



CHAPTER 7 WATER AND SEWER

ARTICLE 1 Utility Established

7.0101 Water and Sewer Department Established There is hereby established and created within the City of Bowman, North Dakota, a department to be known as the City, Water, and Sewer Department, which shall have general charge of all plants, systems, works, instrumentalities, equipment, materials, supplies, sewage disposal plants, lagoons, intercepting sewer, trunk connections, sewer and water mains, filtration works, pumping stations and all parts and appurtenances of the foregoing which are used or useful in connection with the obtaining of a water supply and the conservation, treatment, and disposal of water for public and private uses, and/or useful in connection with the collection, treatment and disposal of sewage, waste and storm sewers for the inhabitants of ~~this~~ *the Ceity of Bowman*, subject to all ordinances, rules and regulations.

7.0102 Superintendent of City Water and Sewer Department A Water and Sewer Utility Superintendent shall be appointed by the governing board. If he is a part time employee, and if he is also a *Ceity of Bowman* employee in some other capacity, only his services respecting the utility shall be an operating charge of the system. It shall be the duty of the Superintendent to exercise control and management of the operation of the utility system. He shall have power and authority to employ, subject to the approval of the governing body, all such engineers, filter plant operators, meter readers, laborers and other employees, as may be necessary to the operation of the utility system. All such employees shall be subject to his orders and directions. And he shall be responsible for their acts. He shall have power and authority to purchase such materials, supplies and repairs for the water-sewer system, with the approval of the governing board of the city, as shall be reasonably necessary for the operation of the system, as are necessary to show the operation and condition thereof. He shall at all times be subject to the supervision and direction of the governing board. He shall perform such other duties and have such other powers and authority as are hereinafter provided for.

7.0103 Same: Reports Such Superintendent shall make monthly reports to the governing body *which shall be presented during a regularly scheduled public meeting* concerning the operation of this department.
(Revised 4-2-2019)

7.0104 City Water and Sewer Department to be Independent Agency All of the business affairs of the said City, Water, and Sewer Department shall be conducted, insofar as is possible within the ordinances of the City of Bowman as a completely separate and distinct division of the City of Bowman. Separate and distinct accounts shall be set up on the books of the City *Financial* Auditor, which said accounts shall at all times reflect the true condition of the Water and Sewer Department, as distinct from the remaining business of the city, and which shall be so devised as to disclose the annual profit or loss of said department. The funds of the department shall be held

in the custody of the City *Financial Auditor* and disbursed upon warrant in the same manner as other funds, but the said Water and Sewer Department shall be given credit upon the books of the city for any and all funds paid by it into the City ~~Treasury~~ *Auditor*, and shall be charged on the books of the City with all payments made by the City on its behalf. Transfers from the Water and Sewer Department to the General Fund or any other fund of the *Ceity of Bowman* shall not be made except upon order of the governing body, nor shall transfer be made from said city funds to the Water and Sewer Department without like order. Where bonds have now been, or may hereafter be issued against any water works improvement or sewage improvement, which constitute a general obligation of the City, the taxes levied and expended for such purpose in the manner provided by law, until such time as it may be possible out of the proceeds of said Water and Sewer Department, after setting up a reasonable reserve for depreciation and new construction, to make payment of the bond requirements from the profits of the said Water and Sewer Department. It is expressly declared to be the purpose of this ordinance that as soon as the same can be accomplished without undue burden to the water users of this City, the said Water and Sewer Department shall be placed upon and entirely independent basis as a separate business enterprise.

