

**TITLE V**

**CITY OWNED PUBLIC UTILITIES AND PARKS**

**CHAPTER 5.01**

**MANAGEMENT AND OPERATION**

5.0101 City-Owned Utilities

The city owned public utilities of the City of Springfield are the water system and sewer system.

5.0102 Utilities Superintendent

The Utilities Superintendent is charged with the maintenance, repair, improvement, and supervision of the water and sewer systems.

**TITLE V**

**CHAPTER 5.02**

**WATER SYSTEM**

5.0201 Permit Required

That it shall be unlawful for any person or persons, firm or corporation, to make connections, attach to any water main in the City of Springfield, or make any excavations in the streets, alleys or public property of the City of Springfield, or under the sidewalks of the City of Springfield, for the purpose of making new connections or attachments to any water main without first having obtained a permit therefore from the Common Council, the Building Permit Committee designated by the Council, the Municipal Finance Officer or the Utilities Superintendent of the City of Springfield. The Utilities Superintendent shall serve as the inspector for such connections and installations.

5.0202 Application

Application for a water service connection shall be made by the owner, or agent of the property where water service is desired, to the City Council, setting forth the lot and block where the water is desired.

It shall be unlawful to tap any water main before:

- (a) Said application for water service connection is approved by the Common Council, the Building Permit Committee designated by the Council, the Municipal Finance Officer or the Utilities Superintendent.
- (b) The fees for tapping or hook-on are paid in full.

#### 5.0203 Fees for Tapping

Upon request for water service, the applicant shall pay the Municipal Finance Officer such sum of money as may have been fixed by resolution by the Common Council for such tapping fees, and which sum may be changed from time to time to cover the cost of tapping and connections to the curb stops.

#### 5.0204 Guarding Trenches

All trenches left open shall be properly guarded and barricaded in the daytime and at nighttime shall be further guarded by placing red lights at the excavation, which lights shall be kept lighted from half an hour after sundown until half an hour before sunrise.

#### 5.0205 Refilling

All trenches and excavations made by any person or persons, firm or corporation, in the streets, alleys or public grounds, or under the sidewalks of the City of Springfield, for the purpose of making water service connections, shall be partly filled with dirt, wet down with water, and thoroughly tamped, and such process to be continued until all earth removed from the excavation is put back into the trench, and leave the trench in a smooth, even condition.

#### 5.0206 Supervision

All work done and material furnished in repairing pipes heretofore laid between the main and curb stops, and all work hereinafter done and material hereinafter furnished in making taps and laying new pipe between the main and curb stop shall be under the supervision of the Utilities Superintendent.

#### 5.0207 Water Service Lines; City Water Mains

Costs assessed for water service lines and mains shall be as follows:

- (a) Initial Hookup to Existing Water Mains A tapping fee of \$100 shall be assessed to the property owner for each initial tap into the City Water Mains. Arrangements for tapping, approval and proper authorization by the City, and payment of said tapping fee shall proceed, be obtained, or made in advance prior to any excavations related thereto. (Fee is to cover such costs as inspection, recording, locating, saddle and corporation, and any other costs related to such tapping into the City's Water Mains).
- (b) Service Lines; Maintenance and Repairs (Existing Mains)
  - (1) Property Owner's Responsibility. The property owner shall be responsible for all installation costs from the property line, across the owner's property, to meter and beyond; and shall include curb-stop valve and appurtenances. Owner shall furnish remote reading device for water meter and shall be responsible for repairs, upkeep,

and replacement(s). Owner shall be responsible for water meter repairs and replacements arising out of the fault of the owner. Meter and remote reading device shall be installed prior to any use of water service.

Street Restoration. It shall be the responsibility of the owner, party installing service line, or contractor acting for owner or installer, to restore the streets and rights-of-ways to their original condition or to the satisfaction of the City Council, as a result of excavations(s).

- (2) City's Responsibility. City shall be responsible for costs of installation between lot line to City's Water Main(s); but shall not be responsible for filling in excavations or restoring street's) as result of excavations(s).
- (c) Maintenance of Existing Water Mains. The City shall be responsible for costs involved in maintaining City Water Mains and appurtenances. Damage to water mains caused by the acts or omissions of another, shall render that person or firm responsible for costs of repairs.
- (d) Extension of Water Mains. Costs involved in extending water mains to an area or location not heretofore served by existence of water mains shall be shared as follows:
  - (1) Party(ies) desiring or requesting extension shall be responsible for thirty per cent of the cost of such water main extension and engineering fee; plus the \$100 tap fee.
  - (2) City shall pay seventy per cent of the costs involved. Ownership and control of such extended water mains shall be vested in the City thereafter.
- (e) Extensions Outside City Limits. The City has no responsibility to provide water service, extend water mains or lines, or provide access lines to provide service outside the city limits.

