

ORDINANCE 27.a.

AN ORDINANCE RELATING TO THE ESTABLISHMENT, OPERATION, MAINTENANCE, AND ADMINISTRATION OF THE CITY'S WATER, LIGHT & POWER, AND SEWERAGE SYSTEMS AS A PUBLIC UTILITY.

Section 1.

The water, light & power, and sewerage plants and systems heretofore established and acquired and now or hereafter owned by the City of Park River, North Dakota, are hereby declared to be, and shall henceforth constitute a public utility of the City, to be held, operated, and administered as one undertaking and to be known as the City's "Water, Light & Power, and Sewerage Utility". The properties of said utility shall include all systems, plants, works, instrumentalities, equipment, materials and supplies, and all lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, mains, conduits, pumping stations, and all parts and appurtenances of any of the foregoing which are or shall be 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 used or useful in connection with the collection, treatment, and disposal of sewage, waste, and storm waters, and the generating, purchasing, and distribution of electrical power.

Section 2.

The systems and properties comprised in said "Water, Light & Power, and Sewerage Utility" and all future improvements, extensions, and enlargements thereof, together with the cash held on the effective date hereof in the Municipal Utility Fund of the City, and all moneys to be produced and derived from the City's ownership and operation of said utility shall be and are hereby appropriated and dedicated to be used and devoted to the purpose of enhancing the public health, safety, and welfare by providing water, light and power, and sewerage service and facilities to the City and its inhabitants and industries and those in the City's immediate vicinity who may desire or be required to take or use such service and facilities. Said water, light and power, and sewerage utility shall be at all times under the management and control of the City Council and shall by it be operated and maintained in such manner as to provide its service and facilities with maximum efficiency and at the minimum cost therefore which is compatible with the plan of operation thereof herein described and ordained.

### Section 3.

Said water, light and power, and sewerage utility shall at all times be so operated, maintained, used, extended, and improved, and rates and charges for the services, facilities, and benefits produced and furnished thereby shall be such as to make the utility self-supporting and self-perpetuating. The charges from time to time imposed and collected for said services, facilities, and benefits shall be made and kept adequate to pay all costs of operation and maintenance of said utility and for the making of replacements and improvements thereof and to establish and maintain reasonable reserves for the aforesaid purposes and, in addition to the foregoing, to produce reasonable surplus moneys in amounts substantially comparable to a fair return upon the City's capital investment in said utility, which said surplus moneys, when actually on hand, may from time to time be appropriated by the City Council to pay or contribute to the costs of any other City functions. The foregoing appropriations and provisions shall not, however, be deemed or construed to preclude the City from using at any time any special assessment method or methods now or hereafter permitted by law for defraying all or any part of the expenses of any improvement to or enlargement or extension of either the water systems or the sewer system or light and power system comprised in said utility whenever and to the extent that the City Council is of the opinion that it is fair and equitable to do so.

### Section 4.

To facilitate and make effective the administration of moneys received and disbursed by the City on account of or in connection with said water, light and power, and sewerage utility in accordance with the foregoing appropriation and plan, there is hereby established and shall hereafter be maintained books of account of the City Water, Light & Power, and Sewerage Utility Fund, in which all such receipts and disbursements shall be entered and reflected. Said fund shall be a permanent one and shall be separate and distinct from all other City funds and accounts, but the moneys from time to time on hand which are to be credited to and disbursed from said fund shall always constitute public municipal funds and shall be deposited and their safekeeping secured in like manner as other City funds. Except as to moneys borrowed by the City for capital improvements to said utility, and except as to moneys required by law to be kept and maintained in a local or special assessment improvement account, all receipts and income of the city produced by or derived from said water, light & power, and sewerage utility shall be credited to said fund. There shall be paid out of said Water, Light & Power, and Sewerage Utility Fund all, but only, such items of disbursement as by sound accounting practices constitute normal reasonable and current costs of operation and maintenance of said utility.

Whenever and as often as the City Council shall deem proper to do so, it may transfer and appropriate all or any part of a credit balance actually on hand in said Water, Light & Power, and Sewerage Fund to any other general fund of the city, or if there are then any outstanding obligations which by their terms are payable from net revenues of the utility and are then prepayable or about to become so, it may appropriate and use any part of such credit balance for redemption and prepayment thereof.

#### Section 5.

It shall be the policy of the City to pay for capital improvements to said water, light & power, and sewerage utility so far as possible from moneys available therefore standing to the credit of the said Water, Light & Power, and Sewerage Utility Fund. Whenever it shall be found necessary and expedient to make capital improvements to said utility, other than those to be financed by the special assessment method, at a cost in excess of funds so available, such improvements shall be financed by anticipation of future net revenues of said utility and the issuance of revenue bonds or similar obligations of the City payable solely from the net revenues of the utility so to be anticipated. Whenever such revenue obligations are issued, there shall be established in said Water, Light & Power, and Sewerage Utility Fund a Revenue Bond Account for the purpose of segregating and applying to the payment of such obligations such portion of the net revenues of the utility as shall be needed to meet the payments of principal and interest on such obligations and to provide a reasonable reserve for such purpose. There shall also be established in said Fund a "Capital Expenditure Account", to which there shall be credited all of the proceeds of sale of the revenue obligations except the amount thereof which represents interest accrued thereon from the date of such obligations to the date of delivery thereof to the purchaser and except that portion, if any, of such borrowing which is made for the purpose of paying interest on the revenue obligations during the period of construction of the improvements, which excepted sums shall be credited to the Revenue Bond Account and used only for the payment for said improvements shall be charged to such Capital Expenditure Account. When such Revenue Bond Account shall be established, there shall be credited to it such portion of the revenues as may be contracted to be credited to the Revenue Bond Account under the terms of the agreement with the purchasers and holders of such revenue obligations. It shall be the policy of the City at all times to impose and maintain such rate, charges, rentals, and schedules thereof, for the services, facilities, and benefits provided by said utility as will make the revenues from said utility sufficient to meet all requirements as herein outlined of said Water , Light & Power, and Sewerage Utility Fund and all permanent and temporary accounts therein , and to comply with all covenants and stipulations given by the City in connection with the issuance of revenue obligations.

