

# MUNICIPAL UTILITY BOARD REGULATIONS

November 2022

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**MUNICIPAL UTILITY BOARD REGULATIONS**

REVISED April 2016

AMENDED RULES AND REGULATIONS GOVERNING CONNECTIONS TO AND  
THE USE OF THE STURGIS WATER SYSTEM

**ARTICLE I – AUTHORITY AND PURPOSE**

**ARTICLE II – WATER RATES**

**ARTICLE III – CONSTRUCTION AND ENGINEERING STANDARDS**

**ARTICLE IV – ADMINISTRATION**

**ARTICLE V – PENALTIES**

**ARTICLE 1 - AUTHORITY AND PURPOSE**

These rules and regulations are adopted by the Sturgis Municipal Utility Board as authorized by the Sturgis City Ordinance and necessary for the efficient, economic and safe operation of the Municipal Utility Water Treatment and Distribution System in the Sturgis area. They are intended to provide an adequate amount of potable water to the community through the regulation and control of connections to add the use of system and may be amended by the Municipal Utility Board pursuant to State and/or Federal Statutes or Drinking Water Standards.

**SECTION 1.01 - Meetings**

Pursuant to the authority granted to the Municipal Utility Board and SDCI 9-39-16, the regular meeting of the Board shall be on the fourth Tuesday of each month at 7:30 am in the front conference room in Sturgis City Hall. Any changes of the meeting dates and times shall be posted as required by SDCL 1-25-1.1 and on the City website and displayed on the Public Information Bulletin Board at the entrance to City Hall.

**ARTICLE II-WATER RATES**

**SECTION 2.01 - Water Rates and Charges**

A. In recognition of the ordinance authority of the Municipal Utility Board to establish rates, by the July meeting of each year the Municipal Utility Board will adopt a Resolution setting forth any anticipated changes for water rates in the following year and provide that information to the Finance Office.

B. At the October or November meeting each year, following the adoption of the City Budget, the Board shall approve any change in rates and fees necessary to make rates and fees consistent with the revenue requirements of the adopted budget. The Board may set these rates and fees through resolution.

C. Surcharge for Bond Issue: in addition to the charge for water services (base and usage rates) to persons, associations of individuals, partnerships, corporations or firms, there shall be a surcharge for the services of the facilities financed.

D. There shall be charged a monthly surcharge for the services provided by the improvement financed per specific project. The surcharge shall be segregated from other revenues of the utility and shall be used for the payment of the revenue bonds. Provided that such surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and Operation, sufficient to fund interest, reserve and debt service fund annual requirements.

E. The Utility Board does hereby establish the special charge or surcharge payable by each customer of its System who receives or benefits from the services of the Project. Such charge or surcharge shall be set at a level which, assuming a 10% delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the Borrower Bond(s), and the administrative expense surcharges and all other payments as may be required under the loan agreement and Borrower Bond(s). Such surcharges shall also apply to each account served by a Project, as also each lot or parcel receiving a benefit from a Project and not otherwise included on an active account.

F. The amount of the surcharge shall be reviewed from year to year and may be modified in order to provide such funds as are set forth herein. The charges shall be reviewed yearly by city personal and administratively adjusted, upwards or downwards pursuant to SDCL § 9-40-15 to such amounts as may be necessary to pay principal, interest, administrative surcharge, and other charges as may become due and owing under the Borrower Bond(s).

G. WATER CHARGES effective January 1, 2023: For all single-family residences, there shall be the following rates:

RESIDENTIAL CHARGES

Cost per 1000 gallons	\$ 2.52
Base	\$11.96
Surcharge 1	\$ 0.00
Surcharge 2	\$ 3.04
Lazelle Surcharge	\$ 3.17
Residential availability fee	\$18.17

Availability fee will be charged to every active account that has water available to it, and also to each account, and separate lot or parcel, which is served by or receives benefit from the Sturgis Water System. The availability fee shall be charged to each “inactive” account which has not been disconnected from the

water system but for which the account holder has asked that the account be shut off or put on no-service status.

Starting January 1, 2023, the water availability fee shall be \$18.17. The availability fee will increase annually by an amount equivalent to the total increase paid by active accounts (monthly water minimum and all surcharges). The annual availability fee increase becomes effective on January 1 of each year unless a different availability fee is set by resolution by the Municipal Utility Board. The Municipal Utility Board may include availability fee changes in their resolution setting water rates.

The Municipal Utility Board may continue to furnish water to current customers outside the City limits, if sufficient water is available. The rate for such residential water service shall be at a rate 200% higher than the rates otherwise established in Article II, Section 2.01 – Water Rates and Changes. The tap fee charge for such services as stated in Section 3.01 of these Regulations shall also be at a rate of 200% higher than the Tap Fee shown in Section 3.01. Furthermore, if sufficient water is available and a Development and Annexation Agreement has been signed by the City of Sturgis and a proposed customer, water service to the area subject to the Development Agreement may also be provided to that customer at that rate of 200% above the standard rate for the period and under all other conditions stated in that Development Agreement.

- *Non-Profit Rate: Recognized non-profit and Church properties used exclusively for church worship services will be billed at the residential rate as shown above for one meter per service.*

H. For all apartment or multi-family dwelling accounts, the following rates are effective January 1, 2023 for each dwelling unit:

MULTI-DWELLING UNIT CHARGE

Cost per 1000 gallons	\$ 2.52
Base	\$11.96
Surcharge 1	\$ 0.00
Surcharge 2	\$ 3.04
Lazelle Surcharge	\$ 3.17
Residential availability fee	\$18.17

Starting January 1, 2023, the water availability fee shall be \$18.17. The availability fee will increase annually by an amount equivalent to the total increase paid by active accounts (monthly water minimum and all surcharges). The annual availability fee increase becomes effective on January 1 of each year unless a different availability fee is set by resolution by the Municipal Utility Board. The Municipal Utility Board may include availability fee changes in their resolution setting water rates.

