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**WATER AND SEWERS**

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CHAPTER SEVEN

WATER AND SEWERS

ARTICLE 1.

WATER SERVICE

SECTION 7.0101 DEFINITIONS: For the purpose of Chapter 7, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Corporation Stop. A water service shut off valve located at the water main in the street.

City service line. A water service line, including the service pipes, corporation stops and curb stops from the water main up to and including the downstream joint on the first curb stop. The curb stop and the curb box shall be the responsibility of the property owner and shall only be operated by City Personnel.

Curb Stop. A water service shut off valve located in a water service pipe near the curb or property line between the water main and the building and is used to shut off water service to a building.

Fire Protection Service. A private water service line, including private hydrants, tanks and other equipment, larger than 2-inches which are used to provide fire suppression in a building. This line extends from the water main including the tap to the building.

Property Line. The point at which a service line crosses private property, whether or not such private property is owned by the Property Owner receiving water service.

Property Owner. An individual, company or Corporation which owns property in Medora.

Septic System. A privately owned wastewater treatment system which may consists of a tank, pump and drain field and is not connected to the city wastewater system and is used to collect and treat wastewater from a home or business.

Sewer Service Line. A sewer service line, including the wye or other connection to the sewer main.

Wastewater System. The lines of pipe, manholes, flush tanks, pumps, lift stations and all connections of every kind and nature now constructed or hereafter constructed and operating the wastewater system of the city.

Water Meter. A device which is used to measure water including the meter, register, wiring and reading equipment.

Water Service Line. Any pipe extending from the water main to the building used to provide a domestic water supply.

Waterworks System. All lands, buildings, machinery, equipment, tools and apparatus, water mains, hydrants, service connections and all other property used for the purpose of furnishing a water supply to the city and the inhabitants thereof now owned or to be owned by the city.

SECTION 7.0102 PENALTY: Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a Class B misdemeanor punished by a sentence not to exceed 30 days in jail, a fine not to exceed \$1500.00, or both.

SECTION 7.0103 WATER SYSTEM: All land, buildings, machinery, equipment, tools and apparatus, water mains, hydrants, service connections and all other property used for the purpose of furnishing a water supply to this City, and the inhabitants thereof, now owned or to be owned by this City, whether acquired by the issue of general obligation bonds, special assessment warrants or other obligations of this City, shall constitute and be known as the waterworks system. For state law as to authority of city to maintain, etc., a system of waterworks, see NDCC, 40-05-01 (36), 40-05-02 (19).

SECTION 7.0104 WATER SUPERINTENDENT: A water superintendent shall be appointed by the City Council. If he is a part time employee, and if he is also a city employee in some other capacity, only his services respecting the water system shall be an operating charge of the system. It shall be the duty of the water superintendent to exercise control and management of the operation of the waterworks system. He shall have power and authority to employ, subject to the approval of the City Council, all such engineers, filter plant operators, meter readers, laborers and other employees as may be necessary to the operation of the waterworks system. All such employees shall be subject to his orders and directions, and he shall be responsible for their acts. He shall have power and authority to purchase such materials, supplies, and repairs for the waterworks system, with the approval of the City Council, as shall be reasonably necessary for the

operation of such system. He shall keep such books and records of matters pertaining to the operation of the system, as are necessary to show the operation and condition thereof. He shall at all times be subject to the supervision and direction of the City Council. He shall perform such other duties and have such other powers and authority as are hereinafter provided for.

SECTION 7.0105 WATER SERVICE - APPLICATION FOR, PERMITS TO LAY, RELAY, REPAIR OR TAP MAIN OR SERVICE PIPE: A permit issued by the City shall be obtained by the owner of a property before any person shall excavate to lay, relay, repair or tap any main or service water pipe. The owner shall first make application for a permit so to do upon forms furnished by the City. Such application shall be made by the owner of the property to which the water is furnished or to be furnished or his agent. No permit shall be issued until all delinquent fees, taxes and special assessment against the property is paid in full. Such application shall state an exact description of the premises to be serviced and the uses, both general and special, to which the water is to be put, and the estimated amount of water to be used for a quarter-annual period. Such application shall include plans and specifications approved by the City Engineer and proof of payment for the engineer's review. Payment of all costs of the application process must be paid prior to the application approval. Such application shall be filed with the City Auditor and the applicant shall thereupon pay to the City Auditor, according to the annual Fee Schedule, as and for a connection charge. Such payment or written agreement shall be returned to the applicant if the application is refused. Said connection charge shall be in full payment of cost of installing the service pipe or pipes from the municipality's main opposite the premises to the owner's property line (unless the cost thereof has been assessed against the property) and for water curb cocks, installation of water meters and supervision of the customer's connection, with the system.

