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- 1. For State law authorizing city to purchase, etc., a system of waterworks, see NDCC 40-05-01, 36. See also NDCC 40-34-01. etc. seq.

2. For previous ordinances relating to water and sewer, see Ord. No. 34 and Ord. No 44, Post 1940.

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Article I. In General

Sec. 30-1. Connection Of Water And Sewer Mains Paid For By Property Owners

Water and sewer mains installed by individual property owners shall be installed according to city specifications. All costs shall be paid for by the owner including engineering and inspection fees.

The completed main will be turned over to the city for maintenance and upkeep. The total cost of installing the main will be recorded on the permit.

When another property owner wants to connect a service line to the main, he will be charged a pro-rated cost per foot of pipe. This money will be paid back to the owner of record.

This section does not apply to property that has been involved in a special assessment district for water and sewer mains.

Sec. 30-2. Same- Application; Determination Of Amount To Be Paid

Before any connection to existing sewer or water lines can be made as provided in the preceding section, the owner of the property involved shall make written application to the city council requesting such connection and stating therein the description of the property involved. Within thirty days from the date of receipt of such application, the city council shall determine the amount of money required to be paid before such connection shall be made and shall advise the applicant property owner of such determination. There shall be a \$150.00 minimum charge for sewer and a \$150.00 minimum charge for water connections to existing mains outside City Limits.

Sec. 30-3. Same- Disposition Of Funds

All money paid and received pursuant to the two preceding sections shall be placed in the water and sewerage utility fund in the city and shall be expended in accordance with the purpose of such fund.

Sec. 30-4. Water And Sewerage System To Be Operated As Utility

The water and sewerage plants and systems established and acquired and owned by the city are hereby declared to be and shall henceforth constitute a public utility of the city to be held, operated and administered as one undertaking and to be known as the city's water and sewerage utility. The properties of such utility shall include all systems, plants, works, instrumentalities, equipment, materials and supplies and all lands tenements, rights in lands, water rights, contract rights, franchises, approaches, dams, reservoirs, mains, conduits, pumping stations, and all parts and appurtenances of any of the foregoing which are or shall be used or useful in connection with the obtaining of a water supply and the conservation, treatment and disposal of water for public and private uses or used or useful in connection with the collection, treatment and disposal of sewage, waste and storm waters.

Sec. 30-5. Composition Of System; Use Of Revenues; General Management And Control

The systems and properties comprised in the city water and sewerage utility and all future improvements, extensions and enlargements thereof, together with the cash held on the effective date hereof in the water fund of the city and all moneys to be produced and derived from the city's ownership and operation of such utility, shall be and are hereby appropriated and dedicated to be used and devoted to purpose of enhancing the public health, safety and welfare by providing water and sewerage service and facilities to the city and its inhabitants and industries and those in the city's immediate vicinity who may desire or be required to take or use such service and facilities. Such water and sewerage utility shall be at all times under the management and control of the city council and shall be it be operated and maintained in such manner as to provide its service and facilities with maximum efficiency and at the minimum

uniform cost therefor which is compatible with the plan of operation thereof herein described and ordained.

Sec. 30-6. System To Be Self-Supporting And Self- Perpetuating; Charges Generally

The city water and sewerage utility shall at all times be so operated, maintained, used, extended and improved; and rates and charges for the services, facilities and benefits produced and furnished thereby shall be such as to make the utility self-supporting and self-perpetuating. The charges from time to time imposed and collected for such services, facilities and benefits shall be made and kept adequate to pay all costs of operation and maintenance of such utility and for the making of replacements and improvements thereof and to establish and maintain reasonable reserves for the aforesaid purpose; and, in addition to the foregoing, to produce reasonable surplus moneys in amounts substantially comparable to a fair return upon the city's capital investment in such utility; which surplus moneys, when actually on hand, may from time to time be appropriated by the city council to pay or contribute to the costs of any other city functions. The foregoing appropriations and provisions shall not, however, be deemed or construed to preclude the city from using at any time any special assessment method or methods now or hereafter permitted by law for extension of, either the water system or the sewer system comprised in such utility whenever and to the extent that the city council is of the opinion that it is fair and equitable to do so.

