

## **Bottineau Municipal Code Revised**

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## **Chapter Seven**

### **Water and Sewer**

#### ARTICLE 1 - Utility Established

##### 7.0101 Water and Sewer Department Established

There is hereby established and created within the City a department to be known as the City Water and Sewer Department. The department shall have general charge of all plants, systems, works, instrumentalities, equipment, materials, supplies, sewage disposal plants, lagoons, intercepting sewer, trunk connections, sewer and water mains, filtration works, pumping stations and all parts and appurtenances of the foregoing which are used or useful in connection with the collection, treatment and disposal of sewage, waste and storm sewers for the inhabitants of this City, subject to all ordinances, rules and regulations.

##### 7.0102 Utility Fund - Separate Accounts

1. Disposition of funds: All money paid and received pursuant to Chapter 7.0205 and Chapter 7.0204 shall be placed in the water and sewage operating funds in the City and shall be expended in accordance with the purposes of such fund, and the revenue received for pavement breaking shall go to the street fund or paving reserve fund.

2. Water and sewage system funds: The funds of the water and sewage plants and systems established and acquired and owned by the City, are hereby declared to be, and shall henceforth constitute, separate public funds of the City, to be held, operated and administered as two undertakings and to the known as the City's Water Revenue Operating Fund and Sewage Disposal Operating Fund.

3. Composition of system - Use of revenues - General management and control: The system and properties comprised in the City Water and Sewage Departments and all future improvements, extensions and enlargements thereof, together with the cash held and all moneys to be produced and derived from the City's ownership and operation of such departments, shall be and are hereby appropriated and dedicated to be used and devoted to the purpose of enhancing the public health, safety and welfare by providing water and sewage services and facilities to the City and its inhabitants and industries and those in the City's immediate vicinity who may desire or be required to take or use such service and facilities. Such water and sewage departments shall be at all times under the management and control of the City Council and shall by it be operated and maintained in such manner as to provide its service and facilities with maximum efficiency and at the minimum cost therefore which is compatible with the plan of operation thereof herein described and ordained.

4. System to be self-supporting and self-perpetuating - Charges generally: The City Water and Sewage Departments shall at all times be so operated, maintained, used, extended and improved, and rates and charges for the services, facilities and benefits produced and furnished thereby shall be such as to make the departments self-supporting and self-perpetuating. The charges from time to time imposed and collected for such services, facilities and benefits shall be made and kept adequate to pay all costs of operation and maintenance of such departments and for the making of replacements and improvements thereof and to establish and maintain reasonable reserves for the aforesaid purposes and, in addition to the foregoing, to produce reasonable surplus moneys in amounts substantially comparable to a fair return upon the City's capital investment in such departments, which surplus moneys, when actually on hand, may from time to time be appropriated by the City Council to pay or contribute to the costs of any other City functions. The foregoing appropriations and provisions shall not, however, be deemed or construed to preclude the City from using at any time any special assessment method or methods now or hereafter permitted by law for defraying all or any part of the expense of any improvement to, or enlargement or extension of, either the water system or the sewer system comprised in such departments whenever and to the extent that the City Council is of the opinion that it is fair and equitable to do so.

5. Water and sewer charges: The City Council is hereby empowered to establish, and from time to time change the rates charged for municipal service of water and sewage and water meter rent by resolution of the City Council, such rates and charges to be of sufficient amount as may be required by any and all former ordinances and resolutions adopted by this City whereby the City agreed to maintain, and collect sufficient charges to liquidate and pay any bonds or pledges of income from such departments heretofore issued or that may hereafter be issued for the purpose of establishing, maintaining and extending and improving any of such departments.

6. Bills and penalties for water and sewer charges: Billings for all water and sewer charges and water meter rent shall be made monthly by the City Auditor pursuant to a system approved by the City Council.

7. Payment of sewer charges: The bills to users of sewer charges, rates or rentals established by the City Council shall come due and be payable and shall be added to and collected as a part of the water bill. If such sums are not paid when due, the City Waterworks Department shall shut off the water at the property where such delinquency occurs. When such delinquent sums are paid, there shall be imposed and collected an additional sum of fifty dollars as a service charge for turning on the water. If the sewage rental or the service charge so established is not paid when due, such sum may be recovered by the City in an action of law against the owner or tenant of the property so served.

