

Special Meeting, Ethan Town Board, 10-20-14

The Town of Ethan board met in special session on October 20, 2014 at the Ethan City Hall at 5:00 pm. Members present were Lisa Hjellum, Robert Fitzgerald, Howard Caylor, Joe Long and Dale Meinke. No members were absent. City personnel present were Sonya Hespe and Brett Scott. There was no one else present.

Chairman Hjellum called the meeting to order and led the Pledge of Allegiance. All motions were unanimously voted as aye unless stated otherwise.

Motion Meinke, second Caylor to approve the agenda.

#### BUSINESS

Second reading of the revision of Ordinance 6.4.2 was read. This amended ordinance will be adopted 20 days after publication. Motion Caylor, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO CHAPTER 6:4.2 TO AMEND THIS SECTION TO READ AS FOLLOWS:

##### **Section 6.4.2 Public Right-of-Ways**

Snowmobiles, go-carts, golf carts, and all-terrain vehicles may be operated on the roadways of the Town subject to the following restrictions.

- A. No snowmobiles, go-carts, golf carts or all-terrain vehicles may be operated within the Town during the hours of darkness, unless the vehicle has working lights affixed to it.
- B. All unlicensed snowmobiles, go-carts, golf carts, and all-terrain vehicles operated on roadways shall display a 12" x 12" orange flag attached to the snowmobile, go-cart, golf cart or all-terrain vehicle in such a manner that the bottom of the flag measures sixty inches (60") from the roadway surface.
- C. Public right-of-ways within Town may only be used for travel in the most direct route to and from the Municipal Limits.
- D. Snowmobiles, go-carts, golf carts, and all-terrain vehicles are prohibited from operating in all parks and recreation areas.
- E. All snowmobiles, go-carts, golf carts, and all-terrain vehicles operated within the Town shall be subject to the same traffic ordinances, rules and regulations as pertain to the operation of motor vehicles when the snowmobiles, go-carts, golf carts, and all-terrain vehicles are operated on Town roadways. All operators must possess a valid driver's license.
- F. In the event of an emergency, permission may be granted by any law enforcement officer, the Board President, or County Emergency Manager for the use of the Town roadways.

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer

First reading, September 22, 2014. Second reading, October 20, 2014.

Second reading of the revision of Ordinance 6.4.3 was read. This amended ordinance will be adopted 20 days after publication. Motion Caylor, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO CHAPTER 6:4.3 TO AMEND THIS SECTION TO READ AS FOLLOWS:

##### **Section 6.4.3 Public Right-of-Ways**

All snowmobiles, go-carts, golf carts, and all-terrain vehicles operated within the Town must comply with title registration and licensing requirements of the State of South Dakota, when applicable.

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer

First reading, September 22, 2014. Second reading, October 20, 2014.

Second reading of the revision of Ordinance 10.1.6 was read. This amended ordinance will be adopted 20 days after publication. Motion Caylor, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO ORDINANCE # 20, CHAPTER 10:1.6 TO AMEND THIS SECTION TO READ AS FOLLOWS:

##### **Section 10.1.6 Fee Schedule**

The Town Board may in special circumstances, after a hearing by the board, exempt the license fee in individual cases. Unless an exemption has been secured the fee for an original and a renewal dog or cat license shall be as follows:

- 1. Dog or Cat \$5.00
- 2. Other Permitted Pet(s) \$5.00

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer

First reading, September 22, 2014. Second reading, October 20, 2014.

Second reading of the revision of Ordinance 10.1.14 was read. This amended ordinance will be adopted 20 days after publication. Motion Caylor, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO ORDINANCE # 7, CHAPTER 10:1.14 TO AMEND THIS SECTION TO READ AS FOLLOWS:

##### **Section 10.1.14 Running at Large Prohibited**

No owner of any dog, cat, or other animal held as a domestic pet in the City shall permit such animal to run at large at any time, and any such animal found at large may be impounded as hereinafter provided. An owner reclaiming an impounded animal shall pay the actual cost of impoundment plus the following fee: With a current license, the first impoundment shall be \$75.00; second impoundment and any subsequent impoundment within a twelve month period shall be \$100.00. Without a license, the first impoundment shall be \$100.00; second impoundment and any subsequent impoundment within a twelve month period shall be \$125.00. Upon impounding, the owner of such animal may at any time within three (3) days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal, in addition to the fee prescribed by this Section. If any animal so impounded shall not be reclaimed within three (3) days and reasonable efforts to locate the owner

have failed, the City is authorized to destroy, sell, or otherwise dispose of such animal.

Any domestic animal shall be required to wear a tag, when so given by the veterinarian, when such animal is off the premises of the owner as defined in Section 10.1.9.

Allowing an animal to run at large as defined in the provisions of this section, shall also constitute a misdemeanor. Notwithstanding any other provision, any animal not having a visible tag and running at large may be deemed a stray.