Sec. 30-8. Financing Capital Improvements Generally

It shall be the policy of the city to pay for capital improvements to the water and sewerage utility so far as possible from moneys available and depreciation account or the surplus account of the water and sewerage utility fund. Whenever it shall be found necessary and expedient to make capital improvements to such utility, other than those to be financed by the special assessment method, at a cost in excess of funds so available, such improvements shall be financed by anticipation or future net revenues of such utility and the issuance of revenue bonds or similar obligations of the city payable solely from the net revenues of the utility so to be anticipated. Whenever such revenue obligations are issued, there shall be established in the water and sewerage utility fund, a revenue bond account for the purpose of segregating and applying to the payment of such obligation such portion of the net revenues of the utility as shall be needed to meet the payments of principal of and interest on such obligations and to provide a reasonable reserve for such purpose. There shall also be established in such fund a "capital expenditure account" to which there shall be credited all of the proceeds of sale of the revenue obligations except the amount thereof which represents interest accrued thereon from the date of such obligations to the date of delivery thereof to the purchaser and except that portion, if any, of such borrowing which is made for the purpose of paying interest on the revenue obligations during the period of construction of the improvements which excepted sums shall be credited to the revenue bond account and used only for the payment of interest on the revenue obligations so issued. All expenditures made in paying for such improvements shall be charged to such capital expenditure account. When such revenue bond account shall be established, there shall be credited to it upon each monthly apportionment of revenues of the utility, after crediting the amounts aforesaid to the operation and maintenance and replacement and depreciation accounts and in priority over and credits to the surplus account, such portion of the revenues as may be

contracted to be credited to the revenue bond account under the terms of the agreement with the purchasers and holders of such revenue obligations. It shall be the policy of the city at all times to impose and maintain such rates, charges, rentals and schedules thereof, for the services; facilities and benefits provided by such utility as will make the revenues from such utility sufficient to meet all requirements as herein outlined of the water and sewerage utility fund and all permanent and temporary account therein; and to comply with all covenants and stipulations given by the city in connection with the issuance of the revenue obligation.

Sec. 30-9. Manner Of Paying Cost Of Capital Improvements, Enlargements And Extensions Of The Water And Sewerage Utility

It is hereby declared to be the policy of the city, subject to such modifications as shall be deemed by the city council to be required by special circumstances in individual cases and subject to such modifications as may hereafter be made by ordinance amendatory hereof or supplemental hereto, that the cost of capital improvements, enlargements and extensions of the water and sewerage utility shall be paid in the following manner:

- (a) Where water mains not exceeding six inches or sanitary sewer mains not exceeding eight inches in diameter are installed adjacent to residential properties and where water mains not exceeding eight inches or sewer mains not exceeding ten inches in diameter are installed adjacent to commercial properties, the total cost thereof shall be assessed against the properties abutting on such improvements, in sums proportionate to and not exceeding the total benefits determined to be derived there from by the respective properties. Water and sewer mains of the dimensions above described are referred to herein as "lateral" mains and other mains are referred to as "trunk mains".
- (b) Where a trunk main is installed, the city council upon advice of the city engineer shall estimate the probable cost of construction of a lateral main at the same time and place and such estimated cost shall be assessed against the properties abutting on such main in the manner provided in the preceding paragraph.
- (c) Twenty percent of the cost of any sanitary sewer main or water main in excess of the estimated cost of a lateral sewer or lateral water main at the same time and place shall be assessed against all properties determined by the city council to require the immediate construction of such main as a trunk sewer or trunk water main including properties abutting thereon and properties served or capable of being served by lateral sewers or lateral water mains connected thereto in amounts proportionate to and not exceeding the benefits determined to be derived by such respective properties from such trunk sewer or trunk water main.
- (d) Where a portion of the benefit of any of the foregoing improvements is deemed to accrue primarily to the city at large, a portion not exceeding one-fifth of the cost thereof as determined by the city council with the concurrence of the board of budget review, may be paid by the levy of ad valorem taxes upon all property within the city over the same period as the levies of assessments for such improvements or any portion or all of such cost may be paid out of current funds duly provided in the budget or from the proceeds of general obligation bonds duly authorized by the electors.
- (e) Such portion of the cost of any improvement, extension or addition to the utility assessment is not levied against any property benefited by an improvement at the time of

the construction thereof in accordance with the program described in this section, the city reserves the right to levy a supplemental special assessment upon such property or to impose and collect a special charge for the connection of such property with the utility system in such amount as shall be required to pay its just share of the assessable cost of such improvement.

