

CITY OF ARNEGARD, NORTH DAKOTA

ORDINANCE NO. 16A

Ordinances No. 15, 16, 17 and 18 all dealing with the establishing of a sewer system and existing in the City of Arnegard, North Dakota shall now be revised and known as the Arnegard Revised Ordinance No. 16A.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNEGARD,
NORTH DAKOTA

That the revised Ordinance No. 16A shall be entitled An ordinance providing for the establishment and operation of Sewer District No. 1 and is adopted as follows:

ARTICLE NO. 1

SEC. 1. There shall be and is hereby created Sewer District No. 1 for the construction of the sewer system, including the construction and erection of all contrivances and structures, and laying of all mains and pipes necessary for a complete sewer system.

SEC. 2. Consultation in respect thereto having been had with the engineer employed for such project, said District shall include all that part of the city laying within the following boundaries

"Commencing at the Se corner of the city limits and running due N. along the E. boundary of the said city limits to the N. boundary line where the same is intersected by the section line common to sections 13 and 14 in Twp. 150 Range 100: Then in a westerly direction along the northside to a point where the same is intersected by the western boundary line of the said city to the SW corner of said city limits; then due E. along the south line of the city limits to the point of the beginning, including all streets, alleys, all situated within the boundaries hereinabove described, all according to the recorded plat for the Town (now City) of Arnegard and its additions on file in the office of the Register of Deeds in and for the County of McKenzie, State of North Dakota."

ARTICLE NO. 2

SEC. 1. The City of Arnegard hereby assumes and agrees to pay by general taxation of all taxable property in the city, a portion of the cost of improvement heretofore ordered and contracted to be made in Sewer District No. 1 of the said city in the sum of two thousand dollars (\$2,000), said amount not being more that 1/5 of the cost of said improvement, and not in the excess of the debt limit of the city.

SEC. 2. Said amount shall be raised by tax levies and assessments therefore in equal annual principal installments extending over the same period of time as provided in the special assessment for said improvement, together with interest at 5% per annum on deferred installments, to-wit, in the years 1949 through 1964 as set forth in original ordinance No.16.

SEC. 3. All sums collected from the foregoing levies are hereby irrevocably appropriated to the Principal and Interest Account of Sewer District No. 1 Fund of the city and said levies shall be irrevocable save and except if any remain unextended on the tax roll, and all improvement warrants and all interest have been paid, such unextended installments maybe cancelled by ordinance.

ARTICLE 3

- SEC. 1. Upon completion of the improvements heretofore ordered and contracted to be made in Sewer District No. 1 of this city, said improvement shall be operated as a public utility of the city, and the rates, charges, regulations and provisions for this ordinance shall be and remain duly applicable until amended. The city reserves the right and power to amend this ordinance as the need or propriety arises, and the rates and charges specified maybe increased or decreased as necessary to provide sufficient funds to cover the cost of operation and maintenance of Sewer District No. 1, and any improvements required.
- SEC. 2. PERMITS REQUIRED: It shall be unlawful for any person, company, or corporation to make any connection with any public sewer in the City of Arnegard unless duly authorized in writing to do so by the City Auditor and City Council, or any other person designated by the City Council of Arnegard.
- SEC. 3. APPLICATION FOR PERMIT: Any person, company or corporation desiring to make connections with the public sewer of the City of Arnegard must apply to the City Auditor, who will furnish a blank that, when properly filled out by the Applicant, must give a clear description of the premises to be drained, and of the drains required, their location, and such other information necessary to enable the board of health to act intelligently in the case if required to examine the premises drained.
- SEC. 4. ISSUANCE OF PERMIT: The City Auditor shall issue the permit to make connection applied for in accordance with the terms of the ordinance of the City touching such matters, provided, that the premises for which such application is made are entitled to be connected with the sewer named in the application; provided, further that the applicant shall present to the City Auditor the approval of the City Council, or other person designated by the City Council, for the sewerage and plumbing in the building designated to be drained into the public sewer of the connection asked for.
- SEC. 5. CONNECTION OF SEWER BY PROPERTIES OUTSIDE CITY: Any person, firm or corporation with properties located outside the corporate city limits and/or an improvement district, may apply for connection to the city sewer, where such is available,

by submitting an application to the City Council. Permission for such connection may be granted to the application when the following requirements are agreed to by the applicant, in writing binding his assigns and heirs to the same. The applicant shall agree to:

(a). Pay a hook-up charge equal to the amount of the assessment of the total construction cost against the properties paying for the initial assessment, but in no case shall this amount be less than \$150.00.. Where the property is serviced by the city water supply, these payments may be paid in increments in an amount to be determined by the City Council, and are due and payable with each water statement. Where no city water supply is used by the property, a satisfactory arrangement for payment of the hook-up charge shall be made between the City Council and the applicant before permission is granted. Should the applicant, his assigns or heirs, fail to pay the complete amount of the hook-up charge, or default in payment of increments, the applicant agrees to uncover and make a physical break of the sewer connection. Failure to do so within thirty days after written notice to do so by the City Auditor, will necessitate breaking of the connection by the City Forces. The costs of such amount shall be assessed against the property, if within the city limits, and where property is located outside the city limits, the costs shall be held in abeyance for assessment against said property should such property again desire to hook-up to the city sewer.