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer  
First reading, September 22, 2014. Second reading, October 20, 2014.

Second reading of the revision of Ordinance 8.2.4 was read. This amended ordinance will be adopted 20 days after publication. Motion Fitzgerald, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO ORDINANCE # 10, CHAPTER 8:2.4 TO AMEND THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.4 Adoption of the Property Maintenance Code**

That the *International Property Maintenance Code*, 2015 edition in its entirety, and all acts amendatory thereto, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Ethan, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures within the town. A printed copy of such Code shall be on file in the office of the Municipal Finance Officer.

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer  
First reading, September 22, 2014. Second reading, October 20, 2014.

Second reading of the revision of Ordinance Chapter 3 was read. This amended ordinance will be adopted 20 days after publication. Motion Hjellum, second Meinke to approve the second reading of the revised ordinance.

A REVISION TO CHAPTER 3 TO AMEND THE ENTIRE CHAPTER AND ANY PREVIOUS CHANGES (Ordinance # 1, 4, 5 and 6) TO READ AS FOLLOWS:

**CHAPTER III  
MUNICIPAL UTILITIES AND SERVICES  
Article 1 – Utility Services**

**Section 3.1.1 Utility Service – Application Required**

- A. Any person desiring any utility service furnished by the city shall make application to the City Finance Office by and through the following. All criteria must be met prior to any utility services being connected and/or reconnected.
1. Completing a "Town of Ethan Utility Account Application" form as approved by the Town Board. Application information shall include, but is not limited to, the applicant's name, mailing address, service address, phone number, and/or email address.
  2. Pay a customer deposit as established by motion.
  3. Pay a reconnect fee as established by motion when applicable.

A separate application shall be made for each premise to be served with city utilities.

Applicants shall abide by the rules and regulations established by the city relative to utility service in effect at the time of application and as they may be revised from time to time in addition to conditions and agreements as the Town Board shall deem advisable.

- B. A landlord is subject to the application process for each rental property as outlined in section "A".

A landlord who elects to pass the responsibility for payment of utility service onto the renter/tenant(s) and they meet the requirements in section "A" above, will negate the landlord from placing a customer deposit with the application. Said exemption for the customer deposit is only applicable when the landlord has made written acknowledgement of their responsibilities for the property in accordance with City Ordinance 3.1.9.

A landlord shall abide by the rules and regulations as established by the city relative to utility service in effect at the time of application and as they may be revised from time to time.

**Section 3.1.2 Customer Deposits**

All new utility account applicants are required to pay a customer deposit. The city does not accept letters of credit from previous utilities.

If a current utility customer moves to a new location supplied with city utilities, a new deposit will be charged for each location.

The Town Board of the Town of Ethan reserves the right and authority to review and adjust the customer deposit amount through motion of said Town Board.

**Section 3.1.3 Utility Billing - Monthly**

Bills for utility services are based on services provided to customer per city ordinance. The city does not pro-rate monthly utility services.

Bills are mailed around the last working day of the month and are due and payable **in the City Finance Office** by 4:30 pm on the fifteenth (15<sup>th</sup>) of each month. If the 15<sup>th</sup> falls on a weekend or federally observed holiday, payment must be received by 4:30 pm on the following business day.

**Section 3.1.4 Vacated Premises**

The owner or tenant of any real property having municipal utility service and responsible for payment of the monthly charges for water, sewer, garbage and other municipal utilities and services shall pay the monthly charges for all municipal utilities and services without regard to whether the property is vacant for any period of time. The owner or tenant may avoid the obligation to pay the monthly charge for municipal utilities and services for any period of vacancy by having the city turn off the water service at the curb stop and paying the service fee. An additional reconnection fee shall be charged by the city when utility service is restored to the property. Such fees shall be periodically set by motion.

During this time, the city is not liable for any broken water meters, frozen water lines or water breaks from the curb stop to the residence.

### **Section 3.1.5 Seasonal Accounts**

Upon the request of a property owner, the city may suspend service and reinstate service at the fees that have been set by motion.

Water, sewer and garbage services and fees will be suspended during this time.

During this time, the city is not liable for any broken water meters, frozen water lines or water breaks from the curb stop to the residence.

The customer is held responsible to notify the City Finance Office of their return in order to have utility services and fees resumed.

### **Section 3.1.6 Notice of Discontinuance Required**

- A. Owners or consumers desiring to discontinue the use of the city utility services shall be required to give notice thereof to the City Finance Office, and regular rates shall be charged and billed until such notice is given. Upon notice and direction from the owner and/or tenant, the water meter will be readout by the city.
- B. Owners and/or landlords of rental properties must give notice of change of tenants if the utilities are being billed to the tenant
- C. A disconnection and reconnection is required between tenants and/or owners in order to secure the required application as set forth in Ord. 3.1.1 and ensure all accounts are paid in full. Readout of the water meter may suffice between owners and/or tenants if the new owner and/or tenant have complied with Ord. 3.1.1.
- D. A disconnect and/or reconnect fee, as established by motion, will be charged each time the city is required to turn off or on utility services.
- E. If the Town of Ethan becomes aware of the change in occupancy before proper notification is given to the Finance Office; the city reserves the right to immediately disconnect city utility services provided to the place of business and/or residency being serviced.