8. Charges to be on meter system: All water sold, or furnished by the City shall be on the meter system and shall be paid for at the rate fixed by resolution of the City Council. The City further reserves the right to turn off the water at any time and for any emergency purpose without notice.

9. Owner responsible for payment of water and sewer charges: The owner of any property connected with the City Waterworks System shall be responsible for the charges for all water passing through the service pipes and for all sewer charges and shall be required to pay same so long as he shall continue to own such premises.

10. Additional Accounts. The City also reserves the right to create additional accounts within the Water and Sewer Utility Fund for the purpose of segregating any surplus net revenues which may be pledged and appropriated to the payment of obligations hereafter issued to finance improvements, enlargements or extensions of said utility.

## ARTICLE 2 - Water Service

### 7.0201 Water System

All land, buildings, machinery, equipment, tools and apparatus, water mains, hydrants, service connections and all other property used for the purpose of furnishing a water supply to this City, and the inhabitants thereof, now owned or to be owned by this City, whether acquired by the issue of general obligation bonds, special assessment warrants or other obligations of this City, shall constitute and be known as the waterworks system.

### 7.0202 Superintendent of City Water and Sewer Department

The City Superintendent shall also be the water and sewer superintendent. It shall be the duty of the superintendent to exercise control and management of the operation of the utility system. He shall have power and authority to employ, subject to the approval of the governing body, all such engineers, filter plant operators, meter readers, laborers and other employees, as may be necessary to the operation of the utility system. All such employees shall be subject to his orders and directions, and he shall be responsible for their acts. He shall have power and authority to purchase such materials, supplies and repairs for the water-sewer system, with the approval of the governing board of the City, as shall be reasonably necessary for the operation of such system. He shall keep such books and records of matters pertaining to the operation of the system, as are necessary to show the operation and condition thereof. He shall at all times

be subject to the supervision and direction of the governing board. He shall perform such other duties and have such other powers and authority as are hereinafter provided for.

7.0203 Report of Superintendent

The water and sewer utility superintendent shall make monthly reports to the governing body concerning the operation of the department.

7.0204 Application for Water Service and Service Connection Charge

Before any connection to existing sewer or water lines can be made as provided in Chapter 7.0205, the owner of the property involved shall make application to the superintendent in charge, requesting such connection and stating therein the description of the property involved. The City Council shall determine the amount of money required to be paid for such connection shall be made and shall advise the applicant property owner of such determination.

7.0205 Connection Required

1. Any residential or commercial building within the municipality shall be connected by a separate sewer service pipe and water service pipe, with the City of Bottineau water and sewer system where such systems are adjoining the lot or parcel of land on which the building stands and are within 100 feet of the lot line of said lot.

2. No permit shall be issued for the construction of any building in the City on any lot or on any parcel of land where there is a public water and sewer system adjoining such lot or parcel of land unless the plans and specifications show connection in compliance of this Article.

7.0206 Water Service - To Property Not Previously Assessed

Payment: Whenever any real property located within the City has not previously been benefited by existing sewer or water lines, or whenever the owners of such property have not been assessed for such water and sewer facilities, no connection to such existing sewer and water lines shall be permitted or made by any person owning such property until such person shall have paid to the City an amount of money as may be determined by the City Council. Such amount shall be based upon the area served and the benefit resulting to the property involved.

7.0207 Service Outside City Limits - Prohibited – Exception

1. Permission: No residence or place of business located outside the corporate limits of the City shall be connected with either the waterworks system or the sewer system of the City unless the owner thereof shall have first obtained permission from the City Council so to do, upon such conditions as the City Council shall prescribe, and until he shall have executed an agreement in writing with the City setting forth such rates as the City shall prescribe and the conditions upon which the permit to make the connection or connections is granted.

2. Rates and charges: All persons taking or using water from the waterworks system at any connection outside the corporate limits of the City shall pay for the same at the rates to be established by resolution of the City Council.

