

CHAPTER X11

WATERWORKS AND SEWER SYSTEM

ARTICLE I. WATERWORKS REGULATIONS

12-101. SUPERINTENDENT OF WATERWORKS AND SEWAGE, TO HAVE CHARGE OF CITY WATERWORKS. It shall be the duty of the Water Superintendent to take and have charge and management of the City Waterworks and any and all property pertaining thereto. It shall be his duty to protect the same from unnecessary damage and loss, and keep said waterworks in good running order and repair, and he shall personally superintend and direct all work pertaining to the further extension of said waterworks system and all repairs upon the same of every kind and nature.

12-102. RULES AND REGULATIONS GOVERNING CONSUMER. Every consumer of water of the city waterworks shall be governed by and be subject to the following rules and regulations, and it is hereby made the duty of the superintendent of said waterworks and City Auditor of said waterworks to enforce the same.

1. No person or persons shall be permitted to tap or make any connection with the distributing pipes of the water of the City of Gwinner unless duly authorized by the superintendent thereof.

2. Persons taking water from the water mains must pay the expense of making the connection and shall be charged the cost of the corporation and stop cock with iron shut-off box attached.

In all cases where the applications for connections are granted, the City will furnish the corporation cock and the superintendent will tap the water main and insert the same. All pipes from water main to the curb line adjoining property shall be under the control of the City, the applicant waiving and releasing all claim thereto. The service pipe, stock cocks and other fixtures must be laid and attached, kept in repair and protected from frost at the expense of the applicant or consumer as the city will not be responsible for any neglect or default on the part of the consumer.

3. All persons taking water from the water mains of the city waterworks shall at all times be governed by Chapter XII.

4. All applications for water must be made in writing to the City Auditor upon blanks furnished by the City for that purpose, and if the application is made by a tenant it must also be signed by the owner of the lands and premises occupied by such tenant upon which the water is to be used, and all applications must be accompanied by the minimum rate per month. Application blanks must state the purpose for which water is required and applicants must answer without concealment all questions put to them by the City Auditor relating to water uses and in case of any fraudulent representation on

the part of the applicant the deposit made by applicant for the minimum rate per month shall be forfeited and the supply of water shut off.

5. After an application for water has been made the City Auditor shall notify the superintendent of waterworks who shall forthwith turn on the water, and when so done shall approve said application. The City Auditor shall at once make a record of such application in a book kept by him for that purpose, and file the same in his office.

6. Every applicant for water supply shall express in his application that the same is taken subject to all rules and regulations then in force or that may hereafter be adopted for the government of the waterworks.

7. No addition to or alteration whatever of any tap, pipe, water cock or other fixture shall be made or caused to be made by any person taking water except through a duly licensed plumber.

8. Service pipes intended to supply two or more distant premises or tenants must be provided with separate and distinct stop cocks with shut-off boxes attached for each tenant on the outside of the same, or when only one stop cock is used the person or persons controlling the same must pay the water rents of the parties that are thus supplied as separate water meters will not be attached without such separate stop cocks.

9. No person shall supply other persons or families or suffer them to take water except the drinking water on the premises under a penalty of \$10.00 for each and every offense and the person so taking it shall be liable to the same fine.

10. Hydrants, taps, hose, water closets, urinals, baths, and other fixtures will not be permitted to be kept running when not in use and it is hereby made a duty of the superintendent of waterworks to enforce this section and also notify any consumer of the unnecessary waste of water on their premises. Within forty-eight (48) hours after being notified by the superintendent that water is being wasted if the necessary repairs are not made, the superintendent shall forthwith shut off the water on the premises and before it shall be turned on the consumer shall pay the same fine as provided in rule 9.

11. It is hereby expressly provided that the city reserves the right to change the rate for the use of water from time to time, and at all times make such other restrictions, rules, and regulations as in the judgment of the City Council may be necessary.

12. Consumers of water shall at all reasonable hours permit the superintendent, City Auditor, or Council Committee on Water to enter either premises and examine the manner in which the water is used.

13. Water must be taken from the mains in such a manner as will occasion the least inconvenience to the public and provide for the passage of water along its gutters. Dirt

replaced in the trenches must be well tamped to avoid accidents, and the street and sidewalk restored to as good condition as previous to excavation.