### **Section 3.1.7 Delinquent Accounts**

Any utility payment received after the payment deadline as established in Ord. 3.1.3, is considered delinquent and will be assessed a late fee as set by motion of the Town Board. The Finance Office will send a delinquency notice stating the total amount due and the date by which to pay the utility bill or the utility service will be disconnected. The consumer may contact the Finance Office and appeal the bill.

- A. If water service is terminated (disconnected) due to non-payment, the city will restore the water service only after all past due and current account charges including a reconnection fee and any other applicable fees are paid in full to the Finance Office.
- B. The Town Board of the Town of Ethan reserves the right and authority to review and adjust the late fee through motion of said Town Board.

### **Section 3.1.8 Account Must Be Paid Before Water Turned On**

No person shall be permitted connection to the water system until all past utility accounts for the property are fully paid. Reconnections will only be done during business hours.

### **Section 3.1.9 Landlord Responsibilities**

An owner of rental property, whether commercial or residential, is hereby held responsible for payment of any delinquent water, sewer or garbage charges that are not promptly paid by the owner's tenant or tenants.

This Ordinance applies to all rental property, whether commercial, single family residential, apartment complexes, mobile home courts, or other rental property. The owner shall be furnished with a copy of the notice of delinquency that is served upon the tenant and the owner shall have all the rights afforded by Ord. 3.1.7.

### **Section 3.1.10 Liability of City**

The Town of Ethan shall not be liable for any damages to the property of any customer of any utility service furnished by the city due to backflow of sewage system, failure of water supply, interruption of service or any cause outside the direct control of the city.

## **Article 2 – Water Services**

### **Section 3.2.1 Water Department: Supervision and Duties**

The Water Department shall be under the supervision of the Public Works Director.

The Public Works Director shall be responsible for the management and operation of the water and wells of the Town of Ethan as well as supervision and control over such persons employed by the City and assigned to his department. The Public Works Director shall read or supervise the reading of meters, connecting and disconnecting water service, and shall perform such other duties as may be assigned to him by the Town Board.

The Public Works Director shall make a written report to the Town Board, and the Public Works Director shall make such recommendations as are proper for the efficient operation of the water and sewer systems and improvements thereof.

### **Section 3.2.2 Authority of Water Department**

The Public Works Director or any employee of the Water Department shall be permitted at all reasonable hours, and with due notification to resident, to enter the premises or building of consumers for the purpose of reading meters, examining water pipes and fixtures, and set or remove a meter or change its location whenever necessary.

### **Section 3.2.3 Plat of Water Mains, etc.**

The Water Department shall keep and maintain a plat on which shall be shown a complete diagram of all city mains, all taps and service pipes, the size of mains, and such other information as shall be deemed advisable by said department.

### **Section 3.2.4 City Water Line and Uses**

Except as otherwise provided in these ordinances, no person shall connect, disconnect, or do any work on any pipes or connections in any way connected to the city water supply and pipe systems connected thereto.

### **Section 3.2.5 Extension of Water Pipes**

Plumbers must not extend water pipes from one premise to another without the permission of the Town Board or its duly authorized agent.

### **Section 3.2.6 Emergency Water Limitations**

The Town of Ethan hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the city during periods of emergency or circumstances demanding such restriction or prevention of use.

### **Section 3.2.7 Water Service – Tap and Connection Charges**

Connections for water service furnished by the city shall be supervised by the Public Works Director or an authorized city representative, be completed by a licensed plumber, and paid for by the customer served.

Where there is no existing tap to the city water mains, or an additional or different tap is to be made, application shall be made in writing to the City Finance Officer by the owner or agent of the property to be served.

The application shall designate the legal description of the property, what kind and size of tap to be made, the nature of the water use and if residential use, specify the number of families or residences to be served thereby, and shall be accompanied by the fee, as set forth by motion, to be retained by the city if such application be allowed.