7.0208 Service in Unplatted Areas

Annexation: Should any of the properties making connections with either the waterworks system or sewer system of the City outside its corporate limits thereafter be included within its corporate limits, the charges for the use of water and use of sewer system shall automatically be changed to the rates prevailing

for the same connections within the corporate limits. The cost of such connection shall be the responsibility of the owner of the property benefited.

7.0209 Water Service - Construction of - Maintenance of by Owner

1. The cost of original installation of all plumbing between the main and any service devices maintained by the consumer and all extensions made to such plumbing, as well as all repairs, shall be borne entirely by the consumer, although such plumbing and services as well as the meters shall at all reasonable times be subject to inspection by duly authorized representatives of the City. Any repairs found to be necessary by such representatives shall be made promptly, of the City will discontinue service.

2. All services shall be constructed by licensed plumbers at the owner's expense, and each service shall be maintained by the owner.

7.0210 Unlawful to Use Water Not Metered - Unlawful to Tamper with Curb Cock

Tampering with mains and systems generally: No person shall tamper with or by any cause whatever damage, destroy or temporarily place out of service any City water main, gate valve, stopcock, hydrant, or other water system connection or machinery, or in any manner interfere with the same anywhere in the City nor shall any person in any manner obstruct the access to any stopcock, hydrant or valve connected with any water pipe within the City by means of any timber, brick, building material, or other article, thing or hindrance whatsoever.

7.0211 Users Consent to Regulations

Every person applying for water and sewer service from the municipal system, and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the resolution or ordinances of the City and to any modification thereof and to all new rules, regulations or rates duly adopted.

7.0212 Regulations Governing Service

The following rules and regulations shall be considered a part of the contract with every person who takes water and/or sewer service supplied by the City through the City Waterworks System and every such person who takes such service shall be considered to be bound thereby:

1. City Reserves Right to Shut Off Water – Notice: In the case of making repairs or constructing new work, the City reserves the right to shut off the water at once and keep the same shut off as long as may be necessary to accomplish such purposes. Service may also be discontinued for nonpayment of bills or for disregard of rules and regulations affecting the service.

2. Entrance and Access to Premises by Waterworks Employees: Authorized employees of the water and sewer department shall have free access to any premises supplied with water, at proper times, to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employees such access. The water department shall have the right to enter any premises and remove the meter for the purpose of examination and test after first notifying the owner or occupant, and to shut off the water to premises where free access is prevented.

3. Non-liability of City for Deficient Supply or Quality of Water: It is expressly provided that the City shall in no event be or become liable to any consumer of water for a deficiency in the supply of water or the quality thereof, whether by shutting off the same to make repairs or to construct new work or for any other cause whatsoever.

4. Under no circumstances shall the City be liable for a deficiency or the quality thereof in the supply of water whether caused by the shutting off of water to make repairs or connections or for any other cause. Nor shall the City under any circumstances be liable for excessive pressure on the water mains, pipes or connections, the City reserving at all times the right to increase the water pressure for the purpose of cleaning out its mains, for fire protection, or for any other purpose.

5. Installation of meters: All meters used in connection with the water system shall be furnished by the City paid for by the property owner and shall at all times remain the property of the City by or under the direction of the City Superintendent. No person unless acting under the authority of the City Superintendent shall disconnect, remove, repair or otherwise disturb any water meter. The occupant of any building or premises where such meter is located shall see that the same is kept free from obstruction on or around the same, and conveniently accessible at all times for the purpose of reading, inspecting and repairing same. The City Superintendent is authorized to turn off the water from any meter that shall not be so kept, and not to turn the water on again until the provisions of this section are complied with and the cost and expenses of turning same off are paid. All meters shall be set true, upright, plumb and level.

6. Wasting water generally – Repairs: No person shall permit the City water to run continuously from any fixture, nor unnecessarily waste any City water. Where the City Superintendent shall discover any leakage or waste, he shall immediately notify the consumer of such fact, and it shall be the duty of such consumer to at once make the necessary repairs to prevent such waste and upon his failure to do so for forty-eight hours after receiving such notice, it is hereby made the duty of the City Superintendent to forthwith shut off the water on such premises, and not to turn same on again until such repairs have been made to his satisfaction.