Sec. 30-10. "Improvement Warrant Account" In Water And Sewerage Utility Fund

There shall be maintained in the water and sewerage utility fund an "Improvement Warrant Account" for the purpose of segregating net revenues required for the payment of any portions of the cost of improvements hereafter instituted for which such revenues have been pledged in accordance with the provisions of North Dakota Century Code, Sections 40-22-15 and 40-22-16. There shall be transferred from such account as required, to the fund of each improvement district for which such pledge has been made, sums sufficient, together with tax and assessment collections held in such funds, to pay when due the principal and interest on all improvement warrants drawn upon such funds for the financing of such improvements. Moneys sufficient for the requirements of such improvement district funds shall be credited and paid into the improvement warrant account out of the net revenues remaining from time to time after provision for the current requirements of the revenue bond account; and the lien and charge on such net revenue in favor of improvement warrants for the payment of such pledges have been made shall be subordinate only to the lien and charge on such net pledges have been made shall be subordinate only to the lien and charge on such net revenues in favor of revenue bonds payable from the revenue bond account or any revenue bonds hereafter issued which may be made payable from the revenue bond account. In the event that moneys for the making of all transfers required to be made to the several improvement district funds to which such pledges have been made and cannot be made sufficient by the transfer of funds from the remaining accounts described below, the available moneys shall be apportioned first to the several improvement district funds in sums sufficient to pay interest then accrued on all warrants drawn on such district funds and any remainder shall be applied in payment of matured principal of such warrants in order of the maturity dates thereof. As among warrants maturing on the same date, such available moneys shall be applied to the warrants of the several issued in proportion to the matured principal amount thereof for the payment of which taxes and assessments in the respective improvement funds are insufficient.

Sec. 30-11. Provisions Applicable To Borrowing Money For Capital Improvements

In borrowing money for the capital improvements, extensions or additions to the utility the following provisions shall at all times be observed:

- (a) For the purpose of this section, whenever the net revenues of the utility appropriated to the improvement warrant account are pledged to pay a portion of the cost of any improvement to be financed by improvement warrants, such warrants and the interest accruing thereon shall be deemed to be payable from such net revenues in the same proportion as that part of the cost payable from such net revenues bears to the principal amount of such warrants; and the portion of such cost payable from net revenues shall be

deemed equal to the principal amount of the warrants less the principal amount of the taxes and assessments agreed to be levied for the payment thereof.

- (b) Hereafter no revenue bonds, improvement warrants or other obligations payable in whole or in part out of the net revenues of the water and sewer utility shall be issued unless the net revenues of the utility received during the then next preceding fiscal year shall have been in an aggregate amount at least equal to one hundred and twenty-five percent of the average annual principal and interest payments due on all revenue bonds payable from such net revenues which are then outstanding or then to be issued plus such percentage of the average of the annual principal and interest payments due on each issue of improvement warrants then outstanding or then to be issued as shall be payable from such net revenues which average shall be computed on the basis of the principal and interest payments due in the fiscal years of the then remaining term of all such revenue bonds and improvements warrants then outstanding. For the purpose of such computation, whenever rates for water or sewerage service have been changed in the course of any fiscal year, the net revenues for such year shall be deemed to be those which would have been received if such amended rates had been in effect during the entirety of such year, based upon the actual quantities of service furnished to each class of customers and the actual expenses of the utility during such years; provided, that in no case shall the net revenues so computed be deemed to exceed one hundred and twenty-five percent of the net revenues actually received during such year. Nothing in this section, however, shall be deemed to prevent the city from issuing refunding revenue bonds for the purpose of refunding outstanding revenue bonds at maturity when net revenues are not sufficient for the payment thereof and such refunding revenue bonds may be made payable from the net revenues on a parity as to interest with all then outstanding revenue bonds but the maturities of such refunding revenues bonds shall be subsequent to the maturities of all such outstanding bonds.
- (c) The city also reserves the right and privilege of issuing refunding improvement bonds in the manner and to the extent provided in North Dakota Century Code, Sections 40-27-01 to 40-27-13.

The lien and charge of such refunding bonds on the net revenues appropriated to the improvement warrant account shall be the same as that in favor of the improvement warrants refunded thereby; provided, that for the purpose of the computations directed to be made in this section, the maturities and the rate of interest payable on such refunding warrants shall be substituted for the maturities and interest rates of the improvement warrants refunded thereby.

- (d) Nothing contained in this section shall be deemed to affect the obligation of the city under the laws of the State, to levy ad valorem taxes upon all taxable property within its corporate limits for the purpose of paying a deficiency, if any, in the fund of any improvement district at the time of the maturity of the last warrant drawn thereon; or at such earlier time as may be hereafter directed by such law; provided, that it shall be the policy of the city that the amounts of any deficiency tax levies so made shall be restored to the general funds of the city out of any surplus net revenues thereafter received over and above requirements of the several accounts of the water and sewerage utility fund.
- (e) Except as authorized in this section, no obligations of any kind shall be issued and made payable from the net revenues of the water and sewerage utility unless the lien thereof is

expressly made subordinate and junior to the lien and charge on such net revenues in favor of all revenue bonds payable from the revenue bond account or which may be made payable from net revenues on a parity therewith under the provisions of existing ordinances and resolutions and in favor of improvement warrants and refunding improvements bonds payable from the improvement warrant account.

