

PREPARED BY:  
CITY OF LEAD  
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**ORDINANCE #1097-24**  
**AN ORDINANCE MODIFYING**  
**LEAD CITY ORDINANCES TITLE V, CHAPTER 51, GENERAL WATER**  
**PROVISIONS, BY AMENDING CHAPTER 51.**

*BE IT ORDAINED* by the City Commission of the City of Lead that, pursuant to SDCL 9-19, section of Lead Ordinance Title V, Chapter 51: General Water Provisions be amended to read as follows:

**51.001 POLICY.**

These rules and regulations are adopted by the city and are declared to be necessary for the efficient, economic, and safe operation of the municipal water distribution system in the Lead/Central City and adjoining area. These are intended to provide an adequate amount of potable water to the service area through the regulation and control of connections to and the use of the system and may be amended by the city pursuant to state and/or federal statutes or drinking water standards.

(Prior Code, § 21-100)

**§ 51.002 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The municipality of Lead.

**COMMERCIAL.** Classification of water use for all uses other than residential.

**CURB STOP.** The water control device, operated by the Utility Department, that delineates the public water service from the private water service. Water lines that are located before (upstream) from the curb stop are the City of Lead's responsibility. Water lines after (downstream) from the curb stop are the property owner's responsibility.

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

**MAY.** Permissive. (See **SHALL**)

**OCCUPANT.** The person(s) using the lot, parcel of land, building or premises connected to the water distribution system. The **OCCUPANT** may also be the owner.

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

**PLUMBING CODE.** The current South Dakota Plumbing Code.

**REMOTE TRANSMITTER.** The device and wiring that is used to transmit the meter reading to a receiver, which must be located on the outside of the residence/building and remain accessible to the Utility Department.

**RESIDENTIAL.** The classification of domestic water use applying to residences and apartments and similar installations.

**SHALL.** Mandatory. See **MAY**.

**TREATED WATER (VERSUS UNTREATED WATER).** Water that has been treated by the Lead/Deadwood Sanitary District water treatment plant, and purchased for use by the City of Lead to distribute to its' customers.

**UTILITY DEPARTMENT.** The portion of the city that is responsible for the ~~over site of all city utilities.~~ management and regulation of all city utilities.

**UTILITY DEPARTMENT POLICY.** The guidelines that serve to guide the running of the Utility Department. Deviations from POLICY shall be under the directions of the Utility Superintendent. In case of emergency, appropriate action shall be taken. The Utility Superintendent shall refer policy changes to the Lead City Commission.

**UTILITY SECRETARY CLERK.** The individual city employee directed by the Lead City Commission to provide the administration, customer service, fee collection and water service applications for the Utility Department.

**UTILITY SUPERINTENDENT.** The person city employee appointed by the ~~Lead City Commission~~ Public Works Director to ~~ever see~~ manage and operate the Utility Department.

**WATER MAIN.** The general water supply distribution system for public use, controlled by the city City of Lead. ~~Generally~~ This shall mean water lines that are on the public right-of-way, HMC property or private property with an easement. This shall include fire hydrants. ~~The WATER MAINS shall include that portion of the service line on public right of way up to the curb stop.~~

**WATER SERVICE.** The pipe from the water main to the water distribution system of the building served.

**WATER SYSTEM.** The physical facilities, property, and water rights under city control.

(Prior Code, § 21-120)

### **§ 51.003 SALE OF WATER TO PRIVATE PARTIES OR OTHER GOVERNMENTAL ENTITIES WHO ARE NOT MEMBERS OF THE SYSTEM.**

The city may enter long term contracts, on a case-by-case basis, to sell drinking water to developers of subdivisions, existing subdivisions governed by a homeowner's association, and future water districts to be formed subject to the following:

(A) The city will ensure that it will always have enough water to meet the needs of its citizens and those of Central City.

(B) The purchaser waives any future claims it may otherwise make against the city for any issues concerning the failure or insufficiency of any infrastructure of the city or the purchaser, and purchaser must agree to accept financial responsibility for the replacement of or addition of lines, pumps, meters, storage tanks and any other equipment and thing necessary to meet the delivery needs for water contracted for.