7. Charges when meter fails to register properly: If for any cause any meter fails to register the water passing through same, the owner shall be charged the same amount as for the last preceding three month average.

8. Charge for turning off water: A charge of fifty dollars shall be made against each consumer for turning off water for nonpayment of water rates, and for noncompliance with any of the rules and regulations contained in this title. Such sum must be paid by the water consumer before the water will be turned on again.

9. Shutting Off Water - Who Authorized: No person except an authorized employee of the water department shall shut off or turn off the water at the curb cock to any premises without first obtaining permission from the water department.

10. Fire Hydrants - Who May Open: No person except City employees in the performance of their official duties or members of the Bottineau Fire Department shall open or cause to be opened any fire hydrant without the written permission of the Superintendent.

#### 7.0213 Connection to be Supervised by City Employees

In installing water and sewer service, all taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from the main and the curb cock installed in an iron box to which the service is to be connected by the individual, his agent or employee under the supervision, direction and control of the water and sewer department. Ten feet spacing shall be allowed between all water and sewer lines in new connections to service. Failure to comply with this section shall be considered a disregard of the rules of the department and service to the affected property can be withheld or discontinued as the case may be.

#### 7.0214 Service Pipes Specifications

All service pipes connected with the water and sewer utility shall be laid at a depth as directed of approved by City Superintendent or as low as the street mains. All water and sewer pipes shall be of a material approved by the City Superintendent.

#### 7.0215 Curb Cock Specifications

There shall be a curb cock in every service line attached to the water mains, the same to be placed as near as possible to the curb if on a street, or within one foot of the alley line if the main is located in the alley. Curb cocks shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter "W" cast upon it. There shall be one or more stops and waste cocks attached to every supply pipe at some point between the curb cock and the meter so that the water can be shut off and the structure plumbing entirely drained. There shall be another such stop and waste cock in the pipe on the house side of the meter.

#### 7.0216 Check Valves Required When Necessary

Check valves are hereby required on all water connections to steam boilers or any other connection deemed by the utility superintendent to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connection with the water system where the steam pressure may be raised in excess of fifty pounds per square inch.

#### 7.0217 Use of Water During Emergencies – Unlawful

1. Uses during emergencies: It shall be unlawful for any person to use any water that is furnished by the City through its water mains, for the purpose of watering lawns, shrubs or trees, to wash cars or houses, or for any other outdoor use during a period of emergency.

2. Determination of emergency: The mayor is hereby authorized to determine that a period of emergency relative to the City water supply exists when the use or consumption of such water exceeds the supply thereof.

#### 7.0218 Rates and Charges

Water and sewer rates shall be fixed from time to time by resolution of the governing body and the City reserves the right to change the rates from time to time as it deems best. The resolution fixing water and sewer rates and charges shall be kept on file in the office of the City Auditor and shall be open for public inspection.

#### 7.0219 Rates and Charges - Liability for

The owner or owners of all real property in the City furnished water or sewer service or service line repairs shall be responsible for the payment of any and all such charges regardless of who the occupant or tenant may be. Owners of premises where water or sewer service is supplied shall notify the water or sewer department or the City Auditor in case any tenant moves from said premises, prior to such moving. On request of the owner or owners, the City Auditor will bill or cause to be billed the occupant or tenant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners shall be responsible for such charges and they shall be assessed to the property served. It shall be the duty of the City Auditor to certify to the county auditor such unpaid water or service charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

#### 7.0220 Duty to Report to Auditor

Every owner or operator of a multiple dwelling unit shall file with the City Auditor a report indicating the total number of units under his control. Every owner or operator of a mobile home park shall file with the City Auditor a report indicating the total number of units in the park and shall further notify the City Auditor of any changes in the number of units in the park if the number increases or decreases.



#### 7.0221 Excavators

No person, firm or corporation shall excavate in or on any street, alley or other public place for the purpose of installing any water and/or sewer connection until they have complied with the provisions of Sections 3.0214 - 3.0218 of these ordinances.

#### 7.0222 Restriction of Use of Water

The City governing body may from time to time declare that water may not be used for specific purposes or may only be used in certain parts of the City on certain days for certain purposes. The City shall have the right to prohibit the watering of lawns and gardens, the washing of cars or such other uses of the water as may be necessary to preserve for the general public an adequate supply of water for consumption and use by the general public.

