

CHAPTER SEVEN

WATER AND SEWER

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CHAPTER SEVEN

WATER AND SEWER

ARTICLE 1 - UTILITY ESTABLISHED

7.0101 Water and Sewer Department Established

There is hereby established and created within the City of Sawyer, North Dakota, a department to be known as the City Water and Sewer Department, which shall have general charge of all plants, systems, works, instrumentalities, equipment, materials, supplies, sewage disposal plants, lagoons, intercepting sewer, trunk connections, sewer and water mains, filtration works, pumping stations and all parts and appurtenances of the foregoing which are used or useful in connection with the obtaining of a water supply and the conservation, treatment and disposal of water for public and private uses, and/or useful in connection with the collection, treatment and disposal of sewage, waste and storm sewers for the inhabitants of this city, subject to all ordinances, rules and regulations.

7.0102 City Water and Sewer Department to be Independent Agency

All of the business affairs of the said City Water and Sewer Department shall be conducted, insofar as is possible within the ordinances of the City of Sawyer as a completely separate and distinct division of the City of Sawyer. Separate and distinct accounts shall be set up on the books of the City Auditor, which said accounts shall at all times reflect the true condition of the Water and sewer Department, as distinct from the remaining business of the city, and which shall be so devised as to disclose the annual profit or loss of said department. The funds of the department shall be held in the custody of the City Auditor and disbursed upon warrant in the same manner as other funds, but the said Water and Sewer Department shall be given credit upon the books of the city for any and all funds paid by it into the City Treasury, and shall be charged on the books of the city with all payments made by the city on its behalf. Transfers from the Water and Sewer Department to the General Fund or any other fund of the city shall not be made except upon order of the governing body, nor shall transfer be made from said city funds to the Water and Sewer Department without like order. Where bonds have now been, or may hereafter be issued against any water works improvement or sewage improvement, which constitute a general obligation of the city, the expended for such purpose in the manner provided by law, until such time as it may be possible out of the proceeds of said Water and Sewer Department, after payment of the bond requirements from the profits of the said Water and Sewer Department. It is expressly declared to be the purpose of this ordinance that as soon as the same can be accomplished without undue burden to the water users of this city, the said Water and Sewer Department shall be placed upon an entirely independent basis as a separate business enterprise.

7.0103 Scope of Utility

The properties of said utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the City's Water and Sewer Utility Fund and all moneys to be derived thereafter from the services, facilities, products and by-products of said utility, shall be and are hereby appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available water and sewerage service to the City and its inhabitants and industries. Said utility shall at all times be under the management and control of the governing body of the city and shall by it be operated and maintained in such manner as to provide its service with maximum efficiency and at the minimum cost which is compatible with the plan of operation herein described.

7.0104 Service Charges - Use Of

Said utility shall at all times be so operated and maintained, and rates and charges for its services, facilities, products and by-products shall be such, as to make the utility self-supporting and self-perpetuating. Such charges from time to time imposed and collected shall be made and kept adequate to pay as incurred all costs of operation and maintenance of said utility and to establish and maintain reasonable operating reserves; to produce net revenues which shall be sufficient at all times to pay promptly the principal and interest due on all obligations to the City incurred for the improvement, extension and enlargement of said utility, to the extent that such obligations are according to their terms payable from said net revenues, and to establish and maintain adequate reserves for the security of said obligations; and to produce surplus net revenues, over and above current principal, interest and reserve requirements, in amounts sufficient to provide reasonable return on the City's capital investment therein which surplus net revenues, when actually on hand, and to the extent that they are not required as a reserve for depreciation and replacement, may from time to time be appropriated by the governing board to pay or contribute to the cost of any other city functions, subject to the limitations now or hereafter prescribed by law.

The foregoing appropriations shall not, however, be deemed or construed to preclude the City from defraying any part or all of the expense of any improvement, enlargement or extension of the water and sewer utility by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body.

7.0105 Policy on Improvements - Extensions

It is hereby declared to be the policy of the city, subject to such modifications as shall be deemed by the governing body to be required by special circumstances in individual cases, and subject to such modifications as may hereafter be made by ordinance amendatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of said utility shall be paid in the following manner:

1. Where water mains not exceeding six inches or sanitary sewer mains not exceeding eight inches in diameter are installed adjacent to residential properties, and where water mains not exceeding eight inches or sewer mains not exceeding ten inches in diameter are installed adjacent to commercial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived therefrom by the respective properties. Water and sewer mains of the dimensions above described are referred to herein as "lateral" mains, and other mains are referred to as "trunk" mains.
2. Where a trunk main is installed, the governing body upon advice of the City Engineer shall estimate the probable cost of construction of a lateral main at the same time and place, and such estimated cost shall be assessed against the properties abutting on such main and in the manner above provided.
3. One Hundred per cent of the cost of any sanitary sewer in excess of the estimated cost of a lateral sewer at the same time and place shall be assessed against all properties determined by the governing body to require the immediate construction of such main as a trunk sewer, including properties abutting thereon and properties served or capable of being served by lateral sewers connected thereto, in amounts proportionate to and not exceeding the benefits determined to be derived by said respective properties from such trunk sewer.
4. The total cost of storm sewers shall be assessed against properties within the area determined to be benefited thereby, in amounts proportionate to and not exceeding the benefits determined to be derived therefrom by the respective properties.