## TITLE V

### CHAPTER 5.03

#### WATER RENTAL RATES AND CHARGES, RELATED REGULATIONS AND POLICIES

##### 5.0301 Water Rental Consumers

That water rental consumers shall be divided into nine divisions or categories, stated as rate classes, as follows:

- (Class 1) All single-unit hookups within the City Limits;
- (Class 2) All multiple-units under one meter, and located within the City Limits;
- (Class 3) Trailer courts within the City Limits;
- (Class 4) Single-unit hookups outside the city Limits;

- (Class 5) Churches and church-related single-unit hookups outside the City Limits;
- (Class 6) Multiple-unit hookups for churches and church-related dwellings, households, residences, or establishments outside the City Limits and operating under one meter; and
- (Class 7) The Springfield Correctional Facility
- (Class 8) Industrial Within the City Limits
- (Class 9) Industrial Outside the City Limits

5.0302 Rates and Charges

Rates and charges shall be established and approved by the City Council from time to time by resolution for the following classes, and shall be payable as the minimum charge for each 1,000 gallons or part thereof in excess of 2,000 gallons of water supplied and distributed within and outside the City Limits, and by the City of Springfield, in each calendar month, to each dwelling household, residence, or establishment connected to the municipal water and distribution system. For the purposes of this ordinance, multiple-units shall consist of two or more dwellings, households, residences, or establishments located in the same building or premises, regardless whether the water rental charges are paid by the consumer of each unit individually, or by one party collectively or totally. A separate unit engaged in doing light housekeeping, for instance, shall be considered as a unit in determining whether a multiple-unit classification shall be assigned.

Class 1—All single-unit hookups within the City Limits:

Rates and charges shall be established and approved by the City Council from time to time by resolution.

Class 2—All multiple units utilizing one meter, and located within the City Limits:

Due to existing multiple-unit dwellings, households, residences, or establishments located in the same building and served by one common meter, instead of a single meter for each individual unit, such multiple-unit dwellings, households, residences or establishments shall have their monthly water rental charges calculated as follows:

The meter reading utilization of the one common meter shall be divided equally by the number of units served thereby by such single meter, and each unit shall be subject to the Class 1 rate schedule, and the said Class 1 rate schedule shall be applied to the calculation of such equal division of the total water meter reading utilization of each individual unit occupied.

Owners of the multiple-unit building must pay the monthly water charges and assessments promptly for the full, total, and aggregate amount due collectively for each building so served by common meter.

Such calculations of monthly billings shall apply only to existing multiple-unit dwellings, multiple-unit households, multiple-unit residences, or multiple-unit establishments served by one common meter and existing at the initial effective date of this Ordinance.

All multiple-unit dwellings, multiple-unit households, multiple-unit residences, or multiple-unit establishments constructed, or established after the initial effective date of this Ordinance, shall be subject to either one of these two options:

- Option A      Each and every unit shall be served by an individual meter, separately and individually; and the regular Class 1 rate schedule shall apply for each separate meter; and one extra utility and building-services meter be installed, and the regular Class 1 rate shall apply to such extra utility and building-services meter.
- Option B      All multiple-unit dwellings, multiple-unit households, multiple-unit residences, or multiple-unit establishments located in the same building may be served by one common meter provided that the following are complied with.
  - (a)      That a central, common meter be installed and maintained at the owner's cost.
  - (b)      That an additional water meter be installed for the utility and building-services function, and that the plumbing be installed so that the utilization for such utility and building-services function can be accurately isolated for meter measurements; such second meter to be furnished by the City.
  - (c)      That the meter reading utilization of the one common meter shall be divided equally by the number of occupied units served thereby; and that each unit shall be subject to the Class 1 rate schedule for the calculation of each equal division of the total meter reading of the central, common meter. A monthly minimum (or more according to actual meter reading) shall be assessed for each and every individual unit occupied, in addition to a minimum (or more according to actual meter reading) for the utility and building-services function meter.
  - (d)      That owners of the multiple-unit building shall pay the monthly water charges and assessments promptly for the full, total, and aggregate amount due collectively for each building so served by common meter.

Any multiple-unit dwellings, multiple-unit households, multiple-unit residences, or multiple-unit establishments existing prior to the initial effective date of this Ordinance, may hereinafter select such options.

Class 3—Trailer Courts Within the City Limits:

Trailer courts, or mobile-home courts, currently having several, or all, units served through one or more common meter(s), and duly approved for this rate schedule by the City Council, shall have their monthly water rental charges calculated as follows: The total meter reading utilization(s) of one or more common meter(s) shall be divided equally by the number of occupied units (trailer homes, Mobile Homes, dwellings, service buildings, or other units) served thereby to obtain an equal division (average). Each/every unit shall have the monthly water rental charges calculated as established by the City Council from time to time by resolution.

The owner or operator of the trailer court shall remit each month the full sum, total, and aggregate amount due collectively as calculated for the individual units served by one or more meter(s), and provided such total monthly water rental charges are paid before they become delinquent.

Class 4—Single-Unit Hookups Outside the City Limits

All single-unit dwellings, households, residences, units, or hookups located outside the City Limits shall be assessed monthly water rental charges at a higher rate than that of Class 1 established and approved by the City Council from time to time by resolution.

Class 5—Churches and Church-Related Single-Unit Hookups Outside the City Limits:

The rates and charges are hereby established to be the same as those assigned for Class I.

Class 6—Multiple-Unit Hookups for Churches and Church-Related Dwellings, Household, Residences, or Establishments Outside the City Limits and Currently Operating Under One Meter

This class, having several, or all, units served through one common meter, the monthly water rental charges shall be calculated and determined as follows: The first 2000 gallons shall be charged to the church, church-related, or worship facilities, and assessed the minimum charge using the Class 1 rates. The remaining utilization, obtained from the common meter after the deduction of the first 2000 gallons, shall be assigned to the second unit. The monthly water rental charge shall be based upon the Class 1 rates commencing with minimum charge and the subsequent steps as applicable for such second unit.

Class 7—Springfield Correctional Facility

Rates and charges shall be negotiated with the Springfield Correctional Facility, at periodic intervals deemed desirable by the Common Council.

