Ordinance No. 6442

AN ORDINANCE TO REVISE AND CLARIFY CERTAIN GENERAL PROVISIONS IN TITLE 13 PUBLIC UTILITIES AND SERVICES BY AMENDING CHAPTER 13.04 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City has adopted Rapid City Municipal Code Chapter 13.04 to provide general provisions for the construction and repair of City water and sanitary sewer utilities; and

WHEREAS, these provisions were most recently reviewed and amended in 2012; and

WHEREAS, the City wishes to amend certain provisions in RCMC Chapter 13.04 to update and clarify the provisions to address issues which have arisen since the 2012 amendments; and

WHEREAS, the City wishes to incorporate the definitions in Chapter 13.08 into the entirety of Title 13 by amending 13.04.010; and

WHEREAS, the City of Rapid City finds that these changes are in the best interests of the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 13.04 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

CHAPTER 13.04 GENERAL PROVISIONS

13.04.010 Definitions.
13.04.020 Design standards.
13.04.030 Construction—Repairs and installation.
13.04.040 Ancillary water and wastewater facilities.
13.04.050 Supervision of work.
13.04.060 Soil sampling and testing.
13.04.070 Special conditions.
13.04.080 Plans and specifications.
13.04.090 Right to work permit.
13.04.100 Inspection and permit fees.
13.04.110 Blasting permit required.
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13.04.130 Two-year warranty.
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13.04.170 Taps and connections to be made by City.
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13.04.190 Water and sewer construction fees.
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connections.
13.04.210 Guarding excavations.
13.04.220 Responsibilities of persons doing street work.
13.04.230 Unauthorized connections.
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13.04.250 Liability for damages not affected by provisions.
13.04.270 Placement of public utilities in relation to street.
13.04.280 Relation of other (private) utilities to public water and sewer mains.
13.04.290 Extension from one premises to another.
13.04.300 Inspection.
13.04.310 Inspection prior to covering.
13.04.320 Responsibility for service pipes and appurtenances.
13.04.330 Abandonment of service lines and private mains.
13.04.340 Credentials of City representatives.
13.04.350 Infrastructure acceptance.
13.04.360 Appeal procedure.

ARTICLE I. GENERAL PROVISIONS

13.04.010 Definitions.

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter and Chapters 13.04, 13.08, 13.12, and 13.16. Terms not herein defined shall have the meaning customarily assigned to them.

APPROVING AUTHORITY. The Director of Public Works or his or her duly authorized deputy, agent or representative.

BEDROCK. Solid rock underlying soil and loose rock fragments or locally exposed at the surface.

BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Celsius expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

BUILDING SEWER, HOUSE CONNECTION and SEWER SERVICE. The extension from the building drain to the public sewer or other place of disposal.

CAPACITY. The supply, treatment, storage and pumping capabilities of the municipal water utility system and the collection, pumping and treatment capabilities of the municipal wastewater utility system.
**CATEGORICAL INDUSTRIAL USER.** Any industry which must comply with categorical pretreatment standards promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act.

**CATEGORICAL PRETREATMENT STANDARD.** See *NATIONAL CATEGORICAL PRETREATMENT STANDARD.*


*CITY.* The City of Rapid City, a municipal corporation of the State of South Dakota.

**CLEAN WATER ACT.** The Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, including all amendments thereto.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water or ground water.

**COMBINED WASTESTREAM FORMULA** or **CWF.** An alternative method of setting discharge limits that can be used by industrial users with several waste streams applied as described in 40 C.F.R. 403.6(e) or amendments thereto.

**COMMERCIAL USER.** A business that supplies a service or creates a product, or as pertains to sewers, any utility customer on a single premises operating as a business, whether for profit or non-profit; publicly owned facilities; facilities which have a combination of residential and commercial uses; apartment structures with 5 or more dwelling units; multi-residential structures with 5 or more units; and mobile home parks with a master meter.

**COMMERCIAL OR AND INSTITUTIONAL USERS.** All nonresidential users which introduce only domestic wastewater or primarily segregated domestic wastes into a building sewer.

**CONTRACTED RATE.** Utility rates may be determined by contract approved by the Common Council for any utility customer who does not fit into another rate classification.

**CONTRACTOR.** A licensed sewer and water contractor or licensed trenching contractor as defined in this section.

**CONVENTIONAL POLLUTANT.** Biochemical oxygen demand (BOD), oil, grease, total suspended solids (TSS), pH or fecal coliform bacteria.

**COUNTY.** The Counties of Pennington or Meade, political subdivisions in the state of South Dakota.

**CROSS CONNECTION.** A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner
that, under certain circumstances would allow such substances to enter or adversely affect the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non potable), or any matter that may change the temperature, the color, the taste, or add odor to the water.

**DIRECTOR.** City of Rapid City Director of Public Works, engineering utilities.

**DISTRIBUTING SYSTEM.** The network of pipes, valves and other appurtenances owned or operated by the City of Rapid City for the purpose of delivering potable water.

**DIRECTOR.** The Director of Public Works Director of the City of Rapid City, or his or her authorized deputy, agent or representative.

**DOMESTIC SEPTAGE.** Septage generated from domestic wastewaters.

**DOMESTIC WASTEWATER.** Water-carried wastes from dwellings or wastewaters, which are similar in physical, biological and chemical characteristics.