5. Where a portion of the benefits of any of the forgoing improvements is deemed to accrue primarily to the city at large, a portion not exceeding 20 percent of the cost thereof as determined by the governing body with the concurrence of the Board of Budget Review, may be paid by the levy of ad valorem taxes upon all property within the City over the same period as the levies of assessments for such improvements, or any portion or all of such cost may be paid out of current funds duly provided in the budget, or from the proceeds of general obligation bonds duly authorized by the electors.
6. Such portion of the cost of any improvement, extension or addition to the utility as is not paid by special assessments and taxes levied and actually collected in respect thereof shall be paid from the net revenues of the utility.
7. Where due to any error or omission or to any special circumstances a special assessment is not levied against any property benefited by an improvement at the time of the construction thereof in accordance with the program described in this section, the city reserve the right to levy a supplemental special assessment upon such property or to impose and collect a special charge for the connection of such property with the utility system in such amount as shall be required to pay its just share of the assessable cost of such improvement.

7.0106 Utility Fund - Separate Accounts

All money received by the city in respect of the services, facilities, products and by-products furnished and made available by said utility, except collections of special assessments and taxes appropriated to improvement district funds and moneys borrowed for capital improvements, and all money, receipts and returns received from any investments of such earnings, shall be paid into the treasury of the city and kept in a special fund which shall be permanently maintained on the books of the city, separate and distinct from other funds, and designated as the Water and Sewer Utility Fund, in the records of which fund all receipts and disbursements of money on account of or in connection with the utility shall be entered and reflected; but the moneys from time to time on hand therein shall always constitute public municipal funds and shall be deposited and their safekeeping secured like other city funds. Separate accounts with the Water and Sewer Utility Fund shall be permanently maintained for the purpose of segregating the revenues required to meet the several expenses and obligations of the utility, as provided below, and such revenues shall be administered and accounted for as follows:

1. Operation and Maintenance Account. There shall be credited at least once in each calendar month to the Operation and Maintenance Account of said fund, as a first lien and charge on the gross revenues of the utility such sum as shall be needed, over and above any credit balance then held therein, to pay all claims due which be accepted accounting practices constitute normal, reasonable and current expenses of operation and maintenance of the utility, and to pay such expenses estimated to accrue for a period of approximately one month and to maintain a reasonable reserve for contingencies. Moneys in said account shall be used only to pay expenses of the foregoing type, and not for repairs or replacements or for capital improvements properly chargeable to replacement and depreciation reserves or surplus funds.
2. Principal and Interest Account. The Principal and Interest Account of the Fund, created by resolution adopted __N/A_____, 19____, shall continue to be maintained as provided in that resolution until the payment in full of the improvements warrants issued against said fund.

3. Revenue Bond Account. The net revenues of the utility are herein defined as the aggregate of all sums on hand in the Water and Sewer Utility Fund from time to time in excess of the current requirements defined in (1) and (2) above. The entirety to said net revenues shall be credited each month to the Revenue Bond Account of the Water and Sewer Fund until there shall have been credited within said account, and thereafter so much of the net revenues as shall be necessary to maintain at all times, a reserve in an amount at least equal to the sum of the principal and interest payments due within each next succeeding twelve months period upon all revenue bonds of the city heretofore or hereafter issued and made payable from said accounts. After said reserve has been created, there shall continue to be credited out of the net revenues to the Revenue Bond Account each month, over and above sums required to maintain such reserve, an amount not less than one-twelfth (1/12) of the sum of the principal and interest to become due on all such revenue bonds within the then next succeeding twelve months. Moneys in said account shall be used only for the payment of principal and interest as it becomes due on said revenue bonds heretofore and hereafter issued and made payable from said account, subject to the limitations upon such issuance contained in Section (6) hereof, shall constitute a first lien and charge on the net revenues of said utility as herein before defined without preference or priority of one bond over any other; provided that if at any time the moneys in the Revenue Bond Account should be insufficient to make all payments of principal and interest due on such revenue bonds, and cannot be made sufficient by transfer of moneys from the other accounts described below, the moneys available shall be first used to pay interest then accrued on all bonds payable from said account, and any excess moneys available shall be used to pay matured principal of such bonds in order of their maturity dates, provided that moneys available for payment of bonds maturing on the same date shall be prorated equally among such bonds.

4. Improvement Warrant Account. There shall also be maintained in said fund an Improvement Warrant Account, for the purpose of segregating net revenues required for the payment of any portion of the cost of improvements hereafter instituted, for which such revenues have been pledged in accordance with the provisions of 40-22-15 and 40-22-16 of the North Dakota Century Code of 1943. There shall be transferred from said account as required, to the fund of each improvement district for which such pledge has been made, sums sufficient, together with tax and assessment collections held in such funds, to pay when due the principal and interest on all improvement warrants drawn upon such funds for the financing of such improvements. Moneys sufficient for the requirements of said improvement district funds shall be credited and paid into the Improvement Warrant Account out of the net revenues remaining from time to time after provision for the current requirements of the Revenue Bond Account, and the lien and charge on said net revenues in favor of improvement warrants for the payment of which such pledges have been made shall be subordinate only to the lien and charge on said net revenues in favor of revenue bonds payable from the Revenue Bond Account. In the event that moneys in the Improvement Warrant Account shall be insufficient for the making of all transfers required to be made to the several improvement district funds to which such pledges have been made, and cannot be made sufficient by the transfer of funds from the remaining accounts described below, the available moneys shall be apportioned first to the several improvement district funds in sums sufficient to pay interest then accrued on all warrants drawn on such district funds, and any remainder shall be applied in payment of matured principal of such warrants in order of the maturity dates thereof. As among warrants maturing on the same date, such available moneys shall be applied to the warrants of the several issues in proportion to the matured principal amount thereof for the payment of which taxes and assessments in the respective improvement funds are in sufficient.