Sec. 30-14. Payment Of Water, Sewer And Sanitation Charges

The bill(s) whom the account is listed for water, sewer, and sanitation charges and rates established by the city council shall come due and be payable and shall be added to and collected as a part of the water bill. If such sums are not paid when due, the Public Works Department shall shut off the water, by order of the city auditor, at the property where such delinquency occurs. When the delinquent charges are paid, there shall be imposed and collected an additional sum of twenty-five (\$25) as a collection fee for turning on the water. The City reserves the right to place a smart reader on any property which had its water shut off. The City may require the cost of the smart reader and installation be paid before water is turned back on. In the event that the city Public Works Department does not physically shut the water off or physically turn the water on, when dealing with delinquent water accounts, the account will continue to be treated as though it were physically handled in said manner with all charges and fees being applied to the person to whom the account is listed. If the water, sewer, sanitation, street lighting, mosquito control, water plant or any other charges on the City of Carrington Utility Bill as authorized by the City, is not paid when due, such sum may be recovered by the city in an action of law against the owner or tenant of the property so served.

Sec. 30-15. Charges To Be On Meter System

All water sold or furnished by the city shall be on the meter system and shall be paid for at the rate fixed by resolution of the city council.

Sec. 30-16. Owner Responsible For Payment Of Utility and Service Charges

The owner or owners of any property connected with the city water works system shall be responsible for the charges for all water passing through the service pipes, for all sewer, sanitation, street lighting, mosquito control, water plant or any other charges on the City of Carrington Utility Bill as authorized by the City regardless of the occupant or tenants residing in or moving from such premises. In the event that the City is unable to collect any outstanding fees from the current or prior occupant incurring such charges, City may assess the property after 30-day written notice is provided to the owner in addition to any other remedies available to City. The City Auditor must certify to the County Auditor such unpaid charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

Article II. Water

Sec. 30-17. Use During Period Of Emergency- Watering Lawns, Washing Cars, Etc., Prohibited

It shall be unlawful for any person to use any water which is furnished by the city through its water mains for the purpose of watering lawns, shrubs or trees, to wash cars or houses, or for any other outdoor use during a period of emergency.

Sec. 30-18. Same- Determination Of Emergency

The city engineer is hereby authorized to determine that a period of emergency relative to the city water supply exists when the use of consumption of such water exceeds the supply thereof.

Sec. 30-19. Same- Publication Of Notice

When the city engineer has determined that a period of emergency relative to the water supply exists, he shall so inform the residents of the same by publishing a notice of such period of emergency in the official city newspaper and may inform the residents through any additional information media.

Sec. 30-20. Duties Of City Engineer Generally

The city engineer shall have charge of the laying of all water mains and connection belonging to the city; he shall issue permits for all private and public connections to the mains of the water system and superintend the same; he shall keep a record of all mains, hydrants, gate valves and connections, the location thereof, the manner in which all gates are operated and the direction in which the same open and close and such other information concerning the waterworks system as he shall deem necessary; he shall prepare a plat especially for the purpose of keeping such records and shall be held responsible for same; all records shall be kept up to date and all errors corrected as soon as ascertained.

Sec. 30-21. Further Duties Of City Engineer Or Employees

It shall be the duty of the city engineer or some employee under his direction to personally attend to the marking of all repairs to water mains, hydrants and pipes; to attend to the placing and repairing of all meters; to tap or to personally oversee and control the tapping of any mains or pipes of the water system owned or controlled by the city and to insert the corporation cock in such main and pipes for service pipes, shut off boxes and connections both within and without buildings, and to see that they conform to the rules of construction as provided in this Code before the same are covered; to turn off, or shut off, the water in any service pipe or connection or branch of the system either at the order of the city auditor for nonpayment of water rates or for repairs on his own responsibility; or in case of any emergency demanding the same; he shall perform such other and further services as may be required of him by the mayor, the city council or the ordinances, rules and regulations of the city.

Sec. 30-22. Location, Specifications, Etc., Of Water Mains, Etc.

The city engineer shall establish with the approval of the city council and keep on file in his office, regulations for the location and depth of all water mains, water pipes, connections,

gate valves and service valves of the city water system. In addition, he shall, with the consent of the city council, establish and keep on file in his office specifications for the construction and installation of all water mains, water pipes and service connections thereto.

Sec. 30-23. Locations And Specifications For Hydrants

The city engineer shall determine the location of all hydrants within the city which are connected to the city water system. He shall, in addition, with the approval of the city council, establish and keep on file in his office specifications for the construction and installation of such hydrants.

Sec. 30-24. Tampering With Mains And Systems Generally

No person shall tamper with or by any cause whatever damage, destroy or temporarily place out of service any city water main, gate, valve, stopcock, hydrant, or other water system connection or machinery or in any manner obstruct the access to any stopcock, hydrant or valve connected with any water pipe within the city means of any timber, brick, building material or other article, thing or hindrance whatsoever. Nor shall any person open any hydrant within the city without permission of the city engineer or the permission of the chief of the fire department.