(C) The water will be sold for a profit by the city based on a monthly service fee and a price per 1,000 gallons with the proceeds to go to the water enterprise fund for future improvements to the system.

(D) Any agreement for sale and its rate structure shall make provisions for the effects of inflation and other market forces that may affect the value of drinking water, and that the agreement will be reviewed periodically for any other adjustments deemed necessary by the parties.

(E) Any city water restrictions will be also enforced against the purchaser and if unforeseen circumstances shall arise, such as supply problems, the city will reserve the right to serve the needs of its own customers before attempting to meet the needs of the purchaser.

(F) The city reserves the right to inspect purchaser's system and to place certain requirements thereon, but it will not be making any representations or warranties as to the adequacy of the design or the quality of materials or construction or that the system is fit to meet a particular purpose.

(G) The city shall have no responsibility to a private contractor, homeowner's association, water district or any person served by their water systems if capacity flows (or the total lack thereof) should prove to be insufficient in the case of fires; and

(H) Contract for sale of drinking water to a private contractor shall carry a provision that a water district be formed within a reasonable period of time so that the city will be dealing in the long term with another governmental entity with taxing power having a perpetual life term.

(Ord. 972-06, passed 5-22-2006)

#### **§ 51.004 FIRE PROTECTION; ADDITIONAL FIRE HYDRANTS.**

(A) Owners may, with written approval, tie into water mains for additional fire hydrants for private property at their own expense. The installation shall comply with the city's engineering standards.

(B) The fire hydrant shall be accessible for anyone's use for firefighting.

(C) The supply line and fire hydrant shall revert with proper easements to the city as part of the water main.

(Prior Code, § 21-400)

#### **§ 51.005 WATER RESTRICTION.**

It may from time to time be necessary to require water restriction. Water users shall use water only in the manner directed under those restrictions. Violation of the restriction shall be just cause for disconnection and/or fine.

(Prior Code, § 21-600)

## **WATER SERVICE**

### **§ 51.015 WATER SERVICE; GENERALLY.**

The city is responsible ~~to provide~~ for providing for the needs of the authorized domestic water consumers in its' service area.

(Prior Code, § 21-200)

### **§ 51.016 PERMITS FOR WATER SERVICE.**

(A) The Utility Department shall ~~permit applications and process fees~~. collect, and process permit applications and fees.

(1) Permits meeting the requirements of the Water Policy are to be approved by the Utility Superintendent.

(2) All permit fees shall be paid before a permit is granted.

(B) The permit shall be approved based on it ~~being in compliance with~~ following the water policy. A permit shall not be issued, or water provided until the necessary easements are granted. After the application is approved and the fees paid, a permit shall be issued, with copies to ~~the property~~ owner, Utility ~~Secretary clerk~~ and Utility Superintendent.

(C) No connection shall be made to the water system, nor shall any changes be made to an existing tap, without first obtaining a permit.

(D) The application for a permit shall include the name of the owner, the owner's address, telephone number, description of premises, size of tap (minimum of one inch), the purpose for which it is to be used, and other data required. Engineering plans may be required.

(Prior Code, § 21-201)

### **§ 51.017 CONNECTIONS.**

(A) After a permit has been issued, ~~a licensed plumber or the Utility Department will tap the line~~ a certified plumber, paid for by the owner, will tap the line, provide the service to the property line, and install a curb stop.

(B) The Utility Department shall inspect water service for compliance with policy before the water is turned on.

(C) Water services shall be turned on and off only by the Utility Department unless prior approval is obtained for construction and repair purposes.

(D) Backflow devices, if needed shall be provided on water services by the owner.

(E) ~~Owner~~ The property owner shall install a shut-off valve inside the building for his or her control of the water service. Shall install shut-off valves before and after the meter inside building for their control of the water service. In addition, the property owner is responsible for installing a dual check valve after the meter.

(F) All work shall comply with the ~~State South Dakota~~ Plumbing Code, this policy, and the Utility Department approval.