SECTION 7.0106 INSTALLATION AND REPAIR OF SERVICE PIPES, CORPORATION STOPS, ETC.

- a) Property owners are responsible, at their expense, for the installation of the city service line and the water service line. After installation, the city service line shall be operated, maintained and repaired by the City. The curb stop and the curb box shall be the responsibility of the property owner and shall only be operated by City Personnel.
- b) Upon their installation, the Property Owner is responsible for repair and/or replacement of the property owner's portion of the service line.
- c) Upon the city receiving knowledge of a defective service line, the property owner shall be notified. If the Property Owner fails, neglects or refuses to repair such lines within five days after notification, the city will enter upon said property to repair the defective water service line. The cost of said repairs shall be billed to the owner of the property. If the cost of repair is not paid within thirty day of the billing, the city may take action to have the charges assessed to the property in accordance with Chapter 40-28 of the NDCC, or pursue such other remedies as allowed by law. The Property Owner is also responsible for the cost of water loss caused by the defective service line, as estimated by the City.

SECTION 7.0107 CONSTRUCTION OF TAP OR CONNECTION TO MAINS GENERALLY. No person other than a North Dakota licensed Master Plumber or a North Dakota licensed Water and Sewer Installer shall make any tap or connection to a water main. Any such tap or connection shall be inspected and approved by the City prior to being placed in service.

SECTION 7.0108 SERVICE LINES--CONSTRUCTION AND MAINTENANCE GENERALLY. All water service lines and city service lines shall be constructed by North Dakota licensed Master Plumbers or North Dakota licensed Water and Sewer Installers at the owner's expense in the manner and of such material or pipe as shall be designated by the policies set forth by the City, the North Dakota State Plumbing Board and the North Dakota Department of Health.

SECTION 7.0109 NUMBER OF CONSUMERS PER SERVICE CONNECTION. No service connection shall supply more than one water consumer, unless each consumer's service is controlled by a separate curb stop and meter.

SECTION 7.0110 TURNING ON OR SHUTTING OFF SUPPLY. No person, except an authorized City employee, shall shut off or turn on the water at the curb stop to any premises without first obtaining permission from the City. The City may shut off water service upon twenty-four hours' notice to the owner or occupant of the premises when leaks or defects are found in the service between the main and the meter. Mains may be shut off without notice when required for repairs or extensions, but efforts shall be made by the City to notify consumers before interruption of service. In the case of making repairs or constructing new work, the City reserves the right to shut off the water at once and keep the same shut off as long as may be necessary to accomplish such purposes. Service may also be discontinued for nonpayment of bills or for disregard of rules and regulations affecting the service.

The City shall make a reasonable charge for labor and materials for shutting off and turning on services, as specified in the City fee schedule.

SECTION 7.0111 SHUTTING OFF OF CORPORATION STOP ON ABANDONMENT OF CONNECTION. Any water service line abandoned or which does not comply with the policies, regulations or ordinances of the City, the North Dakota State Plumbing Board or the North Dakota State Health Department shall be disconnected at the corporation stop. Abandoned service lines shall not be reconnected to the waterworks system until they comply with all of said requirements.

SECTION 7.0112 FIRE PROTECTION SYSTEM--CONSTRUCTION OF SERVICES GENERALLY; OPENING SERVICE GENERALLY. All fire protection services shall be constructed by properly ND licensed Master Plumbers or ND licensed Water and Sewer Installers in the manner prescribed by the policies determined by the City. A fire protection service shall not be used to provide water service to the water consumer unless a separate water service line is provided. The separate water service line shall be on the outside of the building. The separate water service line shall be controlled by a valve located at the water main.

SECTION 7.0113 SAME--NOTICE OF BROKEN SEALS. When seals on a fire protection service are broken, it shall be the duty of the owner or occupant to notify the City within twenty-four hours thereafter.

SECTION 7.0114 SAME--USE OF FIRE HYDRANTS GENERALLY. Only personnel of the Water Utility, Street or Fire Departments are authorized to operate a fire hydrant. The users of temporary hydrant connections shall be charged fees as determined by the City Commission in the annual fee resolution.

SECTION 7.0115 LIABILITY OF CITY FOR FAILURE OR INCREASE IN PRESSURE. Under no circumstances shall the city be liable for failing to provide adequate water supply or for changes in water pressure. The City reserves the right to increase water pressure at any time for fire protection or for any other purpose.

SECTION 7.0116 DAMAGE AND OBSTRUCTING ACCESS TO WATERWORKS SYSTEM. No person shall tamper with, block access to, damage, destroy or interfere with any part of the waterworks system. If any person violates the provisions of this Section, the City may immediately shut off the water service, and pursue such other remedies as allowed by law.

SECTION 7.0117 UNNECESSARY WASTING OF CITY WATER. No person shall permit water to continuously run from a fixture nor unnecessarily waste any water delivered by the waterworks system. Upon the discovery of such waste, the City shall notify the water user of such fact, and it shall be the duty of the water customer to make the corrections necessary to prevent such waste. If after forty-eight (48) hours the water user has failed to make the necessary corrections, the water service line shall be shut off and not turned on again until the necessary corrections have been made and the customer has paid all costs in connection therewith. The customer shall also pay for the wasted water in an amount as determined by the City.

SECTION 7.0118 ACCESS OF EMPLOYEES OF WATERWORKS TO PREMISES SUPPLIED WITH WATER. Authorized employees of the City shall have access to any premises supplied with water at proper times to inspect and ascertain the condition of the meters and fixtures or for reading meters, or for the purpose of repairs or replacement to the system, and no owner or occupant shall refuse such employees such access. If any person violates the provisions of this Section, the City may immediately shut off the water service, and pursue such other remedies as allowed by law.

SECTION 7.0119 DETERMINATION OF EMERGENCY, NOTICE THEREOF AND RESTRICTIONS AND PROHIBITED USES. A determination of an emergency which requires the imposition of certain water use restrictions or the prohibition of the use of water for certain purposes shall be made in the following manner:

- a) The City may declare an emergency due to inadequate supplies of water, or insufficient capacity to provide adequate water. The determination of emergency and imposition or restrictions and prohibited uses of water shall be made by such persons authorized by the City Council. The board of commissioners, after declaration of such emergency, may impose additional restrictions and prohibited uses of water.
- b) The City may declare an emergency due to a mechanical or electrical breakdown which results in the inability of the Southwest Water Authority to deliver adequate supplies of treated water to the waterworks system.
- c) Public notice of the emergency and the restrictions or prohibitions of the use of water shall be published and/or broadcast in any reasonable manner. Upon the declaration of an emergency, it shall be unlawful for any person to use water delivered by the waterworks system in any manner contrary to such restrictions or prohibitions.

SECTION 7.0120 INSTALLATION REQUIRED FOR TAPPING OF WATER MAIN. A water meter shall be installed on all water service lines to the waterworks system. The water meter shall be the size, type and kind determined by the City.

SECTION 7.0121 FURNISHING, INSTALLATION, TESTING AND REPAIR—GENERALLY. All water meters shall be furnished, installed, tested, repaired and replaced by the City. The cost to test, repair or replace a meter shall be paid by the City unless the property owner has violated this chapter. The property owner shall provide or modify any plumbing necessary for the installation of the water meter. A ball valve shall be installed on each side of the meter.

SECTION 7.0122 SAME--REFUSING OR NEGLECTING TO COMPLY AFTER NOTICE. If the property owner, upon notice from the City, neglects or refuses to have a meter installed, repaired or replaced or provide or modify the plumbing necessary to install a meter, the water service shall be shut off. The water service shall not be restored until the property owner has complied with the notice and paid any fees associated with shutting off and turning on the water service.

SECTION 7.0123 PLACEMENT The property owner, shall provide a location for the water meter that is accessible for the purposes of maintenance, replacement and reading. If the property owner fails to maintain the accessibility of the water meter, the water service shall be shut off. Service shall not be restored until the property owner has complied with this Section and paid any fees associated with shutting off and turning on the water service.

SECTION 7.0124 REMOVAL. Water meters shall be removed only by authorized employees of the City.

SECTION 7.0125 RESERVED.

SECTION 7.0126 PROTECTION FROM DAMAGE. The property owner shall at all times protect the water meter from damage due to freezing, back pressure, or any other damage caused by the actions or inactions of the property owner. The costs of repairing or replacing water meters damaged due to freezing, back pressure or the actions or inactions of the property owner shall be paid by the property owner. If the property owner fails to pay the costs to repair or replace the water meter, the water service shall be shut off. The water service shall not be restored until the property owner has complied with this Section and paid any fees associated with shutting off and turning on the water services.

SECTION 7.0127 WATER SERVICE - BRANCH SERVICE – WHEN. Unless special permission is granted by the water superintendent, each premises shall have a separate and distinct water service connection, and where permission is granted for branch service systems each branch system must have its own separate meter and separate curb cock.

SECTION 7.0128 WATER SERVICE – METER. Every owner of every premises who wishes water from the municipal water system shall make application with the City of Medora for a water meter and shall pay the hookup fee in such amount as determined, from time to time, by the City Council and shall be on file in the office of the City Auditor in the City Fee Schedule. Authorized employees of the City of Medora shall have free access to any premises supplied with

water at proper times to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employee such access. It shall be illegal to tamper with City owned water meters, make illegal taps, by pass meters or take water from hydrants, without the authority of the City of Medora. Every person convicted of a violation of this provision shall, upon conviction thereof, be punished by a fine of not more than \$1,500.00 or imprisonment of not more than thirty (30) days, or both.

SECTION 7.0129 WATER AND SEWER RATES AND CHARGES. There shall be and there is hereby established rates and charges for the use of, and for the services supplied by the Municipal Water System for the City upon the meter readings of the amount of water consumed. The charges to residential or non-residential users for water and sewer usage shall be determined by the Medora City Council and set forth in the City Fee Schedule.

SECTION 7.0130 RATES AND CHARGES, LIABILITY FOR. Any party desiring water service from the City's water supply system who is not the owner of the premises to be supplied with water shall, upon making application for water service, deposit with the City Auditor of the City of Medora the sum of \$50.00 to be held as and for a security deposit and to be applied against any unpaid water charges at the termination of supplying water to said party. Any portion of the security deposit not required for satisfying unpaid water charges shall be at the time water service is discontinued refunded to the party who made such deposit.

The City Auditor shall deposit such funds as it receives hereunder in a separate special account to be held there until such time as the funds are refunded or applied to the party's unpaid water charges, as the case may be.

If the owner of a premises that is furnished water or sewer service in the City fails to pay the applicable charge when due, the charges shall be assessed to the property served. It shall be the duty of the City Auditor to certify to the County Auditor such unpaid water or service charges that are unpaid in the same manner and at the same time as other assessments are certified and they shall be assessed and collected in the same manner.

SECTION 7.0131 DUTY OF POLICE: It shall be the duty of the police of the City in all cases where they may find any person or persons engaged in the work of breaking ground for the purpose of making connections, etc., with water mains or in any way interfering with or operating upon any of the water mains, to ascertain at once if such person or persons are duly licensed to perform such work, and in the event of said person or persons not being duly licensed and having a permit, to order them to desist, under pain of arrest for violation of this Ordinance, and at once report the fact to the superintendent of waterworks.

## **ARTICLE 2 – REGULATION OF SEWER USE**

SECTION 7.0201 WASTEWATER DEPARTMENT GENERALLY. The activities of the wastewater system shall be directed and supervised by such individuals as designated by the City Council. For state law as to sewage disposal in municipalities, see NDCC, § 40-34-01 et seq.

SECTION 7.0202 APPLICATION FOR PERMIT TO CONNECT WITH WASTEWATER SYSTEM. Any person desiring to make any connection with the wastewater system of the city must apply to the city for a permit. No permit shall be issued until all delinquent

fees, property taxes and any special assessment against the property are paid in full. **SEE ALSO ARTICLE 6.**

SECTION 7.0203 INSTALLATION AND REPAIR OF SERVICE PIPES, WYES, CONNECTIONS, ETC.

- a) All sewer service lines including the wye or other connection to the sewer main shall be installed, operated, maintained and repaired by the property owner.
- b) If any service line or fixture is allowed to get out of repair or is damaged in any manner and the property owner fails, neglects or refuses to repair such pipes or fixtures, the City shall have the right to repair them and charge the cost of such repairs to the property owner. If no action is taken or positive response received within 5 days after notice, the City will enter upon said property to repair the defective sewer service line. The cost of the repair will be billed to the property owner. If the cost of the repair is not paid within thirty days of the date of billing, the City may take action to have the charges assessed to the property in accordance with Chapter 40- 28, NDCC, and pursue such other remedies as are allowed by law.
- c) If the City determines that a damaged sewer service line causes an immediate health or safety concern, it may immediately enter upon said property and make said repairs, and assess the costs thereof as set forth in subsection (b), above.

SECTION 7.0204 PLANS, SPECIFICATIONS, ETC., FOR CONNECTIONS. All sewer service lines and main connections shall be constructed by properly licensed Master Plumbers or Water and Sewer Installers in the manner prescribed by the laws, rules, policies and ordinances of the City, the North Dakota State Plumbing Board and the North Dakota Department of Health.

SECTION 7.0205 DEPOSITING, DRAINING, ETC., HARMFUL MATERIALS INTO SANITARY SEWERS. It shall be unlawful for any person to discharge, deposit, dump or drain, or cause to be discharged, deposited, dumped or drained any liquid or solid prohibited by city, state or federal regulations or polices into the wastewater system. It shall be unlawful for any person to or cause to be discharged, deposited, dumped or drained into the wastewater system liquid or solid that by volume or concentration of contaminants causes damage or exceeds the capacity of the wastewater system or which is unable to treat by or is harmful to the processes of the City's wastewater system.

SECTION 7.0206 USE OF PUBLIC SEWERS REQUIRED

- a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Medora, North Dakota, or in any area under the jurisdiction of said City of Medora, North Dakota, any human or animal excrement, garbage or other objectionable waste.
- a) It shall be unlawful to discharge to any natural outlet within the City of Medora, North Dakota, or in any area under the jurisdiction of said City of Medora, North Dakota, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- b) Erection And Maintenance Of Privies Or Cesspools. It shall constitute and is hereby declared a nuisance for any person to erect or to maintain any privy or cesspool on any property in the city. Septic systems and holding tanks, compliant with city, state and federal

regulations may be allowed where sewer and water connections are more than 200 feet from the property upon application for and approval of a Variance by the City Council. All excavation and utility connections are required to be completed between spring thaw and no later than November 1 prior to freeze up.

#### SECTION 7.0208 WHEN PRIVATE SEWAGE DISPOSAL PERMITTED

- a) Where a public sanitary or combined sewer is not available, a building sewer shall be connected to a private wastewater disposal system complying with the conditions of a permit issued by the City Council.
- b) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit.
- c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Council. The Council or its representative shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered.
- d) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations and/or regulations of the North Dakota State Department of Health. No permit shall be issued for any private wastewater disposal system not meeting these conditions. No septic tank, holding tank, cesspool, or industrial waste shall be permitted to discharge to any natural outlet or to the ground surface.
- e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- f) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. All sludge or solids, to be disposed of from a septic tank, cesspool or other individual method of disposal shall be disposed of by a licensed septic tank pumper in accordance with the North Dakota State Health Department Regulations.
- g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any Health Officer.

#### 7.0209 USE OF PUBLIC SEWERS

- a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any building drain or sewer which in turn is connected directly or indirectly to the sanitary sewer unless such connection is approved by the City and the North Dakota State Department of Health.
- b) Stormwater other than that exempted under Section 7.0209 (1) and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and the North Dakota State Department of Health.
- c) No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- i. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - ii. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - iii. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
  - iv. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- d) The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream,, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:
- i. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
  - ii. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
  - iii. Wastewater containing floatable oils, fat or grease.
  - iv. 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.
  - v. 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 at the wastewater treatment works exceeds the limits established by the City for such materials.
  - vi. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the City.
  - vii. Any radioactive wastes or isotopes ouch half-life or concentration as may exceed limits established by the City in compliance with the applicable state or federal regulations.

- viii. Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
  - ix. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - x. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- e) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 7.0209 (4) and which, in the judgment of the City, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
- i. Reject the wastes;
  - ii. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - iii. Require control over the quantities and rates of discharge; and/or
  - iv. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of 7.0209 (11).
- v. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and the North Dakota State Department of Health.
- f) Great, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in 7.0209 (4) (c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the North Dakota Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the City. Any removal and having of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.
- g) Where pretreatment or flow-equalizing facilities are provided or required by any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
- h) When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes 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 wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- i) The City may require a user of sewer services to provide information needed to determine

compliance with this ordinance. These requirements may include:

- i. Wastewaters discharge peak rate and volume over a specified time period.
  - ii. Chemical analyses of wastewaters.
  - iii. Information on raw materials, processes and products affecting wastewater volume and quality.
  - iv. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
  - v. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
  - vi. Details of wastewater pretreatment facilities.
  - vii. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- j) All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis by the City.
- k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

Source: North Dakota League of Cities Model Municipal Ordinance Code - 1987

#### 7.0210 DAMAGE TO SEWER WORKS PROHIBITED

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to the general penalties of the Medora City Code, i.e., an offense.