Sec. 30-25. Fee For Use Of Tapping Machine

The applicant shall at the time of making application for permission to make connection with any city water main or pipe, pay to the city engineer a fee to be established from time to time by the city engineer with the approval of the city council. The city engineer shall not issue any permit to tap any water main or pipe owned by the city until such fee has been paid. He shall turn in such fee to the city auditor to be by him turned into the city treasurer to the credit of the water and sewerage utility fund.

Sec. 30-26. Right Of Entry For City Officials

The owner, tenant or occupant of any premises on which there are water service pipes and every person taking water from the city shall at all reasonable hours and times permit the city engineer or other authorized persons in the employ of the city to enter his premises or buildings for the purpose of examining the water pipes or fixtures therein and the manner in which the water is being used and to turn off the water either inside or outside of the building whenever for any cause or purpose he may desire so to do.

Sec. 30-27. Liability Of City For Change In Pressure

Under no circumstances shall the city be liable for a deficiency or failure in the supply of water whether caused by the shutting off of water to make repairs or connections or for any other cause. Nor shall the city under any circumstances be liable for excessive pressure on the water mains, pipes, or connections, the city reserving at all times the right to increase the water pressure for the purpose of cleaning out its mains, for fire protection or for any other purpose.

Sec. 30-28. Installation Of Meters

All meters used in connection with the water system shall be purchased from the city and shall be connected by or under the direction of the city engineer. No person unless acting under the authority of the city engineer shall disconnect, remove, repair or otherwise disturb any water meter. The occupant of any building or premises where such meter is located shall see that the same is kept free from obstruction on or around the same and conveniently accessible at all times for the purpose of reading, inspecting and repairing the same. The city engineer is authorized to turn off the water from any meter that shall not be so kept and not turn the water on again until the provisions of this section are complied with and the cost and expenses of turning same off are paid. All meters shall be set true, upright, plumb and level.

Sec. 30-29. Wasting Water Generally; Repairs

No person shall permit the city water to run continuously from any fixture, nor unnecessarily waste any city water. Where the city engineer shall discover any leakage or waste, he shall immediately notify the consumer of such fact and it shall be the duty of such consumer to at once make the necessary repairs to prevent such waste and upon his failure to do so for forty-eight hours after receiving such notice, it is hereby made the duty of the city engineer to forthwith shut off the water on such premises and not to turn same on again until such repairs have been made to his satisfaction, nor until consumer has paid all costs in connection therewith together with any fine that may be adjudged against him in any prosecution thereof. This section shall have no application to repairs to portions of the main maintained by the city or to those repairs which take place apart from consumer property not caused by consumer.

Sec. 30-30. Care Of Meters Generally

The owner of any meter shall suitably enclose and protect the same against damage from frost, heating by hot water backing up in the same, and breakage.

Sec. 30-31. Charges When Meter Fails To Register Properly

If for any cause, any meter fails to register the water passing through same, the owner shall be charged the same amount as for the last preceding like period.

Sec. 30-32. Name Change Fee

Water will be turned off at rental property when a renter moves out unless the owner of the property signs a written request for water to be left on. The account will automatically be put in the owner's name when a tenant moves out. Any water bills after the tenant moves out will become the responsibility of the owner until an official name change of the account has taken place. Water can be requested to be left on by the owner of the property by means of a technical shut off, which will stop the meter from running at the computer, or by turning the water off at the pipes in the house. There will, however, be imposed a name change fee for changing the name from one to another. The account then becomes the sole responsibility of the person the

account is in to pay all water, sewer, sanitation, and any other fees that may be incurred under the account name as listed.

Sec. 30-33. Meter Deposit And Connection Fee

The city council shall set by resolution a meter deposit for the purpose of covering unpaid water bills by tenant (s) moving out of rental property. This amount shall be paid by the tenant before the rental property is connected for city water services. Also, imposed by resolution is a water connection fee for turning the water on to the rental property, which is to be paid by the tenant. Upon receipt of the meter deposit and connection fee, the tenant will automatically become responsible for all water, sewer, sanitation and fees incurred and billed in his/her name for that rental property. The meter deposit will be refunded upon receipt of full payment of the final water bill after all amounts still owing are deducted. The connection fee is not refundable.