I. If an account holder is provided water service through a residential meter, and commercial activities also occur on the same property, the Water Superintendent shall review the circumstances with the correct city staff to make a determination which service type is the predominant use for the account. If the determination by the Water Superintendent increases the rate to the account holder, the increase will become effective 30 days after a written notice is sent to the account holder. Any objection to the rate change shall be provided in writing to the Water Superintendent within 30 days of the notice being sent to

the account holder. If billing questions from the account holder are not resolved with the Water Superintendent, the account holder may submit a written request for review by the Municipal Utility Board at its next regularly scheduled meeting.

J. For a commercial account, the following rates are effective January 1, 2023, for each account:

COMMERCIAL CHARGES

Cost per 1000 gallons	\$ 2.83
Base	\$ 11.96
Surcharge 1	\$ 0.00
Surcharge 2	\$ 3.04
Lazelle Surcharge	\$ 3.17

Water availability fee:

* 1" or smaller meter size	\$ 18.17 (Minimum Availability Fee)
* 1 ¼" or smaller meter size	\$ 36.34 (2 X Minimum Availability Fee)
* 1 ½" meter size	\$ 54.51 (3 X Minimum Availability Fee)
* 2" meter size	\$ 72.68 (4 X Minimum Availability Fee)
* 3" meter size	\$109.02 (6 X Minimum Availability Fee)
* 4" meter size	\$145.36 (8 X Minimum Availability Fee)

Starting January 1, 2023, the water availability fee shall be set at the above Availability Fee schedule. The Availability Fees will increase annually by an amount equivalent to the total increase paid by active accounts (monthly water minimum and all surcharges) and multiplied according to their respective meter sizes based on the above Availability Fee Schedule. The annual Availability Fee increase becomes effective on January 1 of each year unless a different Availability Fee is set by resolution by the Municipal Utility Board. The Municipal Utility Board may include Availability Fee changes in their resolution setting water rates.

A Commercial-Institutional account is defined as any non-residential, non-multifamily account. The institutional accounts shall include, but are not limited to, accounts serving Schools, City, County, and State buildings.

K. For a Unified Mobile Home park account the following rates apply, effective January 1, 2014, for each mobile home or mobile home lot connected to the master meter serving the mobile home park

UNIFIED MOBILE HOME PARK CHARGES

Cost per 1000 gallons	\$ 2.52
Base	\$11.96
Surcharge 1	\$ 0.00
Surcharge 2	\$ 3.04
Lazelle Surcharge	\$ 3.17

Residential availability fee        \$18.17

A Unified Mobile Home park shall mean any approved mobile home park receiving water service which does not include an approved meter and service line for each individual mobile home or mobile home lot within the park. A master meter shall mean a meter, as authorized by these Regulations, which is the means for measuring the amount of water received at the mobile home park and upon which the monthly charges are calculated.

Starting January 1, 2023, the water availability fee shall be \$18.17. The availability fee will increase annually by an amount equivalent to the total increase paid by active accounts (monthly water minimum and all surcharges). The annual availability fee increase becomes effective on January 1 of each year unless a different availability fee is set by resolution by the Municipal Utility Board. The Municipal Utility Board may include availability fee changes in their resolution setting water rates.

L. (Based on current Regulation #3.01, Tap Fee Schedule)

Effective January 1, 2019, The MUB may furnish water to then-current customers outside the city limits if sufficient water is available but only at rates double those set forth for Residential, Multi-Dwelling, Commercial-Institutional and Unified Mobile Home park in Article II, section 2.01 – Water Rates and Charges. The tap fee charge for such new service outside city limits shall also be double that shown in Section 3.01 of these Regulations, unless a higher amount is agreed to in an approved development and annexation agreement with the property owner.

*(Section 2.01 Revised November 2022, December 2019, November 2018)*

#### SECTION 2.02 - Billing Upon Estimate

If the Municipal Utility Board is unable to obtain access to premises or dwellings at the time of meter reading, an estimated bill will be issued, based upon the last meter reading. The proper adjustment will be made when the meter reading is obtained. In no case will any bill be estimated more than one (1) month consecutively unless the meter is in a manhole which cannot be opened due to inclement weather. If any meter reading is not obtained at the end of any such two (2) month period, the water will be turned off ten (10) days after notice in writing has been mailed to the last known address of the person charged for water use, or by leaving notice by door card at the address of the consumer account that such water service will be shut off within forty-eight (48) hours until such meter reading is obtained, and the water shall not be turned on again until a reconnect charge is paid for turning water off and on in accordance with the following schedule: 8:00 a.m. - 5:00 p.m. Monday-Friday \$25.00; after 5:00 p.m. Monday-Friday, \$125.00; and Saturday, Sunday and holidays - \$125.00. Transferred to another water user, or at any time water service has been turned off and on at the request of the water user, there shall be a service charge required and that charge shall be deposited in the Water Operation Fund. That charge will be in accordance with the following scheduled: 8:00 a.m. - 5:00 p.m. Monday - Friday \$25.00; after hours: \$125.00. In case of an emergency, the charge for turning water off and on at the request of the water user shall be \$25.00 during the working hours and \$125.00 after hours. On shut off day after 8:30 a.m., a fee of \$60.00 for non-payment shall be assessed.