(Revised ____-2020)

7.0105 Application for Water Service and Service Connection Charge Any party desiring water and sewer service from said utility for premises not heretofore connected with the system, and not subject to the provisions of ~~S~~section 7.0106 set forth below, shall apply for a connection on a form provided by the municipality. Such application shall state an exact description of the premises to serve, and the uses, both general and special, to which the water and or sewer is to be put, the nature of sewage to be discharged, and the estimated amount of water to be used for a monthly period. Such application shall be filed with the City Auditor *Office*, and the applicant shall thereupon pay to the City Auditor *Office*, as and for a connection charge, the sum of Three Hundred and No/100 Dollars (\$300.00) for a residential building. If a residential building connects to only water or only sewer the rate shall be One Hundred and Fifty and No/100 Dollars (\$150.00) for the one (1) service. The sum of Four Hundred and No/100 Dollars (\$400.00) for a commercial building, or in a multiple dwelling the sum of Four Hundred and No/100 Dollars (\$400.00) for four (4) or less units, plus Fifty and No/100 Dollars (\$50.00) for every unit over 4 units. If a commercial building connects to only water or only sewer, the rate shall be Two Hundred and No/100 (\$200.00) for the one (1) service. Said connection charge shall be in full payment of the cost before the installing of the meters and supervision of the customer's connection with the system.

(Revised 2-19-13)

7.0106 Water Service – To Property Not Previously Assessed No permit shall be issued for the making of any connection between any water or sewer line on any property which has not previously been benefitted by existing water and/or sewer lines or whenever the owners of such property have not been assessed for such water and sewer lines, unless and until such person shall have paid or made a written statement with the *Ceity of Bowman* to pay in monthly installments within a maximum of five (5) years an amount of money as may be therefore determined by the governing body, such amount shall be based on the area served and benefit resulting to the property involved. Within 30 days of the receipt of such application, the governing body shall determine the amount of money required to be paid before such connection shall be made, and shall advise the applicant property owner of such determination. All such money paid and received pursuant

to the provisions of this Section shall be placed in the water and sewer utility fund and shall be expended in accordance with purposes of such fund.

7.0107 Subsequent Connection to Premises Any party, other than the original applicant desiring service for premises where a connection has been made pursuant to **S**sections 7.0105 and 7.0106 hereof shall make written application therefore as in cases described in **S**section 7.0105 hereof, and if the connection charge for such premises has not been fully paid at such time. The applicant shall pay or agree to pay the remainder thereof in like manner and time as described in **S**sections 7.0105 and 7.0106 hereof.

7.0108 Water Meter Deposit – Refund REPEALED 2010

7.0109 Separate Connections for each Premise – Exception Unless special permission is granted by the Water and Sewer Utility Superintendent, each premise shall have a separate and distinct water service connection and sewer service connection, and where permission is granted for branch service systems, each unit on the branch shall pay the fees as set in **Section** 7.0123.

7.0110 Service Outside City Limits – Prohibited – Exception No application for water and/or sewer service outside the city limits of the City **of Bowman** shall be approved and no person outside of the corporate limits of the City shall hook up to or make connection with the city water and/or sewer system whether the same now is outside or inside the incorporated limits of the City. Water service and/or sewer service outside the corporate limits of the City may be permitted pursuant to contractual agreement of the governing body arising in limited and extraordinary circumstances but shall be permitted only upon a resolution adopted by the governing body. No contractual agreement shall be made allowing water and/or sewer service outside of the corporate limits of the City. In addition, if any person is allowed water and/or sewer service outside the corporate limits on a contractual basis, such contract shall specifically provide that the property shall be annexed to the City if at any time it is legally allowable to annex such property. (Revised 5-2-2006)

7.0111 Service in Unplatted Areas No application for water and/or sewer service shall be approved and no person shall hook up to or make connection with the city water and sewer system unless the area to be served by said water and/or sewer connection has been duly platted and the plat approved by the governing body and recorded in the Register of Deeds Office of Bowman County, North Dakota.

This prohibition may be waived in limited and extraordinary circumstances, provided the provisions of Section 7.0110 are followed.

7.0112 Water Service – Construction of – Maintenance of by Owner The cost of original installation of all plumbing between the main and any service devices maintained by the consumer and all extensions made to such plumbing, as well as all repairs, shall be borne entirely by the consumer, although such plumbing and services as well as the meters shall at all reasonable times be subject to inspection by duly authorized representatives of the municipality. Any repairs found to be necessary by such representatives shall be made promptly, or the municipality will discontinue service.

