

Chapter 13.08

SEWER SERVICE SYSTEM

Sections:

- 13.08.010** **Definitions.**
- 13.08.020** **Use of municipal sewer system required.**
- 13.08.030** **Building sewer and connections and street excavations thereto.**
- 13.08.040** **Service charges.**
- 13.08.050** **Use of the public sewers.**
- 13.08.060** **Other provisions.**
- 13.08.070** **Violations--Penalties.**

13.08.010 **Definitions.**

As used in this chapter, unless the context otherwise requires.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Centigrade, expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"City" means the city of North Sioux City or its officers or employees authorized to perform the functions to which there is reference.

"Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

"Easement" means an acquired legal right for the specific use of land owned by another.

"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.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and servicing of foods.

"Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operations as distinct from sewage.

"May" is permissive.

"Municipal sewage collection system" means the entire sewage collection system of the city for the collection of sewage and industrial wastes.

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

"Notice" means a notice in writing directed to the owner or other person affected for the time specified by this chapter, stating briefly the condition that is the reason for the notice and consequences that 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 directed or is mailed to him or her at his or her last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

"Person" means an individual, corporation (public or private), partnership or association. "pH" shall mean the logarithm of the reciprocal of the hydrogen concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10⁻⁷.

"Properly shredded garbage" means 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 one half inch (1.27 centimeters) in any direction.

"Public sewer" means a sewer common to the public and which is controlled by public authority.

"Sanitary sewer" means a sewer carrying sewage and to which storm, surface and groundwater is not admitted.

"Service" means connection to the municipal sewage collection system and the right to the use of its facilities whether or not the facilities are in fact used.

"Sewage" means water-carried wastes from residences, institutions, business buildings and other establishments. The preferred term is wastewater.

"Sewer" means a pipe or conduit

for carrying sewage.

"Shall" is mandatory.

"Slug" means any discharge or 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 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.

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

"Superintendent" means the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city of his or her authorized deputy, agent or representatives.

"Suspended solids" means 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.

"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.

"User" means the owner, lessee, or occupant of the premises connected to

the municipal sewage collection system.

"Wastewater" means 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 stormwater that may be present.

"Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater treatment works" means the 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."

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 389 § 1, 2002: prior code § 8.0402)

13.08.020 Use of municipal sewer system required.

A. It is unlawful for any person to place or deposit or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under its jurisdiction, any sewage, industrial wastes, garbage or other objectionable waste.

B. Except as provided in subsection D of this section, it is unlawful to construct or maintain any privy, septic tank, cesspool or such facility intended or

used for the disposal of sewage.

C. The owner of every residence, business or industrial building in the city abutting upon any street or alley in which public sewers are maintained, shall at his or her own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within thirty (30) days after notice to do so. If such owner fails to provide for the installation of such sewer after notice to do so, the city shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

D. If the city council determines a public sewer is not available, the building sewer shall be connected to a private disposal system complying with other ordinances of the city and with all requirements of the South Dakota Department of Water and Natural Resources. At such time 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.

E. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage that is constructed or maintained in violation of any of the provisions of this section is declared to be a public nuisance and the city may abate the same in the manner provided by law.

F. The city adopts the State Plumbing Code to govern the construction of utility systems on private property. All construction of private sewer facilities and sewer facilities located in public right-of-way shall be in accordance with

these specifications, which by this reference are made a part hereof as though fully set forth herein.

G. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the mayor. The application for such permit shall include plans, specifications and other information as are deemed necessary by the city. A permit and inspection fee of two hundred fifty dollars (\$250.00) shall be paid to the city at the time the application is filed.

H. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the city.

I. The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health and the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

J. The owner(s) shall operate and maintain the private wastewater disposal

facilities in a sanitary manner at all times, at no expense to the city. (Ord. 389 § 2, 2002: prior code § 8.0403)

13.08.030 Building sewer and connections and street excavations thereto.

A. No building sewer shall be built, repaired, extended or connected to the public sewer without a permit.

B. All applications for sewer permits shall be made to the city by the person employed to do the work. The application shall be accompanied by a plan and drawings showing the proposed work.

C. Before a permit is given on the application, 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 city and the applicant has paid to the city a permit fee of two hundred fifty dollars (\$250.00) the city shall issue the permit.

D. 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 city of the progress of the work at such stages during the construction as the city may direct and in particular shall notify the city when the building sewer is complete and ready for connection with the public sewer. The city shall be given an opportunity to inspect the work after it is completed but prior to covering.

E. All connections with the public

sewer shall be made with cast iron, vitrified stoneware, P.V.C. or A.B.S. plastic pipe and shall comply with plumbing standards, provided by city ordinances or laws or regulations of the state of South Dakota. All joints and connections shall be gas and watertight. The size, slope and depth of the building sewer shall be subject to the approval of the city, but in no event shall the internal diameter of the sewer be less than six inches, with a minimum slope of one-eighth inch to the foot, unless a variance is granted by the city council. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property if suitable; and other locations for the connection shall be only as directed by the city.