### SECTION 2.03 - Credit Requirement of Water User

The Municipal Utility Board shall have the right at any time to require the water user to make a reasonable water user deposit fee or to give a reasonably safe guarantee to secure payment of its bills for water service, conforming to the laws of the State of South Dakota. The minimum deposit required for residential property account owners with an accessible individual shut-off and meter will be fifty dollars (\$50.00); for renters with an accessible individual shut-off and meter, one hundred dollars (\$100.00) unless the renter can furnish a letter of good credit from a like utility, then in that case, a fifty dollar (\$50.00) charge will be made; for business, commercial and institutional users with an accessible individual shut-off and meter, one hundred dollars (\$100). A larger deposit up to an amount equal to two (2) months minimum service fees for the account being serviced may be required by the Water Superintendent in cases where an account shows poor payment history.

For any building or property served by the Water Department where each current account is not served with an accessible individual shut-off and meter hook-up, the property owner shall be required to provide each such separate account with an accessible individual shut-off and meter. The property owner shall complete the installation of that accessible individual shut-off and meter within 45 days of the Water Department providing written notification that the service line(s) for accounts located at the building or property are subject to this requirement. In the alternative, during that 45-day period allowed for compliance with this requirement, the property owner may transfer such rental accounts into the name of the property owner to obtain a waiver of this requirement from the Department.

For any individual service account opened or established after April 1, 2012, at a location which does not provide the required accessible individual shut-off and meter, the water service account(s) shall only be approved if opened or established in the name of the property owner.

All account holder deposit fees shall be placed in a Water Use Deposit Trust Fund and shall be returned to the account holder at the termination of the service after all unpaid water and utility charge bills have been paid, including a final bill. Return of a deposit by the City Finance Office shall be consistent with City policy. Interest earned on the Water User Deposit Trust Fund shall be allocated as provided in the annual City budget.

An existing water account may be turned off at the request of the account holder or other person legally authorized in writing by the account holder. When a water account has been turned off or on at the request of the water account holder or legally authorized agent, there shall be a charge for that service. The charge to the water account for providing that service between 8:00 a.m. – 5:00 p.m. Monday-Friday shall be \$25.00; after hours: \$125.00. After an account is listed to be shut off for non-payment, after 8:30 a.m. on “shutoff” day, an administrative fee of \$60.00 shall be added to the unpaid balance and paid before water service to the account may be established.

#### AFTER HOURS SERVICE CALL

When an account holder requests an afterhours service call, the homeowner or contractor will be billed \$125.00 for the afterhours call out and \$50.00 for each hour that the operator is on the clock after the first two hours.



*(Section 2.03 Revised June and March 2017)*

#### SECTION 2.04 - Bills and Payments

All meters will be read monthly and all water bills will be due and payable on the 15<sup>th</sup> day of each month, and if not paid on or before the 15<sup>th</sup> day of each month, it shall become delinquent, and the customer shall be given notice on the following month's bill that said account is delinquent and if not paid by the 15<sup>th</sup> of the next month, the Sturgis Water Department shall then forthwith discontinue service to such account. When service has been discontinued, no water shall be turned on again until all water bills in arrears have been paid. An extension may be given, and if payment is not made timely, no further extension will be allowed for twenty-four (24) months.

All water users whose bills are delinquent shall be subject to a finance charge as set by City Policy. All political subdivisions and governmental entities shall be exempt from late water charges on their water bills. A finance charge shall be a part of the water bill and the water user account will not be deemed paid in full until the finance charges are paid in full along with the water bill itself. All water users whose bills are delinquent will be subject to a charge to reconnect a water service disconnect for non-payment of the bill. This charge shall be in accordance with the following schedule: 8:00 a.m. - 5:00 p.m. Monday - Friday \$25.00; after hours \$125.00.

The Finance Office is authorized to approve a delayed payment agreement upon written application, to include any past due amount owed the Water Department for water or other city utilities based upon the following factors:

- a. Total amount subject of the repayment agreement does not exceed \$1000
- b. All past due amounts owed by the customer on any water account shall be included within one payment agreement
- c. All past due amounts owed by the customer for any other residential or commercial utility services shall be included within one payment agreement.
- d. Total period for repayment of the entire past due amount not to exceed 11 months.
- e. All terms of the repayment agreement to be included in writing and signed by the customer and account holder.
- f. Failure to meet the required payment under the repayment agreement may result in termination of water service to that customer and account.
- g. The existence of a repayment agreement does not bar the City from seeking repayment through other collection or legal actions.
- h. Total duration of repayment period does not exceed 11 months.

*(Section 2.04 Revised December 2019, December 2015)*

SECTION 2.05 - Water Receipts Deposited in Water Acct Fund

All funds belonging to the City and derived from revenues arising from the operation of the Sturgis Water Department shall be deposited in a water fund account and be used for no other purpose than to defray the expense of operating the Sturgis Water Department including necessary capital expenditures, and for payment of bonds issued to purchase or improve the water work.

SECTION 2.06 - Critical Water Condition

During a critical water condition or shortage as determined by the Municipal Utility Board, the water user shall use water only for those purposes specified by the Municipal Utility Board. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

SECTION 2.07 - Daytime Watering Restrictions

In an effort to conserve water during the summer months, the Municipal Utility Board requests that lawn sprinkling devices not be used from 9:00 a.m. to 5:00 p.m. between June 15<sup>th</sup> and September 15<sup>th</sup>. Handheld water devices will be permitted during these hours.

SECTION 2.08 - City of Sturgis and Hydrants

The public corporations shall pay at the same rate as private consumers for water consumed in public buildings, which sum is found and determined to be a reasonable charge for the use and availability of water service for fire protection and maintenance of streets, parks and other public places.

**ARTICLE III – CONSTRUCTION AND ENGINEERING STANDARDS**

SECTION 3.01 - Tap Fee Schedule

The tap fees include the tapping saddle, corp. stop and meter, and meter couplings. The Sturgis Water Department staff taps services up to and including 2" taps. Larger taps must be installed by the owners' contractor.

<u>SERVICE LINE SIZE</u>	<u>TOTAL</u>
1"	\$ 650.00
1 ½"	\$2000.00
2"	\$2500.00
3"	\$2750.00
4"	\$4000.00
6"	\$6500.00

In such cases where a larger than required service is installed for future expansion, the Water Superintendent may charge an amount equal to the required size plus \$100.00 and at the time of expansion, charge an additional amount to total the tap fee in accordance with the current tap fee schedule to cover the cost of the larger meter. A ¾" meter will be furnished by the Sturgis Water Dept. for 1" taps at no additional charge. If a customer wants a 1" meter, there will be a charge of \$75 in addition to the Tap Fee shown above.

All taps or connections to the City distribution system will be made by or under the direction of the Water Superintendent or other designated utility employee. No person shall be permitted to tap or make connections, either directly or indirectly, to the City's water distribution system except by permit.

Any extensions or expansion to the City's water distribution system must be constructed within the public right-of-way. No water mains shall be constructed in any private easements without approval of the Municipal Utility Board.

*(Section 3.01 Revised December 2019, June 2005, January 2004, January 2002, January 1999, January 1992)*

### SECTION 3.02 - Unlawful Connections

It shall be unlawful for any person to lay any water service line or introduce into or about any building or any grounds, any water lines, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing, either directly or indirectly to the City water mains, or make any additions to or alterations of any water lines, water closet, stopcock or other fixtures or apparatus for the supply of any premises with water from the City water mains without first obtaining a permit to do such work. All water mains constructed within the corporate limits and all water mains constructed without the corporate limits which eventually are contemplated to become a part of the City water distribution system, must be laid according to detailed plans and specifications approved by the Municipal Utility Board and the South Dakota Department of Water and Natural Resources. The MUB reserves the right to exceed South Dakota Department of Water and Natural Resources Standards.

### SECTION 3.03 - Service Line Connections

All work to be done in laying of the service line from the City water main into said premises and all labor connected therewith by the provisions of this Ordinance shall be done by or under the direction of a Plumbing Contractor or Pipe-Laying Contractor, licensed by the State of South Dakota and the City of Sturgis, who shall be employed and paid by the owner or consumer and who shall at the same time save the City harmless and indemnify said City against all accidents or damage to person or property arising from neglect in performance of the said work. All Service lines shall be maintained by the Water Department from the City water mains to the Water curb stop after they are constructed. The City of Sturgis and the Municipal Utility Board will not be liable for any reason for any damage to, or cost of repair or replacement of, any improvements that are located within the public right of way, including but not limited to decorative mail boxes or landscaping. The cost or repair to or the loss for damage to any improvements made or constructed within the public right of way by the property owner or another will be the responsibility of the property owner.

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(Note: South Dakota Codified Laws 9-47-28 and 9-48-53 give local government the right to require residents and businesses to connect to any existing water or sewer main.)

#### SECTION 3.04 - Service Lines

One inch (1") service lines from the corporation stop at the City main through the foundation and to the water meter shall be Type K soft copper tubing or SIDR 7 IPS Class 200 Poly Pipe. 1 ½" and 2" service lines must be SIDR 7 CLASS 200 Poly Pipe. Brass compression fitting must be used on copper tubing. If IPS Poly Pipe is used, brass compression fittings with stainless steel inserts, 12 gauge trace wire and trace wire box must be used. Any splices in the trace wire must be done using silicone nuts or grease paks. All joints and fittings used shall be constructed in such a manner as to prevent rupture by settling, contraction, or expansion. No couplings will be permitted between the corporation stop and the curb stop unless approved by the Water Superintendent. The service line pipe size used from the City distribution line to the meter shall be determined in accordance with the Uniform Plumbing Code as adopted by the South Dakota State Plumbing Commission. The smallest residential or commercial service line size that will be allowed is a one-inch (1") line. The MUB reserves the right to exceed South Dakota Department of Plumbing Standards. Service line sizes in excess of those stipulated by this Section may be used only with the consent of the Municipal Utility Board or the Water Superintendent.

All newly constructed service lines will be required to be directly connected from the water main when the building is complete. At no time will a service line be permitted to be connected to two or more separate buildings. This includes all fire suppression lines. Contractors may be included in the repairs of water lines for future development, with the Water department's oversight of the construction. It will be the responsibility of the contractor to adhere to all state plumbing, local, and MUB plumbing codes on the service lines. The City water department will not be responsible for any contractor errors on service line contraction. All new construction and major remodels will have a minimum one-inch (1") line service size. The smallest residential or commercial that will be allowed is a (1") service line. The MUB reserves the right to exceed South Dakota Department of Plumbing Standards.

Other utilities will not be permitted in the same ditch as the water service lines or mains within the public right of way.

Temporary water services to undeveloped land will not be allowed without review and approval of the Municipal Utility Board at a public meeting.

All service lines, including private lines, must run parallel or at right angles to the street, if practical.

Connections to Accessory Buildings: A one-inch (1") water line maybe permitted from a dwelling to an accessory building provided the line is at least 6' deep. The accessory building cannot be used for human habitation at any time. The line must be fed from the dwelling, after the meter. The supply line of record to the dwelling must be of sufficient size to supply water to all the fixtures including the accessory building.