### **Section 3.2.8 Water Department Regulations**

- A. STANDARD SERVICE PIPE CONNECTION - The standard connection with the mains shall be approved by the city.
- B. DEPTH OF SERVICE PIPES –Within the limits of the street, service pipe shall be laid not less than five (5) feet below grade.
- C. STOPS REQUIRED - All persons having connections with the city water mains must have a curb stop outside the property line and a shutoff either outside the house or in the basement for shutting off water in case of leaks and repairs.
- D. GENERAL – No claim shall be made against the city by reason of the breaking of any service lines or apparatus or from any other damage that may result from shutting off water for any reason. The city may make exceptions to this subsection if construction-related activities cause the service line to leak. Upon notification of the property owner that a water service line is leaking, the owner shall promptly cause the service to be repaired by a licensed contractor. Delay by the owner in repairing the service line shall be cause for the service to be shut off until the repair is made. If the service line is shut off by the city, the owner shall pay for all associated costs.
- E. USE OF WATER – No consumer shall permit the owner or occupant of other premises to use water from his or her service except by special permission from the water department.
- F. ONE CUSTOMER TO EACH SERVICE - Two or more premises with separate owners shall not be supplied from the same service pipe unless each has its own curb box at the sidewalk. Owners who lease or subdivide shall be responsible for water used in said premises. If more than one meter is placed on a service pipe, the meters shall be set so that no one of them shall measure water which has passed through another meter.
- G. INSPECTION – No pipes installed underground shall be covered until they have been inspected for leakage under system pressure. If the service line is covered before being inspected, the inspector may require the contractor to expose the line for inspection or may require a pressure or flow test at the contractor's expense.
- H. SEPARATE TRENCH – Water lines may be laid in the same trench as a sewer line but must be laid above the sewer line. In instances where it is not permissible to lay the water line above the sewer line, the water line may be laid below the sewer line, but it must be incased in a protective barrier and approved by the Public Works Director. All water lines installed with a sewer line in the same trench shall be separated by at least one foot (1') of horizontal distance. All services shall be placed on stable existing material or select and approved backfill material. State plumbing code will take precedence over this section.
- I. CONSTRUCTION OVER WATER LINES – No person shall construct or erect any building or structure upon any lateral or trunk city water main unless he shall have written permission of the Town Board. The Public Works Director shall specify what provisions shall be made in the construction thereof to protect the water line, and to provide for the purpose of maintenance and repairs.
- J. OWNER RESPONSIBILITY FOR PIPES AND FIXTURES – The city service line includes the curb stop and water supply pipe extending from the city main to the curb stop, and will be maintained by the city. The customer service line includes the water supply pipe and all fixtures extending from the curb stop to the premises served. All owners must, at their own expense, keep the customer service line in good working order and properly protected from frost and other hazards. The initial installation of the city service line, the customer service line and any applicable repair costs to the city streets during the installation will be at the owner's expense.
- K. WATER METERS – All dwellings or places supplied with water from the city system shall be metered by the city. They are used for the measurement of water and sewer utility services furnished by the city and shall be approved and installed by, and remain the property of, the city. All water registered on the meter is the responsibility of the customer. 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 cases where meters fail to register the amount of water used, charges shall be based upon the average used during two or more preceding periods of similar length and during a similar time of year. If meters are damaged by freezing or neglect, the owner or occupant of the premises must pay for such damage. In any case where the neglect, refusal to repair, or refusal to pay said expenses thereof, the water supply may be disconnected and not reconnected until such costs and said fees are paid.
- L. METER VAULTS/PITS – All meters located outside of basements or locations that are not protected from freezing shall be placed in meter vaults/pits designed and constructed as approved by the water department.
- M. SEALING ABANDONED WATER LINES - It shall be the duty of any landowner who shall abandon any water service line to cause the water service line to be securely and permanently capped and sealed, notwithstanding that the water service is shut off at the curb stop or to remove the water service line to the curb stop. Removal, demolition or other destruction of the residences or other improvements upon the real property shall be prima facie evidence that the water service line has been abandoned. This section shall not apply to mobile home parks and camping grounds, unless the mobile home park or camp ground is, in fact, no longer operating as a business. All capping and sealing shall be approved by the city.
- N. PORTABLE METER, SPECIAL WATER USERS, PERMIT – All water must be extracted and metered from an approved distribution source or connection.
- O. FROZEN WATER LINES – The city shall bear the cost of thawing water lines from the main to the curb box. The owner of the property shall bear the cost of thawing water lines from the residence or building to the curb box.
- P. CROSS CONNECTIONS - No faucet connection, valve, or like appliance so constructed as to form a cross connection, directly or indirectly, between a safe drinking water supply and an unsafe or questionable water supply, shall be permitted. No licensed plumber or any other person shall make any cross connection to the water system, supply from a well, cistern or any other source whatsoever, nor from the city water system to any drain pipe, sewer pipe or septic tank.
- Q. SURFACE WATER WELLS – New surface water wells are prohibited within the Town of Ethan.
- R. PRIVY VAULTS AND OUTDOOR WATER CLOSETS – Privy vaults and outdoor water closets are prohibited within the Town of Ethan.