#### 7.0223 Bulk Water Sales

Water may not be purchased from the City for resale for commercial or industrial purposes unless the customer pays the City the current rate for bulk water sales per the current City of Bottineau City utility rates at that time.

The City reserves the right to refuse bulk water sales due to existing situations that may affect the viability of the water supply system.

### ARTICLE 3 - Regulation of Sewer Use

#### 7.0301 Purpose

It is the purpose of this article to provide ordinances regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system and to provide penalties for violations thereof.

#### 7.0302 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in the article shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
5. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

6. "Floatable Oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

7. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

8. "Industrial Wastes" shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

9. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse pond, ditch, lake or other body of surface or groundwater.

10. "May" is permissive.

11. "Person" shall mean any individual, firm, company, association, society, corporation or group.

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

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

14. "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

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

16. "Sewage" is the spent water of a community. The preferred term is "wastewater," Sec. 24.

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

18. "Shall" is mandatory.

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

20. "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

21. "Superintendent" shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the City or an authorized deputy, agent or representative.

22. "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

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

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

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

26. "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

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

28. "Hearing Board" shall mean that board appointed according to the provisions of Section 7.0309.

#### 7.0303 Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 60 days after date of official notice to do so.

#### 7.0304 When Private Sewage Disposal Permitted

1. Connection required - Payment of costs: It shall constitute and is hereby declared a nuisance for any person to erect or to maintain any water closet, privy or cesspool on any property in this City where sewer and water connection is accessible. To assure preservation of public health, comfort and safety, it shall be the duty of the owner or the agent of the owner of any building used for human habitation that is located adjacent to a water or sewer main, or in a block through which one or both of such systems extend, to connect therewith after notice as provided herein.

2. When a sewer or water main becomes available to any such building used for human habitation, the Health Committee shall notify, in writing the owner or his agent, to connect the building thereto and to install such facilities as may be reasonable necessary.

3. The notice required in this section shall be served in the manner prescribed by Rule 4 of the North Dakota Rules of Civil Procedure or by registered mail addressed to the last known address of the owner or his agent.

4. If the owner or his agent, fails to comply, after sixty days notice as herein provided pursuant to Chapter 40-28 of the North Dakota Century Code, the City may cause connection to be made and the expense thereof assessed as a special assessment tax against the property.

5. Any person who shall fail to comply with a proper connection order or shall otherwise violate this section shall be punished in accordance with Section 2.0107 in Chapter 2 of this code.

#### 7.0305 Building Sewers and Connection

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

2. Any person desiring to connect to the public sewer must first make application to the City. The permit fee must be paid, of which fee schedule is on file in the City Auditor's office. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent.

3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

#### 7.0306 Use of Public Sewers

1. Supervision of installation: The work of laying, relaying or repairing any sewer pipe or making any sewer connection in the City shall be under the supervision of the City Superintendent, whether the same is to be done for the City or any private individual. All new systems shall be laid in accordance with the plans, specifications and directions of the City Engineer.

2. Any person owning or operating any automobile garage or service station shall be personally liable for any expense caused by their failure to carry out the requirements of this section.

- A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any building drain or sewer which in turn is connected directly or indirectly to the sanitary sewer unless such connection is approved by the superintendent and the North Dakota State Department of Health.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent and the North Dakota State Department of Health.
- C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

I. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

II. 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.

III. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

IV. 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 fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinder.

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

- A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat or grease.
- D. Any garbage that has not been properly shredded (see Section 7.0302 (13)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.

- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations or both which constitute a “slug” as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

4. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7.0306 (3), and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the North Dakota State Department of Health.

5. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 7.0306 (3) (c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the North Dakota Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and having of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

6. Where pretreatment or flow-equalizing facilities are provided or required by any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

7. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in

accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

8. The superintendent may require a use of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. Wastewaters discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the City sewer.