14. In case of making any repairs or constructing new work the city reserves the right to shut off the water at once and keep it shut off as long as may be necessary to accomplish such purpose by giving such reasonable notice thereof as shall be practicable to consumers who use steam boilers. In case of fire or alarm of fire during the hours in which sprinkling is done, any person then using water for sprinkling shall at once shut off the water and cease such sprinkling until it shall be ascertained that such fire has been extinguished or until it is known that the alarm was false; nor shall any person draw water for lawn or street sprinkling after an alarm of fire, until such fire is extinguished or until it is known that the alarm is false.

15. That the Mayor be and he is hereby authorized and empowered whenever in his judgment an emergency exists and the public interest and welfare demands an adequate supply for fire protection and to order all users and patrons of the city waterworks plant to curtail the use of water by them as in such proclamation ordered.

16. Such proclamation shall be filed in the office of the City Auditor and a copy delivered to the waterworks superintendent within twenty-four hours after issuance; and notice thereof shall be cause to be given either by general distribution at such public places in the town as will be likely to be generally seen or by publication in the official paper of the city.

17. The City of Gwinner hereby reserves the right to apply meters to any service pipe for the amount of water consumed.

18. Any person, firm, or corporation violating any or either of the foregoing rules shall forfeit all payments made by them in behalf of said water supply, and the supply shall be at once stopped without any preliminary notice.

19. Any person, firm, or corporation who shall willfully violate any or either of the foregoing rules or neglect to comply with any arrangement thereof shall be subject to a fine of not to exceed Five Hundred Dollars or by imprisonment in the city jail not to exceed thirty days or by both such fine and imprisonment for each and every violation, refusal, or neglect.

12-103. WATER METERS: REQUIRED. All water services being supplied from the waterworks distribution system of the City of Gwinner shall be provided with a water meter of a kind, size, and type meeting the approval of the City Council of the City of Gwinner. It is further ordered that all future water services hereinafter installed shall be provided with a water meter as herein provided.

12-104. SAME: INSTALLATION OF BY WHOM, REGULATIONS GOVERNING. All meters must be procured from the Water Superintendent and installed under the supervision of some party or parties designated by the City Council, the cost of

installation to be borne by the owner of the property upon which meter is installed. The owners of property supplied with water services by the City shall procure their meter from the Water Superintendent and upon securing said meter, shall pay the Water Superintendent a sum equal to the purchase price of said meter. Upon the installation of meters they shall be sealed both at register box and coupling, with a form of seal designated by the City Council, and these seals must not be broken except upon their authority. The residents of property upon which the meter is installed will be held responsible for the breaking of these seals, and a fine of up to \$200 Dollars will be imposed upon the resident of any property where the seal or seals may be found to be broken.

12-105. SAME: NO ALLOWANCE MADE ON RATES FOR EXCESSIVE USE OR BY LEAKS OR WASTE. No allowance will be made on meter rates for excessive use occasioned by wholesale consumption or leaks or waste.

12-106. SAME: DAMAGING AND REPAIR OF, EXPENSE CHARGED TO WHOM. The resident of property upon which meter is installed will be held responsible for any willful or malicious damage sustained to meters; the owner will also be held responsible for any damage which meter may sustain through freezing or hot water backing up through same, and must bear the cost of repairing meter where same becomes damage through any of the causes as herein designated. All meters must be put in working condition within 30 days after notification to resident of property by Water Superintendent. The resident of property will bear cost of repairing meters where same is required, due to the wear and tear of ordinary service.

12-107. SAME: FAILURE TO REGISTER: OWNER TO NOTIFY WHOM. In case of breakage or stoppage of any meter whatever, the owner or consumer is to notify the Water Superintendent immediately, and any repairs necessary will be made by him or under his supervision.

12-108. SAME: DISTURBING OR REMOVING OF PROHIBITED. Plumbers and other persons are prohibited from removing, disturbing, uncovering, or in any way exposing meters for the purpose of making repairs, thawing pipes, or any other purpose, whether owned by the City of Gwinner, or by the owners or consumers.

12-109. SAME: TO BE EXAMINED BY WHOM, COST OF REPAIRING. Meters shall be examined by a competent employee of the water department on request of the consumer where from the record of such meters it shall appear that the meter is not in order, or where there is evidence that the meter is out of order. In cases where meters have been broken on account of freezing of from some cause attributable to the consumer, the cost of repairs for such meters, together with the cost of repairing the same shall be paid by the consumer. (See also 12-106).