### **Section 3.2.9 Joint Water Users Liable**

In case two or more users are supplied with water from the same service pipe, if any of the parties fail to pay the water charge when due, or to comply with any rule of the city, the city reserves the right to disconnect water from the whole service until such charge is paid, or the rules strictly complied with, and it is expressly stipulated that no claim for damage or otherwise may be made against the city by any user whose water charge has been paid, or who has complied with the rules of said city, because of such disconnection, it being expressly stipulated that the necessity for such shut off shall be deemed to be the joint act of all served through such service.

### **Section 3.2.10 Water Rates**

- A. For the purposes of this section, "users of water" shall mean the owner or occupant of each individual residential or commercial premise, including, but not limited to, the owner or occupant of each apartment in a multiple family dwelling, each mobile home in a mobile home park and hotel and motel facilities.
- B. All users of water within the corporate limits of the city shall pay to the Town of Ethan for water used by them as follows:
  - 1. All water used shall be paid for at a rate per one thousand (1,000) gallons of water.
  - 2. The rate per one thousand (1,000) gallons of water used shall be set by motion of the Town Board.
- C. In addition to the water consumption charge, all users shall pay a minimum monthly surcharge fee as set by motion of the Town Board. The rates will be set by the size of the water meter.

### **Section 3.2.11 Annual Review of Cost of Water**

The city shall annually conduct a review of the costs of operation and maintenance of the city water system. The city shall also annually review and revise as necessary the water consumption rates to insure rate equity among the various users and to further insure the availability of sufficient funds to adequately operate and maintain the water system of the city.

### **Article 3 – Sewer Services**

#### **Section 3.3.1 Sewer Department: Supervision and Duties**

The Sewer Department shall be under the supervision of the Public Works Director.

The Public Works Director shall be responsible for the sewage system and lagoons of the Town of Ethan, as well as supervision and control over all persons employed by the city and assigned to his department. The Public Works Director shall make or supervise all taps of public sewers in addition to such other duties as shall be prescribed by the Town Board or by the Ordinances of the Town of Ethan.

The Public Works Director shall make a written report to the Town Board as may be required or requested by the Town Board, and the Public Works Directors shall make such recommendations as are proper for the efficient operation of the sewer system and improvements thereof.

#### **Section 3.3.2 City Sewer Lines and Uses**

Except as otherwise provided in these ordinances, no person shall connect, disconnect, or do any work on any sewer pipes, connections, or equipment in any way connected to the city sewer system.

#### **Section 3.3.3 Sewer Service – Tap and Connection Charges**

Connections for sewer service furnished by the city shall be supervised by the Public Works Director or an authorized city representative, be completed by a licensed plumber, and paid for by the customer served.

Where there is no existing tap to the city sewer mains, or an additional or different tap is to be made, application shall be made in writing to the City Finance Officer by the owner or agent of the property to be served.

The application shall designate the legal description of the property, what kind and size tap to be made, the nature of the sewage use and if residential use, specify the number of families or residences to be served thereby, and shall be accompanied by the fee, as set forth by motion, to be retained by the city if such application be allowed.

#### **Section 3.3.4 Sewer Repair**

Whenever any sewer connecting a building with a common sewer or another drain, becomes obstructed, broken or out of order in any way, the person in charge of the premises drained by such sewer shall, within 48 hours after notice from the Public Works Director, reconstruct, repair, or cleanse such sewer. In case of neglect or refusal, the Public Works Director shall report the same to the Town Board who shall cause such sewer to be reconstructed, repaired, or cleansed at the expense of the person in charge who shall be charged in the same manner as for special assessment.