#### SECTION 3.05 - Owner to Pay Costs

All costs and expenses incident to the installation and connection of the building service line shall be the responsibility of the property owner. Included in this responsibility of the property owner shall be the cost of the relocation of the curb-stop box/tube or correcting the height of the finish grade of pavement surrounding the curb-stop box/tube so it remains in compliance with these regulations.

The owner shall indemnify the City for any loss or damage that may result, either directly or indirectly, from either the incorrect installation of the building service line or the incorrect placement of the curb-stop box/tube so they remain in compliance with these regulations.

*(Section 3.05 Revised December 2019)*

### SECTION 3.06 - Curb Stops

There shall be a brass curb stop in each service line and the same shall be under the exclusive control of the Municipal Utility Board and Water Superintendent. Said curb stop is to be placed in the pipe within the public right-of-way and within three feet (3') of the owner's property line or within the sidewalk if in the public right-of-way and no person that is not a direct employee of the Municipal Utility Board shall open or close or otherwise interfere with said curb stop.

Such curb stop shall be provided with a telescoping box or tube of Minneapolis pattern and the top of each box or tube shall be placed on a level with the existing grade and no premises will be supplied without said box being in good order. Curb stops up to and including one inch (1") shall be Mueller H15150 or approved equal. Curb stops for sizes over one inch (1") shall be 0" ring type such as Mueller Orissel valves. Curb stops shall not be the drain back type where water and sewer services are in the same ditch except where special permission shall be obtained. In all cases, the curb stop and box shall be placed within three feet (3') of the owner's property line or within the sidewalk line if in the public right-of-way, in such a manner that the top of the curb stop box and trace wire box shall be flush with the existing grade. Proper compaction must be done around curb boxes or main valve boxes. If located in a concrete sidewalk or concrete or asphalt driveway, the top of curb boxes or valve boxes must be located ¼" to ½" below the finished surface of the concrete or asphalt before water service will be provided. If not located in a concrete sidewalk or concrete or asphalt driveway, the property owner shall provide an 18" x 18" concrete pad around the curb boxes/valve boxes and trace wire boxes, and the top of the curb boxes or valve boxes must be ¼" to ½" below the finished surface of the concrete pad before water service will be provided.

When a building is being served with a service line through a manhole and the line has no separate curb stop and only a gate valve or ball valve for a shut off valve, when the valve needs to be repaired or replaced the owner must replace it with a curb stop pointed up for access from the top of the manhole.

### SECTION 3.07 - Building Valve

Each building's water service shall be provided with a readily accessible gate valve or other non-restricting flow valve located inside the building near the point where the water service enters.

*(Section 3.07 Revised April 2016)*

### SECTION 3.08 - Water Meters

When any new water services are requested, the applicant shall pay for the water meter at the time of request as part of the tap fee.

All service lines except those laid for fire purposes only, shall be supplied with a meter placed in a horizontal position safe from frost and other damage and accessible to examination. In case of breakage or stoppage of any meter, the consumer shall immediately give notice thereof to the Sturgis Water Department.

The Meter shall be accessible for examination and repair. Accessibility will be determined by the Water Department. No repairs to the meter will be done by the Water Department if the meter is wrapped with insulation or heat tape and the owner of the service line will be responsible for the repairs.

1" meters or smaller that are approved for installation outside of a house, basement, or approved crawl space must be in an approved meter pit. Meters larger than 1" must be in a concrete vault no smaller than 4 foot wide by 8 foot long by 6 foot deep with an approved lid no larger than 18" diameter.

### SECTION 3.09 - Backflow Prevention and Pressure Reducers

The Water Superintendent shall require that a dual check valve for backflow prevention be installed in accordance with South Dakota State Plumbing Code Section 20:54:10:52 in any new plumbing system or any system existing prior to the adoption of these Rules and Regulation if any remodeling or changes are made to the same. The backflow preventer must be after the meter. Pressure reducers must be installed before the meter on all newly constructed structures. The PR valve must be installed before the meter where pressure is 80 pounds or higher

### SECTION 3.10 - Separate Taps

A separate and independent water tap shall be required for every building except as permitted in Section 3.04.

### SECTION 3.11 - Distinct Premises

Any existing service lines supplying two (2) or more separate buildings or two (2) or more separate businesses within the same building or in separate buildings, when a change is made to the water service, must be altered to provide an independent water tap with a separate corporation stop and curb stop box for each building or business.

### SECTION 3.12 - Replacing Service Line or Repair of Service Line

In case of a leak in any private service line, the city will give notice of the leak to the property owner and the owner shall begin repair of the leak within five (5) days after the Notice to Repair is provided, whether in person or by mail. If clear evidence cannot be observed that repair to the service line has

begun within five (5) days after Notice has been provided, the city may shut off the service line, or if it determines that it is in the public interest that the service line be repaired immediately, do the required repair or hire a contractor to do the required repair on an emergency basis. If at any time a private service line leak is determined by the city to be a public health or safety hazard, the service line may be turned off at the curb stop immediately.

*(Section 3.12 Revised October 2014)*

#### SECTION 3.13 - Excavations

All excavations required for the installation of a building service line shall be open trench work unless otherwise approved by the MUB or its authorized representative. Pipe laying and backfilling shall be performed in accordance with Municipal Utility Board specifications and City Ordinances, except that no backfill shall be placed until the work has been inspected.

#### SECTION 3.14 - Guarding Excavation

All excavation for building service shall be adequately guarded with barricades and lights as to protect the public from hazard. All guard barricades and lights shall be furnished and installed by the Contractor. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored as per City specifications. All excavation within the public right-of-way, streets or alleys shall require the owner to obtain a digging permit prior to excavation operations.