12-110. WATER RATES: ESTABLISHED. Water shall be furnished to all persons, firms, and corporations upon like terms, conditions, and rates. The rates shall be as set forth below:

Water - Residential and Commercial

minimum bill - \$15.74 for 3000 gallons
\$ 6.47 per 1000 gallons over 3000 gallons

Reverse Osmosis water without blend back (RO Water) may be furnished to customers approved by the City Council and subject to all State Health Department requirements. RO water rates shall be charged as follows: \$7.87 per 1000 gallons.

12-111. WATER RENTS AND CONNECTION FEES.

1. Water rents shall become due and payable monthly on the first day of each month, and shall become delinquent on the 15th day of the month they become due, and thereupon a penalty of ten percent shall attach and be charged against all delinquent water rents. If water rents are not paid on or before the 12th day of the month following their delinquency together with the ten percent penalty aforesaid, the City Auditor shall give written notice to the customer calling for payment by the 15th of the month and if not paid by the 15th of the second month. The City Auditor shall furnish the Water Superintendent with a list of all delinquents and he shall immediately turn off the water of such delinquent user, re-reading the meter at the same time, and report the present reading to the City Auditor forthwith. The application of any delinquent water user to have water turned on must be accompanied by receipts of the City Auditor showing payment of all delinquent amounts and penalties, and a fee as mentioned in paragraph 3 below.

2. Persons wishing to discontinue the use of water in the city must give written notice thereof at the office of the City Auditor upon blanks provided for that purpose, and pay any water rents due as shown by the reading of their water meter.

3. Persons wishing to re-establish the use of water in the City, must, prior to having the water turned on, give written notice thereof at the office of the city auditor upon blanks provided for that purpose, pay any water, sewer rents due as shown by past billings at said place and pay a connection fee of \$25 for the first reestablishment in a calendar year, \$50 for a second reestablishment in a calendar year, \$75 for a third reestablishment in a calendar year and \$100 for a fourth and future reestablishment in a calendar year.

4. All meters in use shall be read by the Water Superintendent monthly and he shall report the readings of said meters to the City Auditor who shall render bills for the amount due on the first of each month following. If the Water Superintendent is unable to read any meters for any reason, then an estimated billing shall be sent to the owners of those meters.

5. Persons desiring to have their water turned off for seasonal purposes as a temporary disconnect and reconnected at the end of the season shall be charged

\$10.00. The intent of the city is that this subsection applies to persons who travel south for the winter and return in the spring.

12-112. SAME: FIXED BY WHOM. The Water Commissioner, together with the Mayor, and Waterworks Committee, shall constitute a water commission, whose duty it shall be to fix the rates of all fines, penalties and forfeitures provided for under the terms of this chapter and not herein definitely stated and shall fix or interpret the rates to be paid for the use of water where the term of the foregoing schedule shall seem in their opinion to be indefinite or to conflict.

12-113. SAME. APPLICATIONS FOR CORRECTIONS OF, MUST BE MADE WHEN. Applications for corrections or rates on account of diminished use of water must be made at least 10 days previous of the expiration of the time for which payment has been made.

12-114. PAYMENT, LIABLE OWNER. The owners of all real property within the City of Gwinner shall be responsible for all water used or consumed on lands and premises owned by them whether occupied in person or by tenant, and shall be liable for the payment of the value of water used or consumed on such lands and premises owned by them.

12-115. BOOKS, RECORDS, BILLS, DUTY OF CITY AUDITOR. It shall be the duty of the City Auditor to have charge of all books and records of the waterworks of the City of Gwinner and to keep an accurate account of all things pertaining to the same and to mail out to the consumer all bills for water rents due and such water rents shall be paid by the consumer to the City Treasurer who shall issue receipts therefore.

12-116. SERVICE FEES. Whenever a city employee performs services to water lines, meters, or other facilities on account or behalf of an individual or business, the city shall charge the individual or business for the city's labor at the rate of \$15 per hour per person plus all costs for pipes/ meters, fittings, or other items used in performance of the service.

12-117. DELINQUENT LIST AUDITOR TO FURNISH SUPERINTENDENT. The City Auditor shall credit the water rents and sale of water and charge expenditures to such fund and furnish the superintendent of waterworks with a list of delinquent water users for collection from time to time as the necessity arises.

12-118. METERS, DUTY OF THOSE INSTALLING. All plumbers and other persons including Water Superintendent installing meters shall report to the City Auditor the reading of the meter installed on a blank furnished by the city for that purpose and no plumber or other person including Water Superintendent shall turn on or off the city water from any lands or premises without immediately reporting such action to the City Auditor on blanks furnished by the city for that purpose.

12-119. SERVICE CHARGES, WHO LIABLE. All owners of lands, and premises now occupied by a tenant or that may hereafter be occupied by a tenant shall become chargeable and liable for all service charges for water used and consumer upon lands and premises owned by them and occupied by a tenant or tenants or otherwise, and for all necessary repairs to meter or meters on said premises whether installed and owned by tenant or otherwise.

12-120. HYDRANTS, PROTECTION, PENALTY. All hydrants located in the City of Gwinner for the purpose of extinguishing fires in said city are hereby declared public hydrants and no person or persons other than members of the fire department of said city for the uses and purposes of said department and those especially authorized by the superintendent of water works shall open any of said hydrants or attempt to draw water from the same or in any manner interfere with or injure any of said hydrants. Any person violating the provisions of this section shall be subject to the penalty provided in section 12-501 with a minimum fine of at least \$200.00.

12-121. WATER TURNED ON WITHOUT PERMIT, PENALTY. Any person who shall turn on or cause to be turned on the supply of water to any premises from which the supply of water has been for any cause turned off by the city without first having obtained a permit to do so from the City Auditor shall be subject to the penalty provided in section 12-501.

12-122. OBSTRUCTING HYDRANT, ETC., PENALTY. Whoever shall in any manner obstruct the access to any stop cock, hydrant, or valve connected with any water pipes within any street or alley of said city by means of any timber, brick, building material or other article, thing, or hindrance whatever shall be subject to the penalty provided in section 12-501.

12-123. PLUMBING WITHOUT LICENSE, PENALTY. Any person who shall lay any water service pipes or introduce into or about any building on any grounds any water pipes or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing with the pipes of the city waterworks of Gwinner, or preparing them for connections with the view of having such premises supplied with water by said waterworks, or who shall make any additions to or alterations of any water pipe, bath, water closet, stop cock, or other fixtures or apparatus for the supplying of any premises with water without being duly licensed to perform such work by the City of Gwinner, and without having first obtained a permit for doing such work from the City Auditor, shall be subject to the penalty provided in Section 12-501.

12-124. HYDRANTS, TAKING WATER FROM PROHIBITED UNLESS PERMISSION IS OBTAINED FROM CITY AUDITOR. No water can be taken from any free or public hydrant or water trough, except for domestic uses, and no person shall be allowed to take any water in tubs, barrels, wheelbarrows, tanks, carts or otherwise from any free or public hydrant and watering trough, to be used in any manner of business, for mechanical purposes, supply of steam engines and boilers, or any like use, without

paying the regular and established rates therefor at the office of the City Auditor, and obtaining written permission from said officer for such purposes and uses of the water.

12-125. EXCAVATIONS, REGULATIONS GOVERNING. No excavation in any street or public place shall be left open overnight, but if it becomes necessary the Water Superintendent must maintain suitable barriers and signals of warning during the night.

12-126. NON-LIABILITY OF CITY FOR DAMAGE TO SERVICE PIPE ETC., WHEN. The city reserves the right at any time to shut off the water on the main pipe for the purpose of repairing the same, making connections or extensions to the same, or for the purpose of cleaning the same. It is expressly understood that no claim shall be made against the City by reason of the breaking of the service pipe or service stop cock or from any damage arising from shutting off the supply of water for repairing, laying, or relaying main, hydrants, or other connections. It is hereby made the duty of the Water Superintendent to give such reasonable notice as shall be practical.

12-127. ENFORCEMENT OF ARTICLE. It shall be the duty of the Superintendent of Waterworks and Sewerage and Chief of the Fire Department and all persons in the employ of the City, having police power, to enforce this article by making prompt complaint before the Municipal Judge against all persons violating said article.

ARTICLE II. CONSTRUCTION AND REGULATION OF SEWERS

12-201. HOUSE DRAINAGE. Subject to the direction and control of the City Council of the City of Gwinner, North Dakota, the construction, care and management of all house drainage and appurtenances pertaining thereto shall be under the supervision of the board of health of said city.

12-202. CONNECTION WITH SEWER, HOW MADE, APPLICATION. It shall be unlawful for any person, company or corporation to make any collection with any public sewer in said City of Gwinner unless duly authorized in writing to do so by the City Auditor. Any person, company or corporation desiring to make connection with the public sewers of said City must apply to the Auditor who will furnish a blank that when properly filled out by the applicant must give a clear description of the premises to be drained and of the drains required and their location and such other information necessary that the board of health may act intelligently in the case if required to examine the premises so drained. The City Auditor shall issue the permit to make the connection applied for in accordance with the terms of the Articles of said City Codes, touching such matters, provided the premises for which such application is made are entitled to be connected with the sewer named in the application; provided further, that the applicant shall present to the City Auditor the approval of the health officer of the sewerage and plumbing in the building designated to be drained into the public sewer by means of the connection asked for.

12-203. MAKING CONNECTION, SUPERINTENDENT OF SEWERAGE'S DUTY. After the permit is granted the plumber who is to make the connection asked for shall

notify the Superintendent of Sewerage or other authorized office of said permit and said engineer or other authorized person shall locate the "Y" place for the connection and superintend the connection and see that it is properly made and no injury done to the public sewer.

12-204. REGULATIONS CONNECTIONS. The construction of all connections and drains to public sewers in the City of Gwinner shall be subject to the following conditions and regulations:

1. No person except a master or journeyman plumber, duly licensed by the State Board of Plumbers will be allowed to do any plumbing for house drainage in or about any building in said City.
2. No person except a master or journeyman licensed plumber duly licensed by the State Board of Plumbers will be allowed to lay drains for the purpose of draining buildings in said city or making any connection with any sewer or do any plumbing in any building so connected.
3. Main Sil pipes shall be of PVC and waste pipes and their branches shall be of PVC. No wood spouts or sheet metal pipes shall be used for carrying off sewerage.
4. No house or building drain shall be less than 4 inches or more than 8 inches in diameter.
5. Connection shall be made with the public sewers through drain pipes of cement or earthen ware, and pipes alin into cellars shall be of PVC, and wiped joints made water tight. No tile drains will be allowed in cellars or under houses for sewer purposes.
6. In all iron and earthen ware pipes, changes in directions shall be made with curved and "Y" pipes, and connections with horizontal pipes shall be made with "Y" branches.
7. Every house or building drain shall be trapped with a running trap of the same size and materials as the drain, and if within the building, the trap shall be provided with a hand-hole for cleaning. No connection shall be made with the drain on the street side of the trap.
8. A proper grease-trap and catch-basin shall be provided for all hotels, restaurants, boarding houses, eating houses, or other public houses, butcher shops, lard rendering establishments, all other places where the City Council shall require.
9. Every wash basin, bathtub, sink, urinal, water closet or other fixture shall be separately tapped as close to the fixture as possible and be prevented, water sealing traps shall be used when separate air-pipe connections are provided. When such connections are not provided, traps shall be so arranged with air vents that one fixture will not siphon another fixture.

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

11. There shall be an inlet for fresh air entering the house or building drain just inside the trap of at least 2 inches in diameter, leading to the outer air, and opening at any suitable place not near a door, window or cold air inlet to a furnace. All soil pipes and all waste pipes not connected with ventilated soil pipes shall be extended full size above the roof without bend or cowl, and shall not open near a window or air shift for ventilating the building.

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

13. All storm water, rain water, ground water or sump hole water shall not be connected nor drained into the sanitary sewer system of the City but shall be deposited in the storm water drains of the City of Gwinner.

14. All parts and points pertaining to house drainage not herein specified shall be subject to the supervision and care of the City Council and any plumbing found to be improperly done to the detriment of health shall be replaced and made to conform to the rework. The City Council also may make such rules as is necessary to carry out the intent of this article, said rules not conflicting hereto, will be subject to the provisions and penalties the same as if inserted in this article.

15. Persons requesting connections with the city sewer system must pay the expense of having the connection made by a qualified licensed plumber and should the city for any reason become involved, the city shall charge at the rate of \$15.00 per hour per person, plus the cost of all materials and services related thereto.

12-205. CESSPOOL, PRIVY. No connection from any cesspool, drain field, or privy vault shall be made with any sewer. There shall be no cesspools, outhouses, privies, or drain fields within the city limits.

12-206. STEAM ENGINE EXHAUSTS. All exhaust and all blow-offs from steam boilers shall be first connected with the proper catch-basin and in no case shall they be allowed to connect directly with the public sewers.

12-207. REFUSE IN SEWERS. The depositing, dumping, placing, draining, pouring or throwing or permitting such depositing, dumping, placing, draining, pouring or throwing of prohibited materials in any receiving basin, manhole, sewer or to place any such substances so that they might drain or be deposited into any such receiving basin, manhole or sewer or in any drain or connection with a sewer constructed, maintained, and operated as a part of the sewer system of the City of Gwinner, is hereby prohibited, and any person, company, or corporation violating the provisions of this section shall be liable upon conviction to be fined not more than \$500.00 Dollars

for each offense, or by being imprisoned for 30 days in the county jail, or by both such fine and imprisonment. Prohibited materials are:

1. Pollutants which create a fire or explosion hazard in the Public Owned Treatment Works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges.

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees C (104 degrees F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

12-208. PERMIT, PENALTY FOR MAKING CONNECTIONS WITHOUT ONE. Any person making any connection with or opening into any public sewer of said City without first having obtained a permit as in this ordinance provided or making the same in any manner different from the mode in this chapter prescribed shall be subject to a penalty of not more than \$100.00 Dollars for each offense, and a like penalty for each day such offender shall continue thereafter to use any such sewer connection or opening.

12-209. INJURIES PROHIBITED. No person shall willfully and unlawfully disturb, dig up, or injure any public drain sewer, man-hole or catch-basin or appurtenance thereto.

12-210. COMPELLING MAKING CONNECTIONS. Whenever, in the discretion of the City Council of the City of Gwinner the sanitary conditions require it, the owners of

property shall make private drain connection switch any public sewer now constructed or which may be hereafter constructed. Said Council shall direct the City Auditor to give ten days' notice in writing to the owners of such property that such owners of such property shall be required to make such connections with such public sewers under the provisions of this article. And all persons who fail to comply with the requirements of such notice within 30 days after the said notice is served upon him or them shall be subject to a penalty of not more than \$500 Dollars, and to a like penalty for each and every day thereafter that he or they fail to comply with said notice.

ARTICLE III. SEWAGE RATES AND REGULATIONS

12-301. Saved for future use.

12-302. SEWAGE: CLASSIFICATION. Sewage shall be classified and a uniform charge made for each class of sewage, which service shall be furnished all persons, firms and corporations of the same class upon like rates, terms and conditions.

12-303. SAME: CLASSIFICATIONS SPECIFIED. Sewage shall be classified as follows, to-wit:

Class Number 1 - Residential
Class Number 2 - Commercial
Class Number 3 - Industrial

12-304. SEWAGE: RATES.

(a) RESIDENTIAL. Class Number 1, shall have a minimum rate of \$12.38 per month.

(b) COMMERCIAL. Class Number 2, shall have a minimum rate of \$17.99 per month plus an amount as determined by the City Council based on usage.

(c) INDUSTRIAL. Class Number 3, shall have a minimum rate of \$17.99 per month plus an amount as determined by the City Council based on usage.

12-305. OWNER LIABLE FOR PAYMENT. The owners of all real property within the City of Gwinner shall be responsible for all charges and sums due the City of Gwinner by reason of such connection with and service of the Sewage Disposal Plant, whether such property is occupied in person or by tenant, and shall be liable for and chargeable with such service charges.

12-306. SERVICE CHARGES DUE WHEN. Sewage service charges herein provided for shall become due and payable monthly on the first day of each month, and shall become delinquent on the 15th day of the month they become due, and thereupon a penalty of 10 percent shall attach and be charged against all delinquents. If sewage charges are not paid on or before the 15th day of the month following their delinquency together with the 10 percent penalty aforesaid, the city Auditor shall furnish the

Superintendent of Sewerage with a list of all delinquents and the amount they are owing, including penalty and the Superintendent shall immediately demand payment of the same, and if not paid, he shall immediately turn off the water of such delinquent user and report the same to the City Auditor forthwith. The application of any delinquent user of Sewage Disposal Plant to have water turned on must be accompanied by receipts of the City Auditor showing payment of all delinquent amounts and penalties, and a \$25.00 Dollar fee to defray the expense of turning on said water.

12-307. DISCONTINUING USE. Persons wishing to discontinue the use of the Sewage Disposal Plant must give written notice thereof at the office of the City Auditor upon blanks provided for that purpose and pay all service charges up to date of discontinuing such use.

ARTICLE IV. PENALTY

12-401. PENALTY. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than Thirty (30) days, or by both such fine and imprisonment at the discretion of the Court. Each and every violation of the provisions of this chapter shall constitute a separate offense.