**DWELLING UNIT** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**EPA.** The United States Environmental Protection Agency.

**FLOATING OIL.** Oil, fat or grease in a physical state such that it can be separated by gravity from wastewater in an approved pretreatment facility.

**GARBAGE.** The putrescible animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**GROUNDWATER.** The water below the earth surface, which occupies the pore spaces in the saturated zone of a geologic stratum.

**HAULED WASTE MANIFEST.** A document identifying the source and contents of liquid waste.

**HAZARDOUS WASTES.** Liquid wastes from generators containing materials or exhibiting specific properties identified in 40 C.F.R. 261.

**HOLDING TANK.** A watertight, covered receptacle, which is designed to receive and store wastewater, and is accessible for periodic removal of its contents.

**INDIRECT DISCHARGE** and **DISCHARGE.** The introduction of pollutants into the Rapid City wastewater facilities from any non-domestic source regulated under Section
307(b), (c), or (d) of the Clean Water Act.

**INDUSTRIAL USER.** Any commercial, institutional or industrial operation that introduces industrial wastewaters into the City’s wastewater facilities.

**INDUSTRIAL WASTE or INDUSTRIAL WASTEWATERS.** The water-carried wastes from commercial, institutional and industrial operations as distinct from domestic wastewater discharged from dwellings. **INDUSTRIAL WASTES** shall include, but not be limited to, the trade wastes produced by restaurants, food processing, bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and hospitals.

**IDCM.** The current edition of the City of Rapid City Infrastructure Design Criteria Manual as adopted by the Common Council.

**INTERFERENCE.** Such disruption of the collection, treatment or sludge disposal processes which causes the City to violate its national pollutant discharge elimination system permit or which causes the accumulation of toxic metals or other substances in the sludge disposal areas.

**IRRIGATION USER.** A commercial or industrial user of the utility using water for outdoor irrigation of landscaping, vegetation, livestock, or crops. This classification shall be used in conjunction with commercial or industrial users only.

**JURISDICTIONAL AREA.** All areas within the corporate limits of the city, any applicable extraterritorial area, and all water distribution and sewer collection systems connected to the City of Rapid City systems.

**LIQUID WASTE.** Wastewater consisting of domestic septage or the contents of holding tanks, which receive only domestic wastewater, or wastewater from minor industrial users.

**LIQUID WASTE GENERATOR.** Any person, corporation, residence or commercial establishment that produces liquid waste that is not directly discharged to the sanitary sewer collection system.

**LIQUID WASTE HAULER.** One who operates a vehicle equipped to pump out liquid waste containers hold liquid waste in a tank on the vehicle, and transport said waste to a final disposal site.

**LOCAL LIMITS.** Specific prohibitions or limits on pollutants or pollutant parameters as developed by the City in a pretreatment program pursuant to 40 C.F.R. Part 403.5 in order to protect receiving water quality, to prevent disruptions to the wastewater treatment works processes or operations, to ensure that sludge use and disposal practices adequately protect public health and the environment, and to protect the health and safety of workers at the wastewater treatment works.
MAY is permissive.

MINOR INDUSTRIAL USERS. Those industrial users discharging wastes, which can be pretreated by simple gravity separation processes. MINOR INDUSTRIAL USERS may include car washing facilities, restaurants and service stations.

MULTI-FAMILY RESIDENTIAL USER. Any utility customer using water and/or sewer for domestic purposes operating 4 or fewer dwelling units on a single premises.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any general water quality standard developed by EPA under the authority of Section 307(b) of the Clean Water Act and the general pretreatment regulations (40 C.F.R. 403.5 and amendments thereto).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. The permit issued by EPA to the city, which establishes water quality standards for the effluent of the city’s treatment facilities as authorized by the Clean Water Act.

NATURAL OUTLET. Any outlet including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater

NEW SOURCE. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.
   a. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment;
   b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
      i. Begun, or caused to begin as part of a continuous on-site construction program; or
ii. Any placement, assembly or installation of facilities or equipment; or
iii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
iv. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

**OWNER.** The person owning the lot, parcel of land, building or premises connected to and receiving water from the water system or discharging wastewater into the wastewater system of the eCity, or the person who is legally responsible for the payment of water and/or sewer service charges made against the lot, parcel of land, building or premises.

**PASS-THROUGH.** The exit of any physical, biological or chemical material from the eCity wastewater treatment works to Rapid Creek in quantities or concentrations which, alone or in conjunction with other discharges, produces a violation of the national pollutant discharge elimination system permit.

**PERSON.** Any individual, firm, company, association, governmental agency, society, corporation, group or political subdivision.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams contained in 1 liter of solution.

**PREMISES.** A single parcel of land; multiple parcels under common ownership and developed as a single parcel prior to January 1, 2021; or multiple parcels under common ownership that are approved by the City as a Utility Developmental Lot. All the parcels of land included in the city in a single parcel identification number as assigned by the Director of Equalization.

**PRETREATMENT PROGRAM.** A program of procedures developed by the eCity pursuant to 40 C.F.R. Part 403.8 for reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment works.