(G) Every building shall have its own separate water service. Application for exception may be made to the Utility Superintendent.

(H) Any building requiring internal fire protection (sprinkler, hoses, and the like) shall have water service for fire protection separate from the water service for domestic water. There is no charge for water use for fire protection and a meter is not required.

(Prior Code, § 21-202)

### **§ 51.018 SERVICE LINES.**

(A) The city shall be responsible for the service lines up to and including the curb stop. The curb stop shall be placed at the property line (just inside the public right-of-way) where possible. If the curb stop is placed on private property, an easement shall be secured and registered. The service line after the curb stop shall be the responsibility of the owner.

~~(B) All service lines from the water main to the curb stop shall be installed by the Utility Department as part of the tap fee. After a certified plumber has installed the service line, the service line from the curb stop to the building shall be the responsibility of the property owner. The property owner shall always follow the Plumbing Code.~~

~~(C) The service line from the curb stop to the building shall be the responsibility of the owner. The owner shall at all times be in compliance with the Plumbing Code.~~

(Prior Code, § 21-203)

### **§ 51.019 CURB STOP BOXES.**

(A) All curb stops shall be provided with a box or tube of approved pattern, and the top of each box or tube shall be placed on the level with the grade of the sidewalk, and no premises shall be supplied unless the box is in good order.

~~(B) Stops and boxes are the responsibility of the Utility Department or its contractor, unless damaged/destroyed by a private citizen or business.~~

(Prior Code, § 21-204)

### **§ 51.020 SERVICE SIZE.**

(A) The service size shall be determined by the owner, with a minimum size of one inch, ~~Refer to the State Plumbing Code.~~, and must meet the requirements of the South Dakota Plumbing Code.

(B) The city reserves the right to limit service size.

(Prior Code, § 21-205)

#### **§ 51.021 TAP SIZE.**

(A) All drilled and threaded service taps shall be one inch on a four-inch or larger pipe.

(B) Service larger than this shall be with a series of taps, or service clamps, up to and including two inches, or with regular fittings.

(C) If a service larger than one and one-fourth inches is desired, it must be a series of taps or a double strap service clamp up to and including two inches, or a tapping sleeve and valve larger than two inches.

(Prior Code, § 21-206)

#### **§ 51.022 CORPORATE STOPS.**

(A) Every tap two inches or less shall be provided with a corporate stop or valve at the main.

(B) Services larger than that shall be provided with a shut-off valve in a valve box.

(Prior Code, § 21-207)

#### **§ 51.023 LOCATION OF TAPS WHEN MORE THAN ONE REQUIRED.**

Where more than one tap is required, the taps shall be placed at least 18 inches apart in the main, and in no case shall a tap be made closer than 24 inches from the face of the bell.

(Prior Code, § 21-208)

#### **§ 51.024 DEPTH.**

Water service pipes shall in no case be laid at a depth less than six feet below ground or below the frost line, whichever is deeper.

(Prior Code, § 21-209)

#### **§ 51.025 TO RUN PARALLEL PERPENDICULAR OR AT RIGHT ANGLES TO STREET.**

All water service lines, including private lines, must run parallel perpendicular or at right angles to the street.

(Prior Code, § 21-210)

#### **§ 51.026 INSPECTION.**

No water service ditch and installation shall be filled, or service pipe covered until the same has been inspected and approved in writing by the Utility Superintendent. The

contractor that does the installation shall be responsible for providing the Utility Superintendent with a site map of all work done.

(Prior Code, § 21-211)

#### **§ 51.027 REPAIR AND REPLACEMENT.**

(A) Underground water service lines requiring repairs, which and are galvanized, iron, pipe or lead pipe connected to in the water system shall be replaced completely with material specified in the Plumbing Code. Any lead pipes must be replaced immediately at the property owner's expense.

(B) The replacement shall be at the expense of the owner, and the Utility Department on their respective portions of the service line.

(Prior Code, § 21-212)

#### **§ 51.028 DISCONNECTING OLD LINES.**

When a property owner abandons a service line for any reason, it shall be disconnected at the main curb stop by the Utility Department a certified plumber at the request of the property owner. The Utility Department shall inspect and approve all disconnects.