#### SECTION 3.15 - Inspection and Turning on Water

After the service line and curb stop have been installed, the Municipal Utility Board or its authorized representative shall inspect the exposed line and turn on the corporation stop. Any adjustments that may be required shall be made by the installer. If all joints are not exposed for inspection, a pressure test of 150 psi for two hours will be conducted by the installer and verified by Sturgis Water Department employees.

On water service lines of three inches or greater, the line will be flushed for 10 to 40 minutes then the attached structure will be tested by the water department for the correct disinfectant residue levels. Testing for bacteria in the service line is the responsibility of the property owner. The length of flushing time is dependent on the length and size of the water line.

The Water Department will determine the flushing time. All water lines that have been recharged with water will have a disinfection residual test performed by the water department after the line has been charged with water. The service line will then be turned over to the property owner after proper disinfection has been established.

The curb stop shall not be turned on except for testing purposes until the meter has been installed and work inspected by the Water Superintendent or his authorized representative and deemed satisfactory and in conformance with all rules. Only authorized Water Department employees shall operate the curb stop.

### SECTION 3.16 - Responsibility of Contractor and Owner

Construction, workmanship and materials for any service line shall be guaranteed by the Contractor for two (2) years from the date of final inspection and approval.

If a leak should develop in a new water service line within two (2) years of its installation, the plumber or contractor who installed it, and the account owner shall be notified by the Water Superintendent to make the repair within five (5) days. If the leak is so extensive to require the service line to be shut off, then the contractor shall respond within 24 hours after notification. Beginning two years after construction and approval of the line by inspection by a designated City employee, the owner of an account and/or property owner who maintain an inactive service line shall continue to be responsible for the cost of any maintenance or repairs to that line. This responsibility for maintenance and repairs to the inactive service line shall include that portion of the service line between the water main and the curb stop.

If the necessary repairs are not made after notification by the required date, the City may make the necessary repairs or cause the same to be done and the original contractor shall be billed the costs of labor, material and fifteen percent (15%) overhead and also a \$50.00 administrative fee.

*(Section 3.16 Revised December 2019, February 2000)*

### SECTION 3.17 - Repairing and Cleaning Mains

The Municipal Utility Board reserved the right at any time to shut off the water on the main pipe for the purpose of repairing the same, making connections of extensions to the same, or for the purpose of cleaning the same, and it is expressly understood that no claim shall be made against the City by reason of the breaking of the service line, curb stop, or from any damage arising from shutting off the supply of water for the repairing, laying or replacing mains, or for hydrants, or other connections or from any damage arising from the cleaning of the mains. The MUB or its designee may give such reasonable notice as shall be practical.

### SECTION 3.18 - Water Main Extension - Application

Any owner or owners of real estate in the City of Sturgis desiring to have the water mains of said City extended to their respective property, shall be required to make written application to the Municipal Utility Board or to the Water Superintendent, which application shall set forth the area to be served and the length of the proposed water main extension and such other information as may be required by the Municipal Utility Board or the Water Superintendent or the South Dakota Department of Water and Natural Resources. Each applicant for such water main extension shall, as part of such application, be required to pay for the cost of such water main extension, including all labor and materials except as outlined below.

The Municipal Utility Board will pay for material costs of constructing a main from the closest source of City water to the property line of the developer within the discretion of the Municipal Utility Board up to a maximum contribution by the Municipal Utility Board in an amount as benefits the City as determined by the Board, on the condition that the developer provide and pay for the acquiring of all easements and



rights of way and for the installation of the water main for the Municipal Utility Board and further that the main be installed at the direction and supervision of the Water Superintendent or other designee of the Water Department and that the main be at proper level at finished grade.

If a water main larger than eight inches (8") in diameter is required for such water main extension, the Municipal Utility Board shall pay the difference in the cost of construction over and above the cost of the eight inch (8") water main.

The developer shall furnish fire hydrants with valve and valve box, gasket and bolts, to make a fire hydrant installation. The make and model of the fire hydrant shall be approved by the MUB or its designee. The contractor shall excavate and backfill for the hydrant, line, dry well and support block, and install the same at no cost to the Municipal Utility Board. The contractor shall install one (1) cubic yard of properly graded gravel or crushed gravel or crushed stone to serve as a dry well for the fire hydrant.

The Developer shall furnish all water main shut off valves, valve boxes, thrust blocks, tees and all other necessary fittings as required by the Municipal Utility Board at no cost to the Municipal Utility Board. A 12 gauge solid copper insulated wire shall be installed, for location purposes, with all mains and services and properly terminated in valve boxes and fire hydrants at a location wire terminal box.

Any extension to the Sturgis Water System shall be looped lines with no dead-end mains permitted without prior approval from the Municipal Utility Board.

The Municipal Utility Board shall require hydrants at approved dead-end mains and shall be installed by the developer/contractor according to Municipal Utility Board specifications.

All such applications shall be submitted to the Municipal Utility Board for approval, together with the recommendations of the Water Superintendent at the regular meeting following the filing of such application with the Water Superintendent. The Municipal Utility Board shall determine the size of the water main that is to be used in such water main extension on the basis of the estimated future water requirements of the area to be served by such water main extension.

#### SECTION 3.19 - Interconnection and Extension by the City

Whenever it is desirable or necessary in the judgment of the Municipal Utility Board to interconnect existing segments or extensions of the water system, and no application for such interconnection or extension has been made to the Water Superintendent, the Municipal Utility Board may order and authorize such interconnection and extension of the existing water mains and the Municipal Utility Board shall be reimbursed for such interconnection and extension, including all labor and materials, as provided in Section 3.18 of this regulation, by the adjacent property owners, by each of said property owner paying his/her proportionate share of said cost at the time he/she makes application to use and connect to said interconnection and extension.

