

**HERMOSA TOWN BOARD**  
**WORK SESSION**  
**March 11, 2025**  
**5:00 PM**



1) **WORK SESSION ITEMS:**

- A. Town of Hermosa Media Policy
- B. Water Ordinance

2) **ITEMS FROM CONSTITUENTS:** 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) **TRUSTEE INPUT:**

- Kramer
- Ferguson
- Harris
- Koontz
- Serviss



# South Dakota Public Assurance Alliance

## TOWN OF HERMOSA Media Policy

From time to time during the course of your service for the (City, County, etc.) you may receive unsolicited contact from representatives of the media including but not limited to newspaper reporters, television and radio reporters and news people, and others. The purpose of this policy is to inform you of the proper steps to follow when such contact occurs.

1.     Kelburn Koontz                                     has been designated as the only authorized spokesperson for (City, County, etc.) in the event of communications with the media. Therefore, if you receive contact from the media, advise them that you cannot comment and refer them to     Kelburn Koontz                                    . His/her telephone number is     360-747-1941                                     and email address is     bpardvp@hermosasd.com                                    .
2. In addition to referring members of the media to our designated contact person, notify your immediate supervisor immediately of any media contact.
3. Media representatives will understand that you cannot comment. They will appreciate a referral to someone who may or may not be able to answer their questions.
4. When an incident occurs that could give rise to a claim against you or others of your fellow employees, please notify everyone that they may receive contact from the media and that they must be aware of and follow this media policy – e.g. not comment on any occurrence and refer the media to the designated contact person.
5. Never give into what is a natural urge to be helpful if you are contacted by the media. You must follow this policy and the procedures described herein.
6. You should be friendly and not defensive or evasive when advising members of the media that you are not able to comment. As noted above, they will understand this position.
7. No comment means no comment. Do not explain or discuss any occurrence or event with the media unless you are authorized to do so as the designated spokesperson.
8. Keep in mind that whatever you say will be viewed as an official statement on behalf of your employer and your co-workers. This is yet another reason to follow the policy, make no comment, and direct the media representatives to the designated contact person.
9. If you are present during Executive Session of the (City Commission, City Council, County Commission, etc.) where litigation or claims are discussed, keep in mind that executive sessions are privileged, that no record is made of these discussions, and that anyone present is absolutely forbidden to discuss the content of conversations which occur during the course of executive session.

If you have any questions about the application of this policy, please contact your immediate supervisor.

**It is SDPAA's recommendation that this SAMPLE Media Policy be treated like other policies your entity may have in use (e.g. sexual harassment). It should be presented to all current and new employees who should sign off acknowledging that they have received the policy, read the policy, and understand the policy. It is also SDPAA's recommendation that you confer with your legal counsel prior to adopting a Media Policy.**



## **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
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1 inch	3/4 inch
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1 1/2 inch	1 inch
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2 inch	1 1/2 inch
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2 inch - special use	2 inch
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3 inch	2 inch compound
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4 inch	3 inch compound
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6 inch	4 inch compound
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8 inch	6 inch compound
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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 exiting 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 within 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 once 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 of 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 (1 1/4") 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.