Class 8—Industrial Within the City Limits

Industrial rates for industries located within the corporate limits of the City, shall be negotiable between the City Council and the industrial unit.

## Class 9—Industrial Outside the City Limits

Industrial rates for industries located outside the corporate City, shall be negotiated between the City Council and the industrial unit, but shall be at a higher rate than that of Class 8.

### 5.03021 Fees Related to Water Utility Charges by State, Federal, or Other Governments or Governmental Agencies

The rates, and rate schedules, enacted, approved, negotiated, fixed or accepted in Section 5.0302 for all classes (1 through, and including 9) shall not, necessarily, include water rights fees, regulatory charges, program-policing fees, severance taxes, analysis or review fee, or any other related water-utility charges, fees, or impositions against the City of Springfield by state, federal, or other governments or governmental agencies.

Any such charges, fees, imposed costs, severance or other taxes, or any other fees may, at the discretion of the City Council, be passed on to the City's water patrons, customers, users, or purchasers (regardless of classification). Such charges may be prorated equitably, divided equally, or apportioned at the discretion of the City Council; and billed and identified as a separate line item on one or more periodic billing statements or cycles until such charges are recovered, reimbursed, or indemnified.

### 5.0303 Water Charges When Delinquent

Payment of the monthly water rental charges shall be due and payable within ten (10) days following the month of billing, after which time the charges shall become delinquent. A monthly charge shall be assessed a water rental account, excluding churches and schools, as soon as it becomes delinquent, and shall continue to accrue per month. A thirty (30) days grace period shall be allowed for payment in full, and if the water rental charges are not paid in full at the end of the grace period, the water service shall be shut off or discontinued without notice; and when shutoff for non-payment of water rental charges is made, the water service shall not be turned on again until all water rental charges and penalties, together with an additional charge for turning off-and-on fee, are paid in full. Such total charges shall also include the current monthly billing. The City Council may from time to time, by resolution, establish the delinquent water charge rates and charges including the categories of collection, as to residential, commercial or any other special categories or rates.

### 5.0304 Use of Water

The City Council shall have the right at any time to adopt rules and regulations governing the use of water furnished by the City of Springfield.

### 5.0305 Excessive Use

No allowance shall be made on water bills for excessive use occasioned by leaks or waste within or upon the premises of the consumer.

#### 5.0306 Owner, Lessee Liable

The owner of private property and which property has upon it pipes connected with the City waterworks to convey water to, and upon, such property, shall, as well as the lessee or occupant of the premises, be liable to the City of Springfield for the rents charges, assessments, or rates of all water from said waterworks used upon said premises which may be recovered in an action against such owner, lessee or occupant, or against any or all of them.

#### 5.0307 Bulk Water Sales

Water may be sold in bulk to commercial, domestic, and/or private water users or haulers. The rate(s) for such bulk water rates shall be established by the City Council by resolution from time to time. The City Council shall reserve the right to implement, develop, establish, and/or maintain procedures and regulations for administering the sale of bulk water or designating a central pickup/loading point therefore.

#### 5.0308 Initial Deposits

Prior to a hookup or turn-on for water rental service, a subscriber must pay a turn-on fee, plus a deposit to be applied or held as a retainer fee toward a contingency for non-payment of that subscriber's water rental account. Upon due notice of termination of water rental service by the subscriber to the City of Springfield, and upon full payment of water rental charges that have accrued to such termination date, the deposit, or retainer fee, shall be returned to the subscriber. Any unpaid water charges due, payable, and accrued at the termination date of water rental service shall be deducted by the City of Springfield from the initial deposit before a refund of the deposit, or retainer fee, shall be made.

The City Council may waive the requirement of an initial deposit, except for the turn-on fee, at its discretion, if the subscriber is the owner of record of real property served by the hookup of water rental service. Similarly, at its discretion, the City Council may exercise a waiver by refunding the deposit, or retainer fee, when the subscriber or consumer subsequently becomes the owner of record of real property served by the water rental service. If such deposit has been waived, the City Council shall reserve the right to cancel or rescind said waiver and to demand a deposit from such subscriber at any time after said subscriber has allowed his water rental account to become delinquent. Upon cancellation or rescission of such waiver, water rental service shall not be continued thereafter until said subscriber shall have paid the deposit.

The City Council may from time to time, by resolution, establish the water deposit rates and charges including the categories of collection, as to residential, commercial or any other special categories or rates.



#### 5.0309 Collection of Water Rentals

The Municipal Finance Officer of the City of Springfield, shall receive the water rentals, issue the receipts therefore, make entries in the books furnished for that purpose by the City, and prepare a proper accounting to the City Council periodically.

#### 5.0310 Accessibility of Meter

The water meter of each consumer or subscriber shall be so located on the premises of the dwelling, household, residence, or establishment so that it is readily and easily accessible at all times for inspections and/or monthly meter readings. In the event that the City Council deems a water meter inaccessible, awkward, or unhandy for said meter readings and inspections, the consumer or subscriber shall install a remote reading device as approved by the City Council, to provide such accessibility.

Any dwelling, household, residence, or establishment that is sold to another owner or newly constructed shall automatically be required to install a remote reading device.

#### 5.0311 Policy Concerning Subsequent Installations of Meters in Multiple-Unit Dwellings, Households, Residences, or Establishments

After October 1, 1973, any multiple-unit dwellings, households, residences, or establishments not existing at said date, shall install separate meters and remote reading devices for each separate unit, dwelling, household, residence, or establishment.

