

TITLE IX.

WATER AND SEWER SERVICE

CHAPTERS:

- 9-01. Water, Garbage and Sewer Service.
- 9-02. Sewer Service. (2009)

CHAPTER 9-01
WATER, GARBAGE AND SEWER SERVICE
(2001)

SECTIONS:

- 9-0101. Water and Sewer Service Connection, Repairs and Rates.
- 9-0102. Garbage Service.
- 9-0103. Discharge.
- 9-0104. Certain Discharges of Storm Sewer Water Deemed Nuisance.
- 9-0105. Penalty.
- 9-0106. Private Fire Hydrants. Source: Ord. 222-14 (2015)

9-0101. **WATER AND SEWER SERVICE CONNECTION, REPAIRS AND RATES.** The City Council of the City of Mapleton shall, by resolution, establish the procedure and cost for connection to water and sewer lines in the City of Mapleton, set the monthly charges for water service, and set out the City's and customer's responsibilities for repairs to water and sewer lines.

9-0102. **GARBAGE SERVICE.** Any person with water service requesting not to have garbage picked up at the water connected address should notify the City Auditor, at which time the City Auditor will notify the waste company hired not to pick up any garbage from the person requesting this said item.

Any person with water service with no garbage pick up will be responsible for the removal of any garbage without use of the City dumpsters or another resident's curbside pick up place.

9-0103. **DISCHARGE.** No person may discharge or cause to be discharged, any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface waters into the sanitary collection system of the City of Mapleton between the dates of March 1 to November 30 during any calendar year. Before March 1, 2002, any persons, firm or corporation having a roof, sump pump, swimming pool discharge, or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner, as approved by the City Engineer for the City of Mapleton.

1. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow City employee(s) to inspect the building to confirm that there

is no sump pump or other prohibited discharge into the sanitary sewer system during the prohibited time period. Any person refusing to allow their property to be inspected within fourteen (14) days of the date City employee(s) are denied admittance to the property shall immediately become subject to a surcharge hereinafter provided for.

2. A surcharge of \$100.00 per month is hereby imposed and added to every sewer billing mailed on and after March 1, 2002, to property owners who are not in compliance with paragraph 1 of this section. The surcharge shall be added every month through November, 2002, until and unless the property is in compliance. The surcharge shall continue to be levied monthly for the months of March through November (both inclusive) for every year on properties not complying with paragraph 1 of this section. Provided, the surcharge shall not be charged unless a property has been inspected and found not to be in compliance, or if the person owning improved real estate refuses to allow an inspection.
3. When a structure is being constructed in the City of Mapleton, if at or prior to final inspection City staff determine that the sump pump connection has been illegally connected to the City's sanitary sewer system such that there will be a permanent discharge into the City's sanitary sewer system, there shall be levied a \$500 administrative fine against the general contractor for the structure found to be in violation. If after 24 hours after written notice from the City the general contractor has not remedied the situation so that the sump pump connection can be arranged so that no surface runoff or groundwater can enter into the City's sanitary sewer system from May 1 to November 30 of each year, there shall be an additional \$100 administrative fine for each day such a violation exists. In addition, the Building Inspector shall not issue another building permit within the jurisdiction of the Building Inspector of the City of Mapleton for that contractor until the violation has been remedied and any administrative fine has been fully paid to the City. A contractor who is informed of the administrative penalty shall have seven (7) days from the date of his notification of the same to request, in writing, a hearing on the issue of whether or not the basis for the administrative penalty actually exists. Such letter must be filed with the City Auditor of the City of Mapleton. Upon receipt of such a letter, in a timely fashion the City Auditor shall set the matter for hearing at the next City Council meeting. The contractor claiming that the basis for the penalty is incorrect shall have the burden at that hearing to

establish that the violation set forth by the City staff is, in fact, incorrect. The City Council shall either confirm the determination of violation by City staff or modify or eliminate the penalty if the evidence is such that it establishes no violation occurred.

Source: Ord. 165.01, Sec. 1 (2001)

9-0104. **CERTAIN DISCHARGES OF STORM SEWER WATER DEEMED NUISANCE.**

1. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters into areas with inadequate drainage tend to create a harborage for insect and vermin infestations and are hereby deemed a nuisance. No owner, occupant or user of property therefore may discharge any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters in such a manner so as to allow the collection of the same on their property or other properties without proper drainage. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters by the use of such devices as sump pumps must be made directly into the storm sewer system of the City of Mapleton or drainage ditches which run thereto.
2. No owner, occupant, or user of property abutting Park District property of the City of Mapleton shall cause or allow water from any spout, sump pump, or similar device to be directly or indirectly deposited on the Park District property. Similarly, no person shall deposit snow, earth, construction material, or other substance on Park District property of the City of Mapleton without written permission from the City Auditor of the City of Mapleton. Notwithstanding such written permission issued, no person shall deposit any material containing salt, sand, or other substance which may be harmful to vegetation or other Park District property.
3. The City Auditor of the City of Mapleton shall have the authority to issue letters to violators of this section. If the violation is not abated within the time set forth in the notice of violation, the City Attorney is authorized to prosecute such offenses in the Mapleton Municipal Court or to seek abatement in the District Court.

Source: Ord. 165.01, Sec. 2 (2001)

9-0105. **PENALTY.** A violation of this chapter may be punishable as an infraction as set forth in Section 1-0211 of these ordinances.

Source: Ord. 165.01, Sec. 3 (2001)

9-0106. **PRIVATE FIRE HYDRANTS.** Source: Ord. 222-14 (2015)

1. Hydrants within private property installed in the city limits of the City of Mapleton must meet the following requirements:
 - a. Copies of engineered plans or drawings, accurately indicating the main size, the location of all valves, hydrants and thrust blocks to be installed, must be submitted to the City Engineer with utility drawings at least fifteen (15) working days prior to beginning of any construction.
 - b. The City Auditor and the Mapleton Fire Department must be notified in writing by the owner when the hydrant(s) will be available for use and when they are placed in service.
 - c. Construction may not commence until the plans required under this chapter have been submitted and approved. No building may be occupied until hydrants for its protection are placed in service and accepted.
2. All locations of hydrants within private property must be approved by the Mapleton Fire Department.
3. An auxiliary gate valve must be installed at the main line tee to permit the repair and replacement of the hydrant without disruption of water service.
4. Any water from any private hydrant used for non-emergency purposes must be metered in accordance with the terms and conditions set by the City of Mapleton. The property owner must provide written notification to the City Auditor at least 24 hours prior to any such non-emergency use. The property owner will be responsible for any and all costs associated with any non-emergency use.
5. Unobstructed access to hydrants within private property must be maintained at all times. The City of Mapleton, or any representative thereof, or the Mapleton Fire Department will have the right to go upon the premises and to use the hydrant for testing, flushing and public emergency uses.

6. All hydrants within private property will be subject to inspection by a duly authorized representative of the City, both during the course of construction and after construction is complete. The inspector will have the authority to determine whether or not materials of construction, methods of construction and workmanship comply with working drawings and specifications. The contractor will provide for reasonable tests and proof of quality materials as requested by the inspector. The inspector may require that work be suspended for due cause. For purposes of this section, "due cause" includes adverse weather conditions, poor workmanship, the use of questionable materials or methods of construction, and non-adherence to specifications and drawings.
7. All hydrants within private property, following completion of construction, must be inspected at least once during a 12-month period. All property owners with private hydrants must allow the inspector access to conduct the inspection. Any repairs will be the responsibility of the property owner and must be completed within the specified time period determined by the inspector.
8. Any maintenance, repairs or replacement required on hydrants within private property must be done by a licensed and bonded contractor with the City.
9. Any and all costs associated with inspection, maintenance, repairs and/or replacement of hydrants within private property will be the responsibility of the property owner.

CHAPTER 9-02

SEWER SERVICE

(Source: Ord. 189-06, Sec. 1 [2009])

SECTIONS:

- 9-0201. Use of Public Sewers Required.
- 9-0202. Private Wastewater Disposal.
- 9-0203. Out of City Sewer Connection - Construction and Maintenance.
- 9-0204. Out of City Sewer Connection - Inspection of - Fee.
- 9-0205. Out of City Sewer Connections - Rentals.
- 9-0206. Sanitary Sewer, Building Sewers and Connections.
- 9-0207. Maintenance of Sewer Lines from Sewer Main to Premises.
- 9-0208. Savings Clause - Conflict.
- 9-0209. Inspection and Surcharge Authority Regarding Improper Connection to Sewer System
- 9-0210. Penalties.

9-0201. USE OF PUBLIC SEWERS REQUIRED. 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 Mapleton, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the City of Mapleton, or in any area under the jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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 wastewater.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, the City 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 or combined sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 60 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

9-0202. PRIVATE WASTEWATER DISPOSAL. Where a public sanitary or combined sewer is not available under the provisions of Section 9-0201, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Building Administrator. 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 Building Administrator. A permit and inspection fee of \$20.00 shall be paid to the City at the time application is filed.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Building Administrator. The Building Administrator shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Building Administrator when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Building Administrator.

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.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this Section, a direct connection shall be made to the public sewer within sixty (60) 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.

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 Regulation 23-19-01.

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

9-0203. OUT OF CITY SEWER CONNECTION - CONSTRUCTION AND MAINTENANCE. No sewer service shall be connected to the systems of the City of Mapleton, North Dakota, to serve property lying outside of the corporate limits of the City unless and until such persons, firm or corporation desiring to so connect shall first enter into an agreement with the City that he will construct and maintain in good repair at his own expense under the direction and supervision and according to the instruction of the City Engineer, the necessary service pipe to serve his premises, all in compliance with all ordinances and shall guarantee for himself and his successors in interest to construct, maintain and repair any and all manholes which may be required on the service sewer. Provided further that no sewer service shall be connected to the systems of the City of Mapleton, North Dakota, to serve property lying outside of the corporate limits of the City unless and until such person, firm or corporation desiring to so connect shall first enter into an agreement with the City that he will construct and maintain all buildings and structures located on said property in accordance with the building, plumbing and electrical codes of the City of Mapleton, North Dakota, and that he will submit to inspections by the proper and appropriate inspectors for said City to determine and certify compliance with said building, plumbing and electrical codes.