#### **Section 3.3.5 Sewer Department Regulations**

- A. SEWER CONNECTION REQUIRED - Any person having charge of any structure which is near any street in which the common sewer is or may be laid, shall within fifteen days after written notice connect his dwelling or house with a common sewer main as named by the Public Works Director, if said structure shall accommodate humans.
- B. MATERIALS USED IN SEWER AND CONNECTIONS - The main sanitary sewer soil pipe and its branches shall be of PVC or, upon approval by the Public Works Director, pipe having equivalent quality.
- C. MINIMUM GRADE - All sewers outside of buildings must be laid in the ground of sufficient solidity for a proper foundation and in a trench with a uniform grade of not less than one-eighth inch to the foot and one-fourth inch if practicable.
- D. SEPARATE CONNECTIONS - The main drain of each house or building shall be independently connected to the sanitary sewer.
- E. EXISTING CONNECTIONS – Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Public Works Director, to meet all requirements of the sewer regulations.
- F. CONNECTIONS NOT ALLOWED - No connection from any cesspool or privy vault shall be made with any sanitary sewer or drainpipe.
- G. CONSTRUCTION OVER SEWER LINES - No person shall construct or erect any building or structure upon lateral or trunk city sewer lines or water mains unless he shall have written permission of the Town Board. The Public Works Director shall specify what provisions shall be made in the construction thereof to protect the sewer line or water line, or both, and to provide for the purpose of maintenance and repairs.
- H. INSPECTION - No sewer trench shall be filled or sewer pipe covered, until the sewer service has first been inspected by the Public Works Director or his assistant. Persons making sewer connections shall give at least 48 hours notice to the Public Works Director of the time when such sewer service shall be ready for inspection. The Public Works Director shall inspect the sewer within a reasonable time and if such sewer service is not properly laid or connected, the Public Works Director shall order the same taken out and re-laid. When such sewer service is completed, approved, and permission granted, the owner or person in charge shall be allowed to use the same.
- I. FILLING - The filling of earth around and on top of all connecting pipes with lateral or main sewers shall be done in a manner to obtain the greatest compaction possible. The earth shall be laid and tamped in regular layers not exceeding nine inches in depth up to the road surface or thoroughly soaked with water, and the street or alley shall be left in as good a condition, whether paved or unpaved, as it was prior to the laying of such pipe connection.
- J. OWNER RESPONSIBILITY FOR PIPES AND FIXTURES – The city service line includes the sewer main and will be maintained by the city. The customer service line includes the sewer connection at the main, the sewer pipe and all fixtures extending from the main to the premises served. All owners must, at their own expense, keep the customer service line in good working order and properly protected from frost and other hazards. The initial connection to the main and future repairs on the customer's service line will be at the owner's expense.
- K. DIMENSIONS OF HOUSE AND BUILDING DRAIN - All house and building drains connected to the sanitary sewer service shall be at least four inches in diameter.
- L. DRAINS IN PUBLIC GARAGES AND WASH RACKS – Every public garage or other public place having a wash rack used for washing vehicles shall install a standard garage drain approved by the Public Works Director. Such drain shall be so constructed and operated as to prevent mud, sand and other debris from being washed into the city sewer system, and shall be kept in proper working order. The provisions of this section shall apply only if the sewage is discharged into the city sewer system.
- M. CESSPOOL DRAINAGE INTO STREETS AND GUTTERS PROHIBITED - It shall be unlawful for any person to allow any cesspool or septic tank to drain into any of the streets and gutters of this city.
- N. PROHIBITED CONNECTIONS WITH PUBLIC SANITARY SEWER - No person, corporation, or other public or private entity shall make or cause to be made any connection of roof downspouts, foundation drains, area drains, or any other source of surface water or groundwater, either directly or indirectly, to the city sanitary sewer system, for any purpose.

O. CROSS CONNECTIONS - No faucet connection, valve, or like appliance so constructed as to form a cross connection, directly or indirectly, between a safe drinking water supply and an unsafe or questionable water supply, shall be permitted. No licensed plumber or any other person shall make any cross connection to the water system, supply from a well, cistern or any other source whatsoever, nor from the city water system to any drain pipe, sewer pipe or septic tank.

P. SEALING INTERMITTENTLY USED SEWER LINES

1. It shall be the duty of any landowner, who shall have located on his premises sewer service lines that are subject to periods of non-use, to provide for the temporary sealing of the service line when not in actual use for the disposal of sewage for any period of time. The method used to temporarily seal any unused sewer lines shall be designed and adequate to prevent any liquids or solid matter from entering the sewer lines. This section specifically applies to mobile home parks, campgrounds and any other location where access to the city sewer system is available other than through the plumbing system of a permanent structure.
2. This section shall also be applicable to any landowner upon whose property the improvements have been removed, demolished or destroyed by any cause and upon which the landowner intends to rebuild the improvements.
3. The landowner shall immediately notify the city when the temporary sealing or capping is completed and the Public Works Director shall inspect the sewer inlets to assure compliance with this section and the approved method of temporary sealing or capping of the sewer inlet. In the event a landowner increases the number of sewer service inlets, the landowner shall apply for a new permit for the additional inlets. In the event one or more of the sewer inlets are damaged and require repair to comply with this section; the landowner shall immediately repair the same and notify the City Finance Officer. Upon notification, the Public Works Director shall inspect the repairs to assure the repairs are in compliance with this Ordinance.

Q. SEALING ABANDONED SEWER LINES - It shall be the duty of any landowner who shall abandon any sewer service line to cause the sewer service line to be securely and permanently capped and sealed, or to remove the sewer service line to the trunk sewer. Removal, demolition or other destruction of the residences or other improvements upon the real property shall be prima facie evidence that the sewer service line has been abandoned. This section shall not apply to mobile home parks and camping grounds unless the mobile home park or campground is, in fact, no longer operating as a business concern. All capping and sealing shall be approved by the city.

R. SEPTIC TANKS AND CESSPOOLS – The construction of cesspools and installation of septic tanks are prohibited within the Town of Ethan.

**Section 3.3.6 Refuse Prohibited**

No one shall discharge or permit to be discharged any of the following described water, wastes or other materials to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel, grease (including cooking grease), oil, or other flammable or explosive liquid, solid, or gas.
- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any water or wastes having corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Permitted to be discharged/deposited into any sewer line connected with a public sewer include the following: feces, urine, necessary closet paper, liquid house waste, and domestic garbage process by an approved disposal unit.