#### SECTION 3.20 - Water Main Installation

Plans and specification for each water main extension project shall be submitted to the Municipal Utility Board and South Dakota Department of Water and Natural Resources for approval. In general, the installation procedure shall conform to the standards established by the American Water Works Association.

Pressure and leakage tests shall be made by the Contractor on all new water main extensions. The mains shall be tested at 150 psi for two (2) hours. Allowable leakage per 1000 feet of six-inch (6") pipe is 0.50 gallons per hour.

Chlorination of the water mains shall conform to the AWWA Standard for Disinfecting Water Mains. Chlorination material shall provide a dosage of no less than 50 parts per million. The retention time shall be at least 24 hours and shall produce not less than 25 parts per million of chlorine at the end of the retention period.

No water main less than six inches (6") in diameter shall be installed. Water mains shall be installed with a minimum of six feet (6') of cover.

## **ARTICLE IV – ADMINISTRATION**

### SECTION 4.01 - Information

The Water Superintendent shall prescribe the form and detail of all applications, permits and reports required by these Rules and Regulations, may determine the frequency of such items except where a frequency is specified, and may provide interpretations or determine the application of these Rules and Regulations where their meaning or application is requested.

### SECTION 4.02 - Application for Permit

Owners of property seeking to obtain water, either directly or indirectly from the Sturgis water distribution system, within or without the corporate limits of the City, shall make application or have a licensed Plumbing Contractor or licensed Pipe-Laying Contractor make application, in writing, to the Municipal Utility Board or their designated representative, said application to state name of owner, description of premises, the size of the tap, kind of service pipe to be used, and purpose for which it is to be used, and said application must be made at least two (2) days before the work is to be commenced. After the application for a new water service or distribution system has been approved by the Water Department, and after payment of the fees pursuant to the TAP FEE SCHEDULE, a Tap Permit will be issued to the applicant based on size of the water service line.

### SECTION 4.03 - Access to Consumer's Premises

The Water Department shall have the right to enter the water user's premises at all reasonable times for the purpose of reading meters, inspecting and keeping them in repair, and/or installing or removing any or all of its apparatus used in connection with the supply of water or for the following reasons:

- a) To make necessary or desirable repairs, or because of leaks, alterations or extensions;

- b) For non-payment, of any bills;
- c) For failure to provide proper security when requested to do so;
- d) For fraudulent use of the water;
- e) For misrepresentation in the application to the City for water service;
- f) When the water user has vacated the premises;
- g) For tampering with the City's meter or meter connections, or to safeguard the City's property from damage or further damage;
- h) For reasons of health and/or safety;
- i) During the periods of water shortage;
- j) For the purpose of securing compliance with orders issued by civil or military authority;
- k) For any violation of law or contract;
- l) For annual Inspection of water meter;

If the water user fails to allow admittance of the Sturgis Water Department employee for the purpose of reading the meter or any other above stated reason, water service may be discontinued. The Municipal Utility Board of Sturgis will cause to be installed a remote reader on every water users service in order that Water Department employees will not have to enter the premises for the purpose of reading the meter.

*(Section 4.03 Revised February 1995)*

#### SECTION 4.04 - Account Owner Liability for Repair Expenses

Property owners must keep their service lines and fixtures connected therewith in good repair and protected from frost at their own expense and must prevent all unnecessary waste, or the water will be turned off. No abatement shall be allowed from the prices charged or agreed upon by reason of the breaking of the service line or corporation stop, and no claim shall be made against the Municipal Utility Board, the City or any of its officers, by reason of the breaking; nor will the City, its Municipal Utility Board or the Superintendent of said Sturgis Water Department be responsible for the damage growing out of the stoppage of said water or any insufficient supply of the same or as to quantity or quality of the water. Property owners using the water from said Sturgis Water Department for whatever purpose shall use the same at their own risk. The property owner or owners shall be responsible for their service line including maintenance and expenses of repairs from their curb stop or master shut-off in the case of more than one building on a service line. The City of Sturgis Municipal Utility Board will assume the responsibility for the service line from the corporation stop at the water main to the curb stop or master shut-off; which ever come first.

*(Section 4.04 Revised October 2014)*

#### SECTION 4.05 - Notice to Inspector

Any plumber or person doing work under the provisions of this regulation shall, when work is prepared for inspection as provided in this regulation, notify the Municipal Utility Board or its authorized representative that such inspection is requested, giving the location of the premises and the time such work will be ready for inspection. The Sturgis Water Department employee shall inspect such work within the same day the inspection is requested, if said request is made before 12:00 noon of that day.

#### SECTION 4.06 - Abandonment of Service

In the case any water service line should have to be abandoned, the property owner of the water service to be abandoned shall properly excavate and expose the old service line and disconnect the line at the water main within thirty (30) days after the water service has been abandoned. If the service line being abandoned is supplying two (2) or more distinct premises, the property owner will be responsible to excavate and properly disconnect and backfill the private portion of the service line to the point determined by the Water Department. There shall be no back filling of the trench at the point which the water service has been turned off until the point of disconnect has been inspected by the Water Department.

When a building is demolished and the service line is smaller than 1", the service line must be abandoned and cut off at the corporation stop and if a new service line is installed it must be 1" or larger. A service line is considered to be abandoned when a building is demolished and the existing service line is smaller than 1". A service line that is smaller than 1" and has previously been used yearly but has not been used in the past five years, it is considered to be abandoned. If a service line is considered abandoned and not shut off and disconnected at the water main within 30 days, then the property owner shall be responsible for the cost of all repairs to the service line all the way to the main, including any damages that may occur as the result of said line developing any leaks.

*(Section 4.06 Revised October 2014)*

#### SECTION 4.07 - Discontinuation

Any property owner desiring to discontinue using water must notify the Water Department to that effect. Charges will be prorated to the disconnect date.

*(Section 4.07 Revised October 2014, June 2005)*

#### SECTION 4.08 - Water for Fire Purposes

Whenever proprietors of lumber yards, manufacturing, halls, stores, hotels or public buildings (regular customers from the waterworks) wish to lay larger pipe with hydrants and hose couplings, to be used only in case of fire, they will be permitted to connect with the street main at their own expense upon application for a permit and payment of any required Tap Fee according to the schedule for such purpose set forth in Section 3.01 of these regulations to be allowed the use of water for fire purposes only, free of charge. Such pipes must be provided with a suitable valve which must be sealed by the Water Superintendent or his authorized representative and stopcock and waste cock attached to the bottom or inside of the building. In case the seal is broken for the extinguishment of fire, the party shall immediately give notice to the Water Superintendent. No stand pipe or water tank will be allowed on the premises for any use other than fire purposes

#### SECTION 4.09 - Use of Hose during Fire

Whenever there is an alarm of fire, the use of any hydrant fire hose for any purpose is positively prohibited except in the immediate vicinity of the fire or on the premises of the fire or on premises in danger of ignition.

#### SECTION 4.10 - Taking Water from or Meddling with Public Hydrants

No person shall unscrew or take off any cap on any water hydrant, or in any way meddle or interfere with such hydrant, or take or carry away any water from any public hydrant, except the Water Superintendent or authorized agents and the Chief of the Sturgis Volunteer Fire Department or authorized agents when in the line of duty, without permission of the Water Superintendent or his designee. Please refer to Article V for fees and fines that apply to noncompliance with this section.

#### SECTION 4.11 - Restricting Use

The Municipal Utility Board reserves the right at any time to restrict the use of said water.

#### SECTION 4.12 - Impurities

No person shall cast or throw, or suffer to be cast or thrown, any impure or unwholesome substance into any drinking fountain or any appurtenance of the Sturgis Water System.

#### SECTION 4.13 - Yard Fountains

The Water Department shall inspect all new yard fountains for cross connections and to make sure the line is tied in before the water meter.

The Municipal Utility Board may suspend the use of water for fountains and sprinkling whenever, in its opinion, public necessity may require it.

#### SECTION 4.14 - Engineering Fees

Any person or persons making such application shall agree as a part of such application to pay the Municipal Utility Board a fee or charge for engineering approval and inspection of such proposed water main into the water system according to a price schedule determined at the start of the construction season. The initial charge at the date of the adoption of these Rules and Regulations shall be on the basis of \$.30 per lineal foot. The payment of such charge or fee is to be made upon approval of said application and before said connection is made.

#### SECTION 4.15 - Fluoridation of Water

The Municipal Utility Board for the City of Sturgis, South Dakota, is hereby authorized and directed to provide the means and to proceed with the introduction of approximately nine tenths (0.9) to one and seven-tenths (1.7) to maintain optimum of one and two-tenths (1.2) parts of fluoride-ion to every million parts of water being distributed in the water supply system of the City of Sturgis, South Dakota.

*(Section 4.15 Revised February 2012)*

SECTION 4.16 – Damages

No person shall uncover or maliciously, willfully or negligently break damage, destroy, deface or tamper with any structure appurtenance or equipment which is part of the municipal water system. If any person is found responsible for the above they will be legally responsible for all cost, and will be prosecuted for any crimes committed.

SECTION 4.17 - Private Water Systems

No private water systems except those operating in full compliance with all state and federal laws and regulations on February 1, 2002, shall be permitted within the city limits of Sturgis or within 1 mile thereof.

*(Section 4.17 Revised February 2011, February 2002)*

SECTION 4.18 - Enforcement

The Water Superintendent shall administer and enforce these Rules and Regulations except that no proceedings for the imposition of a penalty and cost recovery due to violations shall be instituted without prior approval of the Municipal Utility Board.

SECTION 4.19 - Responsibility

The Water Superintendent may delegate to his employees the responsibility for administering under his supervision, any part of these Rules and Regulations where such delegation is deemed to be in the best interest of the Municipal Utility Board and the City.

SECTION 4.20 - Sewer User and Garbage User Fee Enforcement

The Municipal Utility Board will enforce the collection of the sewer use fee and garbage use fee ordinances by having the water service disconnected as provided for in the ordinances pertaining thereto and acts amendatory to said ordinances. A fee will be required to reconnect the water service according to the following schedule: 8:00 a.m. - 5:00 p.m. Monday - Friday \$66.00; after hours an additional \$125.00.

**ARTICLE V - PENALTIES**

Any person who shall violate any of the Rules and Regulations contained in these chapters, except those sections wherein a specific penalty has been stated, shall, upon conviction thereof, in addition to having the water service discontinued, be subject to a fine of not more than two hundred and no/100 (\$200.00) dollars, or imprisonment for a period of not more than thirty (30) days, or both such fine and imprisonment, at the discretion of the Court.

Any plumber or other person who shall violate the above provisions other than those for which penalties have been provided, shall upon conviction thereof, be fined in a sum of not more than two hundred and no/100 (\$200.00) dollars, and the City Council may revoke the license of such plumber.

*(Article V Revised February 2002)*

(Municipal Utility Board regulations also underwent revisions in 2013.)