

**TITLE 11
HEALTH AND SANITATION**

Chapters:

- 11.01: General Provisions
- 11.02: Health Officer
- 11.03: Rubble Site and Dumping
- 11.04: Collection and Disposal of Garbage and Rubbish
- 11.05: Sewers
- 11.06: Regulation of Tattoo Parlors
- 11.07: Disposal of Waste Materials Generated by Vendors

**Chapter 11.01
GENERAL PROVISIONS**

SECTIONS:

- 11.01.01: Scope and Purpose
- 11.01.02: Definitions
- 11.01.03: Penalty

11.01.01: SCOPE AND PURPOSE

The purpose of Title 11 is to regulate certain materials and actions within the City that raise an issue of health and sanitation. Said actions include but are not limited to the dumping, disposal, and collection of waste materials, regulation of sewers, and regulation of persons, businesses and establishments that may pose a health and sanitation issue.

11.01.02: DEFINITIONS

BIO CHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the bio chemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

BODY PIERCING: Placement of a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician.

BODY PIERCING AREA: Within a body piercing establishment, the immediate vicinity where body piercing is performed.

BODY PIERCING ARTIST: An adult (not a minor) who engages in the practice of body piercing.

BODY PIERCING ESTABLISHMENT: The building or structure where body piercing is practiced.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet, 1.5 meters outside the interface of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal. Also, commonly called the house connection.

COLLECTOR OF REFUSE: Any person holding a license from the City to collect garbage and rubbish as provided in this Title.

COMMERCIAL OR INDUSTRIAL USER: Any non-resident user who introduces only sanitary sewage or primarily segregated domestic wastes into a building sewer. Each multi-family or apartment house that contains twenty-four (24) units or more, shall be considered a commercial or institutional user.

COMMUNICABLE DISEASE: A disease which is capable of being transmitted from person to person.

COOKING GREASE: The substance created by the melting of the fat of animals and other waste that turns or may turn viscous or solidifies with a change of temperature conditions.

EASEMENT: An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. Wastewater shall be considered floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

GARBAGE: Cans, bottles, ashes, kitchen refuse, and/or an accumulation of animal and vegetable matter which attends the preparation, cooking and eating of food, cans, bottles, and ashes.

GREY WATER: Any water generated by a vendor that contains no human waste.

HAZARDOUS OR TOXIC WASTE: Any pesticides, herbicides, insecticides, or any narcotic, drug, barbiturate, or stimulant drug, which is not permitted under South Dakota state law to be sold over the counter without prescription.

INDUSTRIAL COST RECOVERY: The recovery by the City from the industrial users of the Sturgis Wastewater Treatment System of the amount of federal grant money used for the purpose of constructing wastewater facilities allocable to the transportation and treatment of waste from such users.

INDUSTRIAL COST RECOVERY PERIOD: A period of twenty (20) years starting at the time of receipt of federal grant money used for the purpose of constructing wastewater facilities

during which the grant amount allocable to the treatment of waste from industrial sewers is recovered from the industrial users of such facilities.

INDUSTRIAL USERS: Any non-federal governmental users of the sewage works under the following divisions and which contribute waste other than primarily segregated domestic waste or wastes from sanitary conveniences:

Division A: Agricultural, forestry, and fishing;

Division B: Mining;

Division C: Manufacturing;

Division D: Transportation, communications, electric, gas, and sanitary services;

Division E: Services.

INDUSTRIAL WASTE: Any water carried waste from industrial manufacturing or industrial processing, including but not limited to, any food processing and bottling plant, food manufacturing plant, slaughtering plant, tallow works, plating works, disposal services, industrial cleaning plant, fertilizer plant, car and truck washing operation, laundry, cleaning establishment, cooling plant, industrial plant, and factories and chemical treatment installations. Industrial waste is distinct from sanitary sewage.

MAJOR INDUSTRIAL USER: Any industrial user that contributes greater than 50,000 gallons per day or contributes greater than ten percent (10%) of the sewage flow on any one given day.

MINOR: A person who is under the age of eighteen (18) years.

MINOR INDUSTRIAL USER: Any industrial user not classified as a major industrial user.

NATURAL OUTLET: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface of ground water.

OWNER OR OCCUPANT: Any person using the lot, parcel of land, building or premises connected to the discharging sewer into the sewage of the City who pays, or is legally responsible, for the payment of water rates or charges made against the said lot, parcel of land, building, or premises if connected to the sewage system.

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

PERMANENT BODY PIERCING ESTABLISHMENT: A building where body piercing is practiced on a year-round basis exceeding thirty (30) consecutive days in a calendar year.

PRIMARILY SEGREGATED WASTE: Any sewage which is introduced into a building sewer and which contains no more than fifty percent (50%) industrial waste, prior to any intentional dilution.

PROPERLY SHREDDED GARBAGE: The waste from the preparation, cooking, and dispensing of food that has 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 ($\frac{1}{2}$ " (1.27 cm) in any dimension.

PUBLIC SEWER: A common sewer controlled by a governmental agency or public utility.

RUBBISH: Any household and/or commercial unit waste other than garbage, including paper, boxes, cartons, wastes from gardens and lawns, including trimmings of trees, dead trees and tree branches not exceeding four (4) feet in length or six (6) feet in diameter and all non-putrescible wastes, except any material not considered to be rubbish by the Environmental Protection Agency Regulations.

SANITARY SEWER: A sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE: The spent water of the community. The preferred term is wastewater.

SEWER: A pipe or conduit that carries wastewater or drainage water.

SEWER USE CHARGE: The monthly charge to all users of the wastewater facilities which is based upon sewage volume, strength, and/or flow.

SHARPS: Needles, punches, or any other single use item for piercing skin.

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

SPECIAL SEWER: Any sewer or storm drain constructed under the authority of the City. The cost of which was not directly assessed as such "special sewer" by resolution of the City Council.

SPECIAL SEWER FEE: The fee established by resolution of the City Council to be paid by any person upon issuance of a permit to be connected to a special sewer.

STORM DRAIN/STORM SEWER: A drain or sewer from conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS: Any total suspended matter that either floats on the surface, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in the standard methods for the examination of water and wastewater. Said substance is commonly referred to as non-filterable residue.

TEMPORARY BODY PIERCING ESTABLISHMENT: A building or structure where body piercing is practiced for not more than thirty (30) consecutive days in a calendar year.

UNIT: Any single independent family unit, including individual apartments, individual mobile homes, and any type of business unit which has a permanent location. Each separate office and/or business shall be deemed one separate unit regardless of the number of units included in the same building. Each motel, hotel, tourist court, church, school building, and hospital shall be deemed to be one separate unit and any applicable charges shall be determined by the rates herein set forth.

UNPOLLUTED WATER: Any water of quality equal to or better than the affluent 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.

USED OIL: Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

USED OIL GENERATOR: Any person whose act or process produces used oil or whose acts first causes used oil to become subject to regulation.

WASTEWATER: The spent water of the community. It may be a combination of the liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and/or storm water that may be present.

WASTEWATER FACILITIES: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial waste and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial waste, and sludge. Often used synonymously with “wastewater treatment plant” or “waste pollution plant”.

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.

11.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any cost and/or restitution authorized by this Title and/or state law.

In addition, any violation of the provisions of this Title may result in the revocation and/or suspension of any license issued pursuant to any Section of this Title.