5. Replacement and Depreciation Account. There shall be maintained a Replacement and

Depreciation Account, into which there shall be credited and paid as received, except as otherwise stated below, all net revenues in excess of the current requirements of the other accounts above described. In said account there shall be maintained such balances as the governing body shall from time to time determine to constitute and adequate reserve for depreciation and replacement of the utility, which reserve may be used to redeem prior to maturity obligations payable from the net revenues as and when the same become prepayable according to their terms, or to replace worn out or obsolete properties of the utility, or to make extensions, enlargements or improvements thereto. Any moneys in said account determined to be surplus to the immediate requirements therefore may be invested or may be transferred to other city funds in the discretion of the Board, in the manner and subject to the limitations set forth in Section 4-33-12 of the North Dakota Century Code; and any acts amendatory thereof or supplemental thereto.

6. Money on Hand. The moneys on hand in any of the accounts of the Water and Sewer Utility Fund shall at all times be available and shall be used to the extent necessary to restore any deficiency in the funds on hand in any of the preceding accounts, in the order listed above, for the fulfillment of the requirements of such preceding accounts as herein defined.
7. Additional Accounts. The city also reserves the right to create additional accounts within said Water and Sewer Utility Fund for the purpose of segregating any surplus net revenues which may be pledged and appropriated to the payment of obligations hereafter issued to finance improvements, enlargements or extensions of said utility, other than the obligations made payable from the Revenue Bond Account and the Improvement Warrant Account, pursuant to the authority for such issuance reserved in 7.0107 hereof, provided that moneys on hand in any such account shall at all times be available for and used to the extent necessary to meet the current requirements of all of the foregoing accounts except the Replacement and Depreciation Account.

7.0107 Provisions for Financing Capital Improvements

In borrowing money for capital improvements, extensions or additions to said utility the following provisions shall at all times be observed:

1. For the purpose of this section, whenever the net revenues of the utility herein above appropriated to the Improvement Warrant Account are pledged to pay a portion of the cost of any improvements to be financed by improvement warrants, such warrants and the interest accruing thereon shall be deemed to be payable from said net revenues in the same proportion as that part of the cost payable from said net revenues bears to the principal amount of such warrants/ and the portion of such costs payable from net revenues shall be deemed equal to the principal amount of the warrants less the principal amount of the taxes and assessments agreed to be levied for the payment thereof.
2. Except as provided in parts (3) and (4) below, no obligations shall be issued and made payable from the Revenue Bond Account or the Improvement Warrant Account at any time unless the net revenues of the utility, as defined in Sections 7.0106 (3) hereof, received during the then next preceding fiscal year, shall have been in an aggregate amount at least equal to 125% of the average annual principal and interest payments due on all bonds payable from the Revenue Bond Account which are then outstanding or then to be issued, plus such percentage of the average of the annual principal and interest payments due on each issue of improvement warrants then outstanding or then to be issued and shall be payable from said new revenues, which averages shall be computed on the basis of the principal and interest payments due in the fiscal years of the then remaining term of all such revenue bonds and improvement warrants then outstanding. For the purpose of such computation, whenever rates for water and sewerage service have been changed in the course of any fiscal year. the net revenues for such year shall be deemed to be those which would have been received if such amended rates had been in effect during the entirety of such year, based upon the actual quantities of service furnished to each class of customers and the actual expenses of the utility during such year;

provided that in no case shall the net revenues so computed be deemed to exceed 125% or the net revenues actually received during such year.

3. Refunding revenue bonds may be issued for the purpose of prepaying and refunding bonds payable from the Revenue Bond Account when and as they become prepayable according to their terms, in the manner and to the extent permitted by law, provided that such refunding revenue bonds shall be subject to the requirements set forth in part (2) hereof, as applied to the past net revenues and future principal and interest requirements as of the date of the issuance of such refunding revenue bonds. However, the city shall and does hereby also reserve the right and privilege of issuing refunding revenue bonds, when permitted by law, for the maturities of any bonds payable from the Revenue Bond Account which have matured and for the payment of which the moneys in the Revenue Bond Account are insufficient, and cannot be made sufficient by transfer of moneys from other accounts, and such refunding revenue bonds shall be payable from the Revenue Bond Account on a parity as to interest with all then outstanding bonds payable therefrom, but the maturities of such refunding revenue bonds shall be subsequent to the maturity of all such outstanding bonds. Nothing herein shall be deemed to require the holder of any revenue bond to accept a refunding revenue bond in exchange therefor.
4. The city also reserves the right and privilege of issuing refunding improvement warrants in the manner and to the extent provided in Chapter 40-27 of the North Dakota Century Code and acts amendatory thereof and supplemental thereto. The lien and charge of such refunding warrants on the net revenues appropriated to the Improvement Warrant Account shall be the same as that in favor of the improvement warrants refunded thereby; provided that for the purpose of the computation directed to be made in this section, the maturities and the rate or rates of interest payable on such refunding warrants shall be substituted for the maturities and interest rates of the improvement warrants refunded thereby.
5. Nothing herein shall be deemed to affect the obligation of the City, under the laws of the State of North Dakota, to levy ad valorem taxes upon all taxable property within its corporate limits for the purpose of paying a deficiency, if any, in the fund of any improvement district, at the time of the maturity of the last warrant drawn thereon, or at such earlier time as may be hereafter directed by such laws; provided that it shall be the policy of the city that the amounts of any deficiency tax levies so made shall be restored to the general funds of the city out of any surplus net revenues thereafter received, over and above the requirements of the several accounts of the Water and Sewer Utility Fund as stated in Section 7.0106 hereof.
6. Except as herein before authorized, no obligation of any kind shall be issued and made payable from said net revenues unless the lien thereof is expressly made subordinate and junior to the lien and charge on said net revenues in favor of all revenue bonds and improvement warrants payable from the Revenue Bond Account and the Improvement Warrant Account.