(Prior Code, § 21-213)

#### **§ 51.029 TURNING ON, OFF AND INTERFERING WITH VALVES, STOPCOCKS AND THE LIKE.**

No person, other than a duly authorized agent of the Utility Superintendancy, shall turn on or off, or in any manner interfere with any valve, stopcock, or other appliance in the water system without prior approval.

(Prior Code, § 21-214) Penalty, see § [10.99](#)

#### **§ 51.030 TURN ON/OFF PROCEDURES.**

(A) Requests for water to be turned on or turned off (service call) shall be made to the Utility Secretary, who in turn notifies the Utilities Superintendent.

(B) The owner or an owner's representative must be present and sign as witness of water turned on or turned off unless other arrangements have been made.

(C) In the event of an emergency, the Utility Department will attempt to notify the owner or owner's representative of the situation and the steps that have been taken to remedy the emergency.

(Prior Code, § 21-215)

#### **§ 51.031 RIGHT OF WATER DEPARTMENT TO SHUT OFF SERVICE.**

(A) The city reserves the right to shut off water on any main at any time for any reason. to shut off the water on any main for any reason or no reason. It is expressly provided that no claim shall be made against the city by reason of the shut-off of to service.



(B) The Utility Department, before shutting off water, shall give reasonable notice to water users affected. In case of emergency, the water may be shut off without notice.

(C) Should a privately owned water line break, the Utility Department may shut off all water supply to all water users on that line, and water service may be terminated by the Utility Department until the break is repaired.

(Prior Code, § 21-216)

### **§ 51.032 ABNORMAL DEMAND.**

An abnormal quantity of water requires prior written permission from the Utility Superintendent.

(Prior Code, § 21-217)

### **§ 51.033 RESTRICTIONS OF USE OF WATER.**

Some or all water use may be restricted at any time. ~~Water shall not be wasted.~~ Violators of this section are subject to shut off and fees/fines.

(Prior Code, § 21-218) Penalty, see § [10.99](#)

### **§ 51.034 DISCONTINUANCE OF SERVICE.**

Service to a specific customer may be discontinued for any ~~reason or no reason, or for any~~ of the following:

(A) *Nonpayment of bills.* If a **residential** bill is not paid within 60 days after presentation, service may be discontinued. **If a commercial bill is not paid within 45 days after presentation, service may be discontinued.**

(B) *Unsafe apparatus.* If the appliances or apparatus of a customer could cause or result in the contamination of the water supplied by the Utility Department, or result in annoyance to other customers, or are otherwise unsafe, service may be discontinued.

(C) *Service detrimental to others.* If the service to a customer is of **such a** magnitude, or of a character that service to other customers is adversely affected, service may be discontinued.

(D) *Fraud and abuse.* Service may be refused or discontinued by the city in order to protect itself against fraud, ~~or~~ abuse, or unauthorized use.

(E) *Noncompliance with this policy or administrative authority.* If a customer fails to comply with these regulations, service may be discontinued.

(F) *Charge for restoration of service.* If a customer's service is discontinued, the Utility Department has the right to make a charge for disconnecting or restoring service and to require additional credit security.

(Prior Code, § 21-219)

### **§ 51.035 TAKING OF WATER FROM FIRE HYDRANTS.**



(A) Except as provided in division (B) below, no person other than authorized employees of the city and authorized personnel from the Fire Department shall open any fire hydrant or take any water therefrom.

(B) The Utility Superintendent may permit the taking of water from fire hydrants subject to the following conditions:

(1) A water service application is required.

(2) All water shall be metered through the valve assemblies provided by the city or by other means of measurement approved by the Utility Department and shall be paid for at the rates prescribed herein. The owner may provide a meter, subject to approval by the Utility Department.

(3) Before the meter is installed and any water taken, the owner shall pay a deposit for a fire hydrant meter to secure the payment of all amounts chargeable to the account.