(Title 11 – 11.02 thru 11.08 – replaced entirely by Ordinance 2012-19, effective 1/2/2013)

**Chapter 11.02
HEALTH OFFICER**

SECTIONS:

11.02.01: Appointment of Health Officer

11.02.01: APPOINTMENT OF HEALTH OFFICER

At the first meeting of the Council in the month of June of each year there may be recommended for appointment, by the City Manager, a Health Officer. If appointed, said officer shall hold office for a term of one year, and perform the duties of the office subject to the supervision of the South Dakota Department of Health and consistent with the ordinances and policies of the City of Sturgis.

**Chapter 11.03
RUBBLE SITE AND DUMPING**

SECTIONS:

- 11.03.01: Creation of Rubble Site
- 11.03.02: Duties and Powers of Rubble Site Supervisor
- 11.03.03: Unlawful to Dump Certain Materials
- 11.03.04: Removal Restrictions
- 11.03.05: Fires at Rubble Site
- 11.03.06: Prohibited Dumping
- 11.03.07: Rates for Use of Rubble Site
- 11.03.08: Disposal of Syringes or Medical Waste Prohibited
- 11.03.09: Disposal of Tires

11.03.01: CREATION OF A RUBBLE SITE

The City shall provide a place or places, known as the Rubble Site, for the deposit of rubbish materials as defined in this Title. Any rubble material shall be taken to and deposited in such place, in accordance with the provisions of this Chapter and any rules and regulations approved by the City Council in accordance with the rules, regulations and statutes of the State of South Dakota and the United States of America.

11.03.02: DUTIES AND POWERS OF RUBBLE SITE SUPERVISOR:

The Public Works Director shall be the supervisor of operations at the Rubble Site. It shall be the duty of the Public Works Director to direct the disposal of the material hauled on or to said Rubble Site and the Rubble Site Supervisor shall generally be in charge of the Rubble Site. No material shall be deposited in the Rubble Site without the approval and direction of the Rubble Site Supervisor.

11.03.03: UNLAWFUL TO DUMP CERTAIN MATERIALS

The Rubble Site shall be used exclusively for the dumping or depositing of materials such as automobile bodies, appliances, building materials, grass, iron, tree branches, and other permitted materials. No domestic waste, hazardous waste, loose paper, or dead animals shall be deposited at the Rubble Site. It shall be unlawful to dump any of the aforesaid materials or any materials not permitted by the Department of Environment & Natural Resources and the City's permit.

11.03.04: REMOVAL RESTRICTIONS

It shall be unlawful for any person to remove or cause to be removed from the Rubble Site, any article or material of any kind after the same has been deposited therein, except by contract with the City of Sturgis.

11.03.05: FIRES AT RUBBLE SITE

No burning shall take place at the Rubble Site unless approved by the Rubble Site Supervisor and the Sturgis Fire Chief

All burning must be in compliance with the South Dakota Department of Environment and Natural Resources requirements and other state, local and federal laws and/or standards.

To avoid potential false alarms for the Fire Department, the Rubble Site Supervisor shall on the day he intends to burn, contact the Meade County Dispatch Center and advise of the following:

- A. The name and phone number of the person to contact in case a complaint is filed;
- B. The name and phone number of the person who will be on site when open flame is visible; and
- C. The duration in days if the burn is intended to last for several days.

Any person found guilty of starting a fire, whether intentional or accidental at the Rubble Site without the permission of the Rubble Site Supervisor and the Fire Chief shall be responsible for all fire suppression costs and be punished for a violation of this section.

11.03.06: PROHIBITED DUMPING

No person shall bury, burn, or dump petroleum products of any type, garbage or rubbish upon any street, alley, public or private place within the City, within one (1) mile of the limits of the City or outside of the Rubble Site fence enclosure, unless authorized by City Ordinance.

No person shall transport within the City or upon the road from the City to the Rubble Site any garbage, rubbish or building waste, which is not properly tied down or covered in such a manner as to prevent said materials from spilling or blowing onto the road or other properties while being transported.

Any compostable materials must be delivered to the Rubble Site in compostable bags or debagged and disposed of properly.

(11.03.07 to 11.04.07 replaced with Ordinance 2013-05, effective 4-2-2013)

11.03.07: RATES FOR USE OF RUBBLE SITE

Any City resident or water account holder who has paid all current rates for the hauling of rubbish from within the City as set forth in this Chapter, shall upon presentation of a copy of the utility bill and proof of identity, be entitled to access to the Rubble Site for the purpose of depositing rubble originating from a residence or a commercial unit within the City, so long as the quantity of the rubble being hauled to the Rubble Site is a pickup load or a smaller trailer containing no more than 5 yards.

The fees for dumping material at the Rubble Site shall be a base rate of \$6.00 per yard, and the rate for containers shall be as follows:

CATEGORIES FEE

1 YARD	\$6.00	20 YARDS	\$120.00
2 YARDS	\$12.00	25 YARDS	\$150.00
3 YARDS	\$18.00	30 YARDS	\$180.00
4 YARDS	\$24.00	40 YARDS	\$240.00
5 YARDS	\$30.00	50 YARDS	\$300.00
6 YARDS	\$36.00	60 YARDS	\$360.00
7 YARDS	\$42.00	70 YARDS	\$420.00
8 YARDS	\$48.00	80 YARDS	\$480.00
9 YARDS	\$54.00	90 YARDS	\$540.00
10 YARDS	\$60.00	100 YARDS	\$600.00

Starting January 1, 2014 the fee shall increase by 3% annually, unless by resolution following adoption of the Budget Ordinance the Council should adopt a different annual rate.

The fees set forth above are based on container size, not by the amount of rubbish in said container. If the size of the container is not listed above, the size of the container shall be rounded up to the larger size as determined by City Public Works staff and the appropriate fee shall be paid on that size.

Mobile Home disposal may be permitted subject to inspection and acceptance by Public Works Director or his designee. No Mobile Home or similar prefabricated unit will be accepted for disposal if it contains household goods, clothing, trash, garbage or other hazardous or toxic items. The rate for disposal shall be \$15.00 per linear foot, including hitch length, tires will be charged separately in accordance with Section 11.03.09.

For convenience, punch cards shall be sold by the City, which shall allow the owner thereof to dump in quantities equal to the value of the categories hereinbefore set forth at said Rubble Site.

For the purpose of this Section, rubble and waste material originates at the place where it first becomes rubble or waste material.

It shall be unlawful to dump any rubble or waste material at the Rubble Site without paying the required fee as set forth herein.

The Rubble Site may be unlocked on Sundays or holidays provided the person requesting this service in writing shall pay to the City a fee to reimburse the City for its costs, in an amount to be determined by the Public Works Director.

(11.03.07 revised by Ordinance 2013-16, effective 11/20/13)

11.03.08: DISPOSAL OF SYRINGES OR MEDICAL WASTE PROHIBITED

No person shall deposit any syringe or other medical waste of any type in any garbage or trash container provided by the City under the terms of this ordinance.

11.03.09: DISPOSAL OF TIRES

Tires accepted for the Restricted Use of Solid Waste Facility shall be handled as follows:

- Type 1. \$3.00 each – Bicycle tires.
- Type 2. \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.
- Type 3. \$10.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.
- Type 4. \$20.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.
- Type 5. \$40.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

No tires larger than 24 inches inside diameter shall be accepted.

Starting January 1, 2014 the fee shall increase by 3% annually, unless by resolution following adoption of the Budget Ordinance the Council should adopt a different annual rate.

Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the City or its designee.

The City may no longer haul or accept tires in the refuse trucks. City sanitation dump trucks may pick up tires of Type 1, 2, and 3 within the City. Upon request by the resident, billing for said tire pick up shall be assessed on the resident's monthly sanitation utility bill sent by the Sturgis Water Department.

(11.03.07 to 11.04.07 replaced with Ordinance 2013-05, effective 4-2-2013)

(11.03.09 revised by Ordinance 2013-16, effective 11-20-13)

Chapter 11.04
COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH

SECTIONS:

- 11.04.01: Council May adopt System for Collection and Disposal
- 11.04.02: City Collection System
- 11.04.03: Rates
- 11.04.04: Council Authority Over Rates
- 11.04.05: Billing and Failure to Pay
- 11.04.06: Container Regulations
- 11.04.07: Illegal Disposal of Waste
- 11.04.08: Placement of Garbage Cans and Rubbish
- 11.04.09: Accumulation of Garbage and Rubbish
- 11.04.10: Compulsory and Universal System
- 11.04.11: Hazardous or Toxic Waste Not to be Placed in Any Container for Collection
- 11.04.12: Special Event Sanitation Fee
- 11.04.13: Billing and Failure to Pay
- 11.04.14: Appeal Process

11.04.01: COUNCIL MAY ADOPT SYSTEM FOR COLLECTION AND DISPOSAL

The City Council shall have the power and duty to provide for the removal of garbage and rubbish by the system outlined in Section 11.04.09 or by developing a separate licensing procedure.

11.04.02: CITY COLLECTION SYSTEM

In lieu of issuing a license or licenses to collectors, the City Council is hereby authorized to purchase or rent the necessary equipment and employ the necessary personnel to collect and dispose of the garbage and rubbish found in the City and collects and retains the collection fees as hereinafter provided.

11.04.03: RATES

It is hereby determined that the following are reasonable and necessary charges to be levied, imposed and collected for said garbage and rubbish collection and disposal in order to provide proper sanitary control within the City.

Each new residential property within the City limits shall have a one-time charge of \$100 for a 90 gallon garbage tote. Each new commercial property within the City limits shall have a one-time charge of \$335 for a 300 gallon tote. This is for the initial garbage container, after which if the garbage tote gets accidentally damaged the City shall replace the garbage tote with another container of the same size.

Each such garbage container unit in the City, regardless of the amount of garbage and rubbish placed inside for disposal, there shall be per month fee charged for the collection and disposal of garbage and rubbish provided pursuant to this Chapter. For each address within the City there shall be a separate minimum monthly fee charged for garbage service. In addition, when a garbage only service account is opened, a deposit fee of \$25.00 shall be paid by the account owner.

Additional pick up service beyond the curbside household garbage tote pickup may be provided by the City. The City reserves the right to charge rates in excess of the rate classification on an individual basis, depending on the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit for storage of refuse prior to collection. A separate recycling fee may also be charged for

a residential account and a commercial unit for the purpose of providing the recycling units at selected locations within the city.

The service and deposit fees shall be reviewed annually by the City Council during the budget ordinance approval process. After the council has passed the annual budget ordinance, it shall also adopt a resolution establishing the garbage and rubbish rates required to meet the revenue projections required for the budget ordinance.

Additional pick up service beyond the curbside household garbage tote pickup may be provided by the City. In the event such service is provided, the City may charge a fee commensurate to the costs associated with the service.

The City reserves the right to charge rates in excess of the rate classification on an individual basis, depending on the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit for storage of refuse prior to collection.

Each multi-family unit or apartment house fees, will be included in the yearly rate resolution. The owner of the multi-family unit shall be responsible for paying the charges for the whole unit.

The Council may by resolution annually approve an additional voluntary recycling fee or reduction to fund a curbside recycling program. Such a fee would be charged on a voluntary basis to pay for the additional curbside recycling service if and when the City offers such a program.

(11.04.03 Revised by Ordinance 2016-05, effective 07/11/2016)

11.04.04: COUNCIL AUTHORITY OVER RATES

The City shall have the power in the annual budget ordinance to lower or raise the charges herein set forth.

11.04.05: BILLING AND FAILURE TO PAY

Any charges for services as provided for in the preceding Sections shall be paid with the City utility bill. The City shall not be obligated to collect and dispose of the garbage and rubbish from that unit until such time that all charges are paid up-to-date.

11.04.06: CONTAINER REGULATIONS

Solid waste containers shall be kept closed and all of the contents shall be protected so that the wind cannot blow out and scatter the contents over the streets, alleys or property within the City. All refuse shall be placed in garbage bags and the bags must be securely fastened at the opening, and all boxes and containers must be sealed in such a fashion that no refuse can fall, blow away, or leak out.

In the event that a commercial unit provides a dumpster container at its own expense, this dumpster shall be compatible with the garbage collection trucks used by the City.

Any person who feels that his commercial unit should not be required to have the sanitation totes as determined by the Public Works Director, shall have the right to appeal the decision of the Public Works Director to the City Manager and Council as provided in this Section 11.04.23 herein.

Garbage shall be placed in containers provided by the City and no family unit shall place garbage in any city provided container without having drained off the moisture and placed it in plastic garbage bags or

wrapped it in paper to avoid odor and freezing to the garbage can. Ashes must be cold before being placed in any garbage container. All rubbish shall be placed in sufficiently strong containers to adequately hold and confine such waste materials. Sanitation workers shall not be responsible for picking up garbage which has been strewn about or not in proper containers.

11.04.07: ILLEGAL DISPOSAL OF WASTE

It is unlawful and a violation of Title 11 for any person may dump, deposit, drop, throw, discard, leave, or to cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of garbage, solid waste, garbage, litter or other waste material as defined in this Title, upon any public or private property in the city, or upon or into any river, lake, pond, or other stream or body of water in this city, except as follows:

- (1) The waste material is placed into a receptacle or other container, intended by the owner or tenant in lawful possession of the property on which the receptacle/container is located, for the deposit of garbage, solid waste, litter or other waste material by the person placing it in the container, or
- (2) The owner or tenant in lawful possession of the property on which the receptacle/container is located has given consent to the person to deposit such garbage, solid waste or litter or other waste material into the receptacle/container on the property for that purpose, or has otherwise authorized the person to deposit or leave said garbage, solid waste litter or other waste material on the property, or
- (3) the person leaving the garbage, solid waste litter or other waste material as defined in this Title has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance or a fire hazard.

(11.04.07 added with Ordinance 2016-05, effective 7/11/2016)

11.04.08: PLACEMENT OF GARBAGE CONTAINERS AND RUBBISH

All garbage containers and rubbish shall be placed on the premises adjacent to an alley bordering on said premises so as to be accessible from the alley adjoining the premises. Where no alley is available, garbage containers and rubbish shall be placed at any other convenient location where the garbage collectors can get at it, but in no case shall any garbage truck be required to use any private driveway in collecting garbage and rubbish. Garbage and rubbish shall be placed for pick-up in a location adjacent to the public right of way so as to allow safe operation of City equipment.

11.04.09: ACCUMULATION OF GARBAGE AND RUBBISH

No person shall allow garbage and rubbish to accumulate and collect in the City beyond a period of one week.

11.04.10: COMPULSORY AND UNIVERSAL SYSTEM

The maintenance of health, sanitation and safety require and it is the intention hereof to make the collection, removal and disposal of garbage and rubbish within the City compulsory and universal. No private refuse collection firms shall be allowed to pick up any garbage or trash in the City unless licensed by or under contract with the City to do so.

11.04.11: HAZARDOUS OR TOXIC WASTE NOT TO BE PLACED IN ANY CONTAINER FOR COLLECTION

Hazardous or toxic waste shall not be placed in any container for collection, transport, processing or disposal by the City. The terms hazardous or toxic waste as used herein shall be deemed to mean any pesticides, herbicides, insecticides, or any narcotic, drug, barbiturates, or stimulant drug which is not permitted under South Dakota state law to be sold over the counter without prescription.

11.04.12: SPECIAL EVENT SANITATION FEE

A sanitation fee in the amount of Two Hundred Twenty-Five Dollars (\$225.00) shall be imposed and collected for additional garbage and public collection disposal and for the provision of the temporary sanitation services to all temporary vendors within the City during any special event of over four (4) days in duration, unless specifically exempted from payment under the language of the Temporary Vendor License requirements set out in Subsection 31.02.03.5 (D) and (E), Sturgis City Ordinances.

The fee of \$225.00 shall be imposed for access up to five (5) refuse “totes”. An additional fee of \$425.00 shall be imposed for access to six (6) to ten (10) refuse totes; a fee of \$600.00 shall be imposed for access to eleven (11) to fifteen (15) refuse totes; a fee of \$750.00 shall be imposed for access to sixteen (16) to twenty (20) refuse totes, and a fee of \$900.00 shall be imposed for access to more than 20 refuse totes. Beginning January 1, 2013 the fees stated herein shall increase to \$235.00, \$435.00, \$610.00, \$760.00 and \$910.00 respectively. Beginning January 1, 2014 the fees stated herein shall increase to \$245.00, \$445.00, \$620.00, \$770.00 and \$920.00 respectively.

The number of additional refuse totes required for each property during a special event shall be determined by the Public Works Director or his/her designee. A property owner may dispute the determination and request a review of that determination by the Public Works Director within 72 hours of delivery of the additional totes to the property by providing a written objection and any supporting documentation to the City Finance Office. The City Manager will review the complaint and provide a written decision to the property owner within 5 days. If the property owner still disputes the fee for the additional refuse totes, the remedy for the property owner is to submit a formal appeal as provided for at Section 11.04.23 herein.

Material permitted to be disposed of in these totes does not include disposal of any tires, inner tubes or similar items. Vendors that have paid the Special Sanitation Fee set forth above can request disposal of used tires at the time the Vendor permit and Special Sanitation Fee is paid by paying for 1/2 of the total expected tire disposal cost, calculated at the following rate per tire:

Type 1 - \$4.00 each – Bicycle tires.

Type 2 - \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$11.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$22.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5 - \$42.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

No tires larger than 24 inches inside diameter shall be accepted. Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the directions of the Public Works director or his designee.

Billing for said tire pick up shall be sent to both the Vendor and the property owner. Any tire disposal so arranged but not paid in full within 45 days after the end of the annual motorcycle rally shall be assessed to the property owner's resident's monthly sanitation/utility bill sent by the Sturgis Water Department and subject to collection by the City of Sturgis by any means authorized by city Ordinance or state law.

Tires which are left on private property and not removed within 7 days of the end of the annual motorcycle rally, or for which full payment for removal as set forth above has not been received, shall be removed by City personnel and the following fees assessed to the property owner for such removal:

Type 1 - \$5.00 each – Bicycle tires.

Type 2 - \$7.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$12.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$25.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5- \$45.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

For any tire larger than 24" left on public or private property and picked up by public Works or other authorized City personnel to avoid the existence of a trash nuisance, the handling and disposal fee shall be \$150.00 or the actual disposal cost to the City, whichever is greater. Billing for all tires picked up by City employees shall be assessed at these rates on the property owner's resident's monthly sanitation/utility bill sent by the Sturgis Water Department.

In addition to being required to pay the Special Sanitation Fee provided for herein, trash piled upon or next to a refuse tote may constitute a nuisance in violation of Title 12 of Sturgis ordinances, and the property owner may be subject to prosecution for any such violation under Ordinance Title 12, or under the Administrative Code Violation provisions of Ordinance Title 36.

The owner of each establishment set forth below shall pay the sanitation fee prescribed above for the sanitation provided by the City during any special event of over four (4) days duration. Said fee shall be added to the next utility billing following the special event as shown by the records of the Sturgis Water Department. The fee prescribed is for a maximum twelve (12) day period. Said fee shall be imposed and collected from the following establishments, unless specifically exempted from payment by the language of ordinance Title 31:

- A. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty (30) persons or less. (License Type 150)
- B. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty-one (31) persons or more. (License Type 150)
- C. Food service establishment which is not required to be licensed under the statutes and regulations of the South Dakota State Department of Health. (License Type 150)
- D. Establishments licensed pursuant to SDCL 35-4-2 (16) or SDCL 34-4-11, selling On-Sale Malt Beverages. (License Type 150)

- E. Establishments licensed pursuant to SDCL 35-4-2(17) selling Off-Sale or packaged Malt Beverages. (License Type 150)
- F. On-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(4). (License Type 150)
- G. Off-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(3). (License Type 150)
- H. Temporary campground licensed by the State of South Dakota. (License Type 150)
- I. Business establishment not required to purchase a transient merchant's license required under The Sturgis City Ordinances where property has been modified and goods or services are provided in addition to or different from what is normally sold from property (food service establishment will be regulated under Section 1, 2, and 3). Fee is for each separate sales or service activity. (License Type 150)
- J. Any non-profit organization which sells raffle tickets or lottery tickets except those non-profit organizations established for religious, charitable or benevolent purposes as set forth in Section 501 of the Internal Revenue Code. An exception shall only apply to those non-profit organizations that can prove qualifications under Section 501, compliance with the notice provisions of SDCL 22-25-25(6), and which are identified as exempt from this fee by the language of Title 31, Temporary Vendor License.

This Special Sanitation fee shall be imposed for any other activity including, but not limited to, musical shows, demonstrations, or productions with two or more showings or sessions held during any event of over four (4) days in duration and not provided for above.

The sanitation rates set forth above shall be imposed regardless of whether the business is operated on a "not for profit" basis or otherwise.

Starting January 1, 2015 the Special Event Sanitation fee shall increase by 3% annually, unless by resolution following adoption of the Budget Ordinance the Council should adopt a different annual rate.

11.04.13: BILLING AND FAILURE TO PAY

In the event the payment is not made within the time noted on the utility bill, any applicable penalties of this Chapter shall apply.

Notwithstanding any other collection provision provided for under this Chapter, the City shall have the power to collect the sanitation fee imposed herein through any other remedy available to it under the statutes of the state of South Dakota.

11.04.14: APPEAL PROCESS

Any person aggrieved by a decision of the Public Works Director made under this Chapter shall be entitled to have said decision reviewed by the Public Works Director. In the case of an appeal of the decision of the Public Works Director, the subsequent review shall be by the City Manager. If after that review the appeal is not resolved the person may appeal the decision to the City Council, following the procedure established in Title 36. The process shall begin as follows:

- A. An aggrieved person shall first file a written request for review with the City Manager setting forth the basis for which he or she believes the Public Works Director's decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the City Manager shall review the challenged decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the Public Works Director following review, he or she may file a notice of appeal following the procedure established in Title 36.

(11.04.11, 11.04.12, 11.04.13 (now 11.04.12, 13 &14) revised by Ordinance 2013-16, effective 11/20/13)

Chapter 11.05
SEWERS

SECTIONS:

- 11.05.01: Unsanitary Deposit Prohibited
- 11.05.02: Discharge of Wastewater in Natural Outlet Prohibited
- 11.05.03: Prohibited Construction and Maintenance
- 11.05.04: Required Installation and Connection
- 11.05.05: Required Capping of Lines
- 11.05.06: On-Site Wastewater Disposal
- 11.05.07: On-Site Wastewater Disposal Permit Required
- 11.05.08: Application for On-Site Wastewater Disposal Permit
- 11.05.09: Fee for On-Site Wastewater Disposal Permit
- 11.05.10: Approval and Inspection of On-Site Wastewater Facility Required
- 11.05.11: Required Compliance
- 11.05.12: Public Connection Required When Available
- 11.05.13: Sanitary Maintenance Required
- 11.05.14: Sewer Tap Permit Required
- 11.05.15: Application for Sewer Tap Permit
- 11.05.16: Fee for Sewer Tap Permit
- 11.05.17: Costs and Expenses Incidental to Connection
- 11.05.18: Separate Sewer Required for Each Building
- 11.05.19: Required Building Sewer Specifications
- 11.05.20: Inspection and Connection
- 11.05.21: Groundwater Drainage Prohibited
- 11.05.22: Unpolluted Water Drainage
- 11.05.23: Discharge of Prohibited Materials
- 11.05.24: Discharge Allowed with Limitation
- 11.05.25: Grease, Oil, and Sand Interceptors
- 11.05.26: Maintenance of Pretreatment Facilities
- 11.05.27: Structure Required for Industrial Waste
- 11.05.28: Adoption of Standard Methods for the Examination of Water and Wastewater
- 11.05.29: Agreements for Special Circumstances
- 11.05.30: Powers and Authority of Public Works Director
- 11.05.31: Sewer Use Charges
- 11.05.32: Billing and Delinquent Accounts
- 11.05.33: Protection from Damage
- 11.05.34: Sump Pump Usage
- 11.05.35: Appeal Process

11.05.01: UNSANITARY DEPOSIT PROHIBITED

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City any human or animal excrement, garbage or objectionable waste.

11.05.02: DISCHARGE OF WASTEWATER IN NATURAL OUTLET PROHIBITED

No person shall discharge to any natural outlet within the City any wastewater or other polluted waters, except in the case where suitable treatment has been provided in accordance with this Chapter.

11.05.03: PROHIBITED CONSTRUCTION AND MAINTENANCE

No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or facility intended to be or actually used for the disposal of wastewater.

11.05.04: REQUIRED INSTALLATION AND CONNECTION

Any owner of any building or property used for human occupancy, employment, recreation, or other purpose which abuts any street, alley, or right-of-way in which there is currently located or may in the future be located a public sanitary sewer of the City shall, at the owner's expense, install suitable toilet facilities and connect said facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days of the date of official notice.

This requirement shall only apply in the event said public sewer is located within Four hundred (400) feet of the property line. No private sanitary sewer service lines shall exceed 100' feet in length unless approved by the Public Works Director. Separate service lines shall be provided for each dwelling unit or parcel, as defined in Title 2 of Sturgis City Ordinances.

All sanitary sewer lines, including private systems, must run at right angles to the street and may not run in the ROW parallel to the street. Service lines shall not cross adjoining property lines and shall connect to mains fronting the property. Private Service lines may not cross adjoining properties even if located within private easements. Where services lines are being replaced to bring properties into compliance, the new service line shall connect to a sewer main in the manner approved by the City.

Existing services lines may be used for a new building only if they are examined by the Public Works Department before the issuance of a Building Permit and are found to comply in all respects with City Ordinance and Design Standards and the State Plumbing Code.

11.05.05: REQUIRED CAPPING OF LINES

Any owner of property upon which any structure is removed, demolished or raised shall be responsible for capping or plugging any sanitary sewer service lines. Said lines shall be capped at the point where the building sewer is tapped into the City's sanitary sewer main.

The procedure for capping or plugging the tap shall be approved by the Public Works Director.

All plugs and/or caps shall be inspected by the Public Works Director or his designee prior to any trench being filled and compacted.

A minimum twenty-four (24) hour notice shall be given for inspections.

11.05.06: ON SITE WASTEWATER DISPOSAL

In the event a public sanitary sewer is not available under the provisions of Section 11.05.04, the building sewer shall be connected to a private wastewater disposal system that is in compliance with this Title.

11.05.07: ON SITE WASTEWATER DISPOSAL PERMIT REQUIRED

Before any person may commence construction of a private wastewater disposal system, he or she shall obtain a written permit signed by the Public Works Director and approved by the South Dakota State DENR.

11.05.08: APPLICATION FOR ON SITE WASTEWATER DISPOSAL PERMIT

To obtain a permit to construct a private wastewater disposal system, the applicant shall make application to the Inspection Office in duplicate on forms to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The name of the owner of the property on which the system is to be constructed;
- B. The legal description and address of the property on which the system is to be constructed;
- C. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

11.05.09: FEE FOR ON SITE WASTEWATER DISPOSAL PERMIT

Upon making application for a permit to construct a private wastewater disposal, any applicant shall pay a fee in an amount established by Title 2 of Sturgis City Ordinances.

11.05.10: APPROVAL AND INSPECTION OF ON SITE WASTEWATER FACILITY REQUIRED

Any permit for the installation or construction of any private wastewater disposal system shall be conditional upon the installation and construction being completed to the satisfaction of the Public Works Department and in accordance with South Dakota DENR administrative codes. . .

Public Works Department shall be authorized to inspect the work at any state of construction. Any applicant shall notify the Public Works Department when the installation and/or construction work is ready for final inspection. Said notification and subsequent inspection shall occur before any underground portions are covered. Public Works Department shall complete the requisite inspection within twenty-four (24) hours of receipt of notice.

11.05.11: REQUIRED COMPLIANCE

The type, capacities and layout of any private wastewater disposal system shall comply with all recommendations of the Department of Water and Natural Resources of the State of South Dakota.

No private wastewater disposal system shall employ subsurface soil absorption facilities. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

11.05.12: PUBLIC CONNECTION REQUIRED WHEN AVAILABLE

In the event a public sewer becomes available to a property served by a private wastewater disposal system as provided in Section 11.05.04, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Chapter. Any septic tank, cesspool, and similar private wastewater disposal facility shall be cleaned of any sludge and filled with a suitable material.

11.05.13: SANITARY MAINTENANCE REQUIRED

Any owner shall operate and maintain his or her private wastewater disposal facility in a sanitary manner at all times at no expense to the City.

11.05.14: SEWER TAP PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a sewer tap permit from the Public Works Director.

There shall be two (2) classes of sewer tap permits. The first class shall be for residential and commercial service and the second shall be for service to establishments producing industrial waste.

11.05.15: APPLICATION FOR SEWER TAP PERMIT

To obtain either classification of sewer tap permit from the Public Works Director, the applicant shall make application to the Public Works Office in duplicate form to be furnished by the City. The permit application shall include and/or be accompanied by the following information:

- A. The name of the owner of the property to which the sewer will be tapped;
- B. The legal description and address of the property from which the sewer will be tapped; and
- C. Any plans, specifications or other information deemed necessary and requested by the Building Inspector

11.05.16: FEE FOR SEWER TAP PERMIT

Upon making application for either class of sewer tap permit, any applicant shall pay a fee of One Hundred Dollars (\$100.00). Said fee shall be deposited into the Wastewater Enterprise Fund.

11.05.17: COSTS AND EXPENSES INCIDENTAL TO CONNECTION

Any costs and/or expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property to which the sewer is to be connected. The City shall not be responsible for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

11.05.18: SEPARATE SEWER REQUIRED FOR EACH BUILDING

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

Old building sewers may be used in connection with new buildings only when they are found by the Public Works Director to meet all requirements of this Chapter. It shall be the responsibility of the building owner to notify the Public Works Department and request an inspection.

11.05.19: REQUIRED BUILDING SEWER SPECIFICATIONS

The size, slope, alignment, materials of construction, excavation methods, placement of pipe, jointing testing and backfilling of a building sewer shall conform to the requirements of the South Dakota State Plumbing Code or other requirements which may be prescribed by the Public Works Director.

Unless determined impractical by the Public Works Director, any building sewer shall be brought to the building at an elevation below the basement floor. In any building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means approved by the Public Works Director and discharged to the building sewer.

The connection of any building sewer into the public sewer shall conform to the requirements of the South Dakota Plumbing Code or other special requirements which may be established by the Public Works Director. Any such connections shall be made gastight and watertight and verified by proper testing procedures approved by the Public Works Director. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director prior to installation.

11.05.20: INSPECTION AND CONNECTION

Any applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Public Works Director or his designee and shall be accomplished by a licensed plumber or installer in accordance with the South Dakota State Plumbing Code and this Chapter.

11.05.21: GROUNDWATER DRAINAGE PROHIBITED

No person shall make connection of roof downspout, foundation drains, areaway drains, or other sources of surface runoff of groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

11.05.22: UNPOLLUTED WATER DRAINAGE

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers to a natural outlet approved by the Public Works Director and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged to a storm sewer, with approval of the Public Works Director, the South Dakota Department of Energy and Natural Resources, and the Environmental Protection Agency.

11.05.23: DISCHARGE OF PROHIBITED MATERIALS

No person shall discharge or cause to be discharged any of the following described water or waste to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- B. Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either alone or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any water or waste having a pH lower than 5.5 or higher than 9.0 or having any other chemical property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

- D. Solid or viscous substances in quantities or sizes capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Said prohibited materials shall include, but not be limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, milk, whey, paper dishes, cups, milk containers, etcetera, either whole or ground by garbage grinders.

11.05.24: DISCHARGE ALLOWED WITH LIMITATION

The discharge into the municipal system of the substances set forth in this Section shall be limited to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream, constitute a nuisance or otherwise endanger lives, limb, or public property. Said substances subject to the limitations of this Chapter are as follows:

- A. Wastewater having a temperature higher than one hundred and fifty (150) degrees Fahrenheit, sixty-five (65) degrees Celsius;
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non- biodegradable cutting oils, or product of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fat, or grease;
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Building Inspector for such materials;
- F. Any water or wastes containing odor-producing substances exceeding limits established by the Public Works Director;
- G. Any radioactive waste or isotopes or such half-life or concentration as may exceed limits established by the Building Inspector in compliance with applicable state or federal regulations;
- H. Quantities of flow, concentrations or both that constitute a slug;
- I. Water or waste containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater plant effluent cannot meet requirements of the South Dakota Department of Environmental Protection, the Environmental Protection Agency or other agencies having jurisdiction over discharge to the receiving water; and
- J. Any water or waste which, by interaction with other water or waste in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, create a condition deleterious to structures and treatment processes, or

contribute to the production of odors, floating materials or nuisance conditions in the wastewater collection or treatment system.

Public Works Director shall have the authority to set limitations lower than the limitations established in the regulations of this Section if the Building Inspector determines more severe limitations are necessary to meet the objectives of this Section. In determining whether more severe limitations are necessary, the Public Works Director shall be guided by the following factors:

- A. The quantity of waste in relation to flows and velocities in the sewers;
- B. The materials of construction of the sewers;
- C. The wastewater treatment employed;
- D. The capacity of the wastewater treatment plant; and
- E. The degree of treatability of the waste in the wastewater treatment plant.

In the event any water or waste described in A-J of this Section are discharged or are proposed to be discharged into the public sewers and the Public Works Director determines that said discharge may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving water, or would otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may take any or all of the following actions:

- A. Reject the waste;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover added costs of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of this Chapter. If the Public Works Director permits the pretreatment of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director.

11.05.25: GREASE, OIL AND SAND INTERCEPTORS

Grease, oil and sand interceptors shall be provided in the event the Public Works Director determines that they are necessary for the proper handling of liquid waste containing floatable grease in excessive amounts, as specified in this Chapter or any flammable waste, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Any interceptor shall be of a type and capacity approved by the Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

Any owner shall be responsible for the maintenance of said interceptors. Any owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to review by the Public Works Director. Any removal and hauling of the collected materials shall be performed by a licensee of the South Dakota Department of Environmental Protection.

11.05.26: MAINTENANCE OF PRETREATMENT FACILITIES

In the event pretreatment or flow-equalizing facilities are provided or required for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

11.05.27: STRUCTURE REQUIRED FOR INDUSTRIAL WASTE

When required by the Public Works Director, any owner of any property serviced by a building sewer carrying industrial waste shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Said structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Public Works Director. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

11.05.28: ADOPTION OF STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER

Any measurement, test, and/or analysis of the characteristics of water and waste 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.

Any sampling method, location, time, duration and/or frequency is to be determined on an individual basis subject to the approval of the Public Works Director.

11.05.29: AGREEMENTS FOR SPECIAL CIRCUMSTANCES

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

11.05.30: POWERS AND AUTHORITY OF PUBLIC WORKS DIRECTOR

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

The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry shall establish that the revelation to the public of the information in question would likely result in an advantage to competitors.

While performing necessary work on private properties as set forth in this Section, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees.

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

11.05.31: SEWER USE CHARGES

These fees are set by the Council during the yearly budgeting process by resolution and may be adjusted at that time.

If water service to a property is shut off, the monthly availability fee will still be charged to that account. . This fee shall not be charged to accounts that are used solely for irrigation purposes. The Council may adjust the fee during the yearly budgeting process by resolution. The Commercial availability fee shall be determined based on the water line size that feeds the property.

The sewer charge for commercial and institutional units shall be billed to the owner or operator of the commercial or institutional property based upon the size of domestic water lines.

In addition each commercial or institutional account shall be assessed a usage fee based upon water usage.

In addition to the required tap fees described in Section 11.05 within this chapter, a supplemental development sewer tap fee shall be required for all accounts established within the following described areas located within Section 22, the Davenport Ranch.

The NW ¼ of the NW ¼ NE ¼ of the NW ¼, And SW ¼ of the NW ¼ in Section 22, TWP, Range 5 North, Twp 5 East Black Hills Meridian, in Meade County.

The applicant for the building permit shall be responsible to pay an additional \$3,000 tap fee per sewer account. That Supplemental development sewer tap fee shall be paid to the City before the building permit may be issued by the Building Official.

Whenever the BOD concentration exceeds 200 mg/l or the suspended solids concentration exceeds 250 mg/l based on a twenty-four (24) hour sampling period, flow-proportioned composite sample the sewage use fee shall be increased. The incremental charge shall be calculated based on the incremental cost incurred by the City.

The institutional users shall include but are not limited to schools, City, County and State buildings. Sewage use charges shall be increased as set forth above, and consistent with EPA and DENR regulations.

(11.05.31 revised by Ordinance 2013-09, effective 7-30-2013)

(11.05.31 revised by Ordinance 2013-16, effective 11-20-2013)

(11.05.31 revised by Ordinance 2015-15, effective 01-27-2016)

11.05.32: BILLING AND DELINQUENT ACCOUNTS

The City shall charge payment for use as follows:

- A. Sewer Use Charge: Commencing July 1, 1978, all sewer use charge billings shall be as set by City Policy and shall be based upon the rates established by the City.

- B. Industrial Cost Recovery Charges: The City shall submit an annual statement to each industry for the industrial cost recovery amount.
- C. All sewer use charges shall be due and payable on the 15th day of each and every month, and if not paid on or before the 15th day of each month, it shall become delinquent. The account holder shall be given notice on the following month's bill that said account is delinquent and if not paid by the 15th of the next month, the Sturgis Water Department shall promptly discontinue water service to such account. In the event of the discontinuance of such water service for non-payment of the sewer use charge, no water shall be turned on until all back sewer use bills and other charges have been paid.
- D. Sewer use charges cannot be paid without first paying the water bill.

11.05.33: PROTECTION FROM DAMAGE

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

11.05.34: SUMP PUMP USAGE

No person shall discharge or cause to be discharged any unpolluted waters, including but not limited to storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, with the exception that basement sump pumps may be discharged to the sanitary sewer between October 15th and April 1st upon application and receipt of a permit from the Public Works Director. Any such permit shall be valid as limited herein and subject to annual renewal.

11.05.35: APPEAL PROCESS

An appeal from any of the provisions of Chapter 11.05 shall follow the process set forth as subsection 11.04.13 of this Title.

(11.05.35 revised with Ordinance 2016-05, effective 7/11/2016)

**CHAPTER 11.06
REGULATION OF TATTOO ARTISTS**

SECTIONS:

- 11.06.01: Definitions
- 11.06.02: License required for all Tattoo and Body Piercing Artists
- 11.06.03: Adoption of State Statutes and Regulations
- 11.06.04: Application for Tattoo and Body Piercing License
- 11.06.05: Fee for Tattoo and Body Piercing License and Inspection
- 11.06.06: Duration of Tattoo and Body Piercing License
- 11.06.07: Health Inspection of the Proposed Premises of a Tattoo and Body Piercing Licensee
- 11.06.08: Change of Location of Tattoo and Body Piercing Licensee
- 11.06.09: Issuance, Denial, Suspension and/or Revocation of Tattoo and Body Piercing Licenses
- 11.06.10: Injunctive Relief
- 11.06.11: Transfer Prohibited of Tattoo and Body Piercing License
- 11.06.12: Posting of Tattoo and Body Piercing License
- 11.06.13: Refund of License Fee
- 11.06.14: Required Documentation of Activities
- 11.06.15: Penalties

11.06.01: DEFINITIONS

- A. **TATTOO ARTIST:** Any person or individual who performs tattoos, body piercing and/or any other form of permanent body art. (This definition does not include physicians and surgeons licensed under the provisions of SDCL 36-4 from performing tattoos, body piercing and any other form of permanent body art.)
- B. **TATTOO:** to make permanent marks or designs on the skin by puncturing it and inserting indelible colors.
- C. **BODY PIERCING:** to place a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for a decorative or other nonmedical purpose

11.06.02: LICENSE REQUIRED FOR ALL TATTOO AND BODY PIERCING ARTISTS

As authorized by SDCL 9-34-17, No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the City the performance of tattoo, body piercing and/or other forms of permanent body art without a valid Tattoo and Body Piercing License, which has been issued by the City of Sturgis in each calendar year. Applications shall be available at City Hall and shall be completed in full and returned to the Finance Office accompanied by the appropriate fee.

11.06.03: ADOPTION OF STATE STATUTES AND REGULATIONS

The standards set forth in SDCL 9-34-17 and state Administrative Rules Article 44-12 shall constitute the standards for tattooing and body piercing and the conditions for the premises on which such services are provided within the City. Further, all artists must comply with all federal Food and Drug Administration (FDA) recalls (even those identified as “voluntary” by the FDA). A health inspection provided by a designated or authorized City employee or agent shall determine compliance with these standards.

11.06.04: APPLICATION FOR TATTOO AND BODY PIERCING LICENSE

Each application for a Tattoo and Body Piercing License shall be upon a form provided by the Finance Office and shall be submitted to the Finance Office. The application shall contain, at a minimum, the following information:

- (a) Definition of services to be provided by the applicant;
- (b) The location within City of Sturgis that the applicant will use;
- (c) The dimension of the space the applicant will use;
- (d) The current mailing address of the applicant;
- (e) The current phone number and email address for the applicant;
- (f) Written affidavit that the applicant is over the age of 18 years;
- (g) A current picture of the applicant; and
- (h) The history of the applicant in the performance of tattoos, body piercing and/or other permanent body art.

11.06.05: FEE FOR TATTOO AND BODY PIERCING LICENSE AND INSPECTION

The applicant shall submit payment for licensing and inspection at the time of application. The licensing fee for each individual operator is \$560.00 and the inspection fee is \$100.00 per annual application or to reinstate a Tattoo and Body Piercing License after cancellation or termination. A re-inspection fee, within that calendar year for any change in premises, shall be \$100.00 per premises.

This licensing and inspection fee is in place of any Special Sanitation fees charged during the annual Sturgis Motorcycle Rally.

11.06.06: DURATION OF TATTOO AND BODY PIERCING LICENSE

The Tattoo and Body Piercing License is valid for the calendar year. All Tattoo and Body Piercing License expire on December 31st of the-calendar year of issuance. There is no reduction of the license fee charge regardless of when a license may be approved. There is no refund of licensing and inspection fees for terminating business prior to December 31st. The City makes no distinction between license and inspection fees required for tattoo artists and/or body piercers.

11.06.07: HEALTH INSPECTION OF THE PROPOSED PREMISES OF A TATTOO AND BODY PIERCING LICENSEE

Within three business days of application, the City of Sturgis shall make an inspection of the space proposed to be used by the tattoo artist for compliance with 11.06.03 of this chapter.

City officials may also enter the premise from time to time during regular business hours for the purpose of making reasonable inspections to enforce on-going compliance with health regulations. This shall not restrict or limit the right of entry vested in any law enforcement agency or the City Building Inspector.

Any inspection may be conducted by the State of South Dakota at the request of the City.

11.06.08: CHANGE OF LOCATION OF TATTOO AND BODY PIERCING LICENSEE

A change of location of a licensed tattoo or body piercing licensee (even within the same building) may be allowed by the City provided that the applicant for the change in location has paid all required license and inspection fees and the proposed area of operation meets all requirements for a licensed premises.

11.06.09: ISSUANCE, DENIAL, SUSPENSION AND/OR REVOCATION OF TATTOO AND BODY PIERCING LICENSE

The City of Sturgis shall make a final determination regarding the tattoo or body piercing artist's application within two days of inspection.

The City of Sturgis shall not issue the tattoo or body piercing artist a License if, based upon the inspection, it is found that:

- (a) The premise where the tattoo artist proposes to use would not comply with all applicable laws; or
- (b) The applicant has made any false, misleading or fraudulent statement of fact in the permit application or any other document required by the City in conjunction herewith.

Any Tattoo and Body Piercing License is subject to suspension or revocation by City officials for violation of any provision of this chapter, or applicable provision of Code, city ordinance, rule or regulation or state law, or for grounds that should warrant the denial of the issuance of the Tattoo and Body Piercing License in the first instance, or for the violation of any law relating to or regulating tattoo or body piercing licensee artists.

The remedy for a denial, suspension or revocation of a Tattoo and Body Piercing License shall follow the appeal process set for in Title 36.

11.06.10: INJUNCTIVE RELIEF

In addition to the legal remedies provided for in this chapter and in Title 36, the operation of any tattoo artist in violation of the terms of this chapter shall be deemed a public nuisance as described by Title 12.

11.06.11: TRANSFER PROHIBITED OF TATTOO AND BODY PIERCING LICENSE

No Tattoo and Body Piercing License shall be transferable.

11.06.12: POSTING OF TATTOO AND BODY PIERCING LICENSE

Each tattoo or body piercing licensee shall post, in a conspicuous place with the premise, the current Tattoo and Body Piercing License and a copy of the most recent inspection results.

11.06.13: REFUND OF LICENSE FEE:

A tattoo or body piercing applicant that has successfully passed the inspection of licensed premises and been issued a license under this chapter, may apply for a refund of \$560 of the license fee required by subsection 11.06.05 above. To obtain a refund, the licensee shall submit documentation and information in a manner established by the City Finance Office. To be considered, the application for License refund shall be submitted to the City Finance Office between October 1 and October 15 of the year in which the license was purchased. The application shall include all documentation as required by the City Finance Office to prove payment of South Dakota municipal sales tax within the City as follows:

- 1) Copies of applicant's South Dakota sales tax returns and any additional documents as required by City Finance Office staff verifying that applicant has paid aggregate municipal sales tax for sales at the licensed premises, between January 1st and July 31st of the calendar year for which the license was purchased, of at least \$560.00 on sales of at least \$28,000.
- 2) Verification by applicant that it operates at the licensed premises in all other respects in compliance with all state and federal laws and local ordinances,

Upon proof satisfactory to City Finance Office staff of compliance with the foregoing requirements, the refund application will be approved for consideration by the Council at a later regularly scheduled meeting. Upon approval of a refund by the Council, it shall be sent to the licensee as the business address shown on the license documents.

11.06.14: REQUIRED DOCUMENTATION OF ACTIVITIES

It is the responsibility of every licensee under this chapter to maintain the necessary records to comply with the minimum state requirements and municipal ordinances for ~~of~~ sales tax reporting as applied to any business or retailer as defined by SDCL 10-45-1, or any other sales tax licensee. Evidence and documents to show proof of compliance with these requirements shall be provided by the retailer, business operator or licensee immediately upon the request of ~~to~~ any authorized representatives of the South Dakota Department of Revenue, any law enforcement officer, or any municipal official appointed by the City Manager for enforcement of this Title. The records required to be maintained are the following:

- a) Sales receipts that are sequentially numbered with duplicate copies, recorded during or immediately upon completion of each transaction, in the form of cash register tape, written or printed credit card receipts, or hand written sales receipts that identify the item sold, the sale price, the tax charged and the time and date of the transaction for a minimum of three years. The licensee shall provide such receipts for immediate inspection and review to any representative of the Department of Revenue, law enforcement officer or authorized agent of the City, upon request.
- b) Inventory records, including a statement of beginning inventory of merchandise value, for a minimum of three years preceding the date of inspection of the licensee's transaction record, consistent with the requirements of SDCL 10-45-85. The licensee shall provide such records for immediate inspection and review to any representative of the Department of Revenue, law enforcement officer or authorized agent of the City, upon request.
- c) A written list of suppliers, including names, addresses and phone numbers of the supplier, for all suppliers used by the licensee for the three years preceding the date of inspection of the supplier list, consistent with the requirements of SDCL 10-45-87. The licensee shall provide such records for immediate inspection and review to any representative of the Department of Revenue, law enforcement officer or authorized agent of the City, upon request.

11.06.15: PENALTIES

A violation of any provisions of this chapter shall be subject to the penalties set for at subsection 11.02.03 above, or in the alternative to those, penalties as laid out in Title 36 for violation of City ordinance.

(Chapter 11.06 replace in entirety by Ordinance 2016-05, effective 7/11/2016)

Chapter 11.07
DISPOSAL OF WASTE MATERIALS GENERATED BY VENDORS

SECTIONS:

- 11.07.01: Application
- 11.07.02: Responsibility for Disposal of Cooking Grease
- 11.07.03: Responsibility for Disposal of Grey Water
- 11.07.04: Responsibility for Disposal of Leaking Water Supply Lines
- 11.07.05: Medical and Bio Hazardous Waste
- 11.07.06: Responsibility for Disposal of Used Motor Oil
- 11.07.07: Application to Oil Changing Operations
- 11.07.08: Used Oil Storage

11.07.01: APPLICATION

Any landowner who rents or leases to any vendor, including but not limited to, any temporary food service establishment, motorcycle wash, oil changer, tattoo artist, and/or body piercer, shall be jointly responsible with the vendor for the disposal of waste as hereinafter set forth. The landowner and vendor shall be jointly responsible for completion of a Waste Collection & Disposal Form. Said form shall be submitted to the Finance Office before any vendor may be issued a Transient Merchants License from the City.

The Waste Collection & Disposal Form shall include the following information:

- A. The name of the landowner;
- B. The location of the property upon which the vendor will be located;
- C. The name and address of the vendor;
- D. The name of the vendor's business;
- E. The name, address, contact person, and phone number of the agency responsible for collection and disposal of any cooking grease and/or used motor oil; and
- F. The landowner's signature and date signed.

11.07.02: RESPONSIBILITY FOR DISPOSAL OF COOKING GREASE

Any property owner subject to this Chapter shall be jointly responsible with the vendor to contract with a license hauler who runs an approved recycling facility to pick up and dispose of the collected cooking grease. No person shall dispose of any cooking grease into any port-a-pots, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land.

For purposes of this Section, an approved recycling facility shall be a recycling facility approved by the Department of Environment and Natural Resources.

11.07.03: RESPONSIBILITY FOR DISPOSAL OF GREY WATER

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately dispose of any grey water generated by the vendor into a legal discharge point. Legal discharge points

shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs. No person shall dump any grey water into any port-a-pot, storm sewer, or on any street, alley, or upon any public right-of-way, or upon any private or public land. All motorcycle washes must have an approved water containment system.

11.07.04: RESPONSIBILITY FOR DISPOSAL OF LEAKING WATER SUPPLY LINES

Any property owner subject to this Chapter shall be jointly responsible with the vendor to appropriately collect and dispose of any water leaking from a supply lines-into a legal discharge point. Legal discharge points shall be grey water collection tanks, sanitary sewer clean outs, or sanitary sewer fixtures including: toilets, sinks, and tubs.

11.07.05: MEDICAL AND BIOLOGICAL HAZARDOUS WASTE

Medical and bio hazardous waste shall be disposed of as set forth in Title 34 of the South Dakota Codified Laws and ARSD Titles 44 and 74.

11.07.06: RESPONSIBILITY FOR DISPOSAL OF USED MOTOR OIL

Any property owner subject to this Chapter shall be jointly responsible with the vendor, oil changer, handler, and/or any used oil generator located upon the owner's property to contract with a used oil transporter or marketer who runs an approved used oil collection center to pick up and dispose of the collected used oil.

For purposes of this Section, an approved used oil collection center shall mean any site or facility that is registered, licensed, permitted, and/or recognized by the State of South Dakota, Meade County, or the City to manage used oil and accepts, aggregates and stores used oil collected from used oil generators in compliance with 40 CFR Chapter 7.

The Finance Officer or Public Works Director shall have available to the public, a list of the transporter/marketers available in the area for collection of used motor oil.

11.07.07: APPLICATION TO OIL CHANGING OPERATIONS

Any oil changers, handlers and/or used oil generators, whether during the annual Motorcycle Rally or at any other time of the year shall be subject to this Chapter. Any oil changers and handlers of used oil shall be subject to the requirements set forth in 40 CFR Part 279 of the Code of Federal Regulations which are hereby incorporated herein as though fully set forth and any other applicable state or federal law, rule or regulation.

11.07.08: USED OIL STORAGE

Any oil changers, handlers and/or used oil generators, including but not limited to those storing containers in above-ground tanks shall only use receptacles that are in good condition and said receptacles shall not have any severe rusting, apparent structural defects, deterioration, or any visible leaks. Containers in above-ground tanks used to store oil at any location within the City shall be labeled and marked clearly with the words "used oil".

(Title 11 effective May 14, 2004, Ordinance 2004-09)

(Title 11 – 11.02 thru 11.08 (11.08 now 11.07) – replaced entirely by Ordinance 2012-19, effective 1/2/2013)