

**TITLE V: PUBLIC WORKS**

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**Big Stone City - Public Works**

## **Chapter 50: Water**

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### **§ 50.01 Control**

The water system shall be under the control of the City Utilities Manager. At the first meeting of the City Council in May, after the regular municipal election, the Mayor shall appoint a committee of two

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members of the City Council as Water Committee to have the supervision of the water system subject to the control of the entire Council and the management of the City Utilities Manager.

(Prior Code, § 9-5-1)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.02 Water Fund.**

The account known as “Water Fund” kept by the Finance Officer shall be continued and all money received from the collection of water rents, from taxation for the upkeep of the water system, from the sale of property or material connected with the waterworks, from any appropriation made by the Council for the purpose of construction or extension of waterworks from any source whatever connected with the management and operation of the water system shall be placed in said Fund, and all salaries and disbursements connected with the management and operation of the water system shall be paid from this Fund.

(Prior Code, § 9-5-2)

***Statutory references:***

Similar provisions, see SDCL §§ 9-47-1

### **§ 50.03 Water Supply.**

The city does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure to the supply the same, nor shall it be liable for any claim or damage by reason of the breaking of any service pipe, stop cock or other equipment, or if for any reason the supply of water shall be shut-off to make repairs, connects or extensions, or for any other purpose that may be found necessary. The right is reserved to cut off the water supply to any person at any time.

(Prior Code, § 9-5-3)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.04 Fire Hydrants.**

All hydrants erected for the purpose of extinguishing fire are hereby declared to be public hydrants and no person or persons except members of the Fire Department, city law enforcement, or persons expressly authorized by the City Council or the City Utilities Manager, and then only in the exercise of authority delegated by the said Council or /city Utilities Manager, shall open any of said hydrants or attempt to draw water from the same, or at any time attempt to remove or uncover any protection from or in any manner that interferes with any of the hydrants.

(Prior Code, § 9-5-4)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

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### **§ 50.05 Unauthorized Use.**

It shall be unlawful for any person, other than the City Utilities Manager, authorized to open hydrants to delegate his or her authority to another, or let or suffer another person to take wrenches or tools furnished to him or her or suffer the same to be taken from any hose house except for the purpose strictly connected with the Fire Department or as they accompany fire trucks on occasions of fire.

(Prior Code, § 9-5-5)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.06 Injury to System.**

It shall be unlawful to break, injure, mar, deface, interfere with or disturb and building, machine, apparatus, fixtures, attachments or appurtenances of the waterworks, or any hydrant, stop cock box, meter, water supply or service pipe or any thereof, or deposit anything in any stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above property, without the permission of the Council; excepting cases herein or otherwise provided by ordinance.

(Prior Code, § 9-5-6) Penalty, see § 10.99

***Statutory reference:***

General, see SDCL § 9-12-01

Similar Provisions, see SDCL § 9-47-1

### **§ 50.07 Water Tower.**

It shall be unlawful for any person except members of the Fire Department, city law enforcement or persons expressly authorized by the City Council to climb the water tower or any part thereof.

(Prior Code, § 9-5-7) Penalty, see § 10.99

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.08 Excavations.**

It shall be unlawful to make any excavations in any street or highway within six feet of the laid water pipes while the ground is frozen, or to dig up or uncover so as to expose to frost any of the water pipes or sewer of the city except by special permission of the City Council.

(Prior Code, § 9-5-8) Penalty, see § 10.99

***Statutory reference:***

Similar provisions, see SDCL §§ 9-30-1 and 9-47-1

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### **§ 50.09 Rules and Regulations.**

The sections, rules and regulations and water rates hereinafter set out in this chapter shall be considered a part of the contract with every person which is supplied with water through the waterworks system and every person by taking water, shall be considered to express his or her assent to be bound thereby. When any of the same are violated, or such others as the Council may adopt, the water shall be cut off from the building or place of such violation and shall not be turned on except by order of the Finance Officer, and then only after the payment of \$10 for shutting off and turning on the water and such other items as the Council shall determine, and in case of such violations, the Council or Committee thereof, shall have the right to declare forfeited any payment made for water by the person committing such violation.

(Prior Code, § 9-5-9)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.10 Application for Water Use.**

Every person desiring a supply of water must make application therefore to the Finance Officer upon a form substantially as follows:

“The undersigned does hereby make application to the city for a permit to connect up with the water mains opposite Lot \_\_\_, Block \_\_\_, in \_\_\_ to the city, and the water taken from such connection will be used for \_\_\_\_\_. The undersigned agrees that all of the provisions of the waterworks ordinances be bound by all provisions regulating the use of water and connection with the mains and all provision pertaining to waterworks system the same as though such ordinance or ordinances were incorporated herein, and in case the water is cut off because of any fault of the undersigned, said undersigned do(es hereby agree to pay such fee as provided when the city causes said water to be again turned on. Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of applicant”

(Prior Code, § 9-5-10.2)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.11 Municipal Water Connection Required.**

Whenever the municipal water supply distribution main is constructed within 300 feet of the property line of any residential, commercial or industrial premises, the Superintendent shall notify the owner of all buildings used for human occupancy, employment, recreation or similar uses on such premises of such fact

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and direct the owner to install municipal water service to the premises in accordance with this section, and the owner shall comply with said order within 90 days of the receipt by him or her of such order. If the owner fails to provide for the installation of such municipal water within such time, the city may provide for the installation of such municipal water service and charge the cost against the property as a special assessment.

(Ord. 97-02, passed 1-5-1998)

### **§ 50.12 Installation.**

All service water pipes from the main to the point where the meter is installed shall be of copper. Such connections shall be with wiped joints or brass fittings and an eighth of an inch larger than the taps that supply them. In addition, there shall be installed a shut-off valve and curb box at point six inches inside the inside line of the sidewalk if such installation is possible, otherwise, said installation shall be on the curb line. Meters recording the amount of water used and drain cock shall be installed by the applicant.

(Prior Code, § 9-5-11)

#### ***Statutory reference:***

Similar provisions, see, SDCL § 34A-3A

### **§ 50.13 Construction.**

Construction from the property line to the main shall be made by the applicant under the supervision of the City Utility Manager or other person especially authorized by the City Council, for which the applicant shall pay the actual cost of said construction including labor and materials. The applicant shall pay a permit fee of \$100 payable to the Finance Officer, at the time the application is filed. The connection between the property line to the place where the water is used be done by the applicant subject to the inspection and approval of the City Utility Manager or other persons specially authorized by the City Council before being covered. All pipes must be laid at least six feet underground.

(Prior Code, § 9-5-12)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.14 Connections; Assessment of Costs.**

All extensions of the municipal water system and of the municipal sanitary sewer shall be made in accordance with applicable state law and the cost thereof shall be assessed as provided by the law against the property benefited by such extension.

(Prior Code, § 9-5-13)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9.-47-1

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### **§ 50.15 Meters.**

All meters shall be cleaned and tested as necessary and all defective meters shall be repaired by the city at the expense of the city unless the meter was damaged as a result of the direct fault of the property occupant or owner.

(Prior Code, § 9-5-14)

### **§ 50.16 Meter Failure.**

Should a meter get out of order or repair or fail to register properly, the consumer will be charged with the monthly consumption as shown by the meter in accordance with the corresponding monthly period of the previous year.

(Prior Code, § 9-5-15)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.17 Only One Service to Tap; Exceptions.**

Not more than one house or premises shall be supplied with on tap or upon one service pipe except by written permit issued by the City Council, and not then, in any case, unless provision is made so that such premises can be shut-off independently of every other house or premises.

(Prior Code, § 9-5-16)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.18 One Family to Tap; Exceptions.**

No consumer shall supply water to other families nor suffer them to take water off the premises, or after water is introduced to any premises shall any person make any taps or connections, extensions or , approved by the City Council.

(Prior Code, § 9-5-17)

#### ***Statutory reference:***

Similar provisions, see SDCL § 9-47-1



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### **§ 50.19 House Boilers.**

All house boilers shall be constructed with a vacuum valve at the top inlet pipe and shall be sufficiently strong to bear 160 pressure of the atmosphere when under a vacuum. The top cocks and other appurtenances must be sufficiently strong to bear the pressure and ram of water in the mains.

(Prior Code, § 9-5-18)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.20 Running Water.**

All persons using water shall keep the hydrants, taps, faucets, hose, closets, urinals, bath or other damage or injury that may result to other persons or property from improper use of water.

(Prior Code, § 9-5-19)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.21 Removing Meters.**

In no case shall anyone remove a meter from its setting or interfere with its reading for any cause without first obtaining a permit from the City Council or Utility Manager.

(Prior Code, § 9-5-20)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.22 Keeping Service in Repair.**

All persons taking water shall keep their own service pipe, stop cocks and apparatus in good repair and protect from frost at their own risk and expense, and shall prevent all unnecessary waste of water and it is expressly stipulated that no claim shall be made against the city by reason of the breaking of any service pipe or cock, or if for any cause the water supply should fail or from damage arising from shutting off the to cut off supply of water at any time is hereby reserved, any permit granted or regulation to the contrary notwithstanding.

(Prior Code, § 9-5-21)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

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### **§ 50.23 Inspection and Reading Meters.**

Every person supplied through the waterworks system shall permit the Finance Officer, city law enforcement or any other authorized person, at all reasonable hours of the day, to enter his or her premises or buildings to examine the pipes and fixtures and the manner in which the water is used or to read meters. They must frankly and without concealing, answer questions and put them concerning and relating to the use of water on such premises.

(Prior Code, § 9-5-22)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.24 Watering Yards and the Like.**

The use of hoses for sprinkling yards, gardens and street or for washing windows and sidewalks is prohibited in the case of fire, and in case of threatened shortage of water, may be prohibited altogether by resolution of the City Council during such emergency.

(Prior Code, § 9-5-23) Penalty, see § 10.99

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.25 Meter Reading.**

All water meters shall be read monthly.

(Prior Code, § 9-5-24)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.26 Water Rates.**

The charge for the use of city water shall be set by resolution.