9-0204. OUT OF CITY SEWER CONNECTION - INSPECTION OF - FEE. Such person, firm or corporation shall comply with all ordinances relating to the proper installations of sewer and water pipe, traps, fixtures, soil pipe, and stacks. Inspection shall be made by the City plumbing inspector to observe that all ordinances pertaining thereto are complied with and for this additional service of inspection an additional fee of Ten Dollars (\$10.00) shall be paid to the City to cover the costs of inspection. Said fee of Ten Dollars (\$10.00) shall accompany the application for sewer service connection.

9-0205. OUT OF CITY SEWER CONNECTIONS - RENTALS. Such person, firm or corporation shall pay to the City of Mapleton the monthly sewage rental and service charge, and shall guarantee for himself and his successors in interest the payment of such charges imposed by this title or any amendments thereto, whether incurred by the owner or by any other persons occupying said premises during his ownership thereof. Such charges shall be collected with the water rentals of the City and shall become due and delinquent upon the same dates as the water bills upon which the same are charged; upon the failure to pay the said sewage rental and/or service charge the Building Administrator of the Water and Sewer System shall have the same authority to shut off the water and he shall refuse to reconnect the same as is herein provided in case of default in the payment of sewage bills for those living inside of the City. Whenever the Building Administrator of the Water and Sewage System shall have shut off water services provided herein for the failure of the owner or occupant to pay the sewage rental and/or service

charge, such service shall not be reinstated until all of the past due bills for sewage service are paid in full.

9-0206. SANITARY SEWER, BUILDING SEWERS AND CONNECTIONS. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Administrator.

No sewer service connection permit shall be issued by the City Engineer until a fee in the amount of Ten Dollars (\$10.00) for each connection shall have been paid for such permit.

All costs and expenses 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.

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.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Administrator, to meet all requirements of this ordinance.

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, joints, 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.

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.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of 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 Building Administrator and the North Dakota State Department of Health.

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 regulations 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. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Building Administrator before installation.

The applicant for the building sewer permit shall notify the Building Administrator 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 Building Administrator or his representative.

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.

9-0207. MAINTENANCE OF SEWER LINES FROM SEWER MAIN TO PREMISES. The City shall be responsible for maintenance and repair of leaks or other defects in the sewer line from the sewer main to the property line. The property owner shall be responsible for maintenance and repairs of leaks or other defects from the property line to the premises. If there is a leak and it cannot be determined as to whether the leak is in that part of the line for which the City or the owner has responsibility for repair and maintenance, the City may make the necessary excavation, and if such leak is found to be in the service line on the owner's property, the owner shall immediately repair such leak, refill such excavation, and pay the City for the cost of making the excavation. The City may shut off the water service on any owner who fails or neglects to repair a leak for which they are responsible for maintenance or who fails to pay the cost of the City in making the excavation to determine the location of the leak if the leak is on the property of the owner.

9-0208. SAVINGS CLAUSE -- CONFLICT. In the event that any provision, paragraph, word, section or chapter of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect; all ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

9-0209. INSPECTION AND SURCHARGE AUTHORITY REGARDING IMPROPER CONNECTION TO SEWER SYSTEM.

1. Section 9-0206 of the Revised Ordinances of 2000 of the City of Mapleton prohibits any person from discharging or causing to be discharged any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow into the sanitary collection system. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the City Engineer.
2. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the City employee(s) to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with paragraph 1 of this section in lieu of having the City inspect their property. Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date City employee(s) are denied admittance to the property shall immediately become subject to the surcharge hereinafter provided for.

9-0210. PENALTIES. (Source: Ord. 216-13, Sec. 3 (2015))

Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation which may provide 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.

2. Violation a misdemeanor. Any person violating the provisions of this chapter, or who continues the violation beyond any time limit provided for in the above notice, shall be guilty of a misdemeanor, punishable by a maximum fine of \$1,500 and by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed as a separate offense. The City, at its option, may pursue criminal penalties, administrative penalties, or both.
3. Damages. In addition to any civil and criminal liability, any person violating any of the provisions of this chapter or permit, or causing damage to or otherwise inhibiting the city wastewater disposal system, shall become liable to the city for any expense, loss or damage caused by such violation or discharge. The city shall bill the permittee or person for the costs incurred by the city for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this chapter.

4. Costs. In addition to any administrative or criminal penalty provided in this Chapter, the City may recover reasonable attorney fees, court costs, court reporter fees, and other expenses incurred by the City in any civil or criminal litigation, or incurred in conducting an order to show cause hearing. In a civil or criminal action the court hearing the action shall determine such costs. In an administrative order to show cause hearing before the City Commission, the Commission shall determine the costs. Refusal to pay the assessed costs shall constitute a separate violation of this chapter.