**PRETREATMENT REQUIREMENT.** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PRIMARILY SEGREGATED DOMESTIC WASTE.** That wastewater which is introduced into a building sewer and which contains no more than 50% industrial waste,
prior to any intentional dilution.

**PRIVATE WATER DISTRIBUTION SYSTEM.** Water piping and appurtenances constructed for the purpose of supplying water to multiple buildings located on a single premises. **PRIVATE WATER DISTRIBUTION SYSTEMS** are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

**PRIVATE SEWER COLLECTION SYSTEM.** Manholes, sewer piping and appurtenances constructed for the purpose of collecting wastewater from multiple buildings located on a single premises. **PRIVATE SEWER COLLECTION SYSTEMS** are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

**PRIVATE FIRE PROTECTION SYSTEM.** Hydrants, valves, water lines and appurtenances, sprinkler systems, hose connections, and other equipment constructed for the purpose of providing fire protection for a particular building or group of buildings and supplied with water from a public water supply system. **PRIVATE FIRE PROTECTION SYSTEMS** are located on private property, although some components may be located in public rights of way, and are owned, operated, and maintained by the owner of the premises being served.

**PROJECT TYPES.**

1. **EXPANSION/ECONOMIC DEVELOPMENT.** A project, which extends water or sewer infrastructure to provide service for new developments.
2. **IMPROVEMENT.** A project, which provides for increased capacity, or improved efficiency to existing systems. This type of project is located within the existing City service area, or corporate limits.
3. **REPLACEMENT.** A project, which replaces or repairs existing infrastructure with similar components having more or less the same capacity as the original.

**PUBLIC SEWER** or **PUBLIC WATER.** A sewer or water main located in publicly owned land, public right of ways or easements and controlled by the City of Rapid City.

**PUBLICLY OWNED TREATMENT WORKS** or **POTW.** A treatment works as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by Section 502(a) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW pretreatment plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

**RAW WATER USER.** Any utility customer that uses untreated water, which is piped and metered separately from treated water.
**RESIDENTIAL USERS.** Single-family homes, duplexes, townhouses, apartments of four or fewer units, and individually-metered mobile homes parks without a master meter.

**RIGHT TO WORK PERMIT.** A permit required when any work is performed in City right-of-ways, easements, or City property, or when any work is performed on any utility that is connected to the City’s water, sewer, or stormwater systems.

**SANITARY SEWER.** A sewer, which carries domestic wastewater, and to which storm, surface and ground waters are not intentionally admitted.

**SEPTAGE.** A mixture of liquids and solid materials removed from a septic tank, portable toilet, recreational vehicle holding tank, Type III marine sanitation device, or similar system. The contents of vault privies and substances such as grease trap residues, interceptor residues, and grit and screenings are not included in this definition of **SEPTAGE**.

**SEPTIC TANK.** A watertight, accessible, covered receptacle which receives wastewater from a building or facility sewer that allows solids to settle from the liquid, provides digestion for organic solids, stores digested solids through a period of retention, and allows a clarified liquid to discharge to additional treatment works for final treatment and dispersal.

**SERVICE AREA.** The geographic area in which the City currently provides an actual service. This contrasts with a planning service area in which the City may provide service in the future.

**SERVICE LINE.** The line from the City main to within 5 feet of the building and are further defined as follows:

**DOMESTIC SEWER SERVICE LINE.** Pipe and appurtenances collecting waste water from the premises and delivering it to the City sewer collection system.

**DOMESTIC SERVICE LINES** may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served.

1. **DOMESTIC WATER SERVICE LINE.** Pipe and appurtenances delivering water from the City water distribution system to a meter. **DOMESTIC SERVICE LINES** may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served.

2. **FIRE SERVICE LINE.** A service line delivering water from the City water distribution system to a building fire extinguishing system. **FIRE SERVICE LINES** may be located on private property or in public rights of way and are owned, operated, and maintained by the owner of the premises being served. Fire hydrants shall not be installed on fire service lines. Refer to definition for **PRIVATE FIRE PROTECTION SYSTEMS.**
**SEWER INSTALLATION** and **WATER INSTALLATION.** The new construction, alteration, repair or improvement of water mains and appurtenances, water service lines and appurtenances, water treatment plant piping and equipment; sewer mains and appurtenances, sanitary sewer services, sewer treatment plant piping and equipment; and storm sewers, and the placement of sewer and water pipe into a building sufficient distance to allow connection to the building plumbing. **SEWER AND WATER INSTALLATION** does not include the minor adjustment of manhole castings, valve boxes and curb boxes to finish grade for street construction or reconstruction.

**SEWER MAIN** or **WATER MAIN.** A pipe or conduit for carrying wastewater or water.

**SHALL** is mandatory.

**SIGNIFICANT INDUSTRIAL USERS.** Includes all industrial users subject to categorical pretreatment standards and any non-categorical industrial user which:

1. Discharges 25,000 gallons per day or more of process wastewater (excluding domestic wastewater and non-contact cooling and boiler blow-down waters);
2. Contributes a process wastewater which makes up 5% or more of the average dry weather hydraulic or organic capacity of the City’s wastewater treatment system; or
3. Has a reasonable potential in the opinion of the Director of Public Works Director to affect the operation of the City’s wastewater facilities.