#### 5.0312 Inspection of Water Hookups and Meters

The City shall hereby have the right to inspect water hookups and meters and/or remote reading devices on the premises of the consumer.

#### 5.0313 Determination of Rate Classification

The City Council of the City of Springfield hereby reserves the right to evaluate the water rental hookups and to determine which rate classification shall apply.

#### 5.0314 Water Shutoff-Valve Maintenance

It shall be the property owner's responsibility to maintain the water shutoff valve in proper working order and in accordance with the regulations adopted by the City Council.

#### 5.0315 Reading Water Meters

Water meters shall be read every calendar month by a duly employed or appointed employee or agent of the City, unless some contingency or condition precludes such reading or readings.

#### 5.0316 Care of Meter

The owner of private property served by the City waterworks shall, as well as the lessee or occupant of the premises, be liable to the City of Springfield for any and all losses of, or repairs to, the water meter that are deemed to be due to the negligence of willful act of the owner, lessee, or occupant; and costs of such losses or repairs may be recovered in an action against such owner, lessee or occupant, or against any or all of them.

### TITLE V

#### CHAPTER 5.04

#### DEPRECIATION OF WATER UTILITIES

(An Ordinance Requiring the Recognition of Depreciation as an Operating Cost of the Water Utility; Establishment of Depreciation Reserve Accounts for the Water Treatment Plant and the Overhead Storage Reservoir; and to Establish a Permanent Sinking Account to Fund Total Replacements, Major Replacements, and Improvements.)

#### 5.0401 Objectives and Declaration of Public Interest

Since it is an accepted accounting principle to recognize depreciation as an operating expense of enterprise facilities in determining gross and net operating incomes or losses, it is to the public interest to recognize annual depreciation on the Water Treatment Plant and the Overhead Storage Facility as a mandatory requirement in maintaining the accounting records of the City. In addition, it is to the best interests of the public to make orderly provisions for total replacement, certain partial replacements, or improvements to said facilities when needs arise in the future. The continued use of these facilities increases the incidence of contingencies for malfunctions, obsolescence, wear-and-tear, and/or sudden emergencies that threaten the safety and general welfare of the residents of Springfield if such contingency occurrences cannot be taken care of immediately. Therefore, it is the objective of this Ordinance not only to recognize annual depreciation as an operating cost or expense in the accounting records and supporting financial statements, but also to set aside a cash reserve water sinking fund at the rate of annual depreciation and to require the accumulate of such sinking fund to aggregate or accumulate or recover the prepaid cost of the Water Treatment Plant and the Overhead Storage Reservoir by the time they are individually fully depreciated; and to hold such funds in reserve for contingencies.

#### 5.0402 Definitions

The following definitions shall apply to the interpretation and enforcement of this ordinance.

- (a) “Water Treatment Plant” shall refer to the water treatment plant facility, constructed under revenue bonding arrangement in 1966 at an

- approximate cost of \$252,000 and located at the vacated south end of Ash Street, at a point at which street lies between Block 38 and the former Block 39; Original City of Springfield.
- (b) “Overhead Storage Reservoir” shall refer to the elevated 300 gallon water storage tank located in Block A, Original City of Springfield, and constructed in 1978 at a cost of approximately \$272,000.
  - (c) “Cost Basis” shall refer to \$252,000 for the Water Treatment Plant; and \$272,000 to the 300-Gallon Overhead Storage Reservoir.
  - (d) “Depreciation Expense” shall refer to the straight-line method of calculating depreciation by using the cost basis divided by the estimated useful life of the Water Treatment Plant and the Overhead Storage Reservoir. This is the annual depreciation.
  - (e) “Depreciation Reserve” shall refer to the cash reserve water sinking fund; and shall refer to an actual setting aside of a cash amount annually to such sinking fund to equal the annual depreciation recognized; and to maintain and accumulate such cash amounts annually as a total aggregate or accumulation to meet the objectives of this Ordinance. This account may be opened under another title in the Chart of Accounts in the accounting records, as long as the intended purpose and function is preserved and consistent with this Ordinance.
  - (f) “Book Value” shall refer to the amount remaining after the balance in the Depreciation Reserve is subtracted from the cost basis.
  - (g) “Fully Depreciated” shall refer to the situation when the book value is zero.
  - (h) “Total Replacement” shall refer to the replacement of another facility for a similar purpose; and abandoning the present facility. A total replacement may be made when present facilities have deteriorated beyond continued use, become obsolete, or are necessary to meet technological change.
  - (i) “Partial, But Major Replacements” shall refer to the replacement of a component, part, or existing item if the cost of the replacement exceeds \$1,000. If the replacement cost does not exceed \$1,000, the expenditure does not qualify under this term.
  - (j) “Minor Replacement Costs” are hereby defined as expenditures for replacements below \$1,000.
  - (k) “Improvements” shall hereby refer to costs incurred to extend the useful life beyond the original estimates; or if such expenditures improve the efficiency, capacity, or efficacy; or if they improve the productivity or practicality.
  - (l) “Estimated Useful Life” shall refer to the following for the Water Treatment Plant: Machinery and Equipment, 20 years; Building and Structures, 30 years. “Estimated Useful Life” shall refer to 33 1/3 years for the Overhead Storage Reservoir. Commencement of estimated useful life shall be either from the time the facility was placed in service or from the time this Ordinance takes effect, whichever is first. Proper adjustment should be made for extension of the useful life for the years that such

depreciation was not recognized in the accounting records or the operating statements in the past prior to enactment of this Ordinance.