Sec. 30-34. Payment Arrangements And Promissory Notes

Payment arrangements shall be determined by the city auditor or the deputy auditor for anyone who wishes to pay arrears on a payment schedule with the city. Persons wishing to apply for a payment schedule must make application by means of a promissory note. At no time shall there be payment arrangements made between a customer and an employee unless said employee is authorized by the city auditor or deputy auditor. Payments must be made in good faith by the payee on a timely schedule. If payments are not made by the payee such sums may be recovered by the city in an action of law against the maker of the note so served.

Sec. 30-35. Certain Sewage Prohibited In System

No sewage or industrial wastes, having characteristics tending, in the opinion of the city council, to jeopardize the successful or continued operation of the sewage treatment plant, or any of its units, including sanitary sewers leading to the same, shall be discharged into the sanitary sewer system. Such wastes may be pre-treated by the contributor, at his own expense, and discharged into the sanitary sewerage system but such contributor shall demonstrate to the satisfaction of the city council that such pre-treatment is adequate and dependable to the extent that the sewage or industrial wastes discharged into the sanitary sewer system do not jeopardize the successful or continuous operation of the sewage treatment works.

Sec. 30-36. Tests To Determine Concentration And Character Of Sewage And Industrial Wastes

Various tests to determine the concentration and character of sewage and industrial wastes may be made from time to time as may be deemed practical or advisable by the city engineer or by the city council.

Sec. 30-37. Duties Of Public Works Superintendent

The P.W. Supt. Shall have general supervision of the sewer system and direct charge of all sewer construction work undertaken by the city. He shall keep in his office a complete record and a plat specially prepared for the purpose of showing all locations of manholes, flush tanks,

ejectors, “Y”’s and connections, and the conditions of the same. Such plat shall be kept up to date at all times. He shall issue all plumbers’ permits for sewer connections and superintend such connections.

Sec. 30-38. Supervision Of Installation

The work of laying, relaying or repairing any sewer pipe or making any sewer connection in the city shall be under the supervision of the city engineer who shall prepare all plans and specifications therefor and supervise the construction thereof whether the same is to be done for the city or any private individual. All such work shall be done in accordance with the plans, specifications and directions of the city engineer.

Sec. 30-39. Draining Rain And Surface Water Into Sewers Prohibited

No person shall permit rain or surface water to be carried into the sewer system. Rain water leaders shall not be connected with or run into the sewer system.

Sec. 30-40. Catch Basin Required In Filling Stations, Etc.

No person owning or operating an automobile garage or service station where the sewer is used as a drain to carry off the water used in washing vehicles shall be permitted to use the sewer for such purpose unless such wash rack is connected directly with a sediment or catch basin through which the water used on such wash rack shall enter the sewer unless otherwise approved by the city engineer. Such catch basin shall be constructed of two rings of brick laid in cement concrete foundation and shall be at least four feet in diameter on the inside and the bottom shall be at least three feet below the outlet pipe of the sewer. Such catch basin shall be provided with a cast iron hood cover and catch and shall be conveniently located so that the silt or mud deposited therein can be easily removed and carted away when necessary. Such catch basin shall be thoroughly cleaned from time to time and at all times kept in such condition that no mud or silt shall be permitted to enter the sewer.

Any person owning or operating any automobile garage or service station shall be personally liable for any expense caused by their failure to faithfully observe any carry out the requirements of this section.

Sec. 30-41. Regulations Generally

Every person making connection with or using the public sewers of the city shall comply with and abide by the following regulations:

- (1) Fixtures shall be provided of a size to permit a sufficient quantity of water to flow into the lateral drains of private sewers so as to keep them at all times unobstructed.
- (2) All kitchen sinks and drains must be provided with a screed or strainer. A proper grease trap and catch basin shall be provided for all hotels, restaurants, boarding houses, eating houses or other public houses, butcher shops, creameries, lard rendering establishments and all other places where the sewer committee or city engineer may so require.

- (3) All drains from buildings shall have separate drain pipe connections to the main sewer and not drain from any building shall be connected to any sewer with a pipe of less size than six inches in diameter unless otherwise specially authorized by the city engineer for good cause shown.
- (4) Any person desiring a permit to make connection with the city sewer must give at least six hours' notice to the city engineer of the time when such work will be ready for inspection, previous to making such connection.
- (5) In no case shall cesspool, septic tank or privy vault be connected with the city sewer.
- (6) No exhausts from steam engines or blowoffs from steam boilers shall be connected with the public sewers unless first connected with a catch basin to be built as specified by the city engineer.

Sec. 30-42. Duties Of Street Superintendent

The Public Works Supt. shall perform the duties enjoined upon the city engineer under the provisions of this Chapter; and ordinance, if no engineer is employed by the governing body of municipality.

Article IV. City Sales, Use, and Gross Receipts Tax

Sec. 30-43. Definitions

All terms defined in Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Sec. 30-44. Collection and Administration

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration and collection by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sec. 30-45. Sales Tax Imposed

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of one percent (1%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the City of Carrington, North Dakota.