## ORDINANCE 27.b.

### AN ORDINANCE REGARDING TAPPING WATER MAINS, DEPOSITS AND HOOKUP FEES.

#### Section 1.

**Cash bonds deposit.** Whenever any application is made to the municipal utilities for water and/or electrical service, before any connection is made for either service, the applicant shall deposit cash bond(s) guaranteeing full payment of all bills for such services as is more accurately described on the schedule of fees and rates which is included in these ordinances and adopted herein by reference. A record shall be kept of such deposit. Upon termination of the service, the amount of the deposit shall be credited on such account. If the account has been fully paid, such deposit shall be refunded.

#### Section 2.

**Hookup fees.** In addition to the deposit as set forth in Section 1. above, there shall be a hookup fee for electrical and water service in an amount that shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference.

#### Section 3.

**Excavations and filling trenches, regulations governing.** Before the City Auditor shall grant any permit to excavate in any alley or street, he or she shall require the applicant to pay a sum which shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference for the purpose of replacing the surface of the alley or street. All pipes shall be laid in accordance with approved construction as established by the North Dakota Plumbing Board Code.

#### Section 4.

**Applications to connect waterworks necessary, what to contain.** Any person desiring to make connections with the City waterworks shall make and file with the Superintendent of the Light and Water Plant an application, in writing, giving the name of the owner of the premises and a description thereof, stating the purpose for which same is to be used, and the name of the person in charge of the work. Such application, with the said Superintendent's approval, shall be filed with the City Auditor, and if approved, a permit shall be granted by the Auditor. Not more than one (1) house shall be supplied from one (1) line of service pipe without a special permit from the Superintendent. All service lines from the water mains to curb stop shall be one inch (1 ") copper, and if plastic pipe is to be run from the curb stop to the house, then there shall be at least three feet (3') of 1" copper pipe first and then plastic.

## Section 2.

**Water mains, depth of.** All water mains, water pipes, and connections must be laid at least six feet (6 ') below the street grade, and must have at least six feet (6') cover in all places. All shut-offs must be flush with the sidewalk.

## Section 3.

**Turning on of water, permit required.** No water shall, in any event, be turned on until the applicant has a written permit for same. No person shall open, interfere, or tamper with any hydrant connected with the City water works without permission of the Superintendent of the Light and Water Plant or Chief of the Fire Department.

## Section 4

**Applicant to pay fee for tapping main.** The applicant shall, at the time of making application for permission to make connection with any city water main or pipe, pay a fee for each tap to be so made to the City Auditor in an amount which shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference. The City Auditor shall not issue any permit to tap any water main or sewer pipe so owned by the City until such fee has been paid. In addition to the above fee, there shall be added a charge for connecting up to any sewer or water system, which shall be determined by the City Auditor and which charge shall be equivalent to the charges on like property which had been assessed previously by the special assessment commission; this is to apply to cases where a previous special assessment district paid for the trunk line to the district and which now can be tapped for use in areas that were not in the original district and not previously assessed, and where the City put in a line.

## Section 5.

If utility bills to consumers are not paid within fifteen (15) days from the date of bill, there shall be added to the amount of said bills a penalty Said penalty shall be included in the schedule of rates and fees which is incorporated herein by reference. Any consumer whose bill remains unpaid for one (1) month after date of said bill shall have his service discontinued until his bill with penalty has been paid together with are-connection charge which is also included on said schedule of rates and fees.

## Section 6.

There is hereby imposed on all utilities charges (water, electricity, sewer and garbage) and surcharges in effect on this date a surcharge of ten percent (10%) of the total of said charges and surcharges as evidenced by the monthly billing statement.

Section 7.

The rates for electricity purchased from the electrical department of the City are hereby established and more fully identified in the schedule of rates and fees which is incorporated herein by reference.

(revised 12-30-2015)

ORDINANCE 27. c.

RESERVED

(Combined with Ordinance 27.b. 12-30- 2015)

ORDINANCE 27.d

AN ORDINANCE ESTABLISHING A PENALTY FOR UNPAID UTILITY BILLS.

Section 1.

If utility bills to consumers are not paid within fifteen (15) days from the date of bill, there shall be added to the amount of said bills a penalty Said penalty shall be included in the schedule of rates and fees which is incorporated herein by reference. Any consumer whose bill remains unpaid for one (1) month after date of said bill shall have his service discontinued until his bill with penalty has been paid together with are-connection charge which is also included on said schedule of rates and fees.

(amended 12-30- 2015)

ORDINANCE 27.e.

Reserved

(repealed and added to Ordinance 27b \_12-30-2015)

ORDINANCE 27. f .1.

RESERVED

Section 1.

(as added to section 7, Ordinance 27b 12-30- 2015)

ORDINANCE 27.f.2.

AN ORDINANCE REGARDING OFF PEAK; REQUIRING SEPARATE METER-OFF PEAK LOADS ONLY.

Section 1 .

The City shall cause all presently and newly installed off peak meters to be inspected to verify that electricity running through said meter is being utilized for proper off peak purposes only. Thereafter, the meter shall be sealed and said seal shall not be broken or tempered with without the prior written approval of the City. After the breaking of the seal, the meter shall be inspected and resealed by the City. A penalty charge will be added to the electrical bill of any user if the seal is broken or other tampering with the meter has occurred without the City's approval, and all electricity shall be billed at the regular rate (commercial and residential) until the meter is resealed. Said penalty is included in the schedule of rates and fees which is incorporated herein by reference.

(revised 12-30- 2015)

## ORDINANCE 27.g.

AN ORDINANCE TO REGULATE THE INSTALLATION, EXTENSION, AND ALTERATION OF GAS PIPING FOR NATURAL OR MANUFACTURED GAS IN AND ABOUT BUILDINGS; THE INSTALLATION, ALTERATION, MAINTENANCE, AND USE OF GAS APPLIANCES CONNECTED THERETO.

### Section 1.

Definitions.

**Municipality** - Means the City of Park River.

**Approved** - Means approval by the gas inspector.

**Gas Inspector** - Means the person or persons appointed by the municipality to make the inspections provided for by this ordinance.

**Gas appliance** - Means any device using natural or manufactured gas as a source of energy.

**Gas piping** - Means any pipe, tubing, conduit, valves, and fittings conveying or holding natural or manufactured gas, in and about any building or buildings beginning at the outlet of the gas meter.

**Gas company** - Means the public utility providing gas service in the municipality, or any individual or association of individuals providing gas service for himself, themselves, or others, within the corporate limits of the municipality.