5.0403 Mandatory to Recognized Depreciation

It is hereby required that the accounting records and the operating statements for the water utility operations recognize annual depreciation of the Water Treatment Plant and the Overhead Storage Reservoir as an operating Expense. Annual depreciation shall continue until said facilities are fully depreciated; and shall be recognized regardless of whether, or whether not, the operations result in a profit or a loss. Nothing in this Ordinance shall be construed to prevent the recognition of depreciation for other assets in the accounting records and/or supporting statements.

5.0404 Mandatory to Establish and Maintain a Depreciation Reserve Account

It is hereby required and mandated that a Depreciation Reserve account be established as defined in Section 5.0402. A cash reserve shall be set aside as a sinking fund annually. Annual amounts so set aside in the Depreciation Reserve Treatment Plant and Overhead Storage Reservoir to be used as such sinking-fund purposes. Amounts already existing in the Depreciation Reserve account at the time this Ordinance goes into effect shall remain in the Depreciation Reserve account to perpetuate the purposes of this ordinance. The amount of cash to be retained and accumulated in the Depreciation Reserve account shall continue until the water Treatment Plant and the Overhead Storage Reservoir are fully depreciated.

5.0405 Costs of Certain Replacements Lawful Use of Depreciation Reserve Account; Adjustment Required in Annual Depreciation Thereafter

- (a) (Total Replacement) Expenditures or withdrawals from the Depreciation Reserve account for total replacement of either/or both the Water Treatment Plant and/or the Overhead Storage Reservoir are hereby authorized as a lawful expenditure, when deemed necessary by the City Council, but only if the following conditions are met upon replacement: The cost basis and the estimated useful life of the new facility must be determined; and, thereafter, annual depreciation must be recognized on the new facility in the accounting records and operating statements. In addition, a Depreciation Reserve sinking fund must be established for the new facility, with annual cash reserves set aside for sinking fund purposes to preserve the objectives and intent of this ordinance thereafter; until the facility is fully depreciated.
- (b) (Partial, but Major Replacements) Expenditures or withdrawals from the Depreciation Reserve account for Partial, but Major Replacements, as defined in Section 5.0402, for either/or both the Water Treatment Plant and/or the Overhead Storage Reservoir are hereby authorized as a lawful expenditure, when deemed necessary by the City Council, but only if the following conditions are met upon such replacement: The cost basis and

the estimated useful life of said replacements must be determined; and annual depreciation must be recognized on the accounting records and the operating statements thereafter until the cost basis has been fully depreciated. In addition, an equal amount of the annual depreciation must be set aside in the depreciation reserve account annually until the cost basis of said replacements has been fully depreciated. This shall be in addition to the requirements in Section 5.0403 and Section 5.0404. It shall be unlawful to purposely accumulate, amass, or assemble replacements to circumvent the intention of this Ordinance, or to do so to exceed the \$1,000 limitation, as defined in Section 5.0402, by wrongful means, motives, or intentions. Such actions shall constitute a misappropriation of funds.

5.0406 Expenditures for Improvements a Lawful Use of Depreciation Reserve Account; Adjustments Required in Depreciation and Depreciation Reserve Thereafter

Expenditures or withdrawals from the Depreciation Reserve Account for Improvements, as defined in Section 5.0402, for either/or the Overhead Storage Reservoir are hereby authorized as a lawful expenditure when deemed necessary by the City Council, but only if the following conditions are met upon such improvements; The cost basis and the estimated useful life of such improvements (or the estimated time that said improvements have extended the useful life of the asset, whichever is applicable), must be determined. Thereafter, annual depreciation must be determined using these factors and the straight-line method, and recognized in the accounting records and the operating statements. In addition, an equal amount equal to the annual depreciation must be set aside in the depreciation reserve account annually until the cost basis of such improvements has been fully depreciated. This shall be in addition to the requirements in Section 5.0403 and Section 5.0404.

5.0407 Unlawful to use Depreciation Reserve Fund for Routine Operating Expenses or Any Costs or Expenses Not Specifically Authorized

No expenditure or withdrawals may be made for the Depreciation Reserve sinking fund unless specifically authorized in this Ordinance. It is hereby declared unlawful to designate, utilize, expend, or withdraw amounts from the Depreciation Reserve sinking fund for any other purposes, including the following: For current operating expenses of the Water Treatment Plant or the Overhead Storage Reservoir; for any other functions costs, or expenses of the municipal water or sewer utility; for any other function, costs, or expenses for extensions, replacements, or improvements of water mains or sewer lines; for any other function, costs, or expenses of the municipality, whether routine or non-routine; for salaries or wages of any municipal department, including the water and sewer departments; for the purpose of borrowing funds from the account for

another purpose; or for any function not specifically authorized in Section 5.0405 and Section 5.0406.

#### 5.0408 Investment of Funds; Designation of Interest Proceeds

It shall be the duty of the Municipal Finance Officer and the City Mayor to invest such funds that may have accumulated in the Depreciation Reserve account. The interest proceeds shall be applied to the Depreciation Reserve sinking account to assist in meeting the annual requirement of Section 5.0404 and 5.0405 of this Ordinance until such time that the balance in the Depreciation Reserve account has a balance equal to the cost basis of the Water Treatment Plant and the Overhead Storage Reservoir. Should the annual interest income exceed the annual requirement of Section 5.0404 to the Depreciation Reserve account, the excess may be applied to the revenues of the general operations of the water utility by such authorization by the City Council. At such time when the balance in the Depreciation Reserve account equals the cost basis of the Water Treatment Plant and the Overhead Storage Reservoir collectively, the interest proceeds may be applied to the revenues of the general operations of the water utility by authorization of the City Council.