7.0108 Agreements With Bond and Warrant Purchasers

The city shall and does hereby covenant and agree with the original purchaser and each holder from time to time of each bond or warrant issued and made payable from the Revenue Bond Account or the Improvement Warrant Account, as follow:

1. It will complete all improvements financed by the issuance of such obligations with due diligence and with the greatest economy consistent with good workmanship and efficient results, and will do so without creating or permitting the creation of any liens or encumbrances on said utility or on the revenues thereof other than the liens and charges of said revenues expressly authorized in this article.

2. As long as any obligations payable from said accounts are outstanding, it will continue to own and operate said utility as a municipal utility, free from all competitions as to the services thereby provided and in good and efficient operating conditions.
3. It will at all times maintain a schedule of rates, charges and rentals for all services, facilities, commodities and benefits furnished by said utility and will impose and collect the same in amounts at least sufficient to make the minimum payments into the respective accounts of the Water and Sewer Utility Fund as specified in Section 7.0106 hereof, and will revise such schedules in such manner and whenever and as often as needed to perform this covenant.
4. Under each such schedule, the city shall be obligated to pay and will pay from its other funds to the Water and Sewer Utility Fund a fair and equitable amount for any and all services, facilities, commodities and benefits furnished to the City or any of its departments by the Utility.
5. It will at all times maintain books of account adequate to cover all receipts and disbursements of the City respecting the utility, and application of such receipts to the purposes of the several accounts described in Section 7.0106 hereof, which books of account shall be open to inspection by the holder of any obligation payable from the Revenue Bond Account or the Improvement Warrant Account at any reasonable time, and that it will furnish a certified transcript therefrom of any information which any such bond warrant holder may request, upon payment of a reasonable fee therefor
6. It will cause the annual financial statement of the city required by the provisions of Section 40-16-05 of the North Dakota Century Code to include a statement as to the financial condition and the receipts and disbursements of the Water and Sewer Utility Fund and of its several accounts during each fiscal year, and will furnish a copy of such statement to the original purchaser of each issue of bonds or warrants upon request.
7. Upon written demand of the holder of 20% or more of the bonds or warrants of any issue payable from the Revenue Bond Account or Improvement Warrant Account and then outstanding, it will cause and audit of the books of account of the utility to be made by a certified public accountant satisfactory to the holders of such obligations, the cost thereof to be paid as an operating expense of the utility and will furnish a copy of the report of any such audit to such party as shall be designated in such demand.
8. It will at all times keep the properties of said utility insured in reasonable amounts against loss or damage by fire, tornado and other risks for which similar properties are customarily insured by prudent owners, and will carry adequate public liability insurance, insuring against any claim of personal injury or property damage which is or may become a charge against the revenues of the utility and will cause all persons handling funds of the utility to be bonded in suitable amounts for the protection of the City and the holders of obligations of the utility, and the expense of all such insurance and bonds to be accounted for as an operating cost of the utility, and the city will use the proceeds of any such insurance and bonds to restore the loss or damage compensated thereby.
9. The city and its governing body and each and all of its officers will punctually perform all duties with reference to said utility and the revenues thereof and the obligations issued thereunder which are imposed or the ordinances and resolutions of the city in force on the date upon which any such obligations are issued, and all provisions of the Constitution and laws and of such ordinances and resolutions which provide security for the holders of bonds issued thereunder are acknowledged to be a part of the city's contract with the holders from time to time of such obligations; provided that another herein shall be deemed to preclude the city from modifying the policies set forth in Section 7.0105 hereof with reference to any improvements constructed and financed after the effective date of such modification.

10. The holders of 20% or more in principal amount of each issue of bonds or warrants payable from the Revenue Bond Account or the Improvement Warrant Account and at the time outstanding obligations of the same issue, any suit or proceedings at law or in equity for the protection and enforcement of any covenant, agreement, or stipulation herein provided to be performed or observed by the City or its governing body or any of its officers, whether or not any of such obligations are then in default as to principal and interest, and each and all of the rights and remedies specified and mentioned in Sections 40-35-15 and 40-35-19, inclusive, of the North Dakota Century Code are hereby acknowledged to be available to the holders of such obligation

ARTICLE 2 - WATER SERVICE

7.0210 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.

7.0210.5 Unlawful to Impede Access to Curb Stop

Under no circumstances shall any structure go over or come in contact with any manhole, gate box, or curb stop within the City of Sawyer. Any properties to be annexed into the City of Sawyer will meet these requirements by the date of annexation.

To allow for free access to the infrastructure, any vehicle or other impediment that is over any manhole, gate box or curb stop must be easily moved upon demand by the Sawyer Public Works Director or his designated representative. This applies to all types of impediments and in all types of weather.

7.0202 Superintendent of City Water and Sewer Department

A Water and Sewer Utility Superintendent shall be appointed by the governing board. If there is a part time employee, and if they are also a city employee in some other capacity, their services respecting the utility shall be an operating charge of the system. It shall be the duty of the Superintendent to exercise control and management of the operation of the utility system. They shall have power and authority to employ, subject to the approval of the governing body, all such engineers, filter plant operators, meter readers, laborers and other employees, as may be necessary to the operation of the utility system. All such employees shall be subject to their orders and directions, and they shall be responsible for their acts. They shall have power and authority to purchase such materials, supplies and repairs for the water-sewer system, with the approval of the governing board of the city, as shall be reasonable necessary for the operation of such system. They 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. They shall at all times be subject to the supervision and direction of the governing board. They shall perform such other duties and have such other powers and authority as are herein after provided for.

7.0203 Same: Reports

Such Superintendent shall make monthly reports to the governing body concerning the operation of his department.