F. Every building shall be separately and independently connected with the public sewer, and service charges as provided in the user charge ordinance shall begin on the date of connection.

G. 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 distributed in the course of the work shall be restored in a manner satisfactory to the city.

H. The applicant shall indemnify and save harmless the city from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to the issuance of the permit. The city may as a condition to issuance of the permit, require the applicant to file a corporate

surety bond for a period of two years. (Ord. 389 § 3, 2002: prior code § 8.0404)

13.08.040 Service charges.

A. An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his or her premises. Bills for service shall be rendered monthly and will be due upon the date of billing. The charge for sewer service may be included on the water bill, but if so, shall be separately stated thereon. The city will render the bills; the city will keep accounts and will receive payment of bills and give receipts therefore.

B. All sewer service charges when collected and all moneys received from the sale of any sewage collection facilities or equipment 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, and the balance shall be used as the common council may direct and as provided by laws.

C. All sewer 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 city shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court. (Ord. 389 § 4, 2002: prior code § 8.0405)

13.08.050 Use of the public sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-

off, subsurface drainage, cooling water or unpolluted industrial waste waters into any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged into storm sewers, or into a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the state of South Dakota.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged into the public sewer;
3. Any discharge prohibited by 40 CFR Section 403.5;
4. Any discharge prohibited by 40 CFR Section 403.6;
5. Any combination of discharges that cause a treatment plant to exceed its influent capacity as listed in Section 8 of the city of Sioux City's pretreatment program.

D. No person shall make connection

of roof downspouts, interior and exterior foundation drains, areaway drains 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.

E. Whenever possible, the building sewer shall be brought into the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer.

F. No person shall discharge or cause to be discharged to any public sewer the following described substances, materials, waters or wastes without the expressed written permission from the city. The city may give its permission if it finds such wastes will not harm the public sewers, sewage treatment process, or equipment, have an adverse effect of the receiving stream, or will not otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, material of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred

fifty (150) degrees Fahrenheit or sixty-five (65) degrees Centigrade;

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit or zero degrees and sixty-five (65) degrees Centigrade;

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city;

4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with the applicable state or federal regulations;

8. Any waters or wastes having a pH in excess of 9.5;

9. Materials that exert or cause:
a. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

b. Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant loan on the sewage treatment works,

c. Unusual concentration of wastes constituting slugs;

10. Any waters or wastes having:
a. A five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight,

b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or

c. Having an average daily flow greater than two percent of the average sewage flow of the city;

11. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

12. Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/l;

G. If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated herein and which in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge into the public sewers. To this end, the city may require pretreatment to:
 - a. Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
 - b. Reduce the suspended solids to three hundred fifty (350) parts per million by weight.
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

H. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and written approval of the city and subject to the requirements of all applicable codes, ordinances and laws. The city may require a compliance schedule for the design, construction and installation of equipment for such pretreatment works. No construction shall commence on such pretreatment facilities until the written approval of the

city is obtained. The costs of all pretreatment facilities shall be paid by the person contributing the wastes.

I. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the request of the city, install a suitable sampling station or stations upon each and every building sewer or combine the building sewers into a common building sewer upon which one sampling station shall be placed. The sampling station or stations shall be furnished with such necessary meters and other appurtenances in the building sewer or sewers to facilitate observation, sampling and measurement of the wastes. Such sampling station or stations shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The sampling station or stations shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe, accessible and in good working order at all times.

J. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter 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, and shall be determined at the sampling station provided, or upon suitable samples taken at the sampling station. In the event that no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the sewer from the point at which the building sewer is

connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls).

K. No industrial user shall discharge or cause to be discharged to any public sewer any industrial wastes without a valid permit from the city. When the city has reason to believe that contributor has been discharging, is discharging or is about to discharge any industrial wastes into a public sewer and that a permit should be required of the contributor to effectuate the requirements of this chapter, he or she shall request such contributor to file an application for such a permit, which application shall be completed and returned to the city within thirty (30) days after the receipt thereof. All applications for a permit under this section shall require the applicant to provide:

1. The name, address and telephone number of the applicant;
2. The location and legal description of the property to be covered by the permit;
3. A general statement of the type of operations conducted and to be conducted on the property;
4. A plat of the property showing accurately all sewers and drains;

5. A complete schedule of all process waters and industrial wastes produced or expected to be produced for discharge from the property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analysis.

L. All applications shall also require the applicant to agree:

1. To furnish at the request of the city any additional information relating to the installation or use of the industrial sewer for which the permit is sought;
2. To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future;
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of acceptance into the public sewers of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city;
4. To cooperate at all times with the city in the inspecting, sampling and study of the industrial wastes and in the inspecting of any facilities provided for pretreatment;
5. To notify the city immediately in the event of any accident, negligence or other occurrence with occasions discharged into the public sewers of any wastes or process water not covered by the permit; and
6. To provide and submit notices and reports as required by 40 CFR Section 403.12.