**Person** Means any individual, group of individuals, partnership, association, firm, or corporation.

**Gas fitter** - Means any person who is qualified by license as a gas fitter or plumber; or in case there is not state or municipal gas fitter's or plumber's license law, any person versed in the trade as a gas fitter or plumber and follows such trade as his principal occupation.

**Gas fitting** - Means the installation, extension, or alteration of any system of gas piping as defined in this ordinance, as well as the installation, rearrangement, or replacement of any gas appliances, and the installation, alteration, or extension of the flues and connections conveying products of combustion of any gas appliances.

**Flue or vent** - Means the vertical or nearly vertical pipe, conduit, or passageway conveying the products of combustion from the connection at the flue or vent connector to the outside atmosphere.

**Flue or vent connector** - Means the pipe connecting the appliance with the flue or vent.

## Section 2.

### Applications of Regulations.

**General.** No person shall do any gas fitting in any manner that does not conform to the provisions of this ordinance. It shall be unlawful for any person to perform gas fitting for which a permit is required, unless he is a gas fitter as defined by this ordinance.

**Hazardous installations.** The gas inspector may prohibit the use of any gas fitting, or any part thereof, which after inspection or test is considered as introducing a distinct hazard to life or property. The gas company shall not be required to render service to hazardous installations nor to installations which are in violation of the gas company's standards.

**Work between main and meter.** No person, unless in the employ of the gas company, shall repair, alter, or open the service pipe carrying unmetered gas, or set or disconnect the service meter, or do any other work on that part of the gas piping, when containing gas, up to and including the meter.

**Disconnecting meter.** Unless in the employ of the gas company or having a permit from the gas company, no person shall disconnect the outlet of a service meter from the building piping.

**Service lines.** Service lines to carry unmetered gas shall be installed only by the gas company and in accordance with standards and specifications as prescribed by the gas company.

## Section 3.

### Permits.

**Unlawful without permit.** It shall be unlawful for any person to do gas fitting, except in those instances listed in Section 3, paragraph 2 below (Work not requiring permit.), unless the owner of the premises on which the work is to be done, or someone on his, her, or its behalf, shall first obtain from the gas inspector a written permit authorizing such gas fitting.

**Work not requiring permit.** No permit shall be required in the following instances:

- 1.) In the case of repair such work does not work to stop leakage of gas when involve the replacement or rearrangement of valves, pipes, appliances, or other fixtures.

- 2.) In the case of work involving ordinary operation of any appliance, i.e. cleaning , adjusting, etc., which does not also involve changes in the method of serving the appliance with gas.
- 3.) In the case of replacement or removal of an appliance or fixture which does not require the turning off or on of gas other than the single branch serving the appliance or fixture which is being replaced or removed.
- 4.) In the case of any ordinary repair or alteration of an appliance or fixture which does not require cutting into the gas piping or which will not result in any change in the operation or the venting of such appliance of fixture.
- 5.) In the case of complete turn-on and turn-off of gas, when the consumer moves in or out of the premises.
- 6.) In the case of work performed on gas mains, services, meters, regulators, or other facilities necessary to the operation of the gas company's system.

**Application for permit.** All applications for permits for gas fitting shall be made in writing to the gas inspector on special permit forms to be provided by the municipality. When satisfied that the person to do the work is qualified, and the work to be done or the facilities to be installed will conform with the provisions of this ordinance, he shall issue a permit therefore.

#### Section 4.

##### Material.

**Material for gas piping.** Pipe shall be first quality black steel or wrought iron pipe. Internally tinned copper or brass pipe of full weight, standard gauge and thickness, in iron pipe size with threaded joints, shall be approved. Fittings on screw pipe shall be wrought or malleable iron. Fittings on copper or brass pipe shall be of the same material as the pipe. Welded fittings and joining of pipe by welding is permitted.

Piping installed outside of the building to connect appliances located outside (such as gas lights, gas grills, etc.) may be of rigid pipe conforming to underground pipe standards or may be of tubing of materials resistant to corrosion.

**Appliance connections.** Non-portable appliances such as central heating, water heating, room heating, and similar equipment shall be connected to the gas piping with rigid pipe.

Hot plates, clothes dryers, refrigerators, domestic gas ranges, and similar equipment shall be connected to the gas piping with rigid pipe, approved semi-rigid tubing, or approved appliance connectors of flexible metal, double-wall, and aluminum lined. When a semi-rigid tubing connector or a connector of flexible

metal tubing is used, it shall connect to an outlet in the same room as the appliance. The length of the connector shall not exceed six feet (6'). The connector shall be installed so as to be protected against physical damage.

## Section 5.

### Gas Service Installation.

**Accessibility.** Service lines shall not be run underground under buildings, basement floors, porches, garages, etc., or adjacent to structures having no solid foundations, or where the soil is extremely porous. In such cases, suitable offsets must be provided. In special cases, casing the carrier pipe may be approved.

**Service entrances.** Service line entrances to buildings without basements or with uncemented partial basements shall be made by bringing the line up above ground level outside the building and then entering through the building wall. No service line shall enter a building below ground level except a building with full basement of solid wall construction at that portion where the service enters. Service line entrances through basement walls shall be sealed on both sides to make them water and gas tight.

**Service cocks.** An approved gas stop of the same size as the service pipe shall be installed in the service line riser outside of the building as close as practicable to the point of entrance and shall be so located as to be accessible at all times.

Service lines shall be provided with a shut-off valve outside of the building located either near the curb or property line, or in the service pipe riser prior to building entry. When installed at the curb or poured line, a suitable valve box shall be provided, which shall extend to the surface of the ground, which shall be of easy access, and shall have the top plainly marked "GAS".

**Grounds.** No electrical service, electric appliances, or telephone grounds shall be attached to gas piping.

## Section 6.

### Gas Piping.

**Piping plan.** A definite plan for the piping of appliances shall be made before work is begun. If necessary, a sketch of the piping shall be prepared. Requirements governing the location of the gas meter will govern provisions of planning the gas piping system.

**Interconnections.** When two (2) or more meters are installed on the same premises which supply separate consumers, the piping systems shall not be interconnected on the outlet side of the meters.