Sec. 30-46. Use Tax Imposed

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and tax use laws of the State of North Dakota, an excise tax imposed upon the storage, use, or consumption within the corporate limits of the City of Carrington, North Dakota of tangible personal property at retail for storage, use, or consumption in this city,

at the rate of one percent (1%) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the City of Carrington, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in the city at a rate of one percent (1%) of the fair market value of the property at the time it was brought into this city.

Sec. 30-47. Gross Receipts of Alcoholic Beverages

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of alcoholic beverages within the city. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of one percent (1%).

Sec. 30-48. Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the city. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in North Dakota is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one percent (1%).

Sec. 30-49. Exemptions

In addition to the exemptions provided by state law, this Ordinance provides exemptions from imposition and computation of the city sales or use tax for:

- A. Sales of farm machinery, farm machinery repair parts, used exclusively for agricultural purposes.
- B. Gross receipts from the playing of any machine for amusement or entertainment in response to the use of a coin.
- C. New farm machinery, new farm machinery repair parts, and new farm irrigation equipment.

Sec. 30-50. Maximum Tax Imposed

Any patron or user paying a tax imposed by this Ordinance in excess of twenty-five dollars (\$25.00) upon any single transaction of one or more items may obtain a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Sec. 30-51. Contract with Tax Commissioner

The Carrington City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Sec. 30-52. Dedication of Tax Proceeds

The proceeds of the taxes provided for herein shall be dedicated solely to creation, construction, maintenance, repair, and improvement of the City's infrastructure projects including: complete water systems; complete storm sewer systems; complete sanitary sewer systems; and/or street repair due to completing such projects.

Sec. 30-53. Compensation

City sales, use and gross receipts tax permit holders are allowed to retain a portion of tax collected under this Ordinance to help recover administration expenses. The compensation shall equal three percent (3%) of the city tax due.

Sec. 30-54. Effective Date

This Ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2014.

Sec. 30-55. Termination Date

This Ordinance shall terminate on December 31, 2033, or until all such obligations for which payments of sales tax dollars collected pursuant to this Ordinance have been pledged have been paid in full and/or otherwise satisfied, whichever is later.

Article V. City Sales, Use, and Gross Receipts Tax for Job Development and Capital Improvements

Sec. 30-56. Definitions

All terms defined in Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Sec. 30-57. Collection and Administration

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration and collection by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sec. 30-58. Sales Tax Imposed

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of one percent (1%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the City of Carrington, North Dakota.

Sec. 30-59. Use Tax Imposed

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and tax use laws of the State of North Dakota, an excise tax is

imposed upon the storage, use, or consumption within the corporate limits of the City of Carrington, North Dakota of tangible personal property at retail for storage, use or consumption in this city, at the rate of one percent (1%) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the City of Carrington, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in the City at a rate of one percent (1%) of the fair market value of the property at the time it was brought into this city.

Sec. 30-60. Gross Receipts of Alcoholic Beverages

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of alcoholic beverages within the city. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of one percent (1%).

Sec. 30-61. Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment

Subject to the provisions of N.D.C.C. 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of one percent (1%) is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the city. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in North Dakota is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one percent (1%).

Sec. 30-62. Exemptions

In addition to the exemptions provided by state law, this Ordinance provides exemptions from imposition and computation of the city sales or use tax for:

- A. Sales of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural purposes within the State of North Dakota to consumers or users.

Sec. 30-63. Maximum Tax Imposed

Any patron or user paying a tax imposed by this Ordinance in excess of twenty-five dollars (\$25.00) upon any single transaction of one or more items may obtain a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Sec. 30-64 Contract with Tax Commissioner

The Carrington City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Sec. 30-65. Dedication of Tax Proceeds

All revenues raised, collected, and interest earnings thereon under this article, less administrative expenses as set forth in 30-66, and upon a vote of the City Council, shall be utilized for:

1. Enterprise activities as set forth in Section 2-41 of the Code of the City of Carrington and any amendments thereto, which have the purpose of:
 - a. Encouraging and stimulating the growth of quality jobs;
 - b. Broadening or diversifying the tax base;
 - c. Promoting the City as a trade, service, recreation, tourism, or manufacturing center;
 - d. Expanding cultural opportunities in the City;
 - e. Promoting the health and safety of citizens meeting a public purpose;
 - f. Promoting the development or preservation of the City's cultural, natural, historic, or physical resources; or
 - g. As otherwise determined to be in the best interest of the City of Carrington.
2. The creation, construction, maintenance, repair, removal and improvement of the City's infrastructure and honoring obligations for which such funding was pledged.
3. Pledging funds as necessary to amortize bonds or other debt instruments which may be sold to finance projects upon the approval of the City Council without submitting the question of issuance to the voters of the City.