(Prior Code, § 9-5-25)

### **§ 50.27 Payment of Water Rates.**

The minimum charge for use of city water shall be as estimated by resolution and shall be payable on or before the fifteenth day of each month. Any payment not made on or before the fifteenth day of the month following billing shall be delinquent, and a penalty of 15% of the total unpaid water charge shall be forthwith added to said bill, and it shall be the duty of the Utility Manager or other persons in charge of the municipal

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plant to shut-off the water from all users so in default. Every connection turned off under the provisions of this section shall not be turned on again, except upon payment of \$10 plus the amount in arrears to the Finance Officer.

(Prior Code, § 9-5-26) (Ord. 2002-04, passed 12-2-220)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.28 Deposit.**

Every consumer shall, prior to receiving water service, deposit with the Finance Officer a utility deposit as determined by resolution. Said utility deposit shall be held as a guarantee of payment of water and utility charges. Whenever service to said customer is voluntarily disconnected, the balance due the city for water and utility services to said customer, together with penalties, if any, shall be deducted from said utility deposit and the balance of said deposit refunded to said customer. The utility deposit does not accrue interest. (Prior Code, § 9-5-27)

***Statutory reference:***

Similar provisions, see SDCL § 9-47-1

### **§ 50.29 Water Service to Rental Properties: Late Payments.**

Owners who rent or lease premises shall be responsible for having accessible curb stops per city specifications, and in case of apartments or other multiple-family dwellings, a separate curb stop for each unit is required. Owners of such rental properties shall be ultimately liable to the city for any unpaid water bills of the owner's tenant, and if such bill remains due and unpaid after 30 days, said delinquent amounts owing the city shall be billed to the owner of the premises in question. Each unit of leased or rented property shall pay a utility deposit to the city in the amount of \$75. This amount shall be held by the city in a non-interest bearing account to assure payment of utility services and assessments and shall be refunded to the unit occupier upon vacation of the premises.

(Prior Code, § 9-5-28)

***Statutory reference:***

Similar provisions, see SDCL Ch. 9-47

### **§ 50.30 Records.**

The Finance Officer shall keep a correct and accurate record of all meter readings with each customer, and all payments and accounts for water used, or other supplies or labor furnished by the city and shall collect the same when due.

(Prior Code, § 9-5-29)

***Statutory reference:***

Similar provisions, see SDCL Ch. 9-47

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## **Chapter 51: Sewers**

### **Section**

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### **§ 51.001 Definitions.**

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

**Building Drain.** The part of the lowest horizontal piping of a drainage system which receives discharge from soil. Waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning outside the inner face of the building wall.

**Building Sewer.** The extension from the building drain to the municipal sewer or other place of disposal.

**Commercial Premises.** All buildings or structures which are not residential premises as herein defined.

**Garbage.** Solid wastes from the preparation, cooking and dispensing of food, or from handling, storage and sale of foods or produce.

**Industrial Waste.** Any liquid wastes from industrial processes as distinct from sanitary sewage and garbage.

## **Sewers**

**Municipal Sewer.** A sewer operated by the by the municipality for the benefit of the citizens of the municipality generally.

**Private Sewer.** A sewer designed to serve a single user, provided that a special permit may be granted by the Superintendent for such use of such sewer by one or more additional users.

**Properly Shredded Garbage.** Wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be freely carried under flow conditions normally prevailing in municipal sewers, with no particle greater than on-half inch in dimension.

**Residential Premises.** All buildings or structures occupied and used exclusively as a home by not more than two families.

**Sanitary Sewage.** Water-carried waste from toilets, sinks, baths, household laundries or tubs and similar facilities.

**Sanitary Sewer.** A sewer which carries sanitary sewage.

**Sewage.** Any combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

**Sewage Disposal Plant.** Any arrangement of devices or structures for treating sewage in order to eliminate or reduce its odor or harmful or obnoxious characteristics.

**Sewer.** A pipe or conduit for carrying stormwater, sanitary sewage or both.

**Sewer Outlet.** Any termination of a sewer system into a watercourse, pond, ditch, lake or other body of surface or ground water.

**Sewer System.** All facilities for collecting, pumping, treating and disposing of sewage.

**Superintendent.** The official charged with the duty of superintending the municipal sewer system or his or her authorized deputy, agent or representative.

**Suspended Solids.** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids which are removable by laboratory filtering.

**Watercourse.** Any natural or artificial channel in which a flow of surface water occurs, either continuous or intermittently.  
(Prior Code, § 9-1-1)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9

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### **§ 51.002 Use of Municipal Sewer Required.**

(A) Whenever a municipal sanitary sewer is constructed within 500 feet of the property line of any premises, the Superintendent shall notify the owner of all buildings used for human occupancy, employment, recreation or similar uses on such premises of said fact and direct him or her to install a sewer to dispose of all sewage and wastes from the premises and to connect it with the municipal sewer in accordance with this chapter, and with the owner shall comply with said order within 90 days after receipt of such notice.

(B) If such owner fails to provide for such a sewer after notice to do so, the city may provide for the installation of such sewer and charge the cost against the property as a special assessment.

(Prior Code, § 9-1-2)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9

### **§ 51.003 Deposit of Garbage.**

No person shall place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the municipality, or any area under the jurisdiction of the municipality, any human or animal excrement, garbage or other similar waste.

(Prior Code, § 9-1-3) Penalty, see § 51.999

***Similar reference:***

Similar provisions, see SDCL § 9-32-10 and 9-32-11

### **§ 51.004 Discharge of Industrial Waste.**

No person shall discharge into any sewer outlet within the municipality or any area under the jurisdiction of the municipality, any sanitary sewage, industrial wastes or other polluted waters, unless suitable treatment has been provided in accordance with this chapter.

(Prior Code, § 9-1-4) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-8

### **§ 51.005 Privies Prohibited.**

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Prior Code, § 9-1-5) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-6



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### ***Private Sewers***

#### **§ 51.020 Construction.**

When a municipal sanitary sewer is not available, a private owner may construct and connect a private sewage disposal system complying with the provisions of this subchapter and state law, including administrative regulations established by the Department of Water and Natural Resources.

(Prior Code, § 9-2-1)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.021 Permit.**

Before commencement of construction of a private sewer or construction of a disposal plant, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the municipality which the applicant shall supplement by any plans, specifications and information as are deemed necessary by the Superintendent. A permit and inspection fee of \$5 shall be paid to the Finance Officer at the time that the application is filed.

(Prior Code, § 9-2-2)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.022 Inspection.**

A permit for a private sewer shall not be final until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any state of construction. The applicant shall notify the Superintendent that the work is ready for final inspection before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of the notice by the Superintendent.

(Prior Code, § 9-2-3)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.023 Complying with State Regulations.**

The type, capacities, location and layout of a private sewage disposal plant shall comply with all recommendations or the Department of Public Health of the State. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than

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20,000 square feet. No septic tank or cesspool shall be permitted to discharge into any municipal sewer or sewer outlet.

(Prior Code, § 9-2-4) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.024 Connection with Municipal Sewer Required; When.**

Whenever a municipal sewer becomes available to a property served by a private sewer, a connection shall be made to the municipal sewer in compliance with this chapter, and any septic tanks, cesspool or other private sewage system shall be filled with suitable material.

(Prior Code, § 9-2-5)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.025 Maintenance.**

The owner shall operate and maintain the private sewer and sewage disposal plant in a sanitary manner at all times at no expense to the municipality.

(Prior Code, § 9-2-6)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.026 Jurisdiction of State Health Officers.**

Nothing herein shall be construed as limiting the jurisdiction and powers of any duly authorized health officer.

(Prior Code, § 9-2-7)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.027 Connections: Costs Assessed.**

All extensions of the municipal water system and of the municipal sanitary sewer shall be made in accordance with applicable state law and the cost thereof shall be assessed as provided by law against the property benefitted by such extension.

(Prior Code, § 9-2-8)

***Statutory reference:***

Similar provision, see SDCL § 9-32-9 and Ch. 9-48

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### ***Building of Sewers***

#### **§ 51.040 Permit Required.**

No unauthorized person shall uncover, make any connection with an opening, or use or alter any municipal sewer without first obtaining a permit in writing from the Utilities Manager.

(Prior Code, § 9-3-1) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.041 Application for Permit; Contents and Fees.**

Any person desiring sewage service from the municipality sewer for premises not heretofore connected shall apply to the Utilities Manager for a permit. There shall be separate forms of permit for residential and commercial service. The owner, agent or person acting for the owner, may make application on a special form furnished by the municipality. The application shall be supplemented by any plans, specifications and other pertinent information. A permit and inspection fee of \$100 shall be paid to the Finance Officer at the time the application is filed.

(Prior Code, § 9-3-2)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.042 Costs.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner and the owner shall indemnify the municipality for any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(Prior Code, § 9-32-9)

***Statutory references:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

#### **§ 51.043 Separate Sewer Required.**

A separate building sewer shall be provided for every building; except, when one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer to the front building may be extended to the rear building and the whole considered on building sewer. Under exceptional circumstances, the Utilities Manager may waive the requirement of this section.

(Prior Code, § 9-3-4)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

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### **§ 51.044 Old sewer Requirements.**

Old buildings may be used in connection with new buildings when they are found on examination and tested by the Utilities Manager to meet all the requirements of this chapter.

(Prior Code, § 9-3-5)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.045 Construction.**

A building sewer shall be constructed of case iron soil pipe, ASTM specific A74-42 or equal; vitrified clay pipe, ASTM Specification C13-44T or equal; or other suitable material approved by the Utilities Manager. Joints shall be tight and waterproof. If installed in filled or unstable ground, a building sewer shall be constructed of case iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle approved by the Utilities Manager.

(Prior Code, § 9-3-6)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.046 Size of Sewer.**

The size and slope of the building sewer shall be subject to the approval of the Utilities Manager and in no event shall the diameter be less than four inches and the slope less than one-eighth inch per running foot. The “Y” connection and the building drain shall be uncovered and the differential elevation determined before construction is begun. When practical, the building sewer shall be laid on a uniform grade.

(Prior Code, § 9-3-7)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.047 Elevation and Slope of Sewer.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which it might weaken. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in straight alignment insofar as possible and changes in direction shall be made only with properly curved pipe and fittings.

(Prior Code, § 9-3-8) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

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### **§ 51.048 Left Required in Certain cases.**

Whenever any building is too low to permit gravity flow to the municipal sewer, sewage carried by such drain shall be lifted by artificial means and discharged into the sewer.

(Prior Code, § 9-3-9)

***Statutory reference:***

Similar provisions, see SDCL and Ch. 9-48

### **§ 51.049 Trenches and Backfill.**

All excavation required for the installation of a building sewer shall be open trench work unless other construction is authorized by the Utilities Manager. Pipe laying and backfill shall be performed in accordance with ASTM specification C12-19. All trenches or backfill are to be tamped, and leveled and wherever blacktop surfacing is disturbed, said blacktop is to be restored. No backfill shall be placed until the work has been inspected and approved.

(Prior Code, § 9-3-10) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.050 Joints.**

(A) All joints and connections shall be made gas-tight and water-tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coating shall be permitted on jointing material until the joint has been tested and approved. All joints in vitrified clay pipe and metals shall be made with approved hot-pouring joints. Material for hot poured joints shall not soften sufficiently to destroy the efficiency of the joint when subjected to a temperature of 160°F and shall not be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute or hemp or similar approved material. Other jointing materials and methods may be used with the approval of the Utilities Manager.

(B) The connection of a building sewer with the municipal sewer shall be made at a “Y” branch. If the sewer is 12 inches in diameter or less, no properly located “Y” branch is available, the owner may, at his or her expense, install a “Y” branch in the municipal sewer at a location specified by the Utilities Manager.

(Prior Code, § 9-3-11) Penalty, see § 51.99

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

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### **§ 51.051 Inspection.**

The applicant for a sewer permit shall notify the Utilities Manager when the building sewer is ready for inspection. The connection shall be under the supervision of the Utilities Manager.

(Prior Code, § 9-3-12)

**Statutory reference:**

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.052 Guarding Excavations.**

Excavations for building installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a satisfactory manner.

(Prior Code, § 9-3-13)

**Statutory reference:**

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.053 State Regulations to Govern.**

All sewers hereinafter constructed shall comply with the standards set forth in the National Plumbing Code which has heretofore been adopted by the State Department of Health, a copy of which said National Plumbing Code is now in the office of the Finance Officer of the city.

(Prior Code, § 9-3-14)

**Statutory reference:**

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.054 Discharge; Sanitary Sewers.**

(A) *Sanitary sewers, building sewers and connections.*

(1) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to an exterior or interior building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

(2) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the National Plumbing Code.

(B) *Powers and authority of inspectors.* The Wastewater Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties

## **Sewer**

for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(C) *Partial invalidity.* If any provision of this chapter is held by a court or other tribunal to be prohibited, invalid, void or unenforceable, such provision shall be ineffective only to the extent of such prohibition and shall not affect the validity of the remaining provisions hereof.  
(Prior Code, § 9-3-15) (Ord. 2011-06, passed 10-3-2011) Penalty, see § 51.999

**Statutory reference:**

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.055 Combined Storm and Sanitary Sewers.**

Stormwater or other unpolluted drainage including industrial cooling water or unpolluted process water may be discharged into such sewers as specifically designed as combination sewers or storm sewers or to a main outlet approved by the Utilities Manager.

(Prior Code, § 9-3-16)

**Statutory reference:**

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.056 Certain Practices Prohibited.**

No person shall discharge or cause to be discharged any of the following described waters or wastes into any municipal sewer:

(A) Any liquid or vapor having a temperature higher than 150° F;

(B) Any water or waste which may contain more than 100 parts per million, by weight of fat, oil or grease;

(C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(D) Any garbage, except properly shredded garbage;

(E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage system;

(F) Any waters or wastes containing toxic or poisonous substances in sufficient quantities to injure or interfere with any sewage treatment process, constitute a hazard or animal or to create any hazard in the water of the sewage disposal plant;

## **Big Stone City - Public Works**

(G) Any waters or wastes containing solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; and

(H) Any noxious malodorous gas or substance capable of creating a public nuisance.

(Prior Code, § 9-3-17) Penalty, see § 51.999

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.057 Grease, Oil and Sand Interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Utilities Manager, that are necessary for the proper handling of liquid wastes containing grease in excessive amounts 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 Utilities Manager, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperatures, with easily removable covers which when bolted in place shall be gas-tight and water tight. All grease, oil and sand interceptors shall be maintained by the owner at his expense in a continuously efficient operation at all times.

(Prior Code, § 9-3-18)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

### **§ 51.058 Powers and Authority of Inspectors; Right of Inspections.**

The Utilities Manager or other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purpose of the inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter.

(Prior Code, § 9-3-19)

***Statutory reference:***

Similar provisions, see SDCL § 9-32-9 and Ch. 9-48

## ***Sewer Charges***

### **§ 51.070 Establishment of Rates.**

There is hereby established just and equitable rates, charges and rentals for treatment and disposal services and benefits as authorized by the state statutes. Said charges shall from time to time be at least sufficient to produce net revenues adequate to pay the principle of and interest on the bonds payable from revenues of the sewage disposal plant as such principal and interest become due, and to create and maintain



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required revenue therefore, and said rates and charges shall be revised whenever necessary for such purpose. Said rates, charges and rentals shall be based on minimum monthly charges.

(Prior Code, § 9-4-1)

**Statutory reference:**

Similar provisions, see SDCL § 9-48-2

### **§ 51.071 Payment of Sewer Rates.**

The minimum charge for the use of city sewer shall be determined by separate resolution and shall be payable on or before the fifteenth day of each month. Any payment not made on or before the fifteenth day of the month following billing shall be delinquent, and a penalty of 15% of the total unpaid sewer charge shall be forthwith added to said bill and it shall be the duty of the Superintendent to shutoff the water from all users so in default pursuant to § 50.27 of this title.

(Prior Code, § 9-4-2) (ord. 2002-04, passed 12-2-2002)

### **§ 51.072 Sewer Service to Rental Properties; Late Payments.**

Owners of rental properties shall be ultimately liable to the city for any unpaid sewer bills of the owner's tenant, and if such bill remains due and unpaid after 30 days, said delinquent amounts owing the city shall be billed to the owner of the premises in question. Each unit of leased or rented property shall pay a utility deposit to the city in the amount of \$75. This amount shall be held by the city in a non-interest bearing account to assure payment of utility services and assessments and shall be refunded to the unit occupier upon vacation of the premises.

(Prior Code, § 9-4-3) (Ord. 2003-03, passed 12-1-2003) Penalty, see § 51.999

**Statutory reference:**

Similar provisions, see SDCL § 9-48

### **§ 51.999 Penalty.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code or ordinances.

(B) Any person found to be violating any provision of §§ 51.040 through 51.058, 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.

(C) Any person violating the provisions of § 51.054 after receiving written notice of a violation and failing to correct the same after a reasonable time shall be guilty of a misdemeanor and punished as provided in § 130.99 of this code.

(Prior Code, § 9-3-15) (Ord. 2011-06, passed 10-3-2011)

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## **Chapter 52: Electricity**

### **Section**

- 52.01 Connection and hook-up
- 52.02 Underground connection and hook-up
- 52.03 Metering systems
- 52.04 Non-payment and termination of service
- 52.05 Electric rates, meter deposits and other charges
- 52.06 Electric service to rental properties; late payment
- 52.07 Residential properties and customers changing to 200 amp service or higher
- 52.08 Distributed generation

### **§ 52.01 Connection and Hook-Up.**

(A) Property owners in the city, requesting electrical meter socket connection and disconnect will be charged a fee of \$20 for each disconnection service and a fee of \$20 for each reconnection service each time the electric meter is installed or removed.

(B) Any residential customer requesting to connect a new electric service connection of the city electrical system shall be responsible for the installation and cost thereof. The customer shall provide the wire including any and all meter sockets and any conduit systems running from said secondary side of the transformer or switch connection in the city electric source at the customer's sole cost. All wire buried underground will be buried in conduit from said secondary side of the transformer or switch connection in the city electric source at the customer's sole cost.

(C) Any new electrical service connection within the city shall be inspected by an electrical superintendent with the city. The City Superintendent must provide final approval of the electrical service before such may be connected to the city electrical system.

(D) There is a \$60 connection fee for each new electrical service connection to be paid upon application for such new service.  
(Prior Code, § 9-7-1) (Ord. 2021-06, passed 6-12-2021; Ord. 2021-07, passed 7-12-2021)

### **§ 52.02 Underground Connection and Hook-Up.**

Any resident customer electing to install an underground electrical hook-up system shall be responsible for the installation and cost thereof, provided, however, the Utilities Department will furnish the

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residential customer with a minimum of 150 feet of secondary underground wire to install the system, said wire to be furnished at no cost to the customer.  
(Prior Code, § 9-7-2)

### **§ 52.03 Metering Systems.**

The city shall have a consolidated metering system using one electric meter to measure the electric energy used by each customer unless special industrial and commercial rates apply. Customers utilizing three or more electric meters to measure energy shall be sent separate billings for energy used through each meter. All metering requiring more than 400 amps at the point of service are required to CT meter the load.  
(Prior Code, § 9-7-3) (Ord. 2020-04, passed 6-1-2020)

### **§ 52.04 Non-Payment and Termination of Service.**

Unpaid electric bills, delinquent more than 20 days, shall be cause for termination of electrical service. Before electrical service is terminated for non-payment, a customer will be given ten days written notice of the city's intention to terminate service and the opportunity to request and be heard at a pre-termination hearing held by the City Electrical Committee. For purposes of this section, written notice shall be delivered to the customer personally or if the customer cannot be found conveniently, notice shall be made by leaving a copy of said notice at his or her dwelling house in the presence of a member of such customer's family over the age of 14 years, or of the customer resides in the family of another, with a member over the age of 14 years of the family with which he or she resides. Such written notice shall specify the reason for the impending shut-off; the exact amount owed, the steps available to the customer to avoid or prevent the termination; and the steps necessary to have the service restored after termination. Within five days following the service of such written notice of termination upon the customer as set forth herein, the customer may request a hearing before the City Electrical Committee to discuss options and agree to any special arrangements which may be appropriate in the City Electrical Committee's sole opinion, to resolve the delinquent status of the customer's account. Such agreement, if made, shall be binding upon city and the customer. In the event of further default by the customer, the electrical service may be terminated upon 24 hours', written notice, given without further right of hearing or appeal. If an agreement to resolve customer's delinquent status cannot be reached upon hearing before the City Electrical Committee, the customer may appeal to the Mayor if written notice of the customers intention is delivered by the customer to the city offices within on business day following the City Electrical Committee's meeting with the customer. The Mayor may deny the appeal summarily or the Mayor may present the matter to the full city Council at the next regular or special meeting for resolution which shall be final. No less than 24 hours preceding termination, the customer shall be given on additional notice of termination served in the manner described above. The customer has the right to pay the delinquent account at any time prior to the time noticed for termination without losing service and without prejudice to the customer.  
(Prior Code, § 9-7-4) Ord. 2020-05, passed 6-1-2020)

## **Electricity**

### **§ 52.05 Electric Rates, Meter Deposits and Other Charges.**

Charges made by the city to customers for electric energy, special charges, electrical assessments, electrical fixtures, cabinets, wiring labor, miscellaneous charges, disconnection fees, reconnection terms and meter deposits shall be as estimated by resolution of the City Council.  
(Prior Code, § 9-7-5)

### **§ 52.06 Electric Service to Rental Properties; Late Payments.**

Owners of rental properties shall be ultimately liable to the city for any unpaid electricity bills of the owner's tenant, and if such bill remains due and unpaid after 30 days, said delinquent amounts owing the city shall be billed to the owner or the premises in question. Each unit of lease or rented property shall pay a utility deposit to the city in the amount of \$75. This amount shall be held by the city in a non-interest bearing account to assure payment of utility services and assessments and shall be refunded to the unit upon vacation of the premises.

(Prior Code § 9-7-6) (Ord. 2003-03, passed 12-1-2003)

***Statutory reference:***

Similar provisions, see SDCL § 9-41A

### **§ 52.07 Residential Properties and Customer Changing to 200 Amp Service or Higher.**

(A) If the meter socket is on a pole, the city will only provide wire to the meter socket for residential underground service connections. Anything after the meter socket to the residence, structure, and/or building is the residential homeowners, residential property owners and/or resident responsibility and expense. Responsibility and expense means the residential homeowner, residential property owner, and/or resident shall maintain and service all wire after the meter socket.

(B) If the meter socket is on the residence of homeowner, residential structure, and/or residential building, the city will provide the wire to the meter socket for residential underground service connections. Anything after the meter socket is the homeowners, property owners and/or resident's responsibility and expense.

(C) The residential homeowner, residential property owner and/or resident will cover all costs for the trenching, digging, and excavating to install the wire from the transformer to the meter socket for upgrades and new services.

(D) The residential homeowner, residential property owner and/or resident shall encase the wire in conduit from the transformer to the electrical supply side of meter socket. The city shall inspect the service before the trench is filled in and the service connection to the city distribution system.

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(E) The residential homeowner, residential property owner and/or resident will cover all repair costs for any roads, water piping, sewer piping, and reseeded that may be needed after trenching, digging and excavating to install the wire from the transformer to the meter socket.

(F) The underground service from the transformer to the meter socket after installation will become part of the city's electrical distribution systems. The city will service and maintain this wire, as it deems necessary.

(G) Any damage to the wire caused by the homeowner, property, and/or resident due trenching, digging, excavating, landscaping, and the like will be the homeowners, property owner, and or resident's expanse.

(H) The residential homeowner, residential property owner and/or resident shall agree to have a load management system installed or will agree to install a load management system within 90 days of receiving the wire. All electrical devices and appliances that can be connected to the load management system at the time of its installation shall be connected to and controlled as necessary by the city.

(I) The residential homeowner, residential property owner and/or resident shall agree to install the electrical meter socket on the residence, structure, and/or building in which the electrical service is being connected.

(Ord. passed 5-12-2004)

### **§ 52.08 Distribution Generation.**

(A) The City Council hereby establishes an application fee of \$100 to be collected upon initial application for a distribution generation interconnection.

(B) The City Council hereby sets the distributed interconnection fee at \$700. Such fee shall be collected before connection can be made to the city's electrical system.

(Ord. 2021-08, passed 5-12-2004)

## Chapter 53: Utility Shut-off for Non-Payment

### Section

- 53.01 Application
- 53.02 Billing statements
- 53.03 Disconnection of service for non-payment
- 53.04 Disputed statement
- 53.05 Timely payment
- 53.06 Notice of Disconnection
- 53.07 Payment of delinquent account
- 53.08 Terms of reconnection
- 53.09 Service disconnection
- 53.10 Disconnection during winter months
- 53.11 Medical emergency
- 53.12 Collection of delinquent fees

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### § 53.01 Application.

This chapter shall apply to electrical, water and sewer billing of the city.  
(Prior Code, § 9-6-1)

### § 53.02 Billing Statements.

(A) Statements for municipal utilities shall be due and payable on the first day of the month following the delivery of energy, water or the depositing of sewage in the city sewage system, and such statement shall be delinquent if not paid on or before the fifteenth day of the month following billing, and a penalty of 15% of the total unpaid sewer, water and electric charge shall be forthwith added to said bill.

(B) Any customer failing to pay a utility statement or failing to make reasonable arrangements for the payment of any delinquent utility statement on or before the twentieth day after said account becomes due shall be considered in default and subject to disconnection.