**Piping installations.** Gas piping and fittings shall be clear and free from cutting burrs and defects in structure or threading and shall be thoroughly brushed and scale blown. Pipe ends shall be thoroughly reamed after threading before making up.

Fitter's cement or wax shall not be used. White lead or other pipe joint compounds or dope may be used sparingly and applied to male pipe threads only.

Defects in pipe or fittings shall in no case be repaired. All such defective pipe or fittings shall, when located, be removed and replaced with perfect material.

The unthreaded portion of outlets shall extend at least one inch (1") through finished walls and at least two inches (2") above floors. The pipe or outlet fitting shall be securely fastened to the wall or partition or construction above the floor. When pipes are secured to masonry or metal surfaces, expansion shields, brackets, clamps, or inserts shall be used. Wooden plugs are prohibited.

Piping containing measured gas under pressure shall not be cut into or opened except when done by using equipment designed to prevent escape of gas. When such equipment is not available, the piping shall be purged of all gas before cutting.

Any piping run from one building to another shall be installed underground in accordance with the standards for service piping and shall be of the next size larger than the size required if it were not run underground (see Table, Section 7.), and in no case less than one inch (1") pipe.

Gas piping shall not be supported by other piping but shall be supported by appropriate pipe hooks, metal pipe straps, bands, or hangers suitable for the size of pipe, of proper strength and quality, and at proper intervals so that the piping cannot be moved accidentally from the installed position.

A tee fitting with the bottom outlet plugged or capped, instead of an ell fitting, shall be used at the bottom of all appliance risers or drops.

No field bending of pipe for turns or offsets shall be allowed in gas piping.

The building structure shall not be weakened by the installation of gas piping. Notching of beams and joists shall be avoided wherever possible. Before any beams or joints are cut or notched, special permission shall be obtained from the architect or the owner.

Piping shall not be installed in solid walls or solid floors but shall be located in hollow partitions or laid in channels in a solid floor, suitably covered to permit access to the piping with a minimum of damage to the buildings.

When installing gas piping which is to be concealed, unions, running threads, right and left couplings, bushings, and swing joints made by combinations of fittings shall not be used. If it is necessary to connect piping in concealed locations, it may be done with the use of standard couplings. It is preferable to weld at such locations.

### Section 7.

Size of piping to gas burning devices.

The size of all gas pipe installed shall conform to *the* following table unless specifically designed to operate at pressures in excess of 5 ounces per square inch.

**Maximum Capacity of Pipe In Cubic Feet of Gas per Hour  
(Based upon a Pressure Drop of 0.3 Inch Water Column and 0.6  
Specific Gravity Gas)**

Length In feet	Nominal Iron Pipe Size, Inches								
	½	¾	1	1 ¼	1 ½	2	2 ½	3	4
10	132	278	520	1050	1600	3050	4800	8500	17500
20	92	190	350	730	1100	2100	3300	5900	12000
30	73	152	284	590	890	1650	2700	4700	9700
40	63	130	245	500	760	1450	2300	4100	8300
50	56	115	215	440	670	1270	2000	3600	7400
60	50	105	195	400	610	1150	1850	3250	6800
70	46	96	180	370	560	1050	1700	3000	6200
80	43	90	170	350	530	990	1600	2800	5800
90	40	84	160	320	490	930	1500	2600	5400
100	38	79	150	305	460	870	1400	2500	5100

125	34	72	130	275	410	780	1250	2200	4500
150	31	64	120	250	380	710	1130	2000	4100
175	28	59	110	225	350	650	1050	1850	3800
200	26	55	100	210	320	610	980	1700	3500

NOTE: Due allowance for the effect of an ordinary number of fittings has been made.

### Section 8.

Tests.

**Covering pipe.** Gas piping shall not be covered, concealed, or painted before inspection and test of same are made and the work approved.

**Testing for tightness.** Upon the completion of construction, extension, or alteration of any gas piping for any natural or manufactured gas for which a permit is required by this Ordinance, and before any of the piping has been covered or concealed, the person to whom said permit has been granted shall notify the gas inspector that the work is ready for inspection and test. Said person shall test said gas piping for a period of 15 minutes under an air pressure of at least ten pounds (10 lbs.) per square inch gauge, or two (2) times the expected pressure at which the system will be operated, whichever is greater. The gauge shall show no drop in pressure during the test. Said person shall furnish the gauge, pump, and other equipment required to make the test. Appliances connected to the gas piping shall be disconnected before making the test, the openings so left shall be capped or plugged.

**Unlawful.** It shall be unlawful to attach any gas appliance, or to connect any gas meter to any gas piping for which a permit is required, until after such gas piping shall have been made tight, installed in accordance with the provisions of this ordinance, and examined and approved by the gas inspector. Certification of examination and approval shall be made by said gas inspector on the back of the copy of the permit on file in his office.

### Section 9.

Gas Appliances.

**Accessibility.** Every gas appliance shall be located so as to be accessible for operation, repair, and adjustment.

**Fire hazard.** Gas appliances shall be so installed that their continued operation will not constitute a fire hazard to surrounding combustible construction. The temperature of surrounding combustible construction shall in no case be raised beyond 1600F. Approved insulation of a permanent nature must be provided where necessary.

**Appliance connection.** Each gas appliance shall be connected to the gas piping in such a manner that it may be disconnected without cutting a pipe or breaking a solid fitting.

**Individual shut-off.** Every gas appliance shall be provided with an individual cock or shut-off located as close to and as convenient to the appliance as possible, yet readily accessible for operation and repair. Such cocks or shut-offs shall be placed sufficiently far apart so that they will be readily distinguishable.

**How supported.** Every gas appliance shall rest on its own legs or supports and on a solid foundation, and shall be so connected to the piping as not to exert any strain on the connection.

**Use of gas hose.** The connection of an appliance within buildings or structures with any type of gas hose is prohibited, except when used with laboratory, shop, or ironing equipment that requires mobility during operation. Such connections shall have the shut-off or stop cock installed at the connection to the building piping. Where gas hose is used, it shall be of the minimum practical length, but not to exceed six feet (6'), and shall not extend from one room to another nor pass through any walls, partitions, ceilings, or floors. Portable gas grills installed outside may be connected with a listed gas hose not exceeding fifteen feet (15') in length. Under no circumstances shall gas hose be concealed from view or used in a concealed location. Only listed gas hose shall be used and shall be used only in accordance with the terms of its listing. Gas hose shall not be used where it is likely to be subject to excessive temperatures (above 125°F).