9. All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis by the superintendent.

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

#### 7.0307 Damage to Sewer Works Prohibited

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### 7.0308 Powers and Authority of Inspectors

1. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance

2. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

3. While performing the necessary work on private properties referred to in Section 7.0308 (1), above, the superintendent or duly authorized employees of the City shall observe all safety rules

applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except such as may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7.0306 (8).

4. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### 7.0309 Hearing Board

1. A hearing board, consisting of three (3) members, shall be selected as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the superintendent.

2. One member of the board shall be selected to represent the City, one member shall be selected to represent the sewer user involved in the arbitration and the third member shall be acceptable to both parties and shall serve as the chairman in the arbitration.

#### 7.0310 Penalties

1. Any person found to be violating any provision of this ordinance except Section 7.0307 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in Section 7.0310 (1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

#### 7.0311 Validity

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

### ARTICLE 4 – Plumbing Code

#### 7.0401 Adoption

To promote and protect the public health there is hereby adopted the State Plumbing Code, which has been adopted by the State Plumbing Board and approved by the State Health Department, consisting of rules and regulations governing plumbing work, and the whole thereof, of which not less than one (1) copy is on file in the office of the City Auditor, and the same is hereby adopted as fully as if set out at length herein and all plumbing work in the City shall comply with said code.



#### 7.0402 Plumbing Code - Enforcement of Provisions

All plumbing work and all private sanitary drains and cesspools now existing, or hereafter to be installed, altered or repaired in any building or in or under any private property within the corporate limits shall be under the supervision and regulation of the superintendent of the water and sewer department, whose duty it shall be to enforce all the provisions of this code relating thereto and from time to time to make such rules and regulations as may be appropriate for the execution of the same.

#### 7.0403 Plumbing Code - Changes in Existing Installations

The City Superintendent is hereby given authority to order the repair, alteration or removal of any sanitary sewer connection or plumbing, any connection to storm water sewer, or any private sanitary drain, cesspool or privy, which in his judgment is so installed or is in such condition as to be unsanitary, or to constitute a public nuisance or menace to health. In case of such repair, alteration or removal, if the plumbing code is not observed and connections not properly executed by the owner or owners thereof, in accordance with his directions, he may cause the same to be discontinued from any source of water supply. It shall thereafter be unlawful for any person in any manner to use any such installation, or to supply water thereto, until the same shall have been put in a safe and sanitary condition according to his direction.

#### 7.0404 Plumbing Code - New Installations

All plumbing work and all excavations in the public streets or alleys, the cutting and replacing of pavement, laying of water and sewer connections and connections to storm water sewers and all construction of private sanitary drains and cesspools within the corporate limits shall be undertaken and executed only by a master plumber or other persons as have obtained a general license for such work together with a permit for each separate job, provided that the tapping of water mains and the placing of corporate cocks therein shall be done only under the direction of employees.

### ARTICLE 5 – Assessment of Delinquent Services

#### 7.0501 City Services; Charges to Constitute Liens on Premises; Assessment and Collection of Lien.

1. All water, sewage, garbage and all other work and services provided for by ordinance and being necessary for the general welfare, public health, fire protection, or public safety, shall constitute liens upon the respective lots, tracts and premises receiving such service; and all such charges which have been properly billed to the owner or occupant of the premises served and which are more than thirty (30) days past due on September 30 of each year, shall be certified by the City Auditor to the County Auditor as other municipal taxes are assessed, and the City Auditor in so certifying such charges, shall specify the amount thereof, the description of the premises served and the name of the owner thereof; and the amount so certified shall be extended by the County Auditor on the tax-rolls against such premises and collected by the County Treasurer and paid to the City Treasurer in the same manner as other County and Municipal taxes are assessed, certified, collected and returned.

2. The owner and occupant of each premise shall be jointly and severally liable for all charges for all the above services during the period of their respective ownership or occupancy and until receipt of written notice by the City of Bottineau of the termination of such ownership or occupancy. All such charges having been properly billed to the owner or occupant of any premises served and not paid may be recovered in the manner provided herein. This ordinance shall not prevent the City from collecting such bills in a civil action in any Court of competent jurisdiction against either the owner or the occupant or both of them.

3. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be subject to a fine of not exceeding one thousand dollars (\$1,000.00) for each violation.