(4) Meters shall be installed, sealed, removed, and relocated only by authorized city personnel. Fees shall be collected by the Utility **Secretary Clerk**.

(5) A service charge shall be paid for each relocation of the meter made by the customer.

(6) The account and all water use shall be subject to the same terms, conditions and regulations as water accounts and use by customers in general.

(7) The Utility Superintendent shall select the fire hydrant; and

(8) To protect the water main from the water hammer, no fast-acting valves will be allowed. Only gate valves (slow closing) will be allowed.

(Prior Code, § 21-220) Penalty, see § [10.99](#)

#### **§ 51.036 CROSS-CONNECTIONS.**

No person shall make any cross-connection to the water system with any other water system, or from a well, cistern or any other source.

(Prior Code, § 21-221) Penalty, see § [10.99](#)

#### **§ 51.037 USE OF ELECTRICAL DEVICES TO THAW FROZEN LINES.**

No person shall connect any electric welder, generator, or other electrical device to any water service line for the purpose of thawing the frozen water in the line unless the water meter in the line has been removed and all electrical grounding connections and other electrical connections have been disconnected from the portion of the service line to which the device is connected.

(Prior Code, § 21-222) Penalty, see § [10.99](#)

#### **§ 51.038 RESPONSIBILITIES OF PERSONS DOING STREET WORK RELATIVE TO VALVE BOXES, CURB BOXES AND THE LIKE.**

(A) Any person doing any kind of work in the streets or sidewalks shall be held responsible for breaking of valve boxes, curb boxes or any apparatus connected with the water system. Any person planning to excavate on their property or within a city street or right of way will be required to notify South Dakota One Call to ascertain the location of the water department infrastructure and to obtain an excavation permit if excavating is on a city street or right of way.

(B) Any person placing any kind of paving or sidewalk is required to bring curb boxes or valve boxes to the top of the paving or sidewalk surface and to see that the boxes are free from dirt, stones or any other obstruction before paving material is placed. Any person doing any kind of work in the streets or sidewalks shall be responsible for breaking valve boxes, curb boxes, or any apparatus connected with the water system. Any person placing any kind of paving or sidewalk is required to bring curb boxes or valve boxes to the top of the paving or sidewalk surface and to see that such boxes are free from dirt, stones, or any other obstruction before paving material is placed.

(C) The city will inspect and approve any surfacing before it is placed.

(D) Curb boxes shall not be covered up. Any repair cost incurred by the city after the inspection shall be charged to the owner or the responsible party.

(Prior Code, § 21-223) Penalty, see § [10.99](#)

#### **§ 51.039 ACCESS TO PREMISES.**

The Utility Department reserves the right to access a customer's premises at all reasonable times to inspect any of the city property located thereon, or for any other purpose properly associated with the service of water to the customer.

(Prior Code, § 21-224)

#### **§ 51.040 DENIAL OF CITY LIABILITY.**

The city is not responsible for damage caused by the breaking of water meters or for any accidents resulting from variation in the water pressure or the hydraulic ram of the water in the mains. The city is not responsible for any damage to the premises after the water has been turned off at the curb stop. The city is not responsible for the winterizing of the property owner's water system, regardless of whether the water service has been turned off or the water service remains on.

(Prior Code, § 21-225)

#### **§ 51.041 EASEMENTS.**

Easements shall be obtained, processed, and recorded wherever any portion of the water system is on private property.

(Prior Code, § 21-226)

### **METERS**

#### **§ 51.055 ALL NEW WATER SERVICES METERED.**

(A) All new commercial water services and new houses shall be metered.

(B) The first meter will be supplied by the city and installed by the owner. Any subsequent meters required will be a cost to the property owner. The exception would be in the case of a meter malfunction that is not the fault of the property owner. Any repair parts necessary to repair a property owner's water service and/or meter are the responsibility of the property owner. If available, the City of Lead may sell to the property owner the necessary repair parts and or a new meter at a cost determined by the Utility Superintendent.

(Prior Code, § 21-300)

#### **§ 51.056 ONE METER TO EACH SERVICE; AUXILIARY METERS.**

(A) Except as otherwise provided herein, the supply of water through each separate service will be recorded by one meter only.