**Attachments.** No device or attachment shall be installed on any gas appliance which may in any way impair the combustion of gas.

**Combinations.** Any combination of gas appliances, attachments, or other auxiliary devices used together in any manner shall meet the requirements of this ordinance which apply to individual gas appliances.

**Thermostatically controlled appliances.** Every thermostatically controlled appliance having a main burner or burners that go off and on shall be equipped with a safety pilot. A safety pilot is a device which will close off the main gas supply to the burner in the event of failure of burner ignition or gas supply within three (3) minutes of such failure. Safety pilots shall not depend upon the closing of an electric circuit to shut off the main gas supply to the appliance. All space heating equipment shall be equipped with a safety pilot.

**Ventilation.** No gas appliance shall be installed in a bathroom, bedroom, or other room normally kept closed, unless there are provided two (2) permanent openings, one near the top of the enclosure and one near the bottom. Each opening shall have a free area of not less than one square inch per 5,000 BTU per hour of the total input rating of all appliances in the enclosure, freely communicating with interior areas having in turn adequate infiltration from the outside. Each such appliance must in all cases be connected to an effective flue or vent.

**Incinerators.** Incinerators shall be installed as close to the chimney or flue as practical, except those of the wall or built-in type, which shall be installed in a non-combustible wall, integrally a part of the chimney or flue. No gas - served appliance shall be vented into any incinerator of the wall-built-in type, nor to the chimney or flue serving such an incinerator. No gas-served appliance shall be vented into any vent connector serving an incinerator; provided, however, they may be connected to a common chimney or flue of adequate size. No draft hood shall be used on any incinerator.

**Appliance adjusting.** No gas appliance shall be installed which is not capable of adjustment to effect the complete combustion of the gas. Every gas appliance shall be properly adjusted after being installed and the customer shall be instructed in its safe and proper operation.

**Standards.** All gas appliances shall bear the seal of approval of the American Society of Mechanical Engineers, American Gas Association of Fire Underwriters Laboratories for the type of gas served. In the absence of such seal, the appliance shall meet the approval of the gas company and of bodies such as Factory Mutual Testing Laboratories, Factory Insurance Association, etc.

#### Section 10.

**Pilots.**

**Installation details.** The pilot or pilots shall occupy a fixed and structurally secure position in relation to the burner or burners they serve and shall be located so as to be readily accessible for lighting, repair, or replacement.

**Separate valve.** Except in the case of approved 100% shut-off safety devices, pilot lines must be taken off the piping system to the appliance ahead of (on meter side) the main shut-off valve, and where appliance regulators are used, ahead of the regulator. Pilot lines must have a separate cock or shut-off valve.

**Pilot line take-off.** Pilot lines shall not be taken off the underside of piping.

**Number of pilots.** Pilots shall ignite burner or burners without delayed ignition. Where this cannot be accomplished with one pilot, sufficient pilots shall be provided.

**Pilots.** Safety pilots of either the flame conductivity or thermostatic type must be so designed that the gas pilot and the flame rod, thermocouple, bimetal expanding rod, etc., must be in the form of an integral unit, so upon insertion of pilot assembly after removal for repairs or cleaning, safety pilot will be in the same position relative to the main burner as when originally installed.

The pilot flame and the thermostatic safety pilot shall occupy such a fixed position in relation to each other that a sufficient drop in gas pressure will cause the thermostatic safety pilot to shut off gas supply to main burner, if pilot light is not sufficient to assure proper ignition of main burner.

The flame conductivity type of pilot shall consist of a flame rod and flame head, relay, start and stop push button type of switch, solenoid gas valve for shutting off safety pilot gas as well as gas to the plain pilots, the necessary high tension cable, and a position shut-off gas valve.

#### Section 11.

#### Chimneys, Flues, and Vents.

**Flue connections required.** Except domestic gas ranges, domestic refrigerators, domestic clothes dryers, and hot plates installed for single family use, every gas appliance equipped with a vent connection shall be connected to an effective flue or vent. Flue connections shall be required on any and all space heating appliances, except those that take their combustion air directly from the outside and discharge the products of combustion directly to the outside.

Further, flue connections shall be required on each of several gas appliances, except domestic gas ranges and domestic refrigerators, installed in the same room, which in the aggregate have an input rating as great as thirty (30) BTU per hour per cubic foot of room content.

Nothing in this section shall be construed to mean that properly designed and vented canopies are prohibited when used in connection with ranges, bakeovens, cooker, fryers, and similar type of appliances. When properly vented canopies are used, the individual vent for each appliance or chimney, flue, or vent may be waived. When canopies are used, provision for adequate replacement air must be provided.

#### **Types of flues or vents.**

**TYPE A:** Lined chimneys of masonry or reinforced concrete and Underwriter's approved prefabricated flues for all fuels shall constitute a Type A flue or vent. Type A flues are required for all incinerators, all appliances which may be converted readily to the use of solid or liquid fuels, all central space heating equipment (boilers & furnaces) which are installed in commercial establishments

or places of assembly. Metal smokestacks may be Type A flues, when designed in accordance with accepted engineering principles, used in large installations.

**TYPE B:** Vent piping of non-combustible, corrosion-resistant material of sufficient thickness, cross-sectional area and heat insulating qualities to avoid excess temperature on combustible material and certified by American Gas Association Laboratories, Inc., or Underwriters' Laboratories, Inc., shall constitute a Type B flue or vent.

**Marking Type B flues or vents.** Flues or vents installed for use with gas appliances, but which are not suitable for solid or liquid fuels, shall be plainly and permanently labeled as a Type B flue or vent.

**Check chimney.** Before connecting a flue or vent connector, the flue or vent shall be examined to ascertain that it is properly constructed, clear, and will freely conduct the products of combustion to the outside air.

**Chimney entrance.** In entering a flue or vent, the connection shall be at least ten inches (10") above the extreme bottom to avoid stoppage. Means shall be employed which will prevent the flue or vent connector from entering so far as to unduly restrict the space between its end and the opposite wall. A thimble or slip joint may be used to facilitate removal of the connector for cleaning. Where more than one appliance is vented to a flue or vent, the connections shall be at different levels, wherever practicable.

**Flue or vent size.**

The flue or vent to which the flue or vent connector is connected shall be sized in accordance with the venting tables as listed in Appendix D of NFPA #54 1969, or revisions thereof, or in accordance with Type B vent manufacturers published tables consistent with current industry practices.

**Cleanouts.** Cleanouts shall be of such construction that they will remain tightly closed when not in use.

**Chimney liners.** Unlined masonry chimneys may be converted to Type A flues by installation of approved chimney liners of proper dimensions. Masonry chimney should be inspected to ascertain the need of liners. Liners may be required for unlined bracket and outside chimneys to prevent deterioration. Liners may also be required if the existing chimney flue is too large, which would result in poor venting conditions. Type B flues are recommended for lining wherever practicable. Single wall aluminum, stainless steel, or vitro-lined Type C flue pipe may also be used. The use of black or galvanized steel pipe is prohibited. All liners shall terminate at the bottom with a tee.

Section 12.

## Flue or Vent Connectors.

**Type C flue or vent.** Piping of sheet copper, galvanized sheet steel, or sheet aluminum of 26 U. S. Standard gauge or heavier may constitute a Type C flue or vent. Type C flues or vents shall be installed only as vent connectors to Type A or Type B flues or vents. They shall not pass through any wall, partition, floor, or ceiling of combustible construction, nor through any concealed space or attic. When passing through a non-combustible wall, the minimum clearance shall be one inch (1 ") from such construction.

**Size.** The flue or vent connector shall not be smaller than the size indicated by the vent collar on the appliance, and not less than one (1) square inch in cross sectional area for each 7,500 BTU per hour input to the appliance; provided, however, that in no case shall the vent from any appliance be less than three inches (3 ") in diameter or its equivalent in capacity in other than round vent connectors; provided further, that where high chimneys create high draft intensities, or where mechanical draft is applied, the foregoing rule may be deviated from to the extent of practicability.

In converting solid or liquid fuel appliances to gas burning appliances, it may be necessary to restrict the size of the existing flue or vent connectors, or to install a replacement sized in accordance with the above rule.

**Length of vent connector.** The horizontal run of the flue or vent connector shall be as short as practicable and the appliance shall be located as near the flue or vent as possible. The maximum length of a horizontal run shall not exceed seventy-five percent (75%) of the height of the flue or vent. Runs longer than twelve feet (12') shall be avoided wherever possible.

Wherever sufficient head room is available, appliances having a horizontal flue outlet shall be provided with a vertical run of flue or vent connector before the horizontal run. Wherever practicable, short turns should be avoided by the use of 45° elbows to minimize frictional resistance in the connector.

**Supports.** The horizontal run of the flue or vent connector shall maintain a uniform upward pitch from the appliance to the flue or vent, and shall be securely supported.

**Clearance.** Flue or vent connectors shall be located in such a manner that continued operation of the appliance will not raise the temperature of surrounding combustible construction more than 900F above normal room temperature.

Minimum distances from combustible construction for all appliances, except floor furnaces and incinerators, shall be one inch (1") for Type B flues and six inches (6") for Type C flues. For floor furnaces, the minimum distance for Type B vent connectors shall be three inches (3") for a distance of not less than three

feet (3') from the outlet of the draft hood, beyond which the minimum clearance is one inch (1"); Type C vent connectors shall not be used. The minimum distance for Type C vent connectors shall be eighteen inches (18") for incinerators; Type B vent connectors shall not be permitted.

**Draft hoods.** Every flue-connected appliance, except incinerators, dual oven-type combination ranges, and units designed for power burners or for forced venting, shall have a draft hood. Where the draft hood is a part of the appliance or is supplied by the appliance manufacturer, it shall be installed without alteration in accordance with the manufacturer's instructions. In the absence of manufacturer's instructions, the draft hood shall be attached to the flue collar of the appliance, or as near to the appliance as conditions permit, in the position for which it was designed with reference to the horizontal and vertical planes, and so located that the relief opening is not obstructed by any part of the appliance or adjacent construction. In no case shall a draft hood be installed in a false ceiling, in a different room, or in any manner that will permit a difference in pressure between the draft hood relief opening and the combustion air supply.

**Dampers.** No manually operated damper shall be placed in any flue or vent connector. Fixed baffles ahead of draft hoods are not classed as dampers.

### Section 13.

#### Electrical Connections.

**Electric ignition and control devices.** Devices employing or depending on electric current to control or ignite a gas supply shall not be used if the failure of the electrical current could result in the escape of unburned gas or in failure to shut off the supply of gas, unless other means are provided to prevent the development of dangerous temperatures, pressures, or the escape of gas.

**Electrical ground.** The gas piping shall not be used for an electrical ground, nor shall electric circuits utilize gas piping, casing of controls, panels, or other metal parts in lieu of wiring. This provision shall not apply to low voltage control and ignition circuits, and to electronic flame detection device circuits incorporated as part of the appliance.

**Continuous power.** It is recommended that central heating gas appliances for domestic use be provided with a separate electrical circuit.

**Wiring.** All electrical connections between gas appliances and the building wiring shall conform to the provisions of any applicable local or state electrical code or to the National Electrical Code.

### Section 14.

#### General.

**Cap all outlets.** Each outlet, including a valve or cock outlet, shall be securely closed gas-tight with a threaded iron plug or cap immediately after installation and shall be left closed until an appliance is connected thereto. Likewise, when an appliance is removed from an outlet and the outlet is not to be used again immediately, it shall be securely closed gas - tight. In no case shall the outlet be closed with tin caps, wooden plugs, corks, etc.

**Burner input.** Each burner shall be adjusted to its proper input in accordance with the manufacturer's instructions. Over rating of burners shall not be allowed.

**Notify gas company.** In case any work done by a gas fitter discloses the need for repairs or alterations on any part of the supply system containing unmetered gas, the gas company shall be notified promptly of this fact.

If gas is leaking from any part of the gas supply system containing unmetered gas, a gas fitter or plumber shall promptly notify the gas company to make repairs, and if the gas company does not make the necessary repairs at once, the gas fitter or plumber may take the necessary temporary repairs.

**Turn gas off.** All gas fitting shall be performed with the gas turned off.

#### Section 15.

#### Inspection

**Inspection.** Before any gas fitting is put into service, it shall be inspected and approved in writing by the gas inspector. The written approval shall be attached to and remain on the gas fitting after its inspection. Within two (2) days (exclusive of Sundays and holidays) after receiving notice that a gas fitting is ready for inspection, the gas inspector shall make his inspection. In case of an emergency, the gas inspector may permit the gas to be turned on before the gas fittings are inspected.

ORDINANCE 27.h.1.

AN ORDINANCE TO REGULATE SEWER CONNECTIONS AND THE LAYING OF PIPES.

Section 1.

**Permit required to make sewer connections, applications for, return of.** Before making any connection to the City sewer system, the plumbers must have a permit from the Superintendent of the Light and Water Plant, and within twenty-four (24) hours after having completed the work, must return the permit to said officer with a report of the work in exact accordance with the facts. The Superintendent of the Light and Water Plant shall personally inspect such work after being notified by the plumber that such plumbing has been completed. If the work has been performed satisfactorily, he shall approve said permit.

Section 2.

**Connections, regulations governing.** All service pipes are to be laid at least six feet (6') below the surface of the ground and be kept in good repair at the expense of the owner. No extension or alteration of any service pipe or fixture connected with the city mains can be made without written permission from the Superintendent of the Light and Water Plant.

ORDINANCE 27.h.2.

AN ORDINANCE GOVERNING THE CONTROL AND PROTECTION OF PIPES.

Section 1.

**Control and protection of pipes.** The service pipes, stops, and other fixtures must be laid and attached, kept in repair, and protected from frost by the applicant or consumer; and in opening the street, the paving type streets must be done that the excavation shall be refilled with the excavated material and compacted. After one winter season, if it appears that the excavation has been properly refilled, the City Auditor will refund the deposit less any expense incurred in repairing the oil type paving. The deposit for dirt or gravel road excavations will also be returned after one winter season upon showing that all normal type of precautions have been undertaken to replace the excavation in as good a manner as possible. The Superintendent of the Light and Water Department shall make the inspection and give approval and establish the amount of expense, if any, incurred by the City as a result of correcting the surface after these excavations. He will give his report to the City Auditor.

Section 2.

**Duty of police.** It shall be the duty of the police of the City in all cases where he may find any person or persons engaged in the work of breaking ground for the purpose of making connections, etc. with sewers, drains, or water mains, or in any manner interfering with or operating upon any of the sewers, drains, or water mains of the City, to ascertain at once if such person or persons are duly licensed to perform such work. In the event of such person or persons not being duly licensed and having no permit, the designated Law Enforcement Official shall order them to desist, under pain of arrest for a violation of this article, and at once report the fact to the Superintendent of the Light and Water Plant.

## ORDINANCE 27 h.3.

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF SANITARY AND BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

### Article 1.

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

**Biochemical oxygen demand (BOD)** 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 (20°) Centigrade, expressed in milligrams per liter.

**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 inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

**Building sewer** shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

**Combined sewer** shall mean a sewer intended to receive both waste water and storm or surface water.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**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. Wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

**Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**Industrial wastes** shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

**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.

**May** is permissive (see **shall**).

**Person** shall mean any individual, firm, company, association, society, corporation, or group.

**pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is 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.

**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 particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

**Public sewer** shall mean a common sewer controlled by a governmental agency or public utility.

**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.

**Sewage** is the spent water of a community. The preferred term is "wastewater" (see wastewater).

**Shall** is mandatory (see **may**).

**Slug** shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than 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.

**Storm drain** (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**Superintendent** shall mean the superintendent of wastewater facilities and/or wastewater treatment works and/or water pollution control of the City or his authorized deputy, agent, or representative.

**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.

**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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

**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 wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

**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.

**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".

**Watercourse** shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**Hearing Board** shall mean that board appointed according to provision of Article 8.

## Article 2.

**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 Park River, 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 Park River, 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, situated within 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 sixty (60) days after date of official notice to do so, provided that said public sewer is within two hundred feet (200') (61 meters) of the property line.

### Article 3.

**Private wastewater disposal.** Where a public sanitary or combined sewer is not available under the provisions of Article 2., the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. 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 as set by resolution by the City Council shall be paid to the City at the time the 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 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 covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

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 Article 3., 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 Department of Health Regulation 23-19-0.

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

#### Article 4.

**Sanitary sewers, 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 Superintendent.

There shall be two (2) classes of building sewer permits:

- 1.) for residential and commercial service, and
- 2.) 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 for a residential or commercial building sewer permit and for an industrial building sewer permit, as from time to time may be set by resolution by the City Council, shall be paid to the City at the time the application is filed.

All costs and expense incidental to the installation and connection of the building sewer shall be the responsibility of 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 Superintendent, 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, 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 Ten States Standards, A.S.T.M. and W.E.F. Manual of Practice 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 the 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.

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 Ten States Standards, A.S.T.M. and the W.E.F. Manual of Practice. 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.

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.

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.

## Article 5.

Use of the public sewers. 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.

Stormwater other than that exempted in the preceding paragraph, and all other unpolluted drainage shall be discharged to such sewers or to a natural outlet approved by the Superintendent and the North Dakota State Department of Health.

No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- 1.) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- 2.) Any waters containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharges from the treatment works.
- 3.) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- 4.) 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 & fleshings, entrails & paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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:

- 1.) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- 2.) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- 3.) Wastewater from industrial plants containing floatable oils, fat, or grease.
- 4.) Any garbage that has not been properly shredded (see Article I, properly shredded garbage). 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.
- 5.) 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 .
- 6.) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- 7.) 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.
- 8.) Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.
- 9.) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10.) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

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 the preceding ten lettered items in this Article, 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:

- 1.) Reject the wastes;
- 2.) Require pretreatment to an acceptable condition for discharge to the public sewers;
- 3.) Require control over the quantities and rates of discharge; and/or
- 4.) Require payment to cover the added costs of handling and treating the wastes.

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.

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 oils, fat, or grease from industrial plants in excessive amounts, 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 of the collected materials not performed by owner must be performed by currently licensed waste disposal firms.

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.

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.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- 1.) Wastewaters discharge peak rate and volume over a specified time period.
- 2.) Chemical analysis of wastewaters.
- 3.) Information on raw materials, processes, and products affecting wastewater volume and quality.
- 4.) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- 5.) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- 6.) Details of wastewater pretreatment facilities.
- 7.) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

All measurements, tests, and analysis 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.

No statement contained in this Article 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.

## Article 6.

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.

## Article 7.

**Powers and authority of inspectors.** 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 of the community system in accordance with the provisions of this ordinance.

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.

While performing the necessary work on private properties referred to in the first paragraph of this Article, 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 of 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 the ninth paragraph of Article V.

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, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry 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.

#### Article 8.

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.

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.

#### Article 9.

Penalties. Any person found to be violating any provision of this ordinance, except Article VII, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit specified in the preceding paragraph shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to the maximum penalties provided for violations of City ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

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.

ORDINANCE 27.h 4.

AN ORDINANCE TO ESTABLISH A SYSTEM OF CHARGES AND SET RATES FOR SEWAGE DISPOSAL BASED ON THE GALLONS OF WATER USED PER MONTH.

Section 1.

There is hereby established as just and equitable charges for sewer disposal services provided by the City of Park River a rate which is identified in the schedule of rates and fees which is incorporated herein by reference.

(amended 12-30-2015)

## ORDINANCE 27.h.5.

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE SERVICE CHARGES TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE CITY OF PARK RIVER AND PROVIDING CERTAIN PROHIBITIONS.

### Section 1.

**Purpose.** The purpose of this ordinance 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 SS), 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 (or user class).

### Section 2.

**Determining the total annual cost of operation and maintenance.** The City of Park River 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 were 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.

### Section 3.

**Determining each user's wastewater contribution percentage.** The City of Park River or its City Engineer shall determine 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 each user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The City of Park River or its City Engineer shall determine each user's average daily poundage of 5-day 200 Centigrade Biochemical Oxygen Demand which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day 200 Centigrade Biochemical Oxygen Demand discharged to the wastewater system to determine each user's Biochemical Oxygen Demand Contribution Percentage.

The City of Park River or its 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 the 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, 200 Centigrade Biochemical Oxygen Demand, and the Suspended Solids for the wastewater system, respectively.

#### Section 4.

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

##### Surcharge Rate Schedule for Above Normal of Wastes

Residential users are considered to be one class of user and are hereby levied a charge of 42¢ per 1000 gallons per month for all water used. Non-residential users with BOD and SS no greater than the above residential user's strength will be levied the same charge of 42¢ per 1000 gallons per month.

##### Surcharge Rate Schedule for Above Normal Strength Wastes

Any non-residential user with BOD and SS 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 Park River or its Engineer may determine the suspended solids (SS) and 5-day Biochemical Oxygen Demand (BOD) daily loadings for the average residential user and/or user class, or in lieu of such a determination can consider the average residential strength wastes to be 200 mg/l BOD and 250 mg/l SS. The City of Park River will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such user's above normal strength wastes. The additional user charge is

identified in the schedule of rates and fees which is incorporated herein by reference.

#### Section 5.

**Wastewater facilities replacement fund.** A reserve fund called the wastewater facilities replacement fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for such facilities as designed and constructed.

The reserve fund called the wastewater facilities replacement fund established within the wastewater utility fund as an interest bearing account shall be funded by a deposit of \$1,000.00 per year obtained from the wastewater utility fund at the end of each fiscal year.

#### Section 6.

**Determining each user's wastewater service charge.** Each nonresidential user's wastewater cost contributions, as determined in Section 3. & 4., 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 an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and 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 200 Centigrade Biochemical Oxygen Demand.

#### Section 7.

**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 (1/12) 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 ten percent (10%) per month if the payment is not received by the City within fifteen (15) days. Should any user fail to pay the user wastewater service charge and penalty within two (2) months of the due date, the City may stop the wastewater service to the property.

Section 8.

**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 not less often than every two (2) years, 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 industry, has completed in-plant modifications which would change that user's contribution percentage, the user can present at a regularly scheduled meeting of the governing body such factual information and the City shall then 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.

Section 9.

**Modifications.** Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

Section 10.

**Wastes prohibited from being discharges to the wastewater system.** The discharge of any waters containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the water receiving any discharge from the treatment works is hereby prohibited.

ORDINANCE 27.i.1.

AN ORDINANCE ESTABLISHING A SYSTEM OF CHARGES FOR USE OF WATER

Section 1.

Water Service charges shall be outlined in the schedule of rates and fees which is incorporated herein by reference.

Section 2.

(superseded)

Section 3.

(superseded)

Section 4.

Raw Water rates shall be outlined in the schedule of rates and fees which is incorporated herein by reference.

(revised 12-30-2015)

ORDINANCE 27.i.2

AN ORDINANCE FOR THE INSTALLATION OF REMOTE WATER METERS.

Section 1.

Any new construction of public buildings within the city limits that hook up to the city water systems shall have installed a remote water meter, which meter shall be placed along side the light meter where applicable.

**ORDINANCE 27.i.3**

**AN ORDINANCE TO REGULATE TAPPING OF WATER MAINS AND THE  
LAYING OF PIPES**

(added to Ordinance 27.b. 12-30-2015)

ORDINANCE 27.j.

**AN ORDINANCE REGARDING CITY SERVICES; CHARGES TO CONSTITUTE LIENS ON PREMISES; ASSESSMENT AND COLLECTION OF LIEN.**

All water, electricity, garbage and all other services provided for by ordinance and being necessary for the general welfare, public health, fire protection, or public safety, shall constitute liens upon the respective lots, traces and premises receiving such service; and all such charges which have been properly billed to the order or occupant of the premises served and which are more than thirty (30) days past due on September 30 or each year, may be certified by the City Auditor to the County Auditor as other municipal taxes are assessed, and the City Auditor in so certifying such charges, shall specify the amount thereof, the description of the premises served and the name of the owner thereof; and the amount so certified shall be extended by the County Auditor on the tax-rolls against such premises and collected by the County Treasurer and paid to the City Treasurer in the same manner as other County and Municipal taxes are assessed, certified, collected and returned.

The owner and occupant of each premise shall be jointly and severally liable for all charges for the above services during the period of their respective ownership or occupancy and until receipt of written notice by the City of Park River of the termination of such ownership or occupancy. All such charges having been properly billed as the owner or occupant of any premises served and not paid may be recovered in the manner provided herein. This ordinance shall not prevent the City from collecting such bills in a civil action in any Court of competent jurisdiction against either the owner or the occupant or both of them.

(adopted 7-6-2006, amended 12-30-2015)