**Section 3.3.7 Penalties**

- A. Notwithstanding any other provision of the revised Ordinances of the Town of Ethan, any person who violates Section 3.3.5(g), 3.3.5(p) or 3.3.6 shall be fined by the Court the sum of two hundred dollars (\$200.00) and Court costs. In addition, the Court may require the violator to reimburse the city for all costs incurred in cleaning or repairing any sewer lines affected as a result of a violation of this section. Costs incurred shall include any costs incurred by the city to accomplish remedial measures in the entire sewer system, including the wastewater lagoon, caused by a violation of this section.
- B. The city shall be, and hereby is, authorized and directed to institute legal action against any landowner violating this section to recover the costs of cleaning or repairing any sewer lines affected by a violation of this section. Costs incurred shall include any costs incurred by the city to accomplish remedial measures in the entire sewer system, including the wastewater lagoon, caused by a violation of this section.

**Section 3.3.8 Sewage Rates**

For purposes of this section “users of the sanitary sewers” shall mean the owner or occupant of each individual residential or commercial premise, including but not limited to, the owner or occupant of each apartment in a multiple family dwelling and each mobile home in a mobile home park, but exclusive of hotel and motel facilities.

All users of the sanitary sewers within the corporate limits of the Town of Ethan as defined above shall pay a minimum monthly fee as set by motion of the Town Board.

In addition to the monthly usage fee, each user shall pay a surcharge fee as set by motion of the Town Board.

**Section 3.3.9 Annual Review of Cost of Sewer Operation**

The city shall annually conduct a review of the costs of operation and maintenance of the city sewer system. The city shall also annually review and revise as necessary the sewer use rates to insure rate equity among the various users and to further insure the availability of sufficient funds to adequately operate and maintain the sanitary sewer system of the city.

**Article 4 – Solid Waste Services**

**Section 3.4.1 Garbage – Definitions**

- A. Occupied Premises, defined: Any place of abode, dwelling, or any place of business or commercial activity, in operation, shall be prima facie evidence that garbage, trash, and refuse is being produced and accumulated on said premises and shall be the duty of the Town of Ethan, and its agents, officers, and employees, to inspect and supervise said premises and remove therefrom any and all garbage, trash, or refuse found thereon.
- B. Family Domestic Unit, defined: A “family domestic unit”, for the purpose of this Ordinance, shall be deemed to be and mean any single independent family unit, irrespective of number of persons constituting such family.  
Each independent family unit living in multiple dwelling residences, apartment houses, or any type of residence, including but not limited to trailer houses, shall each be deemed a family domestic unit for the purpose of this Ordinance. A rooming house that supplies lodging only for hire, and which does not serve meals to any lodger and does not permit cooking and eating on the premises, shall be deemed a one-family domestic unit for the purposes of this Ordinance.

- C. Commercial Units, defined: A “commercial unit” for the purpose of this Ordinance, shall be deemed to be and mean any occupied premises other than family domestic unit.
- D. Commercial hauler defined: A “commercial hauler” for the purposes of this section shall be defined as any person who hauls or transports any garbage, trash, refuse, rubbish and waste material through or upon the streets or alleys of this City for a consideration or a fee, or as part of a business activity.

**Section 3.4.2 Regulation**

- A. Accumulation of Garbage, Trash, or Refuse – Unlawful: Any accumulation of garbage, trash, or refuse on any premises, occupied or unoccupied in a manner other than that authorized by this Ordinance, within the limits of the Town of Ethan, is hereby declared to be a public nuisance and is prohibited.
- B. Unlawful Dumping: No garbage, trash, or refuse shall be stored or accumulated anywhere within the limits of the Town of Ethan in a manner other than authorized by this Ordinance or thrown or swept into any street, gutter, sewer, intake, alley, vacant lot, pond, or other property. Every occupied premises within the Town of Ethan shall be responsible for the keeping of the sidewalks in front of any buildings or improvements located thereon, if any, free from any accumulation of all garbage, trash or refuse. Every property owner and occupant of every family, domestic unit or commercial unit shall, however, be authorized to keep and store garbage, trash and refuse in the manner defined by this Ordinance.
- C. Burning, unlawful: No garbage, trash, leaves or refuse of any kind shall be burned within the limits of the Town of Ethan, other than approved State regulated incinerators.
- D. Collections: Pursuant to South Dakota Codified Law and ARSD, the Town of Ethan shall regulate the manner of handling of garbage, trash, refuse, rubbish and other waste material in the following manner:
  - 1. Family Domestic Units: The Town of Ethan hereby specifically reserves unto itself the exclusive right to collect, remove and dispose of all garbage, trash, refuse and rubbish from all family domestic units within the corporate limits of said City; provided, however, nothing herein shall limit or prevent the Town of Ethan from making and entering into contracts with private persons or other governmental subdivisions for the purpose of contracting for the collection, removal, and disposal of all garbage, or to obtain by contract, any and all services for which the Town of Ethan may be responsible by virtue of this Ordinance.
  - 2. Commercial Units: All commercial units shall make arrangements for disposal of their garbage, trash, refuse, rubbish and waste material with a commercial hauler.
- E. Private Contractors: The Town of Ethan shall be authorized upon the advertising and letting for bids, as provided for by law, to contract with private individuals, for the removal of all or any specified part of any garbage, trash, or refuse, and upon such terms and for such periods as the Town Board of Ethan may obtain from the lowest and best possible bid or bidders therefore.
- F. Removal to Authorized Restricted Use Rubble Site; Except as otherwise provided in this Ordinance, the Town of Ethan, or such persons or subdivisions with whom it has contracted, is hereby required to dispose of all such garbage, trash or refuse at an authorized dump grounds and there to dispose of in the manner required by law. The deposit, dumping, collection, and other disposition of all garbage, trash and refuse within the limits of the Town of Ethan, at any other unauthorized area, is hereby declared unlawful.
- G. The Town Board shall establish the days of the week and hours during which the Ethan Rubble Site shall be open to the public for the disposal of lawful materials.
- H. Items accepted will be allowed according to State regulations for this type of facility.
- I. Persons violating this Ordinance shall be subject to a fine not to exceed two hundred dollars (\$200) or cost of removal or both.

**Section 3.4.3 Service Fees and Collection Thereof**

The Town Board of the Town of Ethan is hereby authorized, empowered and directed, from time to time, to set by motion monthly service fees for the collection, hauling, and disposition of all garbage, trash and refuse; provided, however, separate fees shall be established for each of the following categories:

- A. Family domestic units;
- B. Commercial units;
- C. Restricted Use Rubble Site fees for the disposition of accepted refuse.

Collection – The monthly service fees, as determined by the Town Board, shall be added to and collected as a part of all water bills sent out and utilized in the normal course of the operation of the Town of Ethan’s Water Department. Said service charge shall, however, be separately stated on such bills. Bills for charges pursuant to this Ordinance shall be due and payable each month at the same time as the water billing.

If such charge is not paid when due, the water service to the occupied premises may be terminated by the Town of Ethan in the same manner as provided for in the event of delinquent water and sewer charges, and such water service shall not be restored until the charge in question has been paid in full, together with any penalty otherwise provided for by this Ordinance.

Special Billing – In any situation wherein garbage service must be furnished to any person, who is not obtaining water service, said individuals shall be billed on a monthly basis or upon such other basis as the Town Board may, by motion, establish.

**Section 3.4.4 Severability**

Severability – If any provision of this Ordinance is declared unconstitutional, or applicability thereof to any person or circumstance is held unconstitutional, the remainder of this Ordinance and the applicability thereof to other persons or circumstances shall not be affected.

APPROVED October 20, 2014

Signed: Lisa Hjellum, Town President Attest: Sonya Hespe, Finance Officer

First reading, September 22, 2014. Second reading, October 20, 2014.

Motion Fitzgerald, second Meinke to approve the revised fees for several charges. There will now be a NSF check fee of \$30.00 plus the certified letter charge; labor will increase from \$75.00/hr to \$100.00/hr with a one hour minimum charge; building permits will go from \$5.00 to \$10.00; tapping fees into water or sewer will be \$400.00 for each connection; water deposit from \$85.00 to \$150.00; late payment fee from \$5.00 to \$10.00; reconnect fee for non-payment shut off from \$25.00 to \$50.00; reconnect fee for other services such as seasonal to \$100.00; service call fee to \$20.00. The after-hours reconnect, seasonal account shut-off and reconnect, and credit card fee will all be eliminated.

Motion Hjellum, second Caylor to adopt the NSF check policy. Any check or ACH payment received that is returned for Insufficient Funds will be charged \$30.00 per SDCL 57S-3-422 plus the cost of the certified letter. A first offense means no checks/ACH payments will be accepted until all fees are collected. A second offense means no checks/ACH payments will be accepted for six months. A third offense means no checks/ACH payments will be accepted for twelve months. If a payment is returned for NSF after the due date of the utility payment, a disconnect notice will be sent. If the matter is not corrected by the shut-off date notice, services will be disconnected.

Hespe informed the board of the ACH payment information she received from the bank. Date(s) for the withdrawal of funds was discussed. The ACH payments will not go into effect until the beginning of 2015 after the new billing software is in place.

Motion Hjellum, second Meinke to adjourn at 8:53 pm.

\_\_\_\_\_  
Sonya Hespe  
Finance Officer

\_\_\_\_\_  
Lisa Hjellum  
Chairman

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