**SIGNIFICANT NONCOMPLIANCE.**

1. Chronic violations of pretreatment standards or ordinance requirements where 66% or more of the tests exceed daily maximum limit or the average limit in a 6-month period or 33% or more of the tests exceed the daily maximum limit or the average limit by more than 40% for conventional pollutants and 20% for all other pollutants;
2. Major violations of pretreatment standards;
3. Discharges which cause pass-through, interference or endangerment, either alone or in combination with other discharges, to the City’s wastewater facilities;
4. Failure to meet compliance deadlines within 90 days of the scheduled dates;
5. Failure to submit reports required by the Director of Public Works Director within 30 days from the due date or failure to accurately report noncompliance.
6. Significant noncompliance shall subject an industrial or commercial user to enforcement under this chapter and all related state or federal regulations.

**SINGLE FAMILY RESIDENTIAL USER.** Any utility customer using water for domestic purposes for a single residential dwelling unit.

**SLUG.** Any discharge of water, wastewater or industrial waste in which the concentration of any given constituent or in which quality of flows exceed for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flow from the source during normal operation.

**STANDARD SPECIFICATIONS.** City of Rapid City Standard Specifications for Public
Works construction, as adopted by the City (current edition).

**STATE.** The State of South Dakota.

**STORM DRAIN.** (See **STORM SEWER.**) A sewer system, which carries storm and surface waters and drainage, but which excludes wastewater and industrial wastes other than uncontaminated cooling water.

**STORM SEWERS.** All pipes, culverts, catch basins, inlets, detention pond inlet and outlet piping, and storm sewer appurtenances which will become an integral part of the public storm sewer system, whether located in public rights of way or drainage easements, except parking lot drainage pipes and appurtenances are not considered **STORM SEWERS** for purposes of this chapter.

**SUPERINTENDENT.** The superintendent of the wastewater treatment works or the superintendent of the water treatment works or his or her authorized representative.

**SURCHARGE INDUSTRIAL USERS.** Those industrial users with pollutants in their wastewaters in excess of limits specified and who are required to pay surcharge fees set forth in § 13.08.370(B)(3) or (C).

**SURFACE WATER.** Water on the surface of the earth, as distinguished from groundwater. Some examples are lakes, ponds, rivers and streams.

**SUSPENDED SOLIDS** or **SS.** 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 using methods prescribed by EPA.

**UNIT.** For the purpose of quantifying water and wastewater, means 100 cubic feet.

**UNPOLLUTED WATER.** Water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharging to the sanitary sewers and wastewater treatment facilities provided.

**UTILITY DEVELOPMENTAL LOT.** More than one lot under common ownership designated as a developmental lot by agreement of the property owner and the Public Works Director.

**VAULT PRIVY.** A structure which allows for disposal of human excreta into a watertight vault, provides privacy and shelter, and prevents access to the excreta by flies, rodents and other animals.

**WASTEWATER.** The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried chemical or solid wastes from
residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and storm water that may be present.

**WASTEWATER FACILITIES** or **WASTEWATER SYSTEM.** All facilities for collecting, pumping, transporting, treating and disposing of wastewater and wastewater sludge.

**WASTEWATERS PROHIBITED FROM DISCHARGE.** Those wastewaters prohibited from discharge to the wastewater system as defined in § 13.16.210 of this chapter.

**WASTEWATER TREATMENT WORKS.** The facilities provided by the City to treat wastewaters as necessary to meet national pollutant discharge elimination system permit conditions and to comply with other environmental laws, rules and regulations.

**WATER FACILITIES** or **WATER SYSTEM.** All facilities for distributing, pumping, transporting, treating and storing potable water. Also referred to as water service system.

**WATER TREATMENT WORKS.** The facilities provided by the City to treat source water as necessary to meet federal, state and local drinking water regulations and to comply with other environmental laws, rules and regulations.

**WATERCOURSE.** A natural or artificial channel for the passage of surface water either continuously or intermittently.

(Ord. 5794 (part), 2012)

13.04.020 Design standards.

All public infrastructure covered in this Title and the IDCM shall be designed in accordance with the IDCM and built in accordance with the Standard Specifications. In cases where public regional facilities such as pump stations, reservoirs, large metering facilities or pressure reducing stations, and treatment facilities are proposed the City will provide design criteria and information supplemental to that contained within the IDCM.

(Ord. 5794 (part), 2012)

13.04.030 Construction—Repairs and installation.

All public infrastructure/improvements covered in this Title and the IDCM shall be constructed, repaired, and installed in the manner provided by the Rapid City Municipal Code. These improvements shall also be in accordance with the IDCM and constructed in accordance with the Standard Specifications.

(Ord. 5794 (part), 2012)
13.04.040 Ancillary water and wastewater facilities.

Ancillary water and wastewater facilities consisting of pressure reducing stations, water booster stations (constant pressure and standard), water storage reservoirs, and water supply and treatment facilities (wells and well houses, galleries, and surface water), lift stations, wastewater treatment facilities including but not limited to mechanical treatment plants and lagoons, on-site systems, and alternative wastewater collection systems shall be in accordance with the standards established in the IDCM, supplemental design criteria as supplied or as determined by the Public Works Department, and the Standard Specifications. These types of facilities shall be designed and constructed as regional facilities.

(Ord. 5794 (part), 2012)

13.04.050 Supervision of work.

The construction of all infrastructure improvements within public rights of way, on City property and within easements designated for infrastructure owned and maintained by the City of Rapid City shall at all times be under the supervision of the City Engineer/Public Works Director.

(Ord. 5794 (part), 2012)

13.04.060 Soil sampling and testing.

The City Engineer/Public Works Director may require, at the expense of the person desiring to make an infrastructure improvement within public rights of way, on City property or within easements designated for infrastructure owned and maintained by the City of Rapid City, sufficient soil samples in the area to be improved in order to establish a sound basis for the design of improvement. The field samples, as required by the City Engineer/Public Works Director, shall be subjected to testing in a laboratory approved by the City Engineer/Public Works Director and shall be in accordance with Title 13 of this Code, the IDCM and Standard Specifications.

(Ord. 5794 (part), 2012)

13.04.070 Special conditions.

All types of special problems, such as poor foundation soils, high groundwater table conditions, poor drainage, high values of group index numbers, extreme traffic conditions, soil characteristics favorable to capillary action and its resulting frost heave, or any other unusual condition shall be considered by the City Engineer/Public Works Director, and such construction shall be made in accordance with the requirements of the City Engineer/Public Works Director.

(Ord. 5794 (part), 2012)
13.04.080 Plans and specifications.

Anyone making a permanent type of infrastructure improvement within public rights of way, on eCity property and within easements designated for infrastructure owned and maintained by the City of Rapid City, shall provide the City with plans and specifications in accordance with the provisions of Title 13 of this eCode, the IDCM and Standard Specifications and shall receive eCity approval of plans and specifications prior to initiation of construction.

(Ord. 5794 (part), 2012)

13.04.090 Right to work permit.

A. No person shall either alter or construct, or cause to be either altered or constructed, any public infrastructure improvement within public rights of way, on eCity property or within an easement designated for infrastructure owned and maintained by the City of Rapid City without first having obtained a right to work permit from the Public Works Director. Applications for the right to work permits shall be made to the Public Works Director, and shall describe the location of the intended improvements, the size, location and extent thereof, the purpose therefor, and the name of the person for whom the work is being done. The application shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The application shall include a plan prepared in accordance with the Manual for Uniform Traffic Control Devices issued by the Federal Highway Administration, and the Standard Specifications, for temporary traffic control to be provided in the work area. All work shall also be in compliance with the IDCM and the Standard Specifications. Right to work permits shall be valid for a period of 6 months, and may be renewed for an additional 6 months upon request to and approval of the Public Works Director or designee. Inspection and permit fees for the installation of public and private infrastructure within the right of way shall be in accordance with Title 13.

B. Any work, tunneling, or excavation in the public right of way, on eCity property or within an easement requires issuance of a right to work permit. If work has commenced without a valid right to work permit, the individual or entity conducting the work will be charged a late fee of $50 as set by resolution of the Common Council in addition to any other late fees arising from the violation.

C. For work within State highway right of way, the contractor shall obtain a State permit to work within State highway right of way.

(Ord. 5794 (part), 2012)

13.04.100 Inspection and permit fees.

A. Fees. Fees are to be paid at the time application is made for a right to work permit to install or replace infrastructure improvements. Franchise utilities shall be exempt from these fees. The fees assessed under this provision shall be set by resolution of the
Common Council.

A. Fees are as follows: The following permit fees may be assessed, as applicable:
   1. The fee for driveway approach construction (curb cuts); shall be $30 for each permit. Fees for sidewalk or curb and gutter shall be $15 for the first 5 feet, an additional $15 for the next 45 feet and an additional $25 for the next 150 feet. The fee for pavement installation shall be $40. For temporary occupation of the right of way the fee shall be $15. Private utility installation shall have a fee of $25.
   2. Sidewalk or curb/gutter construction;
   3. Pavement installation;
   4. Temporary occupancy of right-of-way, City property, or City easement;
   5. Private utility installation;
   6. Excavation in concrete or asphalt right-of-way, City property, or City easement;
   7. Excavation in nonpaved right-of-way, City property, or City easement; and
   8. Non-compliance, additional inspection.

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<thead>
<tr>
<th>Excavations in concrete or asphalt pavement</th>
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<tr>
<td>0 to 70 square feet</td>
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<td>51 to 350 square feet</td>
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<td>351 to 1,000 square feet</td>
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<td>1,001 to 2,000 square feet</td>
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<tr>
<td>Each additional 100 square feet or part thereof</td>
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<th>Excavation not in areas paved with concrete or asphalt in public right-of-way or easements</th>
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<td>0 to 70 square feet</td>
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<tr>
<td>71 to 350 square feet</td>
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<td>351 to 1,000 square feet</td>
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<tr>
<td>1,001 to 2,000 square feet</td>
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<tr>
<td>Each additional 100 square feet or part thereof</td>
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2. Fees shall be determined as one cut, or excavation, provided that it is one continuous trenching operation or under one contract and within a 400-foot radius.

3. Unimproved streets shall be repaired in accordance with reasonable requirements of the City Engineer.

B. Additional inspection fees for non-compliance.

1. If the work performed under the right to work permit fails an inspection, and the Director of Public Works Director, or his or her designee, determines that additional
inspections are necessary, a $10 fee as set by resolution of the Common Council will be assessed for each inspection.

2. The City Finance office will bill the permittee holder the amount to be assessed at the time work is completed, and approved by the Director of Public Works or his or her designee. This amount assessment shall be paid prior to issuance of any additional permits, and in no case later than 30 calendar days after project completion.

C. Liability

1. If any settlement occurs in or under the surface or pavement within 2 years, the Director of Public Works will send a notice to the person, firm or corporation having obtained the work permit. The permittee will have 10 days upon receipt of the notification to correct the deficiencies, or the city may have the work done.

2. If the city has the work done, the permittee will be assessed a fee of 1 1/2 times the costs incurred. This assessment shall be paid prior to issuance of any additional permits, and in no case later than 30 calendar days after project completion.

C. Unimproved streets. Unimproved streets shall be repaired in accordance with reasonable requirements of the Public Works Director.

(Ord. 5794 (part), 2012)

13.04.110 Blasting permit required.

Blasting is not allowed within the City of Rapid City without first obtaining a blasting permit from the Fire Department. The contractor shall comply with the laws, ordinances and applicable safety code requirements and regulations relative to the handling, storage, use of explosives and the protection of life and property. Applicants and contractors shall comply with the provisions of International Fire Code addressing use of explosives. The contractor shall be responsible for all damages caused by blasting operations.

(Ord. 5794 (part), 2012)

13.04.120 Resurfacing of utility excavations.

A. The City will be responsible for the permanent asphalt patching of utility excavations smaller than 300 square feet occurring on City streets. All concrete patches shall be the responsibility of the trenching contractor permit holder who makes a cut into a street, which consists totally, or in part of concrete. All trenching operations prior to any resurfacing shall be completed as quickly as possible and done in such a manner as to cause a minimum of inconvenience to the general public.

B. Temporary resurfacing. During the months of the year when the temperatures are low enough to eliminate the feasibility of installing a hot-mix asphalt patch, the contractor permit
holder will be responsible for installation of a temporary patch. The normal time of year when temporary patching will be required is November 15 through April 1. Maintenance of the temporary patch will be the complete responsibility of the contractor permit holder for the duration of the patch.

C. All costs for pavement replacement shall be established by the Public Works Department Director for asphalt patching of City streets by City crews. Each contractor permit holder shall be billed monthly for all work completed during the preceding month. Failure to pay the bill within 30 days shall be cause for the City to refuse issuance of right to work permits until the bill is paid.

(Ord. 5794 (part), 2012)

13.04.130 Two-year warranty.

A. During a period of 2 years after the right to work permit is issued or the completion of work, whichever is later, the contractor permit holder shall make all needed repairs arising out of settlement in or under the surface or pavement settled ditches, defective workmanship and/or materials furnished by the contractor. The City is hereby authorized to make such repairs at the contractor permit holder’s expense if within 10 days after receipt of a written notice to the contractor or his agent, the repairs are not made. Further, in the case of an emergency, where in the judgment of the City delay would cause serious loss or damage, repairs may be made without notices to the contractor permit holder.

B. If the City must cause to have the work done after due notice is given, the contractor permit holder will be billed an amount will be assessed at 1-1/2 times the cost incurred. If repairs are made due to an emergency the contractor permit holder shall pay only the actual cost incurred. The permit holder shall pay this amount assessment shall be paid prior to issuance of any additional permits, and in no case later than 30 calendar days after the City’s completion of the work.

C. The City may reserves the right to extend the warranty period if excessive problems develop during the initial 2-year period.

(Ord. 5794 (part), 2012)

13.04.140 Connections to other authorized utilities.

Any sanitary or water users district identified by the State of South Dakota as a public utility, desirous of connecting to the City system, must obtain approval from the Rapid City Common Council prior to connecting to the City water or sewer utilities. Approval shall be subject to such terms, conditions and fees as the Council finds necessary or appropriate.

(Ord. 5794 (part), 2012)

13.04.150 Connections outside City.
No water or sewer connection right to work permit shall be issued, after the effective date of this chapter, to serve any property located outside the corporate limits of the city, except with the specific approval of the Common Council. The connections shall be authorized by resolution and shall be subject to such terms, conditions and fees as the Council finds necessary or appropriate.  

(Ord. 5794 (part), 2012)

13.04.160 Tapping and connection—Authority to refuse for failure to obey regulations.  

If a plumbing or underground utility contractor or permit holder fails to obey regulations set forth in this chapter, it shall be within the authority of the Director of Public Works to refuse issuance of new permits to the contractor or permit holder until violations have been corrected.  

(Ord. 5794 (part), 2012)

13.04.170 Taps and connections to be made by city.  

After permits have been issued, it shall then be the duty of the Utility Maintenance Group, upon due notice, to tap the distribution or collection pipe as provided in this chapter. No person shall tap or make connections, either directly or indirectly, to any of the distribution or collection systems of the city, except as provided in Section 13.16.110—except through the Utility Maintenance Group.  

(Ord. 5794 (part), 2012)

13.04.180 Provisions not to be considered a contract.  

The rules and regulations prescribed by this title shall not be considered as a contract between the city and any parties affected thereby in a manner as to prohibit the Common Council from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.  