Source: North Dakota League of Cities Model Municipal Ordinance Code - 1987

#### 7.0211 PENALTIES

- a) Any person found to be violating any provision of this ordinance except Section 7.0210 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- b) Any person who shall continue any violation beyond the time limit provided for in Section 7.0211 (1), shall be guilty of a class B misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.
- c) Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Source: North Dakota League of Cities Model Municipal Ordinance Code - 1987

### **ARTICLE 3 - SEWER SURCHARGE**

### 7.0301 DETERMINATION

The City may charge such fees as it deems reasonable for service.

## **ARTICLE 4 - UTILITIES CHARGES - COLLECTION**

### 7.0401 CONNECTION FEES

Any property owner who causes or permits his property to be connected to the garbage collection service, sewer, or water systems of the City shall pay and be fully responsible for the connection fees which shall be paid before municipal garbage collection, water, or sewer services may be utilized. The amount of such connection fee shall be an amount determined from time to time by the City Council and shall be on file at the office of the City Auditor in the City Fee Schedule.

### 7.0402 DELINQUENCIES

All bills for water, sewer, garbage service, and other services billable by the City shall be due and payable within thirty (30) days after the date of billing. If such bills or any part thereof are not paid within ninety (90) days, such bill will be listed as delinquent and the owner or occupant notified that the supply of services for which the bill is rendered shall be shut off or terminated after thirty (30) days and shall not be turned on, reconnected, or reinstated until all delinquent charges have been paid, together with an additional sum for reinstating the service, in such amount as determined from time to time by the Board of City Commissioners, and shall be on file in the office of the City Auditor in the City Fee Schedule.

### 7.0403 CHARGES CONSTITUTE LIEN ON PREMISES

All City charges shall constitute liens upon the respective lots, tracts, and premises receiving City services and all such charges which have been properly billed to the owner or occupant of the premises served and which are more than ninety (90) days past due on September 30 of each year, shall be certified by the City Auditor to the County Auditor between the 1st and 10th day of October of each year, and the City Auditor, in so certifying such charges, shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises and collected by the County Treasurer and paid to the City Treasurer in the same manner as other county and municipal taxes are assessed, certified, collected, and returned.

Source: Sections 40-05-01 (36), (45), (72), and (73) NDCC.

## **ARTICLE 5 WELLS**

SECTION 7.0501 REPORTING EXISTENCE TO CITY. Every owner and occupant of real property within the city upon which any water well is presently located is required to notify the City of the existence of such well, providing the location, description and use of such well.

SECTION 7.0502 PERMITS FOR CONSTRUCTION. Any person hereafter constructing any water well within the city, before undertaking such construction, shall first make written application to the City, describing in detail the proposed location, dimensions and use of such well and shall then obtain a written permit before undertaking the construction of such well. The permit fee shall be in such amount as determined from time to time by the City Council and shall be on file in the city fee schedule.

SECTION 7.0503 CONNECTION TO SERVICE LINES CONNECTED TO MUNICIPAL WATER SYSTEM. No owner or occupant of any property within the city shall at any time have or permit a direct connection from a private water well supply to the waterworks system, unless a city approved backflow preventer device is installed. Valving between private water well lines and the waterworks system shall be prohibited and shall be in violation of this article.

SECTION 7.0504 CONNECTION TO MUNICIPAL SERVICE. No property within 200 feet of city water service shall be allowed to connect to a well for domestic use. Any property which does not conform to this requirement on the effective date of this Ordinance may continue such use, subject to the limitations of this section. If at any time city water service is extended to within 200 feet of property, such property shall convert to city water service. If a property becomes connected to the City Waterworks system, it cannot thereafter use a well for domestic use.