M. If, after examination by the city of the information contained in an application for a permit hereunder, it is

determined by the city that the characteristics of the proposed discharge do not conflict with the provisions of this chapter, a permit shall forthwith be issued allowing the discharge of such wastes to the public sewers; but, if it is determined by the city that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application shall be denied by the city and the applicant forthwith advised in writing by the city of steps which must be taken to insure compliance with the provisions of this chapter.

N. Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable 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 city, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) 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 that are subject to review by the city. Any removal and hauling of the collected materials not performed by owner(s) must be performed by currently licensed waste disposal firms.

O. Where pretreatment of flow-equalizing facilities are provided or required for any waters or wastes, they

shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

P. The city may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewater discharge peak rate and volume over a specified time period;
2. Chemical analyses of wastewater;
3. Information on raw materials, processes and products affecting wastewater volume and quality;
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
6. Details of wastewater pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Q. No statement contained in this article 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. (Ord. 389 § 5, 2002: prior code § 8.0406)

13.08.060 Other provisions.

A Any duty or authority herein imposed on or given to the city may be performed and exercised by any employee of the city, which resolution shall specify the duties and authority of

the employee.

B. The city shall be permitted to enter any property, other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, setup and use of monitoring equipment, sampling, testing or inspecting and copying records in accordance with the provisions of this chapter; provided, that:

1. If such property is occupied he or she shall first present proper credentials to the occupant and request entry, explaining his or her reasons therefore; and

2. If such property is unoccupied, he or she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his or her reason therefore.

C. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the city shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.

D. Notwithstanding the foregoing, if the city has reasonable cause to believe that waters or wastes of the types referred to herein are being discharged from any property into a public sewer or natural outlet, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health and safety, he or she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such

property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he or she shall first present the proper credentials to the occupant and demand entry, explaining his or her reasons therefore and the purpose of his or her inspection. No person shall fail or refuse, after proper demand has been made upon him or her, as provided in this subsection, to promptly permit the city to make any inspection provided for by this subsection. Any person violating this subsection shall be punished with a fine not exceeding two hundred dollars (\$200.00).

E. Each industrial user shall, upon request of the city, furnish the city with information regarding the number of units processed in a stated period and the number of units of finished product produced in the same period.

F. Nothing in this chapter shall contractually bind the city.

G. Utility services extended to real property by the city shall be terminated for the following reasons:

1. For tampering with equipment furnished and owned by the city;

2. For violation of or noncompliance with ordinances regulating utility services;

3. For failure of the customer to fulfill his contractual obligations for utility services provided by the city;

4. For failure of the customer to give the city reasonable access to its equipment;

5. For failure of the customer to furnish such service equipment, permits, certificates or rights-of-way, as shall have been specified by the city as a

condition to obtaining service, or in the event such equipment permission are withdrawn or terminated;

6. For nonpayment of utility fees;

7. For payment of a utility bill with a check or other instrument which is dishonored by the paying organization.

H. Utility service shall be terminated by the city without notice to the customer for the following reasons:

1. For a condition determined by the city to be unreasonably hazardous or which endangers the health or welfare of persons;

2. For customer use of his or her equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others;

3. When the city has discovered clear and convincing evidence that by fraudulent means a customer has obtained unauthorized sewer service.

I. The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter that can be given effect without such invalid part or parts. (Ord. 389 § 6, 2002: prior code § 8.0407)

J. Hereafter, all sanitary sewer connections from the sewer mains of the City of North Sioux City, and from the lateral or trunk sewers laid in the streets, alleys or avenues of the City, and all necessary repairs to each and all of the above mentioned connections, shall be laid, constructed, and repaired from such water mains, lateral or trunk sewers at the cost and expense of the owners of the property abutting upon said water mains, lateral or trunk sewers.

The City Water Department shall not be responsible for pipes and fixtures. All owners must at their own expense keep their pipes from the sewer main to their premises, and all other apparatus, in good working order and properly protected from frost and other danger. No claim shall be made against the City, its Mayor or any employees of the City, by reason of the breaking of any service pipe, apparatus, or from any damage which may result from shutting off the service for repair, or any other purpose or for any variations in pressure.

(Amended 8/2005)

13.08.070 Violations--Penalties.

A. Violation of any of the provisions of the sections of this chapter shall be punished with a fine not to exceed Five Hundred Dollars (\$500.00). Conviction shall not preclude civil liability to the city for any damage caused the city by the illegal act.

B. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment that is a part of the municipal sanitary sewer. Any violator shall be fined an amount not exceeding Five Hundred Dollars (\$500.00) for each violation.

C. Civil Actions. In case any person, firm or corporation violates any of the provisions of this chapter, the city council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation.

D. Nuisance Abatement. Any construction or unlawful discharge of

sanitary sewage into a public sewer in violation of any of the provisions of this chapter or the requirements thereof, is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

E. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 389 § 7, 2002: prior code § 8.0408)