(Prior Code, § 9-6-2) Ord. 2002-04, passed 12-2-2002)

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### **§ 53.03 Disconnection of Service for Non-Payment.**

The procedure for disconnection of service for non-payment of utility statement shall be as follows.

(A) Any customer having a utility statement in default shall be sent written notice of city's intent to disconnect at the address shown on the billing statement.

(B) The notice to disconnect shall only refer to those classes and types of service in default and subject to disconnection.

(C) The notice of disconnection shall advise the customer of the default and identifying a regular business day during regular business hours at or after which the defaulted service will be disconnected if payment in full is not made by the customer prior to such disconnection.

(D) The notice of disconnection shall be given at least ten days prior to the designated time on or after which the defaulted utility service is to be disconnected.

(E) The notice of disconnection shall state the amount owed by the customer in default and the place and times when payment may be made to avoid disconnection.

(F) No disconnection of municipal utilities shall be made by reason of a default in the payment of the customer's utility statement on any Friday, Saturday, Sunday, legal holiday or any time when the city's business offices are not open to the public.

(G) The notice of disconnection shall advise the customer that he or she has the right to appeal the decision to disconnect that customer's utility service for default and that such appeal must be made in writing and must be received by the Finance Officer at the city business office within ten days of the date of the notice to termination which was mailed to the customer upon default. If such notice of appeal is timely received by the Finance Officer, such appeal shall be heard by the Council at its next regularly scheduled meeting. At such appeal hearing, the decision of the Council shall be final and binding.  
(Prior Code, § 9-6-3)

### **§ 53.04 Disputed Statement.**

A customer statement is not in default if a bona fide and just dispute surrounding the billing exists. For purposes of this section, a bona fide and just dispute is one that is made in writing by the customer to the Finance Officer or to the Mayor prior to such billing becoming delinquent, this is, prior to the fifteenth day following the mailing of such statement to the customer by the city.  
(Prior code, § 9-6-4)



## **Utility Shut-Off for Non-Payment**

### **§ 53.05 Timely Payment.**

Any utility customer of the city who is unable to make timely payment of that customer's municipal utility statement may enter into a reasonable agreement with the Finance Officer of the city, to liquidate the debt and during the pendency of such agreement, said customer statements shall not be considered to be in default.

(Prior Code, § 9-6-5)

### **§ 53.06 Notice of Disconnection.**

The notice of disconnection must include the grounds upon which the proposed disconnection is based and must advise the customer that the city intends to disconnect the class of service in default unless the customer corrects the default and further advising the customer of the corrective action which must be taken to avoid disconnection.

(Prior Code, § 9-6-6)

### **§ 53.07 Payment of Delinquent Account.**

The customer shall have the right to pay the delinquent and defaulted statement at any time prior to disconnection and if paid, disconnection shall not be made.

(Prior Code, § 9-6-7)

### **§ 53. Terms of Reconnection.**

The notice of disconnection shall include terms and conditions of reconnection and re-establishment of service, including, but not limited to, payment of a deposit of not less than two months average utility billings, a reconnect fee, a meter deposit or deposits, and such other terms and conditions as might be appropriate in the premises.

(Prior Code, § 9-6-8)

### **§ 53.09 Service of Disconnection.**

Not less than 24 hours nor more than 48 hours prior to the designated date and time of disconnection, the customer shall be personally served with an additional copy of the notice of disconnection; however, any time constraints herein imposed for payment of default accounts or notice of appeal shall be changed to the time remaining prior to disconnection. For purposes of this section, personal service upon the customer shall mean the person in whose name the utility statement is maintained on the city records or any member of that person's family aged 14 years or older provided such other person resides with the customer or at the customer's address as shown by the records of the city. Business customers and corporations shall be personally served by the leaving a copy of the notice of disconnection at the company's billing address, and if a post office box, at its principal place of utility service within the city, and there to be left in a conspicuous place or given to an employee or other representative of the company.

(Prior Code, § 9-6-9)

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### **§ 53.10 Disconnection During Winter Months.**

Municipal utility residential service shall not be disconnected on grounds of default in the payment of utility service between November 1 and March 31 of each year without adding to the time periods stated in § 53.03 (D) of this chapter an additional 30 days before disconnecting such service. The City shall notify the customer before the normal disconnection date that he or she has an additional 30 days until disconnection during said time period.

(Prior Code, 9-6-10)

### **§ 53.11 Medical Emergency.**

Notwithstanding the foregoing in this chapter, the city shall postpone the disconnection of utility service to a residential customer for 30 days from the date of a physician's certificate or a notice from a public health or social services official which states that disconnection of service will aggravate an existing medical emergency or the customer, a member of his or her family, or other permanent residence of the premises where service is provided. Such extension is limited to a single 30-day period.

(Prior Code, § 9-6-11)

### **§ 53.12 Collection of Delinquent Fees.**

The Finance Officer shall collect delinquent municipal garbage collection fee as a condition precedent to the payment of any water, sewer, electrical or other charge collected by the municipality. Any part of the customer's utility statement which becomes delinquent or default as a result of the application of a part of the customer's payment to a delinquent municipal garbage collection fee shall cause the entire statement to become delinquent or in default as the case may be.

(Prior Code, § 9-6-12)