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

7.0113 Water Meters – Checked – Fees Every consumer of water shall provide a suitable place where a water meter can be installed and each consumer shall supply, maintain, and change when necessary, the same and if at any time the consumer desires to have the meter tested for accuracy, the same shall be done by the municipality and a fee of *Twenty-Five and No/100 Dollars* (\$25.00) charged therefore to the consumer if the meter registers ninety-eight percent (98%) or more accurate. If the meter registers less than ninety-eight percent (98%) accurate, it shall be replaced, and fee refunded.
(Revised 4-03-2001)

7.0114 Unlawful to Use Water Not Metered – Unlawful to Tamper with Curb Cock It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the municipal water system except when drawn through a meter installed by the municipality. No person except an authorized representative of the Utility Superintendent shall turn on or off or tamper with any curb cock.

7.0115 Defective Service – Consumers Duty to Report All claims for defective service shall be made in writing and filed with the Utility Superintendent on or before the *nineteenth* (19th) day of the month next succeeding such defective service, or be deemed waived by the claimant; and if such claims so filed, it shall be the duty of the Utility Superintendent to investigate the facts alleged in such claim and determine the amount, if any, which should be refunded to such claimant by reason of such defective service and report such determination to the governing body, and, if approved by that body, such amount shall be allowed as credit on the following bill or paid as other claims, but no claim shall be made against the municipality for any fire or any injuries to the person or property of any consumer of water or sewer service under the provisions hereof.

7.0116 Users Consent to Regulations Every person applying for water and sewer service from the municipal system, and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the resolution or ordinances of the City of Bowman and to any modification thereof and to all new rules, regulations or rates duly adopted.

7.0117 Regulations Governing Service The following rules and regulations shall be considered a part of the contract with every person who takes water and/or sewer service supplied by the City of Bowman through the city waterworks system and every such person who takes such service shall be considered to be bound thereby

1. **Shutting Off Water – Who Authorized.** No person except an authorized employee of the Water Department shall shut off or turn off the water at the curb cock to any premises without first obtaining permission from the Water Department.

2. **City of Bowman Reserves Right to Shut Off water – Notice.** In the case of making repairs or constructing new work, the City reserves the right to shut off the water and once and keep the same shut off as long as may be necessary to accomplish such purposes.
3. **Non-liability of City of Bowman for Deficient Supply or Quality of Water.** It is expressly provided that the City shall in no event be or become liable to any consumer of water for a deficiency in the supply of water or the quality thereof, whether by shutting off the same to make repairs or to construct new work or for any other cause whatsoever.
4. **Shutting Off Water Charge.** The water department shall make a charge of One Hundred and No/100 Dollars (\$100.00) each for shutting off or turning on services.
(Revised 11-08-12)
5. **Entrance and Access to Premises by Waterworks Employees.** Authorized employees of the water and sewer department shall have free access to any premises supplied with water, at proper times, to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employees such access. The Water Department shall have the right to enter any premises and remove the meter for the purpose of examination and test after first notifying the owner or occupant, and to shut off the water to premises where free access is prevented.
6. **Fire Hydrants – Who May Open.** No person except City of Bowman employees in the performance of their official duties shall open or cause to be opened any fire hydrant without the written permission of the water superintendent.
(Revised 4-03-2001)

7.0118 Connection to be Supervised by Municipal Employees In installing water and sewer service, all taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from the main and the curb cock installed in an iron box to which the service is to be connected by the individual, his agent or employee under the supervision, direction and control of the water and sewer department. Ten (10) feet spacing shall be allowed between all water and sewer lines in new connections to service. Failure to comply with this section shall be considered a disregard of the rules of the department and service to the affected property can be withheld or discontinued as the case may be.

7.0119 Service Pipes Specifications All service pipes connected with the water and sewer utility shall be laid five (5) feet and six (6) inches below the established grades or as low as the street mains. All water and sewer pipes shall be of a material approved by the Utility Superintendent.

7.0120 Curb Cock Specifications There shall be a curb cock in every service line attached to the water mains, the same to be placed as near as possible to the curb if on a street, or within one (1) foot of the alley line if the main is located in the alley. Curb cocks shall be supplied with strong and suitable “T” handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter “W” cast upon it. There shall be one or more stops and waste cocks attached

to every supply pipe at some point between the curb cock and the meter so that the water can be shut off and the house plumbing entirely drained. There shall be another such stop and waste cock in the pipe on the house side of the meter.

