

# Policy for Repair or Replacement of Water/Sewer Services

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The City of Spearfish City Code states ( Ord No 996, 11-5-04) that each and every service line to a residence or commercial property is owned by and the responsibility of the property owner. This responsibility begins at the service tap on the main and extended into the customers building. In order to more equitably address the sharing of costs for repairs done to the service lines within the right of way and also within private property, the following changes are established as required in Ordinance No. 1163 Section 18-19.

## **Step 1: Leak Detection Procedure and Notice:**

Upon locating a leak on a customer's service, the Water/Wastewater Department shall notify the property owner verbally and in writing.

## **Step 2: Repair Coordination**

It shall be the responsibility of the property owner to obtain a Water/Sewer Repair Permit and begin contracting for repair within 5 days of notification. Repair work must commence within 10 days of notification unless a waiver is granted by the Water/Wastewater Utilities Superintendent. Waivers will only be granted in limited situations such as contractor unavailability, inclement weather, personal emergencies, etc. For financial hardships, see Step 3 regarding contractor payment.

Repairs or disconnection for the city system may be required sooner if damage is being done, there is a risk of contamination of the city's system or any other public health and safety concerns.

Only licensed contractors approved by the Water/Wastewater Utilities Superintendent or the City Engineer shall be allowed to make repairs to services between the city main and the customer's property line. Additionally, the owner shall ensure that the contractor's invoice reflects costs divided between what is the responsibility of the owner and what is the responsibility of the city, as noted in the paragraph titled "Responsibility for Cost of Repairs".

## **Step 3: Choose Contractor Payment Method.**

There are two options for contractor payment:

Option 1 – Full payment upon completion of the work:

Upon receiving the invoice, the owner shall pay the contractor directly.

Option 2 – Payment Plan:

A payment plan may be established, at the discretion of the City Finance Officer, for the customer's portion of the contractor's bill. These payment plans are generally the traditional special tax assessment placed on the owner's property tax. These can be established for up to five years at the prime interest rate plus 1% certified to Lawrence County for collection. The property owner shall still remain responsible for payment to the contractor for work performed and the city will establish a loan to the property owner with a pre-determined payment plan.

### **Responsibility for Cost of Repairs:**

The customer/property owner shall be responsible for all costs for work done within their private property including:

- Excavation of the service line from the main (time and equipment)
- All parts and labor for the service line repair
- Repair/replacement of sidewalks, driveways, and all landscape that lies within the city's right of way and within customer/property owners' private property.

The City of Spearfish shall be responsible for the following:

- Backfill material for the trench in the city right of way
- Hauling of backfill material
- Repair of asphalt/gravel surface of the street/alley
- Repair/replacement of curb and gutter
- Any required compaction testing

### **Shared Service Lines: (per chapter 18-36 of Article II)**

Each residential unit or commercial unit within the city shall have an independent service line connected with the municipal water lines. Such service lines shall be consistent with current city specifications, and of such size as to meet the minimum requirements of the South Dakota Plumbing Code. Exceptions of the independent line requirements are as follows:

- (1) Residential dwelling units containing a primary residence and one (1) apartment need only have a single line.
- (2) Apartment complexes of no more than four (4) apartments need only have one (1) service line.
- (3) **Existing uses inconsistent with the regulation set out above may be continued until such time as a repair or replacement of a service line serving multiple units shall be required. At such time, each unit requiring independent service by this article shall install the same at their expense.**

(Code 1982, § 19-123; Ord. No. 561, § 19-123, 3-19-84; Ord. No. 797, 3-18-96)

### **Curb Stops:**

It shall be the responsibility of each property owner to maintain their curb stop in working condition. The curb stop shall be available and free from obstructions at all times. If the curb stop is obstructed, the city shall notify the property owner of the obstruction. It shall be the responsibility of the property owner to remove the obstruction within 24 hours. If the property owner fails to remove the obstruction, the city shall remove the obstruction at the property owner's expense. A Curb Stop Obstruction fee will be assessed against the customer's account.

If the curb stop is not in working order, the property owner will be notified verbally and in writing and shall make repairs within the same time frame and process established for water service line leaks.

### **Failure to Make Required Repairs:**

If the property owner fails to make the required repairs, the City of Spearfish shall make all required repairs and the property owner shall be liable for costs as stated above plus a 10% penalty.