#### 5.0409 Retention of Depreciation Reserve

The accumulation in the Depreciation Reserve account shall continue in perpetuity to meet the objectives of this Ordinance; and shall not terminate when the Water Treatment Plant and the Overhead Storage Reservoir are fully depreciated.

### TITLE V

#### CHAPTER 5.05

#### SEWER SYSTEM

##### 5.0500.0 Definitions

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

1. *Building* (or house) sewer shall mean the extension from the building drain to the public sewer or other place of disposal
2. *City* shall mean the City of Springfield, South Dakota, or any duly authorized officials acting in its behalf.
3. *Garbage* shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
4. *Industrial wastes* shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the

development, recovery or processing of any natural resource carried on by any person, individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

5. *Influent* shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
6. *Pollutants*:
  - (a) *Compatible pollutants* shall mean waste with any pollutant that is an incompatible pollutant.
  - (b) *Incompatible pollutants* shall mean waste which contains any of the following described materials:
    - (i) Wastes which create a fire or explosion hazard in the publicly owned sewer system.
    - (ii) Wastes which will cause corrosive structural damage to sewer system.
    - (iii) Solid or viscous substances in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned sewer system.
    - (iv) Wastes which contain heat in such quantities that the influent waters to the publicly owned sewer system exceed one hundred fifty (150) degrees Fahrenheit.
    - (v) Wastes, by themselves or in combination with other wastes, which contain substances or materials in concentrations which exceed the publicly owned sewer system tolerance levels.
7. *Residential* shall mean a building under one (1) roof designed, arranged and used primarily for dwelling purposes by a single family.
8. *Sanitary Sewage* shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
9. *Sewage* shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground waters, surface waters and storm waters as may be present.
10. *Sewer System* or *Sewer* shall mean the network of appurtenances used for collecting, transporting and pumping sewage to the sewer lagoons or a pipe or conduit for carrying sewage or other waste liquids or the arrangement of devices, structures, and equipment used for disposing of sewage.
11. *Shall* is mandatory; *may* is permissible.
12. *Superintendent* shall mean the chief operator of the waste water system for the city.

#### 5.0500.1 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, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters except in accordance with applicable statutes, rules and regulations of the state and the United States.

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 inside the city limits.

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 his 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 article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred fifty (250) feet of the property line.

#### 5.0500.2 Private Sewage Disposal

Where a public sanitary or combined sewer is not available under the provisions of Section 5.0500.1, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Before commencement of construction of a private sewage 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 and approved by Springfield City Council.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/She shall be allowed to inspect the work at any stage of construction.

The type, capacities, location and layout of a private sewage disposal system shall comply with all current recommendations of the state department of environmental protection. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the minimum separation requirements of the state department of environmental



protection are not met. No septic tank or cesspool shall be permitted to discharge to any surface or subsurface watercourse.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 5.0500.01, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material approved by the Superintendent.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

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

When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean gravel, sand, and/or dirt.

#### 5.0500.3 Use of Public Sewer

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

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

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Any waters or wastes containing more than one hundred fifty (150) milligrams per liter of fats, oils, greases or waxes or containing substances that may solidify.
3. Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
4. Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
5. Any garbage that has not been properly ground.
6. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewer or other interference with the proper operation of the sewer system.

#### 5.0501 Permit Required

That it shall be unlawful for any person or persons, firm or corporation, to make connections, attach to or tap any lateral sanitary or trunk sewer in the City of Springfield, or make any excavations in the streets, alleys or public property of the City of Springfield, or under the sidewalks of the City of Springfield, for the purpose of making such connections or attachments to any sewer, without first having obtained a permit therefore from the Utilities Superintendent of the City of Springfield. Said Utilities Superintendent to serve also as the sewer inspector referred to hereinafter.

#### 5.0502 Bond Deposit

Such permit may be issued upon application of the owner of any lot, his or her agent, or the contractor having the contract for the laying of such service sewer, which application must be in writing setting forth the description of the property abutting the street where such service is to be connected, and shall state whether such service sewer runs to a private house, factory, store, or down spout. Such excavation shall be accompanied by proper refilling of, and guarding such trenches while in the course of excavation or refilling.

#### 5.0503 Permission to Tap Sewers

It shall be unlawful for any person or persons, firm or corporation, to break into or tap any lateral or trunk sewer of the City of Springfield, at any other place than where a Y has been placed for connecting of service sewers, except upon a written permission of the City and when an opening has been made in any lateral or trunk sewer at any other or different place than where a Y is left for such purpose, it shall be under the supervision and direction of the Utilities Superintendent.

#### 5.0504 Inspection

No service sewer trench shall be filled or sewer pipe covered until the service sewer has been first inspected by the Utilities Superintendent of the City of Springfield, and all persons making service sewer connections, shall give at least five hours notice to the Utilities Superintendent of the time when such service sewer will be ready for inspection, and it shall be the duty of the Utilities Superintendent, within a reasonable time after such notice, to inspect such service sewer and if in his judgment such service sewer is properly connected and laid with the proper grade he shall give permission for the filling of the trench and if he finds such service sewer defectively or improperly laid and connected, he shall order the same taken out and re-laid in accordance with his directions, and when said service sewer is completed and approved of by the Utilities Superintendent, he shall give written permission to the person or owner in charge of the property

serve by said service sewer, to turn water therein and to use the same, but no service sewer shall be used until such permission is first obtained from the Utilities Superintendent.

#### 5.0505 Guarding Trenches

All trenches left open shall be properly guarded and barricaded in the daytime and at nighttime shall be further guarded by placing red lights at the excavation, which lights shall be kept lighted from half an hour after sundown until half an hour before sunrise.

#### 5.0506 Refilling

All trenches and excavations made by any person or persons, firm or corporation, in the streets, alleys or public grounds, or under the sidewalks, of the City of Springfield, for the purpose of making service sewer connections, shall be partly filled with dirt, wet down with water, and thoroughly tamped, and such process to be continued until all earth removed from the excavation is put back into the trench, and leave the trench in a smooth, even and firm condition.

#### 5.0507 Sewer Connections

A fee as determined by resolution of the City Council shall be paid to make a connection with sewer, but all connections must be made in accordance with the ordinance governing the same, and if said connection is not sanitary, such work must be changed so as to conform with this ordinance. All sewers outside of the buildings must be laid in ground of sufficient solidity for a proper foundation and in a trench with a uniform grade of not less than one-eighth of an inch to the foot, and one-fourth inch, if practicable.

#### 5.0508 Trap for Down Spout

No water from any down spout will be permitted to pass into any sewer or sewer connection without first having passed through a trap which has been approved by the Utilities Superintendent.

### **TITLE V**

#### **CHAPTER 5.06**

#### **SEWER RATES AND CHARGES**

#### 5.0601 Rates and Charges

That the rates and charges are hereby amended, revised, and established for sewer rates, rental services, users' fees, or assessments for sewer disposal service(s),

supplied within and outside the City Limits, and by the City of Springfield; and that such rates shall be as follow commencing October 1, 2007 (and reflected initially upon November 1, 2007 billings) and hereby establishing that each of the following classifications shall increase by \$2.00 increments every two years for six years (October 1, 2009 & 2011):

<u>Classification of Service</u>	<u>Period of 10/1/07 and Thereafter</u>
All Single-Unit Hookups	
All Multiple Dwelling/Business Units Served by One Hookup Within the City Limits	\$10.00/Month/Unit, Household, Residence, or Establishment
Trailer/Mobile-Home Courts Within the City Limits	\$10.00/Month/Unit or Trailer/Mobile Home Occupied or Served Thereby
Single-Unit Hookups Outside the City Limits	\$14.00/Month
Churches and Church-Related Single-Unit Hookups Within, Or Outside, the City Limits	\$10.00/Month
Multi-Units for Churches and Church-Related Dwellings, Residences, or Establishments Within, or Outside, the City Limits and Operating Under One Hookup	\$10.00/Month/Unit, Household, Residence, or Establishment
Springfield Public Schools	\$62.00/Month
Springfield Academy	\$152.00/Month
Springfield Assisted Living	\$102.00/Month

Rates for Springfield State Prison

Rates shall be reviewed and negotiated periodically between the City of Springfield and the appropriate administrative officers representing the State of South Dakota. Such rates shall consider the various utilization factors involved; and such rates shall be approved and/or established by Resolution duly adopted by the City Council at an official meeting of the Council.

Industrial Rates, for Industries Located Within or Outside the City Limits

Rates shall be reviewed and negotiated periodically between the City of Springfield and administrative officers representing such Industrial firm. Such rates shall consider the various utilization factors involved and pre-treatment facilities; and such rates shall be approved and/or established by Resolution duly adopted by the City Council at an official meeting of the Council.

#### 5.0602 Resolution Procedure

That the City Council shall have the right by resolution or motion at anytime to adopt rules and regulations governing the use of sewer facilities furnished by the City of Springfield.

#### 5.0603 Private Property Liability

That the owner of private property and which property has upon it pipes connected with the City sewer for liquid waste disposal from said property, shall, as well as the lessee or occupant of the premises, be liable to the City of Springfield for the sewer rents or rates accrued for services utilized on said premises which may be recovered in an action against such owner, lessee or occupant, or against any or all of them.

#### 5.0604 Collection of Sewer Rentals

The Municipal Finance Officer of the City of Springfield shall receive the sewer rentals, issue the receipts therefore, make entries in the books furnished for that purpose by the City, and prepare a proper accounting to the City Council periodically.

#### 5.0605 Determination of Rate Classification

For the purposes of this ordinance, multiple-units shall consist of two or more residences, households, dwellings, or establishments located in the same building or premises. A separate unit, for instance, engaged in doing light housekeeping shall be considered as a unit in determining whether a multiple-unit classification exists. The City Council of the City of Springfield reserves the right to evaluate the sewer rental hookups and to determine which one of the said rates, or if necessary, what rates for special circumstances not covered by the said rate schedules, shall apply.

#### 5.0606 Sewer Service Lines: City Sewer Mains

Costs assessed for sewer service lines and mains shall be as follows:

(a) Initial Hookup to Existing Sewer Mains

A tapping fee of \$50 shall be assessed to the property owner for each initial tap into the City Sewer Mains. Arrangements for tapping, approval and proper authorization by the City, and payment of said tapping fee shall precede, be obtained, or made in advance prior to any excavation related

thereto. (Fee is to cover such costs as inspection, recording, locating, platting, and any other costs related to such tapping.)

- (b) Service Line; Maintenance and Repairs (Existing Mains)  
It shall be the responsibility of the property owner, or person or firm desiring sewer service, to pay for all costs of installation to the sewer main, regardless of its proximity or distance.
- (c) City's Responsibility  
The City has no responsibility for costs involved or incurred by property owner in extension of sewer service lines, repairs and maintenance, or replacements from the point of sewer mains(s).
- (d) Maintenance of Existing Sewer Mains  
The City shall be responsible for costs involved in maintaining and repairing City Sewer Mains and appurtenances. Damage to sewer lines or unauthorized discharges into the sewer system, caused by acts or omissions of another shall render that person or firm responsible and accountable to the City for costs of repairs.
- (e) Extensions of Sewer Mains  
Costs involved in extending sewer mains to a new or undeveloped area or location not served by existence of sewer mains, shall be as follows:
  - (1) Party(ies) desiring or requesting extension shall be responsible for thirty per cent of the cost of such sewer main extension and engineering fees; plus the \$50 tap fee.
  - (2) City shall pay seventy percent of the costs involved.

Ownership and control of such extended sewer main shall be vested in the City thereafter.

- (f) Restoration of Streets and Right-of-Ways  
It shall be the responsibility of the owner, party installing sewer service line or main extension, or contractor acting for owner or installer, to restore the streets and right-of-ways to their original condition and to the satisfaction of the City Council, as a result of excavations. This shall apply to service lines or sewer main extensions.
- (g) Extensions Outside City Limits  
The City has no responsibility to provide sewer service, extend sewer mains or lines, or provide access lines to provide sewer service outside the city limits.

## TITLE V

### CHAPTER 5.07

#### PARKS

##### 5.0701 Public Park Defined

The following described land located inside the City of Springfield, as follows, to-wit:

Blocks 11 and 12, City of Springfield (commonly referred to as College Memorial Park); and Block 56 and Lots A, B, and C, City of Springfield (commonly referred to as Terrace Park); and any areas hereinafter acquired as parks are hereby established as a public park.

#### 5.0702 Park Supervisors

The Mayor and the Aldermen of the City of Springfield shall be and are hereby constituted the Board of Park Supervisors for the City of Springfield.

#### 5.0703 Protection of Park Property

It shall be unlawful for any person or persons:

- (a) To deface, damage, mar, injure, destroy, litter, or vandalize any public park or public park property.
- (b) To break into any public or city-owned building, enclosure, swimming pool or swimming pool area, or other related facility.
- (c) To enter any public or city-owned building, enclosure, swimming pool or swimming pool area, or other related facility when it is locked or closed for the exclusion of public use, or when the surrounding circumstances indicate that it is so closed.
- (d) To climb any tree, fence, picnic shelter, monument, flagpole, or other structure or edifice located in/on park property; but excluding playground items and equipment designated or normally expected for such use; or
- (e) To cut, break, pluck, root up, or in anyway disturb any trees, shrubs, flowers, plants or bulbs planted or growing in/on park property.

#### 5.0704 Authority of Police

The authority of the Chief of Police and other police officers of the City of Springfield shall extend to and cover the property described as a public park in the preceding section and the said police officers shall have the same jurisdiction to enforce the ordinances of the City of Springfield within the said park or within one mile of the outer boundary of said park for the purpose of promoting the health, safety, morals and general welfare of the community and of enforcing the ordinances and resolutions of the City of Springfield relating thereto.

#### 5.0705 Rubbish

It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited, any paper, tin cans, rubbish, or offal of any kind in any such park or in or about any place set apart for swimming, or body of water or stream within or adjoining any park under the control of the Board of Park Supervisors of said City.

#### 5.0706 Driving in Parks

It shall be unlawful for any person to lead or drive any horses or other animals or any vehicle or motor vehicle over or upon any of the grass plots or planting space of any public park except at such places as may be provided for the parking of vehicles.

5.707 Selling Merchandise

It shall be unlawful for any person to do any peddling or to sell or offer for sale any goods, wares or merchandise in any of the public parks of the City of Springfield unless such person has been granted permission for such purpose by the Board of Park Supervisors.

5.0708 Disorderly Conduct

Any person who shall be guilty of disorderly, unchaste or lewd conduct or habitual loafing or sleeping on the ground, benches, or premises, or who shall engage in any quarrel or fight, or make or assist in making disorderly noise or riot, or disturbance of the peace, or consumption and/or possession of any alcoholic beverages in any public park under the control of the City Council of the city of Springfield, shall be guilty of a misdemeanor, and shall be punished upon conviction by a fine of not more than One Hundred Dollars (\$100.00), or by confinement in the city or county jail for not more than thirty (30) days, or by both such fine and imprisonment.

5.0709 Restriction of Hours of Use

No person shall use, occupy, or be present in public parks, controlled by the City of Springfield, during the following hours, without the express, written authorization of the appointed City Council Parks Committee:

Terrace Park: Between the hours of 11:00 p.m. and 7:00 a.m.

College Memorial Park: Between the hours of 11:00 p.m. and 7:00 a.m.

Any such person violating this Section shall be guilty of a misdemeanor, and shall be punished upon conviction by a fine of not more than One Hundred Dollars (\$100.00), or by confinement in the city or county jail for not more than thirty (30) days, or both such fine and imprisonment.