7.0121 Check Valves Required When Necessary Check valves are hereby required on all water connections to stem boilers or any other connection deemed by the Utility Superintendent to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connection with the water system where the steam pressure may be raised in excess of fifty (50) pound per square inch.

7.0122 Use of Water During Fire – Unlawful It is hereby declared to be unlawful for any person in this municipality, or any person owning or occupying premises connected to the utility, to use or allow to be used during a fire any water from said utility except for the purpose of extinguishing said fire; and upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used, except for necessary household purposes during said fire.

7.0123 Waterworks Customers May Lay Larger Pipes with Hydrants – When Whenever proprietors of lumber yards, manufactures, halls, stores, hotels, public buildings or regular customers from the waterworks wish to lay larger pipes with hydrants and hose couplings, to be used only in case of fire, they will be permitted to connect with the street main at their own expense, upon application for a permit to the City Auditor, and under the direction of the City Commission will be allowed the use of water, for fire purposes only, free of charge. No standpipe will be allowed on the premises where the water is not taken for other than fire purposes.

7.0124 Rates and Charges Water and sewer rates shall be fixed from time to time by resolution of the governing body and the *Ceity of Bowman* reserves the right to change the rates from time to time as it deems best. The resolution fixing water and sewer rates and charges shall be kept on file in the office of the City Auditor and shall be open for public inspection. Any change in the rates or charges shall be published at least one time within *ten* (10) days from adoption in the official newspaper of the *Ceity*.

7.0125 Rates and Charges – Liability for The owner or owners of all real property in the *Ceity of Bowman* who are furnished water or sewer service or service line repairs shall be responsible for the payment of any and all such charges regardless of who the occupant or tenant may be. If such charges are not paid, the owner or owners shall be responsible for such charges and they shall be assessed to the property served. It shall be the duty of the City Auditor to certify to the County Auditor such unpaid water or service charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

(Revised 06-01-2011)

7.0126 Duty to Report to Auditor Every owner or operator of a multiple dwelling unit shall file with the City Auditor a report indicating the total number of units under his control. Every number of units in the park and shall further notify the City Auditor of any changes in the number of units in the park if the number increases or decreases.

7.0127 Excavators No person, firm or corporation shall excavate in or on any street, alley or other public place for the purpose of installing any water and/or sewer connection until they have complied with the provisions of Sections 3.0220 through 3.0226 of Chapter 3 of these ordinances.

7.0128 Restriction of Use of Water The Water Commissioner of the City of Bowman may from time to time declare that water may not be used for specific purposes or may only be used in certain parts of the City on certain days for certain purposes. The City shall have the right to prohibit the watering of lawns and gardens, the washing of cars or such other uses of the water as may be necessary to preserve for the general public an adequate supply of water for consumption and use by the general public.

ARTICLE 2 Regulation of Sewer Use

7.0201 Purpose It is the purpose of this **A**rticle to provide ordinances regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and to provide penalties for violations thereof, in the City of Bowman, North Dakota.

7.0202 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used in the **A**rticle shall be as follows:

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at *twenty* (20) degrees Centigrade, expressed in milligrams per liter.
2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
5. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
6. “Floatable oil” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

7. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
8. "Industrial Wastes" shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
9. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
10. "May" is permissive (see "shall," Section 18).
11. "Person" shall mean any individual, firm, company, association, society, corporation or group.
12. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogen-ion concentration of *ten to seven* (10⁻⁷).
13. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (or 1.27 centimeters) in any dimension.
14. "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.
15. "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
16. "Sewage" is the spent water of a community. The preferred term is "wastewater," Section 24.
17. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
18. "Shall" is mandatory (see "may," Section 10).
19. "Sludge" shall mean any discharge of water or wastewater which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more 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.

20. "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
21. "Superintendent" shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the City or his authorized deputy, agent or representative.
22. "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as no filterable residue.
23. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
24. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
25. "Wastewater Facilities" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
26. "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
27. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
28. "Hearing Board" shall mean that board appointed according to the provisions of Section 7.0209.

7.0203 Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Bowman, North Dakota, or in any area under the jurisdiction of said Bowman, North Dakota, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Bowman, North Dakota, or in any area under the jurisdiction of said City of Bowman, North Dakota,

any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Bowman, North Dakota, and abutting on a street, alley or right-of-way in which there is now located or may in the future be located a public sanitary, the City of Bowman, North Dakota, is here by required as its expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within *two-hundred* (200) feet (61 meters) according to the North Dakota plumbing code, of the property line.

7.0204 When Private Sewage Disposal Permitted

1. Where a public sanitary or combined sewer is not available under the provisions of **S**section 7.0203 (4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this **A**article.
2. 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 of Twenty-Five and No/100 Dollars (\$25.00) shall be paid the City at the time the application is filed. Refer to Ordinance 6.0607, Section 9 – Sewer Regulations for size and regulations.
3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within *twenty-four* (24) hours of the receipt of notice by the Superintendent.
4. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations and/or regulations of the North Dakota State Department of Health. No permit shall be issued for any private wastewater disposal system not meeting these conditions. No septic tank or cesspool shall be permitted to discharge to any natural outlet or to the ground surface.
5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 7.0203 (4), 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.

6. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the *City of Bowman*. All sludge or solids, to be disposed of from a septic tank, cesspool or other individual method of disposal shall be disposed of by a licensed septic tank pumper in accordance with the North Dakota State Health Department Regulation 23-19-01.
7. No statement contained in this **A**rticle shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Revised 4-03-2001)

7.0205 Building Sewers and Connections

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Bowman. 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 of Twenty Five and No/100 Dollars (\$25.00) for a residential or commercial building sewer permit and Fifty and No/100 Dollars (\$50.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.
3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from and loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the City does not and will not assume an obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
6. All items in *Section* 7.0203 must be in compliance.
7. The size, slope alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of suitable code provisions set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
8. 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 by an approved means and discharged to the building sewer.
9. No person shall make connection of roof down spouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent and the North Dakota State Department of Health.
10. 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 of Bowman, or the procedures set forth in appropriate specifications of the A.S.T.M and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
11. 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.
12. 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 *of Bowman*.

(Revised 4-03-2001)

7.0206 Use of Public Sewers

1. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any building drain or sewer which in turn is connected directly or indirectly to the sanitary

sewer unless such connection is approved by the Superintendent and the North Dakota State Department of Health.

2. Storm water other than that exempted under Section 7.0206 (1) and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and the North Dakota State Department of Health.
3. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - c. Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing's, entrails and paper dishes, cups, milk containers, etc. wither whole or ground by garbage grinders.
4. The following described substances, materials, water or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, or 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 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 treat ability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- a. Wastewater having a temperature higher than *one-hundred fifty* (150) degrees Fahrenheit (65 degrees Celsius).
 - b. Wastewater containing more than *twenty-five* (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
 - c. Wastewater from industrial plants containing floatable oils, fat or grease.
 - d. Any garbage that has not been properly shredded (see Section 7.0202 (13)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchen for the purpose of consumption on the premises or when served by caterers.
 - e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
 - f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
 - h. Quantities of flow, concentrations or both which constitute a “slug” as defined herein.
 - i. Waters of 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.
 - j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in *Section* 7.0206 (4), and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of *Section* 7.0206 (11).
 - e. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and the North Dakota State Department of Health.
6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in *Section* 7.0206 (4)(c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the North Dakota Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and having of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.
 7. Where pretreatment or flow-equalizing facilities are provided or required by any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
 9. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
 - a. Waste waters discharge peak rate and volume over a specified time period;
 - b. Chemical analyses of waste waters;

- c. Information on raw materials, processes and products affecting wastewater volume and quality;
 - d. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - e. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
 - f. Details of wastewater pretreatment facilities; and
 - g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
10. All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis by the Superintendent.
11. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City *of Bowman* and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

7.0207 Damage to Sewer Works Prohibited No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

7.0208 Powers and Authority of Inspectors

- 1. The Superintendent and other duly authorized employees of the City *of Bowman* bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- 2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- 3. While performing the necessary work on private properties referred to in Section 7.0208 (1), above, the Superintendent or duly authorized employees of the City *of Bowman* shall observe all safety rules applicable to the premises established by the company, and the

company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except such as may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7.0206 (8).

4. The Superintendent and other duly authorized employees of the City *of Bowman* 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.

7.0209 Hearing Board

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

7.0210 Penalties

1. Any person found to be violating any provision of this ordinance except Section 7.0207 shall be served by the City *of Bowman* 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.
2. Any person who shall continue any violation beyond the time limit provided for in Section 7.0210 (1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding One Hundred and No/100 Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this ordinance shall become liable to the City *of Bowman* for any expense, loss or damage occasioned the city by reason of such violation.

7.0211 Validity All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

ARTICLE 3 Sewer Surcharge

7.0301 Purpose

1. The purpose of this article shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user.
2. The definitions set forth in Section 7.0202 of this Chapter shall also apply to this Article.

7.0302 Determining the Total Annual Cost of Operation and Maintenance The City of Bowman, North Dakota, ~~or its City Engineer~~, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works are designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

(Revised _____-2020)

7.0303 Wastes Prohibited from Being Discharged to the Wastewater System The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure to interfere with any wastewater treatment process, or to constitute a hazard in the receiving waters of the wastewater treatment plant is hereby prohibited.

ARTICLE 4 Adoption of State Plumbing Code

7.0401 Adoption To promote and protect health there is hereby adopted the State Plumbing Code, which has been adopted by the State Plumbing Board and approved by the State Health Department, consisting of rules and regulations governing plumbing work, and the whole thereof, of which not less than one (1) copy is on file in the office of the City Auditor, and the same is hereby adopted as fully as if set out at length herein and all plumbing work in the City of Bowman shall comply with said code.

7.0402 Plumbing Code – Enforcement of Provisions All plumbing work and all private sanitary drains and cesspools now existing, or hereafter to be installed, altered or repaired in any

building or in or under any private property within the corporate limits shall be under the supervision and regulation of the Superintendent of the Water and Sewer, whose duty it shall be to enforce all the provisions of this code relating thereto and from time to time to make such rules and regulations as may be appropriate for the execution of the same.

7.0403 Plumbing Code – Changes in Existing Installations The Superintendent of the Water and Sewer Department is hereby given authority to order the repair, alteration or removal of any sanitary sewer connection or plumbing, any connection to storm water sewer, or any private sanitary drain, cesspool or privy, which in his judgment is so installed or is in such condition as to be unsanitary, or to constitute a public nuisance or menace to health. In case of such repair, alteration or removal, if the plumbing code is not observed and connections not properly executed by the owner or owners thereof, in accordance with his directions, he may cause the same to be discontinued from any source of water supply. It shall thereafter be unlawful for any person in any manner to use any such installation, or to supply water thereto, until the same shall have been put in a safe and sanitary condition according to his directions.

7.0404 Plumbing Code – New Installation All plumbing work and all excavations in the public streets or alleys, the cutting and replacing of pavement, laying of water and sewer connections, and connections to storm water sewers, and all construction of private sanitary drains and cesspools, within the corporate limits shall be undertaken and executed only by a master plumber, or other persons, as have obtained a general license for such work, together with a permit for each separate job, provided that the tapping of water mains and the placing of corporate cocks therein shall be done only under the direction of city employees.

ARTICLE General Penalty Provision

7.0501 Penalty for Violation of Chapter Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of an infraction and, upon conviction thereof by a court of competent jurisdiction, shall be subject to a fine of not exceeding Five Hundred and No/100 Dollars (\$500.00) for each violation.

(Revised 4-03-2001)

APPENDIX A **WASTEWATER FACILITIES REPLACEMENT FUND SCHEDULE**

~~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 \$4,000.00 per year obtained from the wastewater utility fund and the end of each fiscal year.~~

(Repealed ____-2020)