## **ARTICLE 6 LICENSES AND BONDING**

SECTION 7.0600 PLUMBERS AND WATER AND SEWER INSTALLERS LICENSURE REQUIRED. All plumbers and water and sewer installers desiring to do work in connection with the City water mains shall first pass an examination by the State Plumbing Board, or its designee as to proficiency in sanitary plumbing, and, if found competent, said State Plumbing Board, shall issue a certificate, signed by the health officer and the superintendent of waterworks, upon presentation of which, accompanied by a bond in the sum of Ten Thousand Dollars (\$10,000.00), and such subsequent amounts to be set forth in the City Fee Schedule, to be approved by the City Council, the City Auditor shall, upon receipt of the City licensure fee set forth in the City Fee Schedule, issue to said plumber a license permitting him to work on any and all city water mains under pursuant to the Ordinance regulating the same, said bond to protect, indemnify and save harmless the City of Medora from any and all loss, claim, suit or damages, directly or consequential, the City sustains by reason of the violation of any of the rules or regulations that may be in force from and after the filing of said bond; also, as a guarantee of faithful and proper performance of all work done under said license, the City Council reserving the right to revoke said license in case of a violation of the Ordinance, rules and regulations governing the management of the City waterworks. All licenses are to be for one year, ending on the first Monday in May of each year.

### EXCAVATING LICENSES

SECTION 7.0601 EXCAVATING LICENSE REQUIRED—APPLICATION. No person shall engage in the business or occupation of excavation of water mains, water lines, sewer mains, sewer lines or any other portion of the waterworks, wastewater or storm water system of the city without first procuring a license to do so. All applications for licenses shall be made in writing to

the city. An applicant shall be required to submit, as part of the application, a copy of his contractor's license or renewal certificate, issued pursuant to North Dakota Century Code, Chapter 43-07, and a Master Plumber's License or a North Dakota Water and Sewer Installer's license, issued by the North Dakota State Plumbing Board. An excavator's license may not be issued unless the applicant has a current North Dakota contractor's license and a Master Plumber's License or North Dakota Water and Sewer Installer's license.

SECTION 7.0602 SAME--APPROVAL OF APPLICATION; BOND REQUIRED OF APPLICANT. If all of the requirements of this chapter are met, the City shall approve the application for a license required by section 7.0301, which shall be filed with the City, together with a surety bond in a sum determined from time to time by the City Council for the execution of all work in strict conformity with the provisions of this chapter and the protection, indemnification and saving harmless the city from any or all loss, claim, suit or damages, direct or consequential which the city may sustain through violation of any of the provisions of this chapter, through negligence or in any other manner whatsoever.

SECTION 7.0603 SAME--ISSUANCE; FEE; TERM; RENEWAL. Upon filing of the required application and bond the City shall issue a license, as required by section 7.0301, to the applicant upon payment by such person to the City of a fee in such amount as determined from time to time by the City Council in the City of Medora Fee Schedule. All licenses shall be for a period of one year or a fractional part thereof and shall expire as of the thirty-first day of December of each year.

## **ARTICLE 7 CONTRACT TO PURCHASE WATER**

7.0701 AUTHORITY TO PURCHASE WATER: That the City Council of the City of Medora, may contract to purchase water from the North Dakota State Water Commission, a state agency and public corporation created and existing pursuant to Chapter 61-02 NDCC, acting through the North Dakota State Engineer, which water shall be supplied through its Southwest Water Pipeline Project.

7.0702 FORTY YEAR CONTRACT: That the terms of said contract and the period of said contract, not exceeding forty years, shall be as the City Council shall deem appropriate.

- 7.0703 CONTRACT PROVISIONS: That by such contract, the City may bind itself:
- a) To establish and maintain rates and charges for supplying water by it to its inhabitants and industries, either according to a prescribed schedule agreed upon or sufficient to prove due said stated amounts for specific periods during the life of the contract, or both, and to appropriate and use the same for payments to become due under the contract, and if the contract so provides, the City shall be obligated to pay for such water solely out of such net revenues. If payments under the contract are to be made solely out of net revenues, the contract may fix and prescribe the method or basis on which net revenues are to be computed.
  - b) To pay, at agreed rate or rates, for all water taken by the City under such contract and not resold by it; and

- c) To do and perform any other acts or things which, in the discretion of the City Council, are deemed reasonable and appropriate for the procurement of such water on the most efficient and economical basis.

7.0704 ORDINANCES IN CONFLICT: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

7.0705 EFFECTIVE DATE: This Ordinance shall become effective upon approval by a majority of the City residents voting on the proposition of whether or not this Ordinance should go into effect.

Last Updated May 2019.