

CHAPTER 14-3

WATER AND SEWER SERVICE IN GENERAL

14-3-1

DEFINITION

For the purposes of this ordinance the word "utility" shall be construed to mean and include water and sewer service furnished by the City to consumers thereof.

Legislative History:

Ordinance #76, §1, 11/20/78.

Authority:

SDCL Chapters. 9-47 and 9-48

14-3-2

SERVICE TO COMPLY WITH TECHNICAL REGULATIONS

Any utility service furnished under the provisions of this chapter shall be in accordance with and compliance with all applicable technical provisions of this chapter, state law, and City ordinances, rules and regulations. The violation of any rule or regulation promulgated by the City shall be punishable by a fine not to exceed \$100.00 per violation.

Legislative History:

Ordinance #76, §2, 11/20/78.

Authority:

SDCL §9-19-3.

14-3-3

INSPECTIONS OUTSIDE THE CITY

In order to protect the City's utility systems, the City shall not make any taps or connections to such systems outside the City limits until the proposed customer's facilities and premises have been inspected and approved by the appropriate inspector of the City.

Legislative History:

Ordinance #76, §3, 11/20/78.

Authority:

SDCL §14-3-1.

14-3-4

TERMINATION OF SERVICE AUTHORIZED

The City of Brandon shall have the right to disconnect or refuse to connect any utility service for the following reasons:

- A. Violation of the Ordinances, resolutions, rules or regulations of the City pertaining to utility services.
- B. Nonpayment of utility fees or charges.
- C. Late payment of utility fees or charges.
- D. Willful or negligent waste of service due to improper or imperfect or illegal pipes, fixtures, appliances or other willful, negligent or unreasonable means.
- E. Molesting or tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
- F. Theft or diversion and/or use of service without full and proper payment therefore.
- G. Vacancy of premises.

Legislative History:

Ordinance #76, §4, 11/20/78.
Ordinance #98, §1, 5/19/80.

Authority:

SDCL §9-19-3.

14-3-5

LIABILITY OF CITY

The City shall not be liable for any damage to the property of any customer or any utility

service furnished by the City due to backflow of the sewer system, failure of water supply, interruption of service, or any cause outside the direct control of the City.

Legislative History:
Ordinance #76, §5, 11/20/78.

Authority:
SDCL §9-19-3.

14-3-6

UTILITY SERVICE: APPLICATION REQUIRED

Any person desiring any utility service furnished by the City shall make application for the same to the City. Such application shall contain the applicant's name, address and the uses for which such service is desired. A separate application shall be made for each premise to be served. The applicant shall abide by the rules and regulations established by the City relative to utility service in effect at the time of his application and as they may be revised from time to time.

Legislative History:
Ordinance #76, §6, 11/20/78.

Authority:
SDCL §9-19-3.

14-3-7

UTILITY SERVICE: USE ASSUMED

All premises connected to any utility service of the City shall be assumed to be using such service and the owner or occupant shall be charged therefor as long as such premises remain connected with the utility service.

Legislative History:
Ordinance #76, §7, 11/20/78.

Authority:
SDCL §9-19-3.

14-3-8

RIGHT OF ENTRY

Any authorized inspector of the City shall have free access at any time to all premises supplied with any utility service by the City for the purpose of examination in order to protect the utility services from abusive use.

Legislative History:
Ordinance #76, §8, 11/20/78.

Authority:
SDCL §9-19-3.

14-3-9

DAMAGE, TRESPASS OF EQUIPMENT

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the City to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the City connected with any utility service.

Legislative History:
Ordinance #76, §9, 11/20/78.

Authority:
SDCL §§9-32-8, 9-32-9,
9-29-3; See Also Chapters 9-47
and 9-48.

14-3-10

UNLAWFUL USE

No person, other than employees of the City shall be authorized to connect, turn on, turn off or disconnect any utility service offered by the City, or remove, replace or repair any equipment connected to any such utility service.

Legislative History:
Ordinance #76, §10, 11/20/78.

Authority:
SDCL Chapters. 9-47 and 9-48.

14-3-11

INTERRUPTION OF SERVICE

Consumers of any utility service furnished by the City are hereby notified that the supply of such utility may be temporarily shut off at any time. Notice shall be given, if feasible, of the contemplated shutoff, but accidents may render this impossible; hence the City hereby warns those dependent upon the utility service for any purpose of this hazard. Immediately upon finding the supply shutoff it becomes the duty of the occupant of the premises to take prompt precautions to prevent damages.

Legislative History:
Ordinance #76, §11, 11/20/78.

Authority:
SDCL Chapters 9-47 and 9-48.