Sec. 30-66. Compensation

City sales, use and gross receipts tax permit holders are allowed to retain a portion of tax collected under this Ordinance to help recover administration expenses. The compensation shall equal three percent (3%) of the city tax due.

Sec. 30-67. Effective Date

This Ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2017.

Sec. 30-68. Termination Date

This Ordinance shall terminate on December 31, 2035 or until such time that all City obligations for which payment of the sales, use, and gross receipts tax was pledged, has been paid in full.

Article VI Discharge in City Storm Drain System

Sec. 30-69. Definitions

The terms used in this article shall have the following meanings:

Authorized enforcement agency: The City of Carrington, its employees or designees designated to enforce this ordinance.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this chapter.

Illicit connections: An illicit connection is defined as either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

Industrial activity: Activities subject to industrial permits.

Non-storm water discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to; paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes, including grass, weeds, leaves; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonable affects, or has the potential to unreasonable affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drain system: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems,

municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, ditches, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events or snow melt.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Sec. 30-70 Applicability

This ordinance shall apply to water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec. 30-71 Responsibility for Administration

The City of Carrington's Public Works Department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the public works department may be delegated in writing by the director of public works to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 30-72 Prohibition of Illicit Discharges

- (a) No person(s) shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to water quality, other than storm water:
- (1) Any discharge that contains toxic chemicals in toxic concentrations;
 - (2) Any discharge with a visible sheen;
 - (3) Any garbage, litter, abandoned objects, or other discharges that contain visible floating solids;
 - (4) Any discharge that cause or may cause visible discoloration to the receiving waters. Examples include, but are not limited to paints, dyes, and inks;
 - (5) Any heat discharge that causes damage to any element of the city's separate storm system; and
 - (6) Any yard waste (grass clippings, leaves, brush, sticks, etc.).
- (b) Exemptions. Exempted discharges include the following:
- (1) Drinking or potable water;
 - (2) Naturally occurring water (e.g. springs, diverted streams);
 - (3) Air conditioning condensation;
 - (4) Residential car wash;
 - (5) Landscape watering;

- (6) Uncontaminated rainwater;
- (7) Discharges by City of Carrington entities that are responsible for promoting health and safety of citizens (i.e. firefighting, sewer dye testing, etc.); or
- (8) Discharges authorized by, and in full compliance with a state water-related discharge permit.

Sec. 30-73 Suspension of access

Suspension due to illicit discharges in emergency situations. The City of Carrington may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the waters of the City of Carrington and surrounding community. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage.

Suspension due to the detection of illicit discharge. Any person discharging in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency.

Sec. 30-74 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works director or designee prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Sec. 30-75 Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional measures to prevent the further discharge of pollutants to the municipal storm sewer system. Compliance with all terms and conditions of a valid permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

Sec. 30-76 Requirement to remediate

Whenever the public works director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the city or surrounding area, the public works director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of this article.

Sec. 30-77 Requirement to monitor and analyze

The public works director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the City or surrounding area, to undertake at said person's expense such monitoring and analyses and furnish such reports to the City of Carrington as deemed necessary to determine compliance with this article.

Sec. 30-78 Notification of spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the City or surrounding area said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone no later than 4:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Carrington or by email within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 30-79 Watercourse protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in

such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

Sec. 30-80 Enforcement

- (a) *Notice of violation.* Whenever the City of Carrington finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the city may order compliance by written “Notice of Violation” to the responsible person. Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment measures.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- (b) *Appeal.* Any person receiving a “Notice of Violation” may appeal the determination of the city to the Public Works Committee of the City Council. The notice of appeal must be received within seven days from the date of the “Notice of Violation”. Hearing on the appeal before the Public Works Committee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Public Works Committee shall be final.
- (c) *Abatement by the city.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five days of the decision of the Public Works Committee upholding the decision, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse the government agency or designated contractor to enter upon the premises for the purposes set forth above.

- (d) *Cost of abatement.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the Public Works Committee or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 6 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.
- (e) *Injunctive relief.* It shall be unlawful for any person to violate any provisions or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- (f) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (g) *Criminal prosecution.* Any person that has violated or continues to violate this ordinance shall be guilty of an infraction for a first offense with a fine of not less than \$100. A second violation within the same year shall be a fine of not less than \$250.00. A third offense within the same year is punishable as a class B misdemeanor, and shall be subject to a criminal penalty of \$1500 per violation per day and/or imprisonment for a period of time not to exceed 30 days.

The city may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

- (h) *Remedies not exclusive.* The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the city to seek cumulative remedies.

Sec. 30-81 Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.