

The attached Ordinance is proposed by the Renner Sanitary District  
This 16th day of November, 2021, pursuant to SDCL 34A-5-29"

ORDINANCE NO. 2021-2

AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER SYSTEM IN RENNER SANITARY DISTRICT,  
ESTABLISHING CHARGES FOR THE USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF, BE IT  
ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT, MINNEHAHA COUNTY, SOUTH  
DAKOTA:

SECTION 1 DEFINITIONS

As used in this ordinance, unless the context otherwise requires

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- f. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.
- k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.
- l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.
- m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or it is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.
- n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.
- o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2

USE OF DISTRICT SEWER SYSTEM REQUIRED

- a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.
- b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.
- c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.
- d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.
- e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.
- f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3

- a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.
- b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings showing the proposed work.
- c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$2,400.00 for a 6" in diameter, 1 ft. in height, 1 ft. in height, RSD collects this fee for the City of Sioux Falls. The District Clerk shall issue a receipt.
- d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.
- e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee,
- f. The Engineering Department shall issue a permit.
- g. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.
- h. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be on even and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering Department.
- i. Every building shall be separately and independently connected with the public sewer.
- j. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.
- k. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.
- l. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVICE CHARGES

a. Monthly sewer service charges shall be as follows:

- Each residential unit (per port) (X) = \$63.00/ month. + \$12.00 debt service surcharge
- \*Each non-residential unit minimum. (2x/port fee) + 2x/unit surcharge
- Locker plant (7x/port fee) + 2x/unit surcharge

\*Rate determination will be based on review of business and then based on water gallon usage per month.

- Beginning February 1, 2021, a surcharge of \$12.00 per port per month shall be added to each account for debt service payments on the Clean Water Act State Revolving Loan for the LRT station. The surcharge shall remain in effect until such time as the borrower bond is paid in full; it shall be collected at the same time as other charges of the system, and establish a surcharge account to segregate the income from other system income for book keeping purposes to be pledged to the South Dakota Conservancy District. The surcharge shall be reviewed from year to year and modified in order to provide the required 110 percent debt coverage.
- b. Residential users are considered to be one class of user and are assessed a charge of \$63 per month plus the \$12 State Revolving Loan surcharge (CWA). Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$126.00 per month plus the \$12 per port State Revolving Loan surcharge (CWA).
- c. Any public use facility not used year round may request the board for a variance on the \$126/month service rate but the \$12 port debt service shall be required for each month as required by the State Revolving Loan repayment requirements.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/l BOD and 230 mg/l SS will pay a surcharge as determined by the Board.

The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills, and will receive payment of bills and provide receipts therefor.

All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the

Board of Trustees may direct and as provided by law.  
f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties hereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 250 ppm SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A) City of Sioux Falls code

#### SECTION 5

##### USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

#### SECTION 6

##### OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity 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 valid part or parts.

#### SECTION 7 PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance may be subject to civil penalties of up to \$1,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any violators shall be subject to Section 7 a.

#### SECTION 8 APPEALS

Any person subject to civil penalties under this ordinance shall be provided an administrative hearing under SDCL 1-26 and all other appropriate

South Dakota laws.

Approved:  District President

Passed first reading: October 19, 2021

Passed second reading: 11/16/21, 2021

Approved: 11/16/21, 2021

Published: 11/16/21, 2021

ATTEST:  District Clerk