14-3-12

SALE OF SERVICE BY CUSTOMER

It shall be unlawful for any person to resell any utility service obtained from the City to others except upon written agreement with the City Council.

Legislative History:
Ordinance #76, §12, 11/20/78.

Authority:
SDCL Chapters 9-47 and 9-48.

14-3-13

CONNECTIONS TO SERVICE

Connections for any utility service furnished by the City shall be paid by the applicant prior to the use of said utility service.

Legislative History:
Ordinance #76, §13, 11/20/78.
Ordinance #91, §1, 12/17/79.

Authority:
SDCL Chapters 9-47 and 9-48.

14-3-14

METERS

Any structure which contains a connection or service to the water utility system furnished by the City shall be required to have a meter with a remote reading device for the measurement of usage. The remote reading device connected to the inside water meter shall be located outside of the structure so that it shall be easily accessible to the personnel of the City of Brandon. All meters and remote readers shall be approved and installed by, and shall remain the property of the City.

The City of Brandon is hereby authorized to alter all water meters presently located inside of any building within the City, so that a remote reading device connected to said water meter is outside of such building in a location convenient and accessible to the personnel of the City of Brandon.

Legislative History:
Ordinance #76, §14, 11/20/78.
Ordinance #91, §2, 12/17/79.

Authority:
SDCL Chapters. 9-47 and 9-48.

14-3-15

RESTRICTING USE

The City hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the City during periods of emergency or circumstances demanding such restriction or prevention of use.

Legislative History:
Ordinance #76, §15, 11/20/78.

Authority:
SDCL Chapters. 9-47 and 9-48.

14-3-16

SUBSTANCES PROHIBITED IN SANITARY SEWERS

The disposal by any and all persons or corporations of garbage, cans, washers, filters, cooking grease, and other foreign debris into the sanitary sewer system of the City is hereby prohibited.

Legislative History:
Ordinance #76, §16, 11/20/78.

Authority:
SDCL §9-32-1, 9-32-8,
9-32-9; See Also Ch. 9-48.

14-3-17

PETROLEUM PRODUCTS PROHIBITED IN SEWERS

The use of the sewer system of the City, including the sanitary sewer system and the storm sewer system, for the disposal of crude oil, refined oil, or any and all other petroleum products, is hereby prohibited.

Legislative History:
Ordinance #76, §17, 11/20/78.

Authority:
SDCL §9-32-1, 9-32-8,
9-32-9; See Also Ch. 9-48.

14-3-18

EXTENSION OF LINES

The City may serve water or sewer customers outside the municipal corporate limits solely at the City's discretion. Said water and sewer lines shall be constructed and maintained by the customer, with all parties connecting onto such lines being regulated and charged connection fees and other fees as set forth and regulated by the City.

Legislative History:
Ordinance #76, §18, 11/20/78.

Authority:
SDCL Ch. 9-47 and 9-48.

14-3-19

NO CROSS CONNECTIONS TO ANY OTHER SOURCE OF WATER

There shall be no cross connections between the municipal water system lines and any other private or public water system unless approved by the City Council.

Legislative History:
Ordinance #76, §19, 11/20/78.

Authority:
SDCL Ch. 9-47 and 9-48.

14-3-20

VIOLATIONS

Violations of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

Legislative History:
Ordinance No. 258, 2/18/97.
Ordinance No. 212, 9/6/98.
Ordinance No. 271, 9/7/9.

14-3-21

WATER AND SEWER HOOK-UP COST ASSESSMENT

Whenever through the use of City funds or by special assessment, a main sewer or trunk sewer or service sewer has been constructed, and whenever water pipes or mains classified by SDCL 9-47-8 have been constructed and located outside of the City limits, for which the cost has not been apportioned against the adjacent property owner which may be benefitted thereby, the property shall pay its proportionate share of the cost of such construction, without interest, according to the benefits to accrue to such property. Costs shall be apportioned and administered pursuant to the following:

1. If the owner dedicates for public use all right-of-way and easements required by the city for construction of the arterial or collector, and receives no direct access to the street, no costs will be due. Otherwise, the City will set the costs after consideration of the amount of the City's expenditure, the number of property owners benefitted, and the value to the property owner.
2. Recovery costs required by this subsection shall be paid prior to platting or replatting for development.
3. The recovered costs shall be deposited in a City sewer or street water fund, whichever is applicable.
4. The cost recovery shall be reviewed annually and adjusted as necessary to reflect the actual costs of construction.

Legislative History:
Ordinance No. 433, 1/14/09.

Authority:
SDCL 9-47-16, 9-48-15.