(b). Comply with all other provisions of this ordinance.

(c). Refrain from allowing barn wastes, dairy wastes, yard run-off, and any other type of liquid waste except domestic sewage to be drained by this sewer.

(d). Install such devices and appurtenances that will enable ease of cleaning of the line and preclude the possibilities of stoppage of the city system.

SEC. 6. PERMIT TO BE FILED BY PLUMBER: After the permit is granted, the plumber who is to make the connection asked for shall file such permit in the office of the City Auditor or with other person designated by the City Council, for their approval, and person designated by the City Council shall locate the "Y" or place for the connection, and superintend the connection and see that it is properly made and no injury done to the public sewer.

SEC. 7. INSTALLATION REQUIREMENTS:

(a). No person except a plumber, duly licensed by the State of North Dakota, will be allowed to do any plumbing for house drainage or in or about any building of said city, or be allowed to lay drains for the purpose of draining building in said village or making connections with any sewer, or to do any plumbing in any building so connected.

(b). Main soil pipes shall be of cast iron, and waste pipes and their branches shall be of iron or lead. No wooden spouts or sheet metal pipes shall be used for carrying off sewerage.

No house or building drain shall be less than four (4) inches or more than six (6) inches in diameter.

Connections shall be made with the public sewers through drain pipes of cement or earthenware, and the pipes laid into cellars shall be of case iron. No tile drains will be allowed in cellars or under houses for sewer purposes. Substitutes approved by the State Department of Health and the State Plumbing Board may be used.

(c). Every house or building drain shall be trapped with a running trap of the same size and material as the drain, and if within the building, the trap shall be provided with a hand hold for cleaning. No connection shall be made with the drain on the alley side of the trap.

A proper grease trap and catch basin shall be provided for in all hotels, restaurants, boarding houses, eating houses, or other public houses, butcher shops, lard rendering establishments, and all other places where the sewer committee or board of health shall require.

Every wash basin, bathtub, sink, urinal, water-closet, or other fixture, shall be separately trapped as close to the fixture as possible and be revented. Water sealing traps shall be used when separate air pipe connections are not provided, traps shall be so arranged with air vents that one fixture will not siphon another fixture. Such connections shall be made to conform with the State Plumbing Code in force at the time of installation.

All pipes that must be left open to drain cellars, areas, yards, or gardens shall be connected with suitable catch basin and trapped with a trap not less than two and one-half (2½) feet below bottom of the outlet pipe.

(d). In all iron and earthenware pipes changes in direction shall be made with curved "Y" pipes, and connections with horizontal pipes shall be made with "Y" branches.

Rain water conductors running to cisterns shall not be connected with the house or building drain outside of the main pipe, nor be used as soil, waste or ventilation pipes, nor shall said ventilating or waste pipes be used as rain conductors.

Drip of overflow pipe shall not be connected directly with a drain pipe, water or soil pipe, unless trapped.

(e). There shall be an inlet for fresh air entering the house or building drain just inside the tap of at least three (3)

inches in diameter, leading to the outer air, and opening at any suitable place, not near a door, window, or cold air inlet to the furnace.

All soil pipes and all waste pipes not connected with ventilated soil pipes shall be extended full size above the roof without bend or cowl, and shall not open near a window or air shaft for ventilating the building.

SEC. 8. CONNECTION TO PUBLIC SEWER REQUIRED:

(a.) The City Council of the City of Arnegard require the owners of property shall make private drain connections with the public sewer now constructed, or any which may hereafter be constructed. The City Council shall direct the City Auditor to give a ten (10) day written notice to the owner of such property, or his agent, to make private drain connection and to remove privy or any such private owner facility if there be one on the premises and upon such notice being given, the owner or owners will be required to make such connections with public sewers under the provision of this ordinance and to remove from the premises such privy or private facility within the said time. Any and all persons who fail to comply shall be subject to the penalty as hereinafter set out.

If the owner of such property or his agent shall refuse to comply with the requirements of the notice with reference to removal of privy or private facility, the City Council may instruct the City Auditor to give the property owner or his agent a two (2) day written notice of the time and place where the City Council will hold a meeting to determine whether or not the maintenance of privy or facility constitutes a nuisance, and if same should be removed. The owner or agent shall remove same within one (1) day after hearing if found to be a nuisance, and if not removed the City Council shall have same removed and the cost of removal assessed against the property.

(b) No connections with any cesspool or privy vaults shall be made with any sewer.

(c). The main drain of every house or building shall be separately and independently connected with the public sewer, provided however, when in the judgement of the City Council it is the benefit of the public that such multiple connection be allowed, such multiple connection may be allowed upon application in writing to the City Council.

(d). Every person or property owner using the public sewer of the City of Arnegard shall provide such fixtures as will allow a sufficient quantity of water to flow in the lateral or private sewer and shall keep such lateral or private sewer at all times unobstructed.

SEC. 9. USE OF PUBLIC SEWER:

(a) No person or persons shall discharge or cause to be discharged butchers affal, garbage, dead animals or obstructions of any kind whatever shall be placed, thrown, or deposited in any receiving basin or sewer in the City of Arnegard.

No person or persons shall throw or cause to be thrown into any sewer within the City of Arnegard, any filthy substance or any substance calculated to cause any obstruction, nuisance, or injury in or to the same.

No person and persons shall discharge or cause to be discharged any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas. Nor any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interation 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.

No person or persons shall discharge or cause to be discharged any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Council in compliance with applicable state or federal regulations.

(b) No person shall willfully and unlawfully disturb, dig up, or injure any public drain, sewer, manhole, or catch basin or appurtenance thereto.

SEC. 10. FIXTURES REQUIRED:

(a). All hand basins placed over sinks, together with all urinals and water closets, wherever situated, shall be operated with selfclosing valves.

(b). All exhausts from steam engines, and all blow-off from steam boilers shall be connected with a proper catch basin and in no case shall they be allowed to connect directly with the private or public sewers.

SEC. 11. BOARD OF HEALTH SUPERVISION:

(a). All parts and points pertaining to house draining not herein specified, shall be subject to the supervision and care of the Board of Health, and any plumbing found to be improperly done, to the detriment of health, shall be replaced and made to conform to the requirements of this chapter at the expense of the plumber doing the work, as required by the City Council of Arnegard.

(b). The Board of Health or the City Council of Arnegard may make such rules as is necessary to carry out the intent of this ordinance, said rules not conflicting herewith, will be subject to the provisions and penalties the same as if inserted in this article.

SEC. 12. PENALTY FOR VIOLATION:

Any person or persons making any connection with or opening into any public sewer of the City of Arnegard without first having obtained a permit as this ordinance provides, or making the same in any manner different from the mode in this ordinance prescribed shall be subject to a fine not to exceed five hundred dollars(500.00) or imprisonment not to exceed 30 days; or both such fine and imprisonment in the discretion of the court; the court to have power to suspend such sentence and to revoke the suspension thereof, and to a like penalty for each day such offender shall continue thereafter to use any such sewer connection or opening.

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

Any person or persons who shall continue any violation beyond the time limit provided as above, shall be guilty of a Class B misdemeanor, and on conviction thereof shall be fined in the amount applicable according to county and state law for such a charge in accordance with the county court of law. 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 of damage occasioned the city by reason of such violation.

SEC. 13. This ordinance shall be in force immediately upon its publication and final passage.

This Ordinance was introduced and duly passed its first reading on the 23rd day of January, 1989 and passed its second reading on the 6th day of March, 1989 and the following council members voted aye 4 and 0 voted nay:

Approved this 17th day of May, 1989.


Richard Rux, Mayor

ATTEST: Verna Bazer
Verna Bazer, City Auditor

First reading 1-23-89

Second reading 3-6-89

Date of final passage 5-17-89

Date of publication 5-24-89

ORIGINAL

CITY OF ARNEGARD, NORTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF ARNEGARD, NORTH DAKOTA.

Ordinance No. 16A is hereby amended by adding Section 14 and 15 to read as follows:

SEC. 14. RATES AND CHARGES: Sewer rates shall be fixed by resolution of the City Council, and the City Council reserves the right to change the rates from time to time as it deems necessary. The resolution fixing the sewer rates and charges shall be kept on file in the office of the City Auditor and shall be open for the public inspection. Any change in the rates or charges shall be published at least ten (10) days before adoption or notified to the property owner or occupant by letter ten (10) days before adoption.

SEC. 15. LIABILITY FOR RATES AND CHARGES: The owner or owners of all real property in the city furnished sewer service shall be responsible for the payment of any and all such charges regardless of who the occupant or tenant may be. Owners of the premises where sewer service is supplied may request the City Auditor to bill the occupant or tenant for such charges, with the approval of both parties; however, if such charges are not paid when due by the occupant or tenant, 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 service charges that are unpaid and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

Penalty of violation of the above shall be the same as set forth in Ordinance 16A.

This addendum to Ordinance 16A shall be in force immediately after its final passage and adoption.

This Addendum to Ordinance 16A was introduced and dully passed it first reading on 4th date of May, 1992 and passed its second reading on the 1st day of June, 1992 and the following council members voted aye 4 and 0 voted nay.

Approved this 1st day of June, 1992


Richard Rux, Mayor

ATTEST: 
Verna Bazer, City Auditor

First Reading 5-4-92
Second Reading 6-1-92
Date final passage 6-1-92

ORIGINAL