

CHAPTER 6-8

SEWER CLEANING SERVICES

6-8-1

DEFINITIONS.

For the purposes of this ordinance, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise.

SEWER CLEANING SERVICES: Any individual, corporation, organization or business that cleans sanitary sewer lines regardless of the method used for said cleaning.

SEWER CLEANING SERVICES LICENSE: A license issued by the City of Brandon, S.D. under the terms of this ordinance.

GOVERNING BOARD: The City Council, authorized under South Dakota Codified Laws as the governing body of the City of Brandon, S.D.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-2

LICENSE REQUIRED.

It shall be unlawful for a sewer cleaning service to service any sewer within the limits of the City of Brandon or a sewer line that eventually contributes to the Brandon Sanitary sewer system without first having obtained a Sewer Cleaning License from the City of Brandon, S.D.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-3

APPLICATION FOR LICENSE.

The form for application for a Sewer Cleaning License and renewal thereof, as required by the provisions of this ordinance, shall be available at Brandon City Hall. Upon completion of the application, the applicant shall return it to Brandon City Hall for review and approval. For an application to be considered complete, the applicant must also submit:

- A.. Certificate of insurance coverage. Coverage amounts as described in the Performance Standards (Section 6-8-7).

- A. Payment of an application fee in accordance with the fee schedule determined by the City Council by adoption of a resolution. All fees are non refundable. All licenses expire on December 31st of each calender year.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-4

APPROVAL OF APPLICATION BY GOVERNING BODY REQUIRED PRIOR TO ISSUING LICENSE.

Before any Sewer Cleaning License shall be issued, renewed or transferred under the provisions of this ordinance, the Governing Board must approve the Application for License. The Governing Board may require the applicant to furnish additional information related to the provisions of this ordinance, prior to approval of an application. Upon approval of the application, the staff of the City of Brandon shall issue a Sewer Cleaning License to the applicant. Once issued, licenses shall be conditional upon the license holder complying with the Performance Standards in Section 6-8-7 of this ordinance.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-5

RENEWAL LICENSE.

A holder of a currently valid Sewer Cleaning License may apply for renewal of such a license in the same manner of application described in Section 3 of this ordinance.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-6

TRANSFER OF LICENSE.

A holder of a currently valid Sewer Cleaning License, in conjunction with a party wishing to receive such a license, may apply for transfer of such a license in the same manner of application described in Section 6-8-3 of this ordinance. In such cases, the payment of the applicable fee shall be the responsibility of the party to receive the transferred license. For an application for a transfer to be considered complete, the signatures of an authorized representative from each party must be present on the application form.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-7

PERFORMANCE STANDARDS.

For any Sewer Cleaning License to be effective, the holder of such license shall comply with the following performance standards:

- A. Prior to arrival at the job site, the Licensee, its agents or employees are required to inform the City of Brandon of the addresses of the service requested. This notification must allow adequate time before the arrival of the Licensee, its agents or employees for the City of Brandon to determine if there are problems in the main sewer line. Upon completion of the service the Licensee, its agents or employees are required to inform the City that the service is completed and shall describe the service that was performed.

- B. If the Licensee fails to inform the City of Brandon as indicated in Section 6-8-7A, the Licensee is responsible for any and all damage that is caused as a result of any action taken by the Licensee. Damages for which the licensee may be liable include but are not limited to:
1. Cleaning and complete repair of interiors of structures.
 2. Repair of damages to main sewer lines or individual sewer services.
 3. Reimbursement of wages including overtime wages paid to city employees or the city's agents due to work required to be done in order to correct the damages caused by the licensee.
- C. Failure to notify the City as indicated in Section 6-8-7A is cause for immediate revocation of a license.
- D. No license, having been revoked shall be renewed or returned to the licensee until all damages caused by the licensee are paid in full and until another applications made and all fees paid in full.
- E. Insurance Required.
A certificate of insurance which lists the City of Brandon as named insured must be provided along with the application for a Sewer Cleaning License.
1. Such insurance shall protect the applicant and the City of Brandon against loss from the following:
 - a. Liability imposed by law for damages on account of bodily injury or death resulting therefrom, suffered or alleged to have been suffered by any person or persons whatever resulting directly or indirectly from:
 - (1) Any act, activity, errors or omissions of the licensee; and
 - (2) Any act, activity, errors or omission of any person acting for the licensee; and
 - (3) Any act, activity, errors or omissions of any person under the control or direction of the licensee; and
 - b. Liability imposed by law for damages to property resulting directly or indirectly from:
 - (1) Any act, activity, errors or omissions of the licensee; and
 - (2) Any act, activity, errors or omissions of any person acting for the licensee; and
 - (3) Any act, activity, errors of omissions of and person under the control or direction of the licensee.
 2. The certificate of insurance must show that the applicant has secured liability insurance with the following coverage:
 - a. For public liability and property damage and for bodily injury/death, resulting from any one accident or any other cause, in the minimum amount of \$250,000 for any one occurrence and an annual aggregate limit for \$500,000 for two or more occurrences; and
 - b. For damage liability for property damage resulting from any one accident or other cause, in the minimum amount of

- c. \$250,000; or
Combined coverage for bodily injury/death or property damage,
in the minimum amount of \$1,000,000.

F. **Duty of License Holder.**
License holders shall comply with all of the ordinances of the City of Brandon,
S.D.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-8

REVOCAATION.

Any license issued under the provisions of this chapter may be revoked by the City Administrative Staff or by the City Council for the violation by the licensee of any applicable provision of state law or City ordinance, rule or regulation.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-9

METHOD OF REVOCAATION.

Written notice of revocation shall be mailed by first class United States mail to the address provided on the licensee's application for a permit and is effective upon mailing by the City.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-10

VIOLATION OF ORDINANCE.

Any violation of any provision of this Ordinance shall be a petty offense punishable pursuant to Brandon Municipal Ordinance 1-10-1.

Legislative History:
Ordinance No. 366, 4/17/05
Ordinance No. 271, 9/7/98

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-11

SAVING CLAUSE.

In the event that any part of this ordinance is declared, by a duly authorized court of law, to be unconstitutional, in conflict with South Dakota Codified Laws, or in conflict with the Administrative Rules of South Dakota, such part of this ordinance shall become null and void. In the event of such a finding against a part of this ordinance, the remainder of this

ordinance shall continue to be effective.

Legislative History:
Ordinance No. 366, 4/17/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22

6-8-12

EXCEPTIONS.

The City of Brandon and those under contract with the City of Brandon are exempt from Section 6-8.

Legislative History:
Ordinance No. 366, 4/19/05

Authority:
SDCL §§ 9-29-1
SDCL §§ 9-32-1, 9 & 10
SDCL §§ 9-48-21 & 22