(B) If additional or auxiliary meters are desired for recording the subdivision of each supply, they must be furnished and set by the owner at his or her own expense and he or she must assume all responsibility of maintaining and reading the same. The Utility Superintendent must authorize this installation.

(Prior Code, § 21-301)

#### **§ 51.057 DETERMINATION OF SIZE.**

The size of a water meter to be used on any service shall be determined by the Utility Department.

(Prior Code, § 21-302)

#### **§ 51.058 WATER METER LOCATION.**

(A) Wherever possible, water meters shall be placed in the cellar, mechanical room, basement, meter pit or other suitable location in the building to be supplied with water. All meters shall be provided with a remote reading device transmitter. All meter installations must be approved by the Utility Department.

(B) Each owner must provide, at their own expense, a suitable place for the water meter, safe from damage due to frost, hot water, steam, or other causes. Where the meter is injured by frost or use of a torch, or otherwise damaged by the act or neglect of the occupant or owner of the premises or of his or her agents or servants, the cost of repair or replacing the same shall be the responsibility of the owner. In case of neglect or refusal to pay the same on demand, the water supply may be turned off, the meter removed, or both, in which case the water shall not be turned on until the cost and penalty for turning off and on is paid in full.

(C) All water meters located outside of buildings must be placed in pits. All the meter pits shall be constructed by the property owner or water user according to plans and specifications furnished by the Utility Department and placed in the location elected by the Utility Department. There also must be a shut-off valve in each meter pit. Pits shall be secured.

(Prior Code, § 21-303)

### **§ 51.059 ACCESSIBILITY.**

(A) The owner of a premises where a water meter or remote meter reading device transmitter is located shall see that such remote transmitter is kept free from obstruction on or around the same, and conveniently accessible during all reasonable hours of the day for the purpose of reading, inspecting and/or repairing such remote transmitter. ~~the meter or device is kept free from obstruction on or around the same, and conveniently accessible during all reasonable hours of the day for the purpose of reading, inspection or repairing the meter or device.~~

(B) If the owner refuses to grant access to any water meter or remote reading device transmitter or refuses to keep free access to the water meter or remote transmitter device for the purpose of reading or checking by the Utility Department, the water may be shut off and not turned on again until those conditions have been corrected.

(C) For repairs or emergency shut off to the meter and or the remote transmitter, the Utility Department reserves the right to enter onto private property and complete repairs to the remote transmitter on the exterior of the structure. Any interior repairs are the responsibility of the property owner. The property owner retains the right to be present during any repairs.

(Prior Code, § 21-304)

### **§ 51.060 BYPASSES.**

(A) There shall be no water meter bypasses unless approved by the Utility Department.

(B) All bypass valves shall be sealed.

(Prior Code, § 21-305)

### **§ 51.061 DUAL CHECK VALVE BETWEEN METER AND BOILER.**

Where a water meter has been placed on a pipe connection to a boiler or other hot water apparatus, a dual check valve must be placed installed and maintained between the meter and the boiler or hot water apparatus. This which valve shall protect the meter from the back pressure of steam. The owner of the property shall be responsible for any damage incurred from the back pressure of steam regardless of whether a dual check valve is installed or not.

(Prior Code, § 21-306)

### **§ 51.062 INSTALLATION AND REMOVAL.**

(A) The installation of the water meter shall be by the owners at their expense.

(B) Installation must meet the State Plumbing Code.

~~(C) All water meter installations shall be sealed by the Utility Department.~~

(Prior Code, § 21-307)

### **§ 51.063 REMOTE READING DEVICE TRANSMITTER.**

- (A) ~~Remote reading devices~~ A remote transmitter must be installed on all existing water meters. The ~~device~~ transmitter shall be considered part of the water meter servicing the property and shall not be removed or altered except by the Utility Department.
- (B) If the property owner removes and/or damages the remote transmitter, purposefully or inadvertently, the property owner is responsible for all repairs and or cost of repairs.
- (C) If the property owner does not repair the damaged remote transmitter in a timely manner, the City of Lead may repair the damage and charge the property owner the cost of the repair (time and materials) and a \$75 fee.
- (D) If the property owner refuses to grant exterior access to the Utility Department to install and/or repair a remote transmitter, the water to such property may be shut off after the Utility Department first gives notice to the property owner.
- (E) ~~If the consumer or property owner refuses to grant access to the Utility Department to install a remote reading device, the water to the property may be shut off.~~ two consecutive remote readings are not be able to be obtained by the remote transmitter and all exterior repairs have been completed by the Utility Department, the property owner will be given notice to make needed repairs on the interior of the structure. Said notice will state that repairs are needed, the time allowed for repairs, and the consequence of failed to make said repairs.

(Prior Code, § 21-308)

#### **§ 51.064 TESTING.**

(A) ~~Upon the written request of any owner or customer, the Utility Department will test the water meter supplying the premises. A fee as established by the city will be required before the meter is disconnected, which will be returned if the meter is found to~~ If a property owner wants to check the accuracy of a water meter, the property owner must contact a certified plumber to test the meter. ~~If the test of the meter shows that it fails to register correctly within 2%, fast, otherwise the deposit will be retained to cover the cost of making the test.~~

(B) If the test of the meter shows that it fails to register correctly within 2%, the Utility Department shall make a charge or allow a credit in proportion to the error, for all water registered more than the minimum amounts allowed by the established rates, the same to be retroactive for three billing periods only.

(Prior Code, § 21-309)

#### **§ 51.065 NOTICE OF BREAKAGE OR STOPPAGE.**

In case of breakage or stoppage or any other irregularity in the water meter, the owner shall immediately notify the Utility Department.

(Prior Code, § 21-310)

#### **§ 51.066 NOTICE OF REMOVAL.**

Before a person removes a water meter for any reason, the Utility Department shall be notified.

(Prior Code, § 21-311)

### **§ 51.067 BREAKING SEAL, BYPASSING AND THE LIKE.**

Every person who shall break or deface the seal of any water meter or who shall obstruct or injure the action of any water meter, or who shall make any connection by means of a pipe, or otherwise, with any main or pipe knowingly without its passing through the meter, or who shall use any water so obtained, shall have their water service discontinued and charged a fine.

(Prior Code, § 21-312)

## **WATER SERVICE CHARGES**

### **§ 51.080 WATER USE CHARGES.**

(A) All water taken from the water system shall be paid for monthly by the owner of the premises served, based upon monthly meter readings, estimates or specific contracts.

(B) Monthly discounts are available for customers who have their water charge taken directly from their bank account.

(C) A service call charge shall be paid for water turn-on and turn-off service.

(1) This charge will appear on the regular monthly bill.

(2) An after-hours service call charge shall be paid if the service is requested to be performed during hours other than the regular scheduled hours of the Utility Department.

(3) The charge shall be paid even if the employees of the Utility Department are unable to turn on the water because of inability to obtain access or if no one representing the owner is present at the site at the time agreed upon for the service.

(4) In case of turning water off and back on in the same day for repairs, only one service charge shall be charged. **There will be no service call charge for detecting leaks or frozen lines.**

(Prior Code, § 21-500)

### **§ 51.081 BILLING GENERALLY.**

(A) Billing for water service shall be made monthly.

(B) The bills shall be payable **at Norwest Bank in Lead or Deadwood,** by automatic bank deduction or at City Hall.

(C) Any bills unpaid at the time the bill is due for the following month shall be considered delinquent. A late fee shall be charged to any account 30 days past due. **All accounts will be in the name of the property owner.**

(Prior Code, § 21-501)

### **§ 51.082 BILLING WHEN METER NOT READ.**

(A) If the Utility Department is unable to get a reading from the remote transmitter, for any reason, obtain access to a premise or dwelling for the purpose of reading a estimate of the water usage shall be made by the Utility Department and noted on the water bill. water meter or remote meter, for any reason whatsoever, or If a meter or remote meter is inoperable and/or fails to register a reading, an estimate of the water usage shall be made by the Utility Department and noted on the water bill. When the remote transmitter and/or meter becomes accessible and or becomes operational, the Utility Department shall collect a reading and make the appropriate adjustments to the billing. fails to register the amount of water passing through it, for any reason, a monthly bill will be issued based upon the last actual meter reading obtained from the premises or dwelling.

(B) The proper adjustment will be made when the meter reading is obtained. In no case will any bill be issued for more than three consecutive months.

(C) If any meter reading is not obtained at the end of any three month period, the water will be turned off, after notice until the meter reading is obtained and service charge is paid in full.

(Prior Code, § 21-502)

### **§ 51.083 ADJUSTMENTS OF BILL IN CASE OF LEAKS.**

(A) There will be no adjustments of the bill because of leaks from the owner's plumbing.

(B) If any adjustment is requested on any water bill based upon proof of a faulty metering device, and if the device has not been tampered with, an adjustment may be made (maximum of three months) based upon prior normal usage for that account prior to the time the metering device became faulty.

(Prior Code, § 21-503)

### **§ 51.084 FAILURE TO PAY.**

(A) The owner is responsible for all charges.

(B) If charges prescribed by this policy are not paid within 60 days from the billing date, the water may be shut off. The water shall not be turned on again until all current and delinquent charges are paid in full, together with two service call charges for turning the water off and turning it back on.

(C) The owner of the property may request that the water be turned off if his or her tenant's water bill is 30 days delinquent. However, the owner will still be responsible for all charges.



(C) No person shall turn on the water to any premises from which the water has been turned off by the Utility Department without approval of the Utility Department, ~~as provided for in this section.~~

(D) If any abnormal costs are incurred to shut off water from non-payment of the water bill, the cost of work shall be added to the water bill in addition to all other charges. All customers have the right to appeal the accuracy of a water bill by contacting the Utility Department.

(Prior Code, § 21-504) (Ord. 936-01, passed 9-4-2001) Penalty, see § [10.99](#)

### **§ 51.085 SHUT-OFF POLICY FOR NEW ACCOUNTS.**

(A) On an account transferred to a new owner, the new ~~owner takes over any existing balances.~~ becomes responsible for the existing account and any attendant charges.

(B) A new account becomes delinquent if not paid within 60 days of receipt of first billing, and the water may be shut off.

(Prior Code, § 21-505)

### **§ 51.086 RATES.**

(A) Deposit for fire hydrant meter: **\$1500**; to secure return of meter and payment of charges.

(B) Rental for fire hydrant meter: \$50; plus per 1,000 gallons water rate for all water used.

(C) Service call charge: charge per trip for turning water off and on, setting fire hydrant meters and the like, **\$75 per trip. set by resolution.**

~~(D) Meter test charges: residential meter test: \$30; includes service call.~~

(D) Water use rates:

(1) Metered rates: set by resolution; and

(2) Un-metered rates: set by resolution.

(F) Late fee: set by resolution.

(G) Monthly discount for bank deduction: **\$0.50-\$1.00**

**(H) A vacation rate is available and may be requested by the owner.**

(Prior Code, § 21-506)

### **§ 51.087 TAP FEES.**

(A) At the time of making application for a permit, the applicant shall pay to the city an additional sum to cover the cost of **making** the tap upon the water main, the service connection through the curb stops. **Tap fees shall be set by resolution.**

(B) Water meters will be the owners' responsibility.

<b><i>Residential (Single-Family) Commercial and Multi-Family</i></b>	<b><i>Sized Tap</i></b>	<b><i>Fee</i></b>
	One inch	\$300
Any larger size taps must be performed by a licensed plumber, the cost of which will be the owners' responsibility		\$300

(Prior Code, § 21-507)

Those voting aye:

Those voting nay: None

Motion carried.

\_\_\_\_\_  
Ron Everett  
City of Lead, Mayor  
(Seal)

ATTEST:

\_\_\_\_\_  
John Wainman  
City of Lead, Administrator

First Reading: 06/03/2024

Second Reading:

Published:

Enacted: