicle Information: Year_____Make_____Model_____Color_____Lic. #_____

- ✓ **Signage:** One temporary sign up to a maximum of 16 square feet, in total, is included with this approved Transient Vendor Application. Any additional signage will require an approved temporary sign permit.
- ✓ Peddler Permit is issued to the individual engaging in peddling, not a corporation, partnership or other entity.

***Peddlers must stay on public streets and sidewalks. No cutting through lawns or backyards.**

I do hereby swear and affirm that the above and foregoing statement are true and correct. I understand that I am responsible for payment of all applicable state and town sales tax on goods and services I sell. I understand and agree to comply with the Town of Hermosa's Ordinance Chapter 113: Peddler, Solicitors and Vendors. I further understand that if my Transient Vendor/Peddler's license period is less than stated on this application, or is revoked due to non-compliance, there will be no refunds.

Print Name: _____

X Signature **Date**

☐ Approved

☐ Denied

Signature: _____ Date:_____
Town of Hermosa

Current D

CHAPTER 91: PUBLIC NUISANCES

Section

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS MATTER. Includes trash, garbage, refuse and all other material which has been strewn about, is otherwise apparently abandoned or of no apparent value, which is unsightly or malodorous, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.

NUISANCE. All substances which emit any foul, unhealthy, noxious or disagreeable smell or odor; any stable or shop which is kept in a condition so as to be offensive or annoying to the public; all green or salted hides and carcasses left or deposited in any open or public area; personal property of any kind if unlicensed, unprotected by a durable cover, or not maintained in a neat and safe manner for a period of 30 days or more. This includes, but is not limited to, automobiles, machinery, equipment, accessories, parts, structures, property accouterments such as fences, accessways.

WEEDS. Includes all weeds on the state and/or county weed lists, including, but not limited to, of the kind known as Russian Thistle, Canadian Thistle, Cocklebur, Rag Weed, Golden Rod, Burdock, Creeping Jennie and all other noxious or unhealthful vegetation, especially those whose pollen is known to cause hay fever. To allow to grow to maturity on any private property or vacant lot shall constitute a nuisance.

(Ord. 10.012, passed 4-3-2001; Ord. 91.1A, passed 5-30-2017)

§ 91.02 PROHIBITED CONDITIONS.

(A) All weeds, tall grass in excess of eight inches in height, noxious matter, open wells and nuisances are declared a violation of this chapter and no owner of any lot, place or area within the town, or the agent of the owner or the occupant of the lot, place or area, shall permit on the lot, place or area, or upon any public way abutting the same, any weeds, tall grass, noxious matter or other nuisance to grow, lie, or be located thereon.

(B) Notwithstanding the prohibitions set forth in division (A), for parcels of three acres or more in undeveloped commercial and residential properties, grass growing in excess of eight inches shall be permitted for haying purposes so long as the owner, agent of the owner, or the occupant of the parcel of land of three acres or more maintains a 20-foot wide cut of the growing grass within the perimeter of the parcel of land of eight inches or less. The eight-inch or less cut shall not be necessary for that portion of the parcel that constitutes the boundary line of the town.

(Ord. 10.012, passed 4-3-2001; Ord. passed 5-7-2019) Penalty, see § 10.99

§ 91.03 ENFORCEMENT AUTHORITY.

The Board of Trustees may appoint an authorized agent for the purpose of performing inspections, providing appropriate notifications of violations, conducting enforcement and abatement action as may be required to ascertain compliance with ordinances of the town, and obtaining legal counsel as required. Detailed reports of all action taken by the appointed enforcement authority will be provided at each regular meeting of the Board of Trustees.

(Ord. 10.012, passed 4-3-2001)

§ 91.04 NOTICE TO ABATE.

(A) The Board of Trustees or the duly authorized agent is authorized and empowered to notify, in writing, the owner of any lot, place or area within the town, or the agent of the owner, and the occupant of the premises, to cut, destroy or remove any weeds, tall grass, noxious matter or nuisance found growing, lying or located on the property or upon the public way abutting same.

(B) The notice shall notify the owner, agent and/or occupant to cut, destroy, remove or otherwise remedy any such weeds, tall grass, noxious matter or other nuisance within a prescribed amount of time and shall be delivered as set for below.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.05 ABATEMENT BY TOWN AUTHORITY.

Upon failure, neglect or refusal of any owner, agent or occupant to comply with the notice provided for in § 91.04, within the prescribed time after the mailing thereof, the Board of Trustees or the duly authorized agent is authorized and empowered to provide for the cutting, destroying, removal or any other remedy as may be required, of the weeds, tall grass, noxious matter or other nuisance and to defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 91.06.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.06 ABATEMENT BY TOWN COST ASSESSMENT.

The Board of Trustees or the duly authorized agent shall cause an account to be kept against each lot upon which work is done pursuant to § 91.05, and have same certified to the Finance Officer upon completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property and add the assessment to the general assessment against the property, and certify the special assessment, together with the regular assessment, to the County

Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessment for taxes for general purposes.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.07 NOTIFICATION GUIDELINES.

All notices will carry an original signature by at least one member of the Town Board of Trustees.

(A) *First notice - courtesy note.*

(1) The courtesy note shall be delivered by regular mail and/or hand delivered by Town Marshal/Deputy to the last known address of the property owner, agent and/or occupant. Hand deliveries are to be signed by the occupant if present. If occupant not present, notice will be hung on doorknob with date noted as to date and time of placement by law enforcement. The courtesy note shall contain the specific violation, the expected remedy, shall reference the ordinance violated, and shall state the date of the re-inspection. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually seven calendar days from the postmarked date and noted on door hanger.

(2) Weeds, tall grass, malodorous, unhealthy, and dangerous violations require only one notice. Weeds and tall grass shall be removed within seven calendar days of the postmarked or hand delivered date of the notice. Malodorous, unhealthy, or dangerous violations shall be remedied within three calendar days of the date of the notice.

(B) *Second notice - notice of violation.* The notice of violation shall be delivered via door hangar (hand delivered by law enforcement) to the last known address of the property owner, agent and/or occupant. The notice of violation shall contain the specific violation, the expected remedy, shall reference the code section or ordinance violated, shall state the date of the re-inspection, and shall state consequential action which will be abatement. State the abatement action being taken, the cost of the abatement action to be assessed against the property, and the date the action shall be taken. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually two weeks from date of the notice.

(C) *Third notice - notice of abatement.* The notice of abatement shall be delivered via registered mail, return receipt requested, with a copy delivered via regular mail, to the last known address of the property owner, agent, and/or occupant, and/or hand delivered by law enforcement. The notice of abatement shall contain the specific violation, shall reference the ordinance violated, shall state the abatement action taken, the date the action was taken, and the cost of the action to be assessed against the property.

(D) *Subsequent violations.* Upon subsequent violation of this chapter within a 24-month period after notice has been given as provided above, the town shall immediately send notice of pending abatement action and require the owner to remedy the nuisance within three days of delivery by regular mail and hand delivered by Marshal to the last known address.

(Ord. 10.012, passed 4-3-2001; Ord. 10.012A, passed 12-7-2004; Ord. passed 4-17-2018; Ord. passed 4-17- 2018; Ord. passed 8-4-2020)

§ 91.08 EXCEPTIONS.

The Board of Trustees shall act and perform all the duties and exercise the powers of the Board of Adjustments. The Board of Adjustments shall have the power to make special exceptions to provisions of this chapter, provided that the applicant for the special exception shall first file with the Board of Adjustment a consent, signed by not less than 75% of the owners of property within 500 feet of the lot or site of which the special exception is sought, provided further that the special exception be granted by not less than a majority vote of the full Board of Adjustments.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.09 APPLICATION.

For the health, safety and welfare of the citizens of this community, all properties within the jurisdictional boundaries of the town will comply with all provisions of this chapter without regard to conditions existing at the time that it goes into effect.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.10 COMPLAINTS.

(A) Should any member of the Town Board of Trustees receive a written or verbal, complaint, a Trustee on the Town Board shall, within two days, investigate the complaint and make immediate determination of required action and so notify both the plaintiff and owner of the determination. The complaint shall be required before any courtesy notice or abatement action shall be initiated and shall be anonymous.

(B) Should the complaint be declared valid, the Town Board of Trustees, upon majority vote, may give the violating owner a courtesy notice of the violation of the first offense.

(C) All notices will carry an original signature by at least one member of the Town Board of Trustees.

(Ord. 10.012A, passed 12-7-2004; Ord. passed 8-4-2020)

§ 91.11 CONFLICTS WITH OTHER LAWS.

(A) In the interpretation and application of the provisions of this chapter, these provisions shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety and the general welfare.

(B) Whenever the requirements of this chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. 10.012, passed 4-3-2001)

§ 91.99 PENALTY.

Each day any violation of this chapter continues shall constitute a separate offense. In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 10.99 of this code.

(Ord. 91.1A, passed 5-30-2017)

E

§ 30.07 BOARD MEMBER ATTENDANCE AND COMPENSATION.

(A) In order to receive payment for meeting attendance, members must be physically present or via electronic means, teleconference, telephone or the like, within 15 minutes after the opening of the meeting, and remain physically present or via electronic means, teleconference, telephone or the like, until adjournment of the meeting. Any variance of this regulation requires a 60% (i.e. three-fifths) vote from the present or through electronic means, teleconference, telephone or the like governing body to approve the payment.

(B) All members of the Board of Trustees shall be physically present or through electronic means, teleconference, telephone or the like (two per quarter for each trustee) for the regular meetings. Special meetings and medical disability of a Trustee or Trustee's immediate family member via electronic means, teleconference, telephone or the like, are allowed with no limits.

(C) Board of Trustees members attending the meeting through electronic means, teleconference, telephone or the like have all the rights and privileges as those physically present at the meeting with the exception of executive sessions. If the Board of Trustees President attends the meeting through electronic means, teleconference, telephone or the like the meeting will be chaired by the Vice President or by a Trustee named by the President in the absence of the Vice President. Executive sessions cannot be attended via electronic means, teleconference, telephone or the like; however, motions resulting from executive sessions can be voted on via electronic means, teleconference, telephone or the like.

(Ord. 1.005A, passed 11-18-2008; Ord. passed 11-18-2008; Ord. passed 3-15-2022; Ord. passed 10-17-2023)