(Ord. 5794 (part), 2012)

13.04.190 Water and sewer construction fees.  

Upon recommendation by the Director of Public Works, the Common Council may by resolution impose water or sewer construction fees on individual properties in certain identified, unserved areas when properties in such service area are benefitted by the installation of a water or sewer main or other infrastructure. All users in such service area shall pay an additional water construction fee prior to connecting to the water or sewer main. This water construction fee shall be in addition to the other fees imposed by this chapter. The city may enter into agreements assigning the cost of installation of water and sewer...
mains or other infrastructure to serve such service areas. The ordinance codified in this Section implements authority granted in SDCL §§ 9-47-169-47-29 and 9-48-15.

(Ord. 5794 (part), 2012)

13.04.200 Extension of public infrastructure to accommodate individual service connections.

Any extension of public infrastructure to accommodate individual service connections shall comply with Title 16 of the subdivision regulations and the Infrastructure Design Criteria Manual. The cost for installation of water or sewer infrastructure within a new development is the sole responsibility of the subdivider or developer except for oversize cost as provided for in Title 16. The cost for installation of water or sewer infrastructure to service a property is the sole responsibility of the owner, except for oversize cost as provided for in Title 16. Such infrastructure shall extend the length of the property connecting to the utility unless an exception to this requirement is granted by the Public Works Director. The City may, at the discretion of the Common Council, choose to pay for a portion of the cost to extend water or sewer infrastructure to a new development.

(Ord. 5794 (part), 2012)

13.04.210 Guarding excavations.

No person doing any work under this Chapter shall leave any excavation open, unless the same is properly guarded and barricaded. All work shall be done in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition.

(Ord. 5794 (part), 2012)

13.04.220 Responsibilities of persons doing street work.

Any person doing any kind of work in the public right of way, on City property, or within City water/sewer easements shall be responsible for any damage to City infrastructure resulting from said work. The persons responsible for damage shall immediately notify the Water and Sewer Division City of such damage. Any person placing any kind of paving or sidewalks is required to bring curb boxes or valve boxes or manhole castings to the top of the paving or sidewalk surface and to see that such appurtenances are free from dirt, stones, or any other obstruction before and after paving material is placed.

(Ord. 5794 (part), 2012)

13.04.230 Unauthorized connections.

It is unlawful for any person to make any connection or reconnection to water or sewer without the authorization of the City.
13.04.240 Inspection of premises.

The Director of Public Works and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter upon the property of all users for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this Chapter or any other permits issued thereunder. The Director of Public Works or his or her duly authorized representative shall have the authority to examine and copy records for the purpose of determining compliance with this Chapter.

13.04.250 Liability for damages not affected by provisions.

This Chapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any water or sewer service equipment or piping, for damages to persons or property caused by any defect therein or negligence in the handling thereof, nor shall the City be held as assuming any such liability by reason of the approval or disapproval by the City or any employee thereof, of any equipment or installations as authorized herein.


A. All service lines from the City mains must be laid and constructed by a licensed plumbing contractor or a licensed underground utility contractor at the expense of the owner of the property to be served.

B. All work to be done in laying of the service line from the main or other distributing or collection pipe and all labor connected therewith by the provisions of this Chapter, except the making of the tap itself, shall be done by or under the direction of a plumbing contractor or underground utility contractor licensed by the City, who shall be employed and paid by the owner or consumer and who shall at all times hold the City harmless and indemnify the City against all accidents or damage to person or property arising from neglect in performance of the work.

13.04.270 Placement of public utilities in relation to street.

All water and sewer service lines, including private systems, shall run at right angles to the street. Service lines shall not cross adjoining premises property lines and
shall connect to mains fronting the property premises. Existing service lines not meeting this requirement shall be brought into compliance with this provision at such time as the service is excavated for repair or replacement or as directed by the Public Works Director, and shall include extension of mains as necessary. The replacement shall be at the expense of the owner of the property served.

(Ord. 5794 (part), 2012)

13.04.280 Relation of other (private) utilities to public water and sewer mains.

Other private utilities parallel to public water and sewer mains shall maintain a minimum 5-foot horizontal separation from the main. Other private utilities shall attempt to cross public water and sewer mains at right angles to obtain the 5-foot separation as soon as practical. Water and sewer main separation shall be in accordance with the standards established in the IDCM and the Standard Specifications.

(Ord. 5794 (part), 2012)

13.04.290 Extension from one premises to another.

Water and sewer service lines shall not be extended from one premises to another. Existing service lines not meeting this requirement shall be brought into compliance with this provision at such time as the service is excavated for repair or replacement or as directed by the Public Works Director, and shall include extensions of mains as necessary. The replacement shall be at the expense of the owner of the property served.

(Ord. 5794 (part), 2012)

13.04.300 Inspection.

The City retains the right to inspect any and all piping and appurtenances attached to the water and wastewater systems of the City.

(Ord. 5794 (part), 2012)

13.04.310 Inspection prior to covering.

No public or private water or sewer mains or service lines shall be covered until the same has been inspected by the Public Works Director or his or her designee. All persons shall give at least 4 working-hours notice to the Public Works Director or his or her designee of the time the main or service pipe will be ready for inspection. It shall be the duty of the Public Works Director or designee, within a reasonable time after the notice, to inspect the main or service and if, in his or her judgment, the connections are properly connected and materials are of the quality specified in the City Standard Specifications, he or she shall give permission for the trench to be filled in accordance with City Standard Specifications for Public Works Construction (current edition). If the work does not meet specifications, the
work must be rectified and corrected and reinspected.