7.0204 Application for Water Service and Service Connection Charge

Any party desiring water and sewer service from said utility for premises not heretofore connected with the system shall apply for a connection on a form provided by the municipality. Such application shall

state an exact description of the premises to serve, and the uses, both general and special, to which the water is to be put, the nature of sewage to be discharged, and the estimated amount of water to be used for a quarter-annual period. Such application shall be filed with the City Auditor, and the applicant shall thereupon pay to the City Auditor, as for a connection charge, the sum of \$75 plus cost of meter for a residential building, \$100 for a commercial building, or multiple dwelling.

7.0205 Separate Connection For Each Premise

Each premise shall have a separate and distinct water service connection and sewer service connection, and where permission is granted for branch service systems, each unit on the branch shall pay the fees as set in 7.0220. Every multiple dwelling compound utilizing city water, whether in or out of city limits, must have a separate water meters and sewer connections for each single unit utilizing water. Multiple dwelling compounds include trailer courts, apartment buildings, condominiums, or other compounds with more than one separate family or business unit.

7.0206 Service Outside City Limits - Prohibited - Exception

No application for water and /or sewer service outside the city limits of the city shall be approved and no person outside of the corporate limits of the city shall hook up to or make connection with the city water and/or sewer system whether the same now is outside or inside the incorporated limits of the city. Water service outside the corporate limits of the city may be permitted pursuant to contractual agreement of the governing body arising in limited and extraordinary circumstances by shall be permitted only upon a resolution unanimously adopted by the governing body.

7.0207 Service in Unplatted Areas

No application for water and/or sewer service shall be approved and no person shall hook up to or make connection with the city water and sewer system unless the area to be served by said water and/or sewer connection has been duly platted and the plat approved by the governing body and record in the Register of Deeds Office of Ward County, North Dakota.

7.0208 Water Service - Construction of - Maintenance of by Owner

The cost of original installation of all plumbing between the main and any service devices maintained by the consumer and all extensions made to such plumbing, as well as all repairs, shall be borne entirely by the consumer, although such plumbing and services as well as the meter shall at all reasonable times be subject to inspection by duly authorized representatives of the municipality. Any repairs found to be necessary by such representatives shall be made promptly, or the municipality will discontinue service.

All services shall be constructed by licensed plumbers at the owner's expense, and each service shall be maintained by the owner. Services heretofore acquired by the issuance of special assessment warrants and assessed against the property, or which may be acquired in the future in like manner, shall likewise be maintained by the owner. Services means the service line running from the point of connection with the city main to owner's premises.

7.0209 Water Meters - Checked - Fees

Every consumer of water shall provide a suitable place where a water meter can be installed and accessed by the Water Superintendent at all times. Each consumer shall cover the cost for the City to install the meter, maintain the meter, and change the meter when necessary. If at any time the consumer desires to have the Water Superintendent calibrate the meter for accuracy a fee of \$25.00 will be charged if the meter is found to register 98% or more accurate. If the meter registers less than 98% accurate, the meter will be replaced at no cost to the consumer and the calibration fee will be refunded. (rev. Oct 2021)

7.0210 Unlawful to Use Water Not Metered - Unlawful to Tamper With Curb Stop

It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the municipal water system except when drawn through a meter installed by

the municipality. No person except an authorized representative of the Utility Superintendent shall turn on or off or tamper with any curb stop.

7.0211 Defective Service - Consumers Duty to Report

All claims for defective service shall be made in writing and filed with the Utility Superintendent on or before the first day of the month next succeeding such defective service, or be deemed waived by the claimant; and if such claims so filed, it shall be the duty of the Utility Superintendent to investigate the facts alleged in such claim and determine the amount, if any, which should be refunded to such claimant by reason of such defective service and report such determination to the governing body, and, if approved by that body, such amount shall be allowed as credit on the following bill or paid as other claims, but no claim shall be made against the municipality for any fire or any injuries to the person or property of any consumer of water of sewer service under the provisions hereof.

7.0212 Users Consent to Regulations

Every person applying for water and sewer service from the municipal system, and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the resolution or ordinances of the city and to any modification thereof and to all new rules, regulations or rates duly adopted.

7.0213 Regulations Governing Service

The following rules and regulations shall be considered a part of contract with every person who takes water and/or sewer service supplied by the city through the city waterworks system and every such person who takes such service shall be considered to be bound thereby.

1. Shutting Off Water - Who Authorized. No person except an authorized employee of the water department shall shut off or turn off the water at the curb stop to any premises without first obtaining permission from the water department.
2. City Reserves Right to Shut Off Water - Notice. 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.
3. Non-liability of City for Deficient Supply or Quality of Water. It is expressly provided that the city shall in no event be or become liable to any consumer of water for a deficiency in the supply of water or the quality thereof, whether by shutting off the same to make repairs or to construct new work or for any other cause whatsoever.
4. Shutting Off Water - Charge for. The Water department shall make a charge of \$25 each for shutting off or turning on services. A charge of \$25 will apply when an account is closed and a final billing generated.
5. Entrance and Access to Premises by Waterworks Employees. Authorized employees of the water and sewer department 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 employees access. The water department shall have the right to enter any premises and remove the meter for the purpose of examination and test after first notifying the owner or occupant, and to shut off the water to premises where free access is prevented.

6. Fire Hydrants - Who May Open. No person except city employees or emergency personnel in the performance of their official duties shall open or cause to be opened any fire hydrant without the written permission of the water superintendent.

7. On February 5th, 2018 the Sawyer City Council modified the following to become effective April 1st 2018:

- Reconnection Fee charged \$25.00
- Disconnect fee charged when account closed & Final Billing = \$25.00
- New Account Connection fee
Residential = \$75.00
Commercial = \$150.00
- Meter Calibration Fee = \$25.00

7.0214 Connection to be Supervised by Municipal Employees

In installing water and sewer service, all taps shall be driven, street excavations made, corporation stops inserted, pipes installed from the main and the curb stop installed in an iron box to which the service is to be connected by the individual, his agent or employee under the supervision, direction and control of the water and sewer department. Ten feet spacing shall be allowed between all water and sewer lines in new connection to service. Failure to comply with this section shall be considered a disregard of the rules of the department and service to the affected property can be withheld or discontinued as the case may be.

7.0215 Service Pipes Specifications

All service pipes connected with the sewer utility shall be laid 5 feet and 6 inch below the established grades or as low as the street mains. All service pipes connected with the water utility shall be laid 8 feet below the established grades or as low as the street main. All water and sewer pipes shall be of a material approved by the Utility Supervisor. (rev. March 1st, 2021)

7.0216 Curb Stop Specifications

There shall be a curb stop in every service line attached to the water mains, the same to be placed as near as possible to the curb if on a street, or within one foot of the alley line if the main is located in the alley. Curb stops shall be supplied with strong and suitable "T" handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter "W" cast upon it. There shall be one or more stops and waste stops attached to every supply pipe at some point between the curb stop and the meter so that the water can be shut off and the house plumbing entirely drained. There shall be another such stop and waste stop in the pipe on the house side of the meter.

7.0217 Check Valves Required When Necessary

Check valves are hereby required on all water connections to steam boilers or any other connection deemed by the Utility Superintendent to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connection with the water system where the steam pressure may be raised in excess of fifty pound per square inch.

7.0218 Use of Water During Fire - Unlawful

It is hereby declared to be unlawful for any person in this municipality, or any person owning or occupying premises connected to the utility, to use or allow to be used during a fire and water from said utility except for the purpose of extinguishing said fire; and upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used, except for necessary household purposes during said fire.

7.0219 Waterworks Customers May Lay Larger Pipes with Hydrants - When

Whenever proprietors of lumber yards, manufactories, halls, stores, hotels, public buildings or regular customers from the waterworks wish to lay larger pipes 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 to the City Auditor, and under the direction of the City Council will be allowed the use of water, for fire purposes only, free of charge. No standpipe will be allowed on the premises where the water is not taken for other than fire purposes.

7.0220 Rates and Charges

Water and sewer rates shall be fixed from time to time by resolution of the governing body and the city reserves the right to change the rates from time to time as it deems best. The resolution fixing water and sewer rates and charges shall be kept on file in the office of the City Auditor and shall be open for public inspection. Bills and rates shall be mailed monthly. All bills shall be payable on the first day of month following the reading of meters and shall be paid at the City Auditor's Office or other such office designated by the City Council.

7.0221 Rates and Charges - Liability for

The owner or owners of all real property in the city furnished water or sewer service or service line repairs shall be responsible for the payment of any and all such charges and will be billed for such service regardless of who the occupant or tenant may be. If such charges are not paid when due they shall be assessed to the property served. A property buyer shall be responsible for any outstanding utility bills with the city. (rev. July 7th, 2025)

7.0222 Duty to Report to Auditor

Every owner or operator of a multiple dwelling unit shall file with the City Auditor a report indicating the total number of units under his control. Every owner or operator of a mobile home park shall file with the City Auditor a report indicating the total number of units in the park and shall further notify the City Auditor of any changes in the number of units in the park if the number increases or decreases.

7.0223 Excavators

No person, firm or corporation shall excavate in or on any street, alley or other public place for the purpose of installing any water and/ or sewer connection until they have complied with the provisions of sections 3.0220 through 3.0227 of Chapter 3 of these ordinances

7.0224 Restriction of Use of Water

The City Council of the City of Sawyer may from time to time declare that water may not be used for specific purposes or may only be used in certain parts of the city on certain days for certain purposes. The city shall have the right to prohibit the watering of lawns and gardens, the washing of cars or such other uses of the water as may be necessary to preserve for the general public an adequate supply of water for consumption and use by the general public.

ARTICLE 3 - REGULATION OF SEWER USE

7.0301 Purpose

It is the purpose of this article to provide ordinances regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and to provide penalties for violations thereof, in the City of Sawyer, North Dakota.

7.0302 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in the article shall be as follows:

1. **BOD:** (denoting Biochemical Oxygen Demand) Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.
2. **Building Drain:** Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes in side the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. **Building Sewer:** Shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. **Combined Sewer:** Shall mean a sewer intended to receive both wastewater and storm or surface water.
5. **Easement:** Shall mean an acquired legal right for the specific use of land owned by others.
6. **Floatable Oil:** Is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
7. **Garbage:** Shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
8. **Industrial Wastes:** Shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
9. **Natural Outlet:** Shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
10. **May:** Is permissive (see "shall," Sec. 18).
11. **Person:** Shall mean any individual, firm, company, association, society, corporation or group.
12. **pH:** Shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentrations the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
13. **Properly Shredded Garbage:** Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particle will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater that 1/2 inch (1.27 centimeters) in any dimension.

14. Public Sewer: Shall mean a common sewer controlled by a governmental agency or public utility.
15. Sanitary Sewer: Shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
16. Sewage: Is the spent water of a community. The preferred term is “wastewater.” Sec. 24.
17. Sewer: Shall mean a pipe or conduit that carries wastewater of drainage water.
18. Shall: Is mandatory (see :may,” Sec. 10).
19. Slug: Shall mean any discharge of water or wastewater which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more that five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
20. Storm Drain: (sometimes termed “storm sewer”) Shall mean a drain or sewer for conveying water , groundwater, subsurface water or unpolluted water from any source.
21. Superintendent: Shall mean the superintendent of wastewater facilities, and /or of wastewater treatment works, and/or of water pollution control of the city or his authorized deputy, agent or representative.
22. Suspended Solids: Shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.
23. Unpolluted Water: Is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
24. Wastewater: Shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.
25. Wastewater Facilities: Shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
26. Wastewater Treatment Works: Shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”
27. Watercourse: Shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
28. Hearing Board: Shall mean that board appointed according to the provisions of Section 7.0207.

7.0303 Use of Public Sewer Required

1. 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 Sawyer, North Dakota, or in any area under the jurisdiction of said Sawyer, North Dakota, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Sawyer, North Dakota, or in any area under the jurisdiction of said City of Sawyer, North Dakota, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Sawyer, North Dakota, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary, the City of Sawyer, North Dakota, is hereby required as its expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the ordinance, within 30 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) according to the North Dakota plumbing code, of the property line.

7.0304 When Private Sewage Disposal Permitted

1. Where a public sanitary or combined sewer is not available under the provisions of section 7.0303 (4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
2. Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Superintendent and First District Health Unit. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.
3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are cover. The inspection shall be made within 24 hours of the receipt or notice by the Superintendent.
4. 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 or cesspool shall be permitted to discharge to any natural outlet or to the ground surface.
5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in section 7.0303 (4), a direct connection shall be made to the public sewer within 365 days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned or sludge and filled with suitable material.
6. 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 plumber in accordance with the North Dakota State Health Department Regulation 23-19-01.

7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

7.0305 Building Sewers and Connections

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent, shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee at governing body discretion for a residential or commercial building sewer permit same as for an industrial building sewer permit shall be paid to the city at the time the application is filed.
3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
6. The size, slope alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of suitable code provisions set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person make connection of roof downspouts, foundation drains, areaway drains or other sources surface runoff or groundwater to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent and the North Dakota State Department of Health.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulation of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of

Practice No. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

7.0306 Use of Public Sewers

1. 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 Superintendent and the North Dakota State Department of Health.
2. Stormwater other than exempted under section 7.0306 (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.
3. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other waste, 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.
 - c. 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 or the wastewater works.
 - d. 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.
4. 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:

- a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
 - c. Wastewater from industrial plants containing floatable oils, fat or grease.
 - d. Any garbage that has not been properly shredded (see section 7.0302 (13)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
 - f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
 - h. Quantities of flow, concentrations or both which constitute a "slug" as defined herein
 - i. Waters or wastes containing substances which are not amenable to treatment or reductions 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.
 - j. 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.
5. 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 7.0306 (4), and which in the judgment of the Superintendent, 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 Superintendent may:
- a. Reject the wastes;

- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of 7.0305 (11).

If the Superintendent 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 Superintendent and the North Dakota State Department of Health.

- 6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in 7.0306 (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 Superintendent. Any removal and having of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.
- 7. 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 expense.
- 8. When required by the Superintendent, 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 accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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.
- 9. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
 - a. Wastewater discharge peak rate and volume over a specified time period.
 - b. Chemical analyses of wastewaters.
 - c. Information on raw materials, processes and products affecting wastewater volume and quality.
 - d. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - e. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 - f. Details of wastewater pretreatment facilities.
 - g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

10. 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 Superintendent.
11. 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.

7.0307 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 immediate arrest under charge of disorderly conduct.

7.0308 Powers of Authority of Inspectors

1. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. While performing the necessary work on private properties referred to in section 7/0308 (1), above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except such as may be caused by negligence or failure of the company to maintain safe conditions as required in section 7.0306 (8).
4. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observations, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All enter and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.0309 Hearing Board

1. A Hearing Board, consisting of three (3) members, shall be selected as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Superintendent.
2. One member of the board shall be selected to represent the city, one member shall be selected to represent the sewer user involved in the arbitration, and the third member shall be acceptable to both parties and shall serve as the Chairman in the arbitration.

7.0310 Penalties

1. Any person found to be violating any provision of this ordinance except section 7.0307 shall be served by the city with written notice stating the nature of the violation and the City Council providing a specified time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provide for in section 7.0301 (1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding One Hundred and No/100 Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. 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.

7.0311 Validity

All ordinances or parts of ordinances in conflict herewith are repealed.

The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE 4 - SEWER SURCHARGE

7.0401 Purpose

1. The purpose of this article shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user.
2. The definitions set forth in section 7.0302 of this chapter shall also apply to this article.

7.0402 Determining the Total Annual Cost of Operation and Maintenance

The City of Sawyer , North Dakota, or its City Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works are designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

7.0403 Determining Each User's Wastewater Contribution Percentage

The City of Sawyer or its City Engineer, shall determine for each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine such user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The City of Sawyer or its City Engineer, shall determine each user's average daily poundage of 5-day 20-degree Centigrade Biochemical Oxygen Demand which has been discharged to the wastewater system to determine each user's Biochemical Oxygen Demand Contribution Percentage.

The City of Sawyer or its Superintendent or City Engineer, shall determine each user's average daily poundage of suspended solids which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine such user's Suspended Solids Contribution Percentage. Each user's Volume Contribution Percentage, Biochemical Oxygen Demand Contribution Percentage and Suspended Solids Contribution Percentage shall be multiplied by the annual operation and maintenance costs for the total volume, the total 5-day 20-degree Centigrade Biochemical Oxygen Demand and the Total Suspended Solids for the wastewater system, respectively.

7.0404 Determining a Surcharge System for Users with Above Normal Volume, BOD and TSS

The City of Sawyer or its City Engineer, will determine the average Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD) daily loading for the average residential user and residential user class. The City of Sawyer will assess a surcharge rate for all non-residential users discharging wastes with volume, BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users above-normal strength wastes and/or volume. Normal strength wastes are considered to be 200 mg/l BOD and 250 mg/l TSS.

7.0405 Surcharge Rate Schedule for Above Normal Volume of Wastes

Residential users are considered to be one class of user and are hereby levied a charge of the current sewer rate per month. Non-residential users with flows no greater than the average residential user's flows of 4000 gallons per month and with BOD and TSS no greater than the average residential users strength will be levied the same charge of the current sewer rate per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge of \$1.00 per 1,000 gallons per month for all flows greater than the average residential user's flow of 4000 gallons per month.

7.0406 Surcharge Rate Schedule for Above Normal Strength Wastes

Any non-residential user with BOD and TSS greater than the average residential user's strength will pay a surcharge in accordance with the rates determined by the City or its Engineer.

The City of Sawyer or its Engineer may determine the total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD₅) daily loading for the average residential user and or user class or in lieu of such determination can consider the average residential strength wastes to be 200 mg/ 1 BOD₅ and 250 mg/l TSS. The City of Sawyer will assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. The Surcharge will be sufficient to cover the costs of treating such users above normal strength wastes. Such users will pay an additional user charge of \$1.00 per 1,000 gallons for each 25 mg/l or fraction thereof over 200 mg/l of BOD₅ and \$1.00 per 1,00 gallons for each 25 mg/l or fraction thereof over 250 mg/l TSS.

7.0407 Determining Each User's Wastewater Service Charge

Each non-residential user's wastewater cost contributions as determined in Sections 7.0405 and 7.0406 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and equitable service charge may be determined for each user based on an estimate the total wastewater contribution of this class of user. The governing body may classify industrial, commercial and other non-residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, Suspended Solids and 5-day 20-degree Centigrade Biochemical Oxygen Demand. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule.

7.0408 Payment of the User's Wastewater Service Charge and Penalties

The city may submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The city shall add a penalty of \$5.00 per month if the payment is not received by the city within 10 days. Should any user fail to pay the user wastewater service charge and penalty within 2 months of the due date, the city may stop the wastewater service to the property.

7.0409 Review of Each User's Wastewater Service Charge

The city shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage on an annual basis and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system. If a significant user, such as an industry, has completed in-plant modifications which would change that user's Wastewater Contribution Percentages, the user can present at a regularly scheduled meeting of the governing body such factual information and the city shall determine if the user's Wastewater Contribution Percentages are to be changed. The city shall notify the user of its findings as soon as possible.

7.0410 Waste Prohibited from Being Discharged to the Wastewater System

The discharge of 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 wastewater treatment process, or to constitute a hazard in the receiving water of the wastewater treatment plant is hereby prohibited.

ARTICLE 5 - ADOPTION OF STATE PLUMBING CODE

7.0501 Adoption

To promote and protect the public health there is hereby adopted the State Plumbing Code, which has been adopted by the State Plumbing Board and approved by the State Health Department, consisting of rules and regulation governing plumbing work, and the whole thereof, of which not less than one (1) copy is on file in the office of the City Auditor, and the same is hereby adopted as fully as if set out at length herein and all plumbing work in the City of Sawyer shall comply with said code.

7.0502 Plumbing Code - Enforcement of Provisions

All plumbing work and all private sanitary drains and cesspools now existing, or hereafter to be installed, altered or repaired in any building or in or under any private property within the corporate limits shall be under the supervision and regulations of the Commissioner of Water and Sewers, whose duty it shall be to enforce all the provisions of this code relating thereto and from time to time to make such rules and regulation as may be appropriate for the execution of the same.

7.0503 Pumping Code - Changes in Existing Installations

The Superintendent of the Water and Sewer Department is hereby given authority to order the repair, alteration or removal of any sanitary sewer connection or plumbing, any connection to stormwater sewer, or any private sanitary drain, cesspool or privy, which in his judgment is so installed or is in such condition as to be unsanitary, or to constitute a public nuisance or menace to health. In case of such repair, alteration or removal, if the owner or owners thereof, in accordance with his directions, he may cause the same to be discontinued from any source of water supply. It shall thereafter be unlawful for any person in any manner to use any such installation, or to supply water thereto, until the same shall have been put in a safe and sanitary condition according to his directions.

7.0504 Plumbing Code - New Installations

All plumbing work and all excavations in the public streets or alleys, the cutting and replacing of pavement, laying of water and sewer connections, and connections to stormwater sewers, and all construction of private sanitary drains and cesspools, within the corporate limits shall be undertaken and executed only by a master plumber, or other persons, as have obtained a general license for such work, together with a permit for each separate job, provided that the tapping of water mains and the placing of corporate stops therein shall be done only under the direction of city employees.

ARTICLE 6 - GENERAL PENALTY PROVISION

7.0601 Penalty for Violation of Chapter

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof by a court of competent jurisdiction shall be subject to a fine of not exceeding Five Hundred and No/100 Dollars (\$500.00) for each violation.

7.0602 APPENDIX A - SURCHARGE RATE SCHEDULE FOR ABOVE NORMAL STRENGTH WASTES

The City of Sawyer or its Engineer, determined that the average total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD₅) daily loading for the average residential user are 200 mg/1 BOD₅ and 250 mg/ 1 TSS. The City of Sawyer or its Engineer, has assessed a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the cost of treating such users' above normal strength wastes. Such users will pay an additional service charge of 30 cents per 1,000 gallons for each 25 mg/1 or fraction thereof over 200 mg/1 of BOD₅ and \$1.00 per 1,000 gallons for each 25 mg/1 or fraction thereof over 250 mg/1 TSS.

Signed Mayor, Wayne Flores

Signed City Auditor, Tessa Miller

First Reading: May 5th, 2025
Second Reading: June 2nd, 2025
Final Reading: July 7th, 2025

Motion to approve by Mike Beeter, Second by Tom Kempf, Susan Schmidt and Golden Melland Aye.