(Ord. 5794 (part), 2012)

13.04.320 Responsibility for service pipes and appurtenances.

A. The owner of the premise being served, by service lines or stubs, shall be responsible for the maintenance of private distribution and collection systems, service pipes and appurtenances. All private mains, service pipes and appurtenances on the premises and up to the tap of the City main shall be installed and kept in good working order, and properly protected from frost and other danger, at the expense of the owner or person in possession of the premises served. If the owner or person shall fail to properly repair any leaky service pipe or other appurtenances promptly upon receipt of due notice from the Public Works Director, his or her designee, the water may immediately be shut off from the premises and remain shut off until the necessary repairs have been made and any fees due have as established by the Common Council for turning the water off and on has been paid. The City shall not be liable for any damage resulting from the breaking of any of the service pipes or appurtenances, or for any other damage that may result from shutting off water for repairing or for any other purpose, or for any variation in pressure.

B. If a private main or service line develops a leak and is not repaired within the time established by the Director of Public Works, or his or her designee, then the Director of Public Works may direct the repairs to be made, and assess the actual cost of the repairs, plus 10%, to the property. If a private main or service line leak is significant, threatens public health or safety, or requires immediate repair in the City right-of-way, City has the option to complete repairs immediately and bill the property owner for the costs plus 10%.

C. If an inactive private main, service stub or service line for an undeveloped lot develops a leak and is not repaired within the time established by the Director of Public Works, then the Director of Public Works may direct the repairs to be made, and assess the actual cost of the repairs, plus 10%, to the property. If inactive private main, service stub or service line for an undeveloped lot remains inactive for an extended period of time, the Public Works Director may direct the abandonment of the service or main and access the actual cost of the abandonment, plus 10%, to the property.

(Ord. 5794 (part), 2012)

13.04.330 Abandonment of service lines and private mains.

A. A property owner who discontinues use of an existing service line or private main for any reason shall, at his or her own expense, have the same disconnected at the City main and, if he or she fails to do so, there shall be no water served to the premises. If the main or service line is not properly abandoned, the Director of Public Works may direct the abandonment, and assess the actual cost of the repairs, plus 10%, to the property. It shall be the duty of all plumbers and underground utility contractors, in the event they are hired to replace an existing service, to disconnect any discontinued service lines serving the premises from the City main.
B. If a service line or private main will be used within one year, and the service line or private main and appurtenances comply with all applicable City standards, then the water may be abandoned by turning off the curb stop or valve, and cutting and plugging the service line or main on the property side of the curb stop or valve. A service or private main may be abandoned by cutting and plugging the service or main at the property line. If at the end of 1 year, the service or main is not reactivated, then the Director of Public Works may grant a time extension, or require the service or main to be abandoned at the City main.

(Ord. 5794 (part), 2012)

13.04.340 Credentials of City representatives.

The Director of Public Works 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, observation, measurement, sampling, repair and maintenance of any portion of the City facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 5794 (part), 2012)

13.04.350 Infrastructure acceptance.

A. All infrastructures within the jurisdictional area of the City of Rapid City that is or will be located within public right of way, on City property, or in a public easement shall not be utilized for public use until such infrastructure is formally accepted by the City through action of the Council. Infrastructure excluded from this action will be private utilities and infrastructure contracted by and constructed directly by the City of Rapid City.

B. The Public Works Director shall place on the Public Works Committee agenda an action item recommending acceptance of infrastructure when the project as a whole is ready for acceptance. Project components will not be accepted individually unless the Public Works Director believes such action is in the best interest of the City of Rapid City.

C. In order for infrastructure to be accepted by the City presented to Council for consideration of acceptance, the infrastructure will need to be constructed in accordance with the IDCM, the Standard Specifications, and the City-approved construction drawings. In addition, all required tests and punch list items shall be addressed prior to consideration for acceptance. Pavement structural integrity may be verified by core sampling by the City of Rapid City prior to acceptance.

D. Fees in accordance with the Rapid City Municipal Code shall be paid prior to the infrastructure being accepted. These fees are applicable even when the infrastructure is
completed through a non-platting process.

(Ord. 5794 (part), 2012)

13.04.360 Appeal procedure.

Unless an appeal procedure is otherwise provided, any person aggrieved by a determination or order of the Public Works Director or his or her designee pursuant to this Title may appeal such determination or order within 10 days after such determination or order is imposed, by delivering to the Public Works Director a written notice of appeal, setting forth the specific grounds for the appeal. Upon receipt of such notice of appeal, the Public Works Director shall enter the appeal on the agenda of the next scheduled meeting of the City’s Common Council or a committee as designated by the Common Council Public Works Committee, and shall notify the applicant in writing of the time and place of the hearing.

(Ord. 5794 (part), 2012)

CITY OF RAPID CITY

__________________________________________
Mayor

Attest

__________________________________________
Finance Director

(seal)

First Reading:
Second Reading:
Published:
Effective: