

# **Chapter 38 WATER AND SEWERS**

*Last updated January, 2017*

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## **Article 38.04 In General**

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### **Section 38.04.010 Improvement or special assessment districts in new additions to city (REPEALED)**

This section was repealed with Ordinance No. 1245, approved May 6, 2002.

### **Section 38.04.020 Permits for connections where property not assessed for cost--Application (REPEALED)**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.04.030 Same--Inspection of property; assessment of costs of construction of mains; issuance (REPEALED)**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.04.040 Costs of replacement of water and sewer mains (REPEALED)**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.04.100 Definitions**

For the purpose of Chapter 38, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Corporation Stop:** A water service shut off valve located at the water main in the street.

**City service line:** A water service line, including the service pipes, corporation stops and curb stops from the water main up to and including the first curb stop.

**Curb Stop:** A water service shut off valve located in a water service pipe near the curb or property line between the water main and the building and is used to shut off water service to a building.

**Fire Protection Service:** A private water service line, including private hydrants, tanks and other equipment, larger than 2-inches which are used to provide fire

suppression in a building. This line extends from the water main including the tap to the building.

**Property Line:** The point at which a service line crosses private property, whether or not such private property is owned by the Property Owner receiving water service.

**Property Owner:** An individual, company or Corporation which owns property in Dickinson.

**Septic System:** A privately owned wastewater treatment system which may consist of a tank, pump and drain field and is not connected to the city wastewater system and is used to collect and treat wastewater from a home or business.

**Sewer Service Line:** A sewer service line, including the wye or other connection to the sewer main.

**Wastewater System:** The lines of pipe, manholes, flush tanks, pumps, lift stations and all connections of every kind and nature now constructed or hereafter constructed and operating the wastewater system of the city.

**Water Meter:** A device which is used to measure water including the meter, register, wiring and reading equipment.

**Water Service Line:** A pipe 2-inches or less in diameter extending from the water main to the building used to provide a domestic water supply.

**Waterworks System:** All lands, buildings, machinery, equipment, tools and apparatus, water mains, hydrants, service connections and all other property used for the purpose of furnishing a water supply to the city and the inhabitants thereof now owned or to be owned by the city. (Ord. No. 1245 § 1; Ord No. 1369 §1)

### **Section 38.04.110 Penalty**

Any violation of this Chapter 38 shall be punishable in municipal court as provided in section 11.12.010. (Ord. No. 1245 § 1)

## **Article 38.08 Water Generally**

### **Sections:**

- 38.08.00E** Editor's note to Article 38.08
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- 38.08.020** Water Department Generally
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- 38.08.230** Statement of legislative policy - REPEALED
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- 38.08.330** Bypassing of meters over one and one-half inches in size; valves
- 38.08.340** Protection from damage

### **Section 38.08.00E Editor's note to Article 38.08**

For state law as to authority of city to maintain, etc., a system of waterworks, see NDCC, 40-05-01 (36), 40-05-02 (19).

**Section 38.08.010 Definitions - REPEALED**

This section was appealed with Ordinance No. 1245, approved May 6, 2002.

**Section 38.08.020 Water Department Generally**

The activities of the waterworks system shall be directed and supervised by such individuals as designated by the Board of City Commissioners. (Code 1958, § 31-5; Ord. No. 1245 § 1.)

**Section 38.08.030 Powers and duties and waterworks superintendent generally - REPEALED**

This section was repealed with Ordinance No. 1245, approved May 6, 2002.

**Section 38.08.040 Duties of city engineer generally - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

**Section 38.08.050 Permits to lay, relay, repair or tap main or service pipe**

A permit issued by the City shall be obtained by the owner of a property before any person shall excavate to lay, relay, repair or tap any main or service water pipe. The owner shall first make application for a permit so to do upon forms furnished by the City. Such application shall be made by the owner of the property to which the water is furnished or to be furnished or his agent. No permit shall be issued until all delinquent fees, taxes and special assessment against the property is paid in full. (Code 1958, § 31-8; Ord. No. 1245 § 1; Ord No. 1369 §1)

**Section 38.08.060 Installation and repair of service pipes, corporation stops, etc.**

- (a) Property owners are responsible, at their expense, for the installation of the city service line and the water service line. After installation, the city service line shall be operated, maintained and repaired by the City.
- (b) Upon their installation, the Property Owner is responsible for repair and/or replacement of the property owner's portion of the service line.
- (c) Upon the city receiving knowledge of a defective service line, the property owner shall be notified. If the Property Owner fails, neglects or refuses to repair such lines within five days after notification, the city will enter upon said property to repair the defective water service line. The cost of said repairs shall be billed to the owner of the property. If the cost of repair is not paid within thirty day of the billing, the city may take action to have the charges assessed to the property in accordance with Chapter 40-28 of the NDCC, or pursue such other remedies as allowed by law. The Property Owner is also responsible for the cost of water loss caused by the defective service line, as estimated by the City. (Code 1958, § 31-9; Ord. No. 1034, § 1; Ord. No. 1245 § 1; Ord No. 1369 §1)

**Section 38.08.070 Construction of tap or connection to mains generally**

No person other than a Master Plumber or Water and Sewer Installer shall make any tap or connection to a water main. Any such tap or connection shall be inspected and approved by the City prior to being placed in service. (Code 1958, § 31-10; Ord. No. 1245 § 1.)

**Section 38.08.080 Service lines--Construction and maintenance generally**

All water service lines and city service lines shall be constructed by licensed Master Plumbers or Water and Sewer Installers at the owner's expense in the manner and of such material or pipe as shall be designated by the policies set forth by the City, the North Dakota State Plumbing Board and the North Dakota Department of Health. (Code 1958, § 31-11; Ord. No. 588; Ord. No. 1245 § 1; Ord. No. 1369 §1)

**Section 38.08.090 Same--Material specifications; connections - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

**Section 38.08.100 Same--Capacity and size of service from main - REPEALED**

This section was repealed with Ordinance No. 1245, approved May 6, 2002.

**Section 38.08.110 Same--Depth; stop and curb cocks; length of lead services from main - REPEALED**

This section was repealed with Ordinance No. 1245, approved May 6, 2002.

**Section 38.08.120 Number of consumers per service connection**

No service connection shall supply more than one water consumer, unless each consumer's service is controlled by a separate curb stop and meter. (Code 1958, § 31-15; Ord. No. 1245 § 1.)

**Section 38.08.130 Turning on or shutting off supply**

No person, except an authorized City employee, shall shut off or turn on the water at the curb stop to any premises without first obtaining permission from the City. The City may shut off water service upon twenty-four hours' notice to the owner or occupant of the premises when leaks or defects are found in the service between the main and the meter. Mains may be shut off without notice when required for repairs or extensions, but efforts shall be made by the City to notify consumers before interruption of service. The City shall make a reasonable charge for labor and materials for shutting off and turning on services, as specified in the City fee schedule. (Code 1958, § 31-16; Ord. No. 868, § 1; Ord. No. 1245 § 1.)

**Section 38.08.140 Shutting off of corporation stop on abandonment of connection**

Any water service line abandoned or which does not comply with the policies, regulations or ordinances of the City, the North Dakota State Plumbing Board or the North Dakota State Health Department shall be disconnected at the corporation stop. Abandoned service lines shall not be reconnected to the waterworks system until they comply with all of said requirements. (Code 1958, § 31-17; Ord. No. 1245 § 1.)

**Section 38.08.150 Fire protection system--Construction of services generally; opening service generally**

All fire protection services shall be constructed by properly licensed Master Plumbers or Water and Sewer Installers in the manner prescribed by the policies determined by the City.

A fire protection service shall not be used to provide water service to the water consumer unless a separate water service line is provided. The separate water service line shall be on the outside of the building. The separate water service line shall be controlled by a valve located at the water main. (Code 1958, § 31-18; Ord. No. 1245 § 1; Ord No. 1369 §1.)

**Section 38.08.160 Same--Notice of broken seals**

When seals on a fire protection service are broken, it shall be the duty of the owner or occupant to notify the City within twenty-four hours thereafter. (Code 1958, § 31-19; Ord. No. 1245 § 1.)

**Section 38.08.170 Same--Valves - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

**Section 38.08.180 Same--Use of fire hydrants generally**

Only personnel of the Water Utility, Street or Fire Departments are authorized to operate a fire hydrant. The users of temporary hydrant connections shall be charged fees as determined by the City Commission in the annual fee resolution. (Code 1958, § 31-21; Ord. No. 1245 § 1; Ord. No. 1369 §1.)

**Section 38.08.190 Liability of city for failure or increase in pressure**

Under no circumstances shall the city be liable for failing to provide adequate water supply or for changes in water pressure. The City reserves the right to increase water pressure at any time for fire protection or for any other purpose. (Code 1958, § 31-22; Ord. No. 1245 § 1.)

**Section 38.08.200     Damage and obstructing access to waterworks system**

No person shall tamper with, block access to, damage, destroy or interfere with any part of the waterworks system. If any person violates the provisions of this Section, the City may immediately shut off the water service, and pursue such other remedies as allowed by law. (Code 1958, § 31-23; Ord. No. 1245 § 1.)

**Section 38.08.210     Unnecessary wasting of city water**

No person shall permit water to continuously run from a fixture nor unnecessarily waste any water delivered by the waterworks system. Upon the discovery of such waste, the City shall notify the water user of such fact, and it shall be the duty of the water customer to make the corrections necessary to prevent such waste. If after forty-eight (48) hours the water user has failed to make the necessary corrections, the water service line shall be shut off and not turned on again until the necessary corrections have been made and the customer has paid all costs in connection therewith. The customer shall also pay for the wasted water in an amount as determined by the City. (Code 1958, § 31-24; Ord. No. 1245 § 1.)

**Section 38.08.220     Access of employees of waterworks to premises supplied with water**

Authorized employees of the City shall have access to any premises supplied with water at proper times to inspect and ascertain the condition of the meters and fixtures or for reading meters, or for the purpose of repairs or replacement to the system, and no owner or occupant shall refuse such employees such access. If any person violates the provisions of this Section, the City may immediately shut off the water service, and pursue such other remedies as allowed by law. (Code 1958, § 31-25; Ord. No. 1245 § 1.)

**Section 38.08.230     Statement of legislative policy - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

**Section 38.08.240     Application of sections - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

**Section 38.08.250     Determination of emergency, notice thereof and restrictions and prohibited uses**

A determination of an emergency which requires the imposition of certain water use restrictions or the prohibition of the use of water for certain purposes shall be made in the following manner:

- (a) The City may declare an emergency due to inadequate supplies of water, or insufficient capacity to provide adequate water. The determination of emergency and imposition or restrictions and prohibited uses of water shall be made by such persons authorized by the board of city commissioners. The board of



commissioners, after declaration of such emergency, may impose additional restrictions and prohibited uses of water.

- (b) The City may declare an emergency due to a mechanical or electrical breakdown which results in the inability of the Southwest Water Authority to deliver adequate supplies of treated water to the waterworks system.
- (c) Public notice of the emergency and the restrictions or prohibitions of the use of water shall be published and/or broadcast in any reasonable manner. Upon the declaration of an emergency, it shall be unlawful for any person to use water delivered by the waterworks system in any manner contrary to such restrictions or prohibitions. (Ord. No. 799, § 1; Ord. No. 1245 § 1.)

### **Section 38.08.260 Restrictions and prohibited uses - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.08.270 Penalty - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.08.280 Installation required for tapping of water main**

A water meter shall be installed on all water service lines to the waterworks system. The water meter shall be the size, type and kind determined by the City. (Code 1958, § 31-32; Ord. No. 486; Ord. No. 1203, § 1; Ord. No. 1245 § 1.)

### **Section 38.08.290 Furnishing, installation, testing and repair-- Generally**

All water meters shall be furnished, installed, tested, repaired and replaced by the City. The cost to test, repair or replace a meter shall be paid by the City unless the property owner has violated Section 38.08.340. The property owner shall provide or modify any plumbing necessary for the installation of the water meter. A ball valve shall be installed on each side of the meter. (Code 1958, § 31-33; Ord. No. 486; Ord. No. 1203, § 2; Ord. No. 1245 § 1.)

### **Section 38.08.300 Same--Refusing or neglecting to comply after notice**

If the property owner, upon notice from the City, neglects or refuses to have a meter installed, repaired or replaced or provide or modify the plumbing necessary to install a meter, the water service shall be shut off. The water service shall not be restored until the property owner has complied with the notice and paid any fees associated with shutting off and turning on the water service. (Code 1958, § 31-33; Ord. No. 486; Ord. No. 1203, § 3; Ord. No. 1245 § 1.)

### **Section 38.08.310 Placement**

The property owner, shall provide a location for the water meter that is accessible for the purposes of maintenance, replacement and reading. If the property owner fails to maintain the accessibility of the water meter, the water service shall be shut off. Service shall not be restored

until the property owner has complied with this Section and paid any fees associated with shutting off and turning on the water service. (Code 1958, § 31-35; Ord. No. 1203, § 4; Ord. No. 1245 § 1.)

**Section 38.08.320 Removal**

Water meters shall be removed only by authorized employees of the City. (Code 1958, §31-37; Ord. No. 1203, §6; Ord. No. 1245 § 1.)

**Section 38.08.330 Bypassing of meters over one and one-half inches in size; valves**

All services 1 1/2" or larger shall be equipped with a valved bypass. The bypass valve shall be sealed in the closed position unless authorized by the City. (Code 1958, § 31-38; Ord. No. 1203, § 7; Ord. No. 1245 § 1.)

**Section 38.08.340 Protection from damage**

The property owner shall at all times protect the water meter from damage due to freezing, back pressure, or any other damage caused by the actions or inactions of the property owner. The costs of repairing or replacing water meters damaged due to freezing, back pressure or the actions or inactions of the property owner shall be paid by the property owner.

If the property owner fails to pay the costs to repair or replace the water meter, the water service shall be shut off. The water service shall not be restored until the property owner has complied with this Section and paid any fees associated with shutting off and turning on the water services. (Ord. No. 1203, § 8; Ord. No. 1245 § 1)

## **Article 38.12 Sewers Generally**

### **Sections:**

- 38.12.00E** Editor's note to Article 38.12
- 38.12.010** "Sewer system" defined - REPEALED
- 38.12.015** Wastewater Department Generally
- 38.12.020** Powers and duties of city engineer and street commissioner - REPEALED
- 38.12.030** Application for permit to connect with wastewater system
- 38.12.031** Installation and repair of service pipes, wyes, connections, etc.
- 38.12.040** Plans, specifications, etc., for connections
- 38.12.050** Depositing, draining, etc., harmful materials into sanitary sewers
- 38.12.060** Erection and maintenance of privies or cesspools

### **Section 38.12.00E Editor's note to Article 38.12**

For state law as to sewage disposal in municipalities, see NDCC, § 40-34-01 et seq.

### **Section 38.12.010 "Sewer system" defined - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.12.015 Wastewater Department Generally**

The activities of the wastewater system shall be directed and supervised by such individuals as designated by the Board of City Commissioners. (Ord. No. 1245 § 1.)

### **Section 38.12.020 Powers and duties of city engineer and street commissioner - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.12.030 Application for permit to connect with wastewater system**

Any person desiring to make any connection with the wastewater system of the city must apply to the city for a permit. No permit shall be issued until all delinquent fees, property taxes and any special assessment against the property are paid in full. (Code 1958, § 31-28; Ord. No. 1245 § 1.)

### **Section 38.12.031 Installation and repair of service pipes, wyes, connections, etc.**

- (a) All sewer service lines including the wye or other connection to the sewer main shall be installed, operated, maintained and repaired by the property owner.
- (b) If any service line or fixture is allowed to get out of repair or is damaged in any manner and the property owner fails, neglects or refuses to repair such pipes or fixtures, the City shall have the right to repair them and charge the cost of such repairs to the property owner. If no action is taken or positive response received within 5 days after notice, the

City will enter upon said property to repair the defective sewer service line. The cost of the repair will be billed to the property owner. If the cost of the repair is not paid within thirty days of the date of billing, the City may take action to have the charges assessed to the property in accordance with Chapter 40-28, NDCC, and pursue such other remedies as are allowed by law.

- (c) If the City determines that a damaged sewer service line causes an immediate health or safety concern, it may immediately enter upon said property and make said repairs, and assess the costs thereof as set forth in subsection (b), above. (Ord. No. 1245 § 1.)

**Section 38.12.040 Plans, specifications, etc., for connections**

All sewer service lines and main connections shall be constructed by properly licensed Master Plumbers or Water and Sewer Installers in the manner prescribed by the laws, rules, policies and ordinances of the City, the North Dakota State Plumbing Board and the North Dakota Department of Health. (Code 1958, § 31-29; Ord. No. 1245 § 1.)

**Section 38.12.050 Depositing, draining, etc., harmful materials into sanitary sewers**

It shall be unlawful for any person to discharge, deposit, dump or drain, or cause to be discharged, deposited, dumped or drained any liquid or solid prohibited by city, state or federal regulations or polices into the wastewater system. It shall be unlawful for any person to, or cause to be discharged, deposited, dumped or drained into the wastewater system liquid or solid that by volume or concentration of contaminants causes damage or exceeds the capacity of the wastewater system or which is unable to treat by or is harmful to the processes of the City's wastewater system. (Code 1958, § 31-30; Ord. No. 413, § 1; Ord. No. 645, § 1; Ord. No. 1245 § 1.; Ord. No. 1369 §1)

**Section 38.12.060 Erection and maintenance of privies or cesspools**

It shall constitute and is hereby declared a nuisance for any person to erect or to maintain any privy or cesspool on any property in the city. Septic systems and holding tanks, compliant with city, state and federal regulations may be allowed where sewer and water connections are more than 200 feet from the property. (Code 1958, § 31-31; Ord. No. 1245 § 1; Ord. No. 1369 §1.)

## **Article 38.14 Storm Water Management**

### **Sections:**

<b>38.14.110</b>	<b>Purpose and Policy.</b>
<b>38.14.120</b>	<b>Definitions.</b>
<b>38.14.130</b>	<b>Scope.</b>
<b>38.14.140</b>	<b>Depositing, Draining, etc., Harmful Materials into Storm Water System.</b>
<b>38.14.210</b>	<b>Application.</b>
<b>38.14.220</b>	<b>Mandatory Compliance with Other City Codes.</b>
<b>38.14.230</b>	<b>Contents of Storm Water Management Plan.</b>
<b>38.14.240</b>	<b>Storm Water Management Criteria for Permanent Facilities.</b>
<b>38.14.250</b>	<b>Operation and Maintenance Considerations.</b>
<b>38.14.260</b>	<b>Easements and Bonds.</b>
<b>38.14.270</b>	<b>Management of Site Vegetation.</b>
<b>38.14.310</b>	<b>Process.</b>
<b>38.14.320</b>	<b>Duration.</b>
<b>38.14.330</b>	<b>Conditions.</b>
<b>38.14.340</b>	<b>Standards.</b>
<b>38.14.350</b>	<b>General.</b>
<b>38.14.410</b>	<b>Storm Water Management.</b>
<b>38.14.420</b>	<b>Storm Water Management Permits.</b>
<b>38.14.430</b>	<b>Construction Activities.</b>
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<b>38.14.510</b>	<b>Emergency Suspension of Permits.</b>
<b>38.14.520</b>	<b>Revocation of a Permit.</b>
<b>38.14.530</b>	<b>Notification.</b>
<b>38.14.540</b>	<b>Hearing.</b>
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<b>38.14.620</b>	<b>Costs of Damage.</b>
<b>38.14.630</b>	<b>City Attorney's Fees and Costs.</b>
<b>38.14.640</b>	<b>Falsifying Information.</b>

### **Section 38.14.110 Purpose and Policy.**

This title sets forth uniform requirements for Storm Water management systems within the City and its extraterritorial jurisdiction. It is the intent of the Board of City Commissioners that the requirements and standards contained in this ordinance comply with all applicable state and federal laws. In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, shoreline protection, or floodplain ordinance, or other regulations adopted by the City, County, State or Federal authorities, the more restrictive standard prevails.

The objectives of this title are:

1. To promote, preserve, and enhance the natural resources within the City of Dickinson, its extraterritorial jurisdiction and water sheds;
2. To protect and promote the health, safety, and welfare of the people and property through effective Storm Water management practices;

3. To protect the City’s natural resources from adverse impacts occasioned by development or other activities;
4. To regulate land development, land disturbing, or other activities that may have an adverse and potentially irreversible impact on water quality and environmentally sensitive lands;
5. To minimize conflicts and encourage compatibility between land disturbing and development activities and environmentally sensitive issues (i.e. land, water, habitat, etc.);
6. To require detailed review standards and procedures for land development activities proposed throughout the City, and its extraterritorial jurisdiction, water sheds and to persons outside the City who are, by contract or agreement with the City, users of the City Storm Water system, thereby achieving a balance between urban growth and development, and the protection of water quality; and
7. To provide for adequate Storm Water system analysis and appropriate Storm Water system design as necessary to protect public and private property, water quality, and existing natural resources. This title establishes and provides for the following Storm Water management criteria:
  - a) The regulation of development through the issuance of Storm Water permits and through the enforcement of general Storm Water drainage requirements throughout the City as they relate to managing Storm Water volumes, rates of runoff, flow duration, and their subsequent impacts to downstream property and Storm Water management facilities.
  - b) The regulation of, and the establishment of criteria for, existing public underground storm sewers, existing artificial and natural open channel drainage systems, existing Storm Water detention and retention ponds, and existing private Storm Water drainage systems discharging into the public system.
  - c) Provides for a Storm Water management system user charge and the method for calculating charges for each user classification for the equitable distribution of costs associated with the administration of the Storm Water management program established herein. Procedures for rate adjustments and annual review criteria are established.
  - d) Penalties for violating the provisions of this ordinance, and the orders, rules, regulations and permits issued hereunder. (Ord. No. 1282 § 2.)

**Section 38.14.120 Definitions.**

For the purpose of this ordinance and title, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. Words used in the present tense include the future tense. Words in plural number include the singular number, and words in the singular number include the plural number. The word “shall” is mandatory and the word “may” is permissive.

**Agricultural Land Use:** The use of land for planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or yarding of livestock.

**Applicant:** Any person wishing to obtain a building permit, special use permit, zoning or subdivision approval.

**Base Flood:** A flood having a one percent chance of being equaled or exceeded in any given year (e.g. 100-year flood). It is also referred to as the regional flood.

**City:** The Board of City Commissioners

**Control Measure:** A practice or combination of practices to control erosion and attendant pollution.

**Construction:** Any site under development which lacks vegetative or permanent cover.

**Conveyance Structure:** A pipe, open channel, or other facility that transports runoff from one location to another.

**Detention Facility:** A natural or manmade structure, including wetlands, for the temporary storage of runoff.

**Development Properties:** Lands and properties located within an approved Storm Water management permit boundary.

**Developer:** A person, firm, corporation, sole proprietorship, partnership, federal or state agency or political subdivision thereof engaged in a land disturbance and/or land development activity.

**EPA:** United States Environmental Protection Agency.

**Erosion:** Any process that wears away at the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

**Erosion and Sediment Control Plan:** A written description containing best management practices designed to meet the requirements of this ordinance.

**Extraterritorial Jurisdiction:** The extension of the City's zoning and platting authority to all unincorporated land located within two (2) miles of the corporate limits of the City as authorized by the North Dakota Century Code and any other authority granted by agreement with Stark County or the state of North Dakota regarding building and/or storm water issues.

**Flood Fringe:** That portion of the flood plain outside of the floodway.

**Floodplain:** The areas adjoining a water course or water basin that have been or may be covered by a regional or base flood.

**Floodplain Management:** The regulation of the nature and location of construction on (or other occupancy of) lands subject to inundation by flood waters, so that foreseeable (probable) flooding damages will have an average annual risk smaller than some preselected amount. Includes, but is not limited to technical and non-technical studies, policies, and management strategies, statutes and ordinances that collectively manage floodplains along rivers, streams, major drainage ways, outfalls, or other conveyances.

**Floodway:** The channel of a water course and the bed of water basins that carries and discharges floodwater.

**Hydric Soils:** Soils that are saturated, flooded, or covered by water long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile.

**Hydrophilic Vegetation:** Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**Impervious Area:** Surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil.

**Land Development Activity:** The construction or demolition of buildings, roads, parking lots, paved storage areas, and similar facilities.

**Land Disturbing Activity:** Any manmade change of the land surface including removing vegetative cover, excavating, filling and grading.

**Landowner:** Any person holding title to or having an ownership interest in land.

**Land User:** Any person operating, leasing, renting, or having made other arrangements with a landowner by which the landowner authorizes use of their land.

**Local Detention:** Detention provided to serve only the developing area in question and no areas outside of the development boundaries.

**Major Storm Water System:** The portion of the total Storm Water system that collects, stores, and conveys runoff that exceeds the capacity of a minor system. A major storm water system is usually evaluated for the one hundred- (100) year runoff event.

**Management Practice:** A practice or combination of practices to control erosion and water quality degradation.

**Minor Storm Water System:** The portion of the total drainage system that collects, stores and conveys frequently occurring runoff, and provides a relief from nuisance and inconvenience. Generally, the minor Storm Water system is designed to accommodate minor (or ordinary) storms classified as two (2) to ten (10) year storms. The system may include but not limited to roof gutters and on-site drainage swales, curbed or side swaled streets, Storm Water inlets, underground storm sewers, open channels and culverts.

**Multiple-Purpose Facility:** An urban Storm Water facility that fulfills multiple functions, such as enhancement of runoff quality, erosion control, wildlife habitat, or public recreation, in addition to its primary purpose of conveying or controlling runoff.

**National Pollution Discharge Elimination System (NPDES) Permit:** Any permit or requirement enforced by the North Dakota State Department of Health pursuant to the Clean Water Act as amended for the purposes of regulating Storm Water discharge.

**Occupant:** Any person using a lot, parcel of land, or premises connected to and discharging Storm Water into the Storm Water system of the City.

**Onsite Detention:** See Local Detention.

**Outfall:** Any storm water outlet which discharges, into a watercourse, pond, ditch, lake or other body of water.

**Permanent Development:** Any buildings, structures, parking lots, roads, landscaping and related features constructed as part of a development project approved under a Storm Water permit.

**Permanent Facilities:** Any natural or constructed features of a Storm Water system including, but is not limited to storm sewers, infiltration areas, detention/retention areas, channels, streets, and similar features.

**Permittee:** Any person who has received a Storm Water permit from the City.

**Person:** Any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property, or agency - public or private.

**Planning and Zoning Commission:** An appointed Commission of the Dickinson City Commission, which is tasked with addressing land use.

**Private Drainage Channel:** A drainage channel on privately-owned land or easements which eventually discharges into a public drainage channel or public storm sewer.



**Private Storm Sewer:** A storm sewer on privately owned land or easements.

**Public Drainage Channel:** A drainage channel located on public property.

**Public Storm Sewer:** A storm sewer located entirely on publicly owned land or easements.

**Regional Detention:** An area which temporarily stores storm water from more than one source.

**Regional Flood:** A flood that is representative of large floods known to have occurred generally in the state and recently characteristic of what can be expected to occur on an average frequency in the magnitude of a one hundred (100) year recurrence interval. It is also referred to as the base flood.

**Retention Facility:** A natural or manmade structure that provides for the permanent storage of Storm Water runoff.

**Runoff:** Rainfall, snowmelt, dewatering or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

**Sediment:** Solid or organic material that, in suspension, may be transported by air, water, gravity, or ice, and deposited at another location.

**Site:** The entire area included in the legal description of the parcel or other land division on which land development or land disturbing activity is proposed in a permit application.

**Stabilize:** To make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel, or other measures.

**State:** The State of North Dakota.

**Storm Sewer:** A pipe or conduit for carrying storm waters, surface runoff, street and wash waters, and drainage, excluding sewage and industrial wastes.

**Storm Water Detention:** Temporary storage of Storm Water runoff in ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, and other similar features, for future or controlled release

**Storm Water Management Policy:** City code which regulates runoff within a drainage system.

**Storm Water Management Criteria:** Specific guidance provided to the designer to carry out Storm Water management policies.

**Storm Water Management System:** Physical facilities that collect, store, convey, and treat Storm Water runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters.

**Storm Water Retention:** Permanent storm water storage designed to eliminate subsequent surface discharge. Ponds are the most common types of retention storage.

**Structure:** Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

**Unpolluted Water:** Any water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards.

**Urban Area:** Land associated with, or part of, a defined city or town.

**User:** Any person who benefits from and/or is regulated by City storm water management policies and facilities.

**User Fee:** A fee levied on users of a public storm water management system for the user's proportionate share of the cost of operation and maintenance or replacement of such works.

**Water Shed:** the land area that drains water to a particular stream, river, or lake. It is a land feature that can be identified by tracing a line along the highest elevations between two areas on a map, often a ridge.

**Storm Water Management Plan:** The plan that a designer formulates to manage urban Storm Water runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development and grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

**Waterway:** any channel, open ditch, or river which carries natural flows or storm water.

**Wetlands:** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes.

- a. A predominance of hydric soils;
- b. Are inundated or saturated by the surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions; and
- c. Under normal circumstances support the prevalence of hydric vegetation.

(Ord. No. 1282 § 2.)

### **Section 38.14.130     Scope.**

Every applicant for a building permit, subdivision approval, or a permit to allow construction activities must submit a Storm Water Management Plan to the City. No building permit, subdivision approval, or permit to allow construction activities shall be issued until approval of the Storm Water Management Plan or a waiver of the approval requirement has been obtained.

Exemptions to the requirements of this section include:

1. Any part of a fully developed subdivision with streets, curb, and gutter for which a plat was approved and recorded with the County Register on or before June 10, 2003;
2. A parcel for which a building permit was approved on or before June 10, 2003;
3. An Administrative Subdivision or Minor Subdivision, as defined in the Dickinson City Code.
4. Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or
5. Construction of a stand-alone single family dwelling is exempt from filing a Storm Water Management Plan, but must provide erosion control measures while under construction;
6. Emergency work to protect life, limb, or property.

The Planning and Zoning Commission may waive any requirement of this title upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 38.14.510 to 38.14.520. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements. (Ord. No. 1282 § 2.)

### **Section 38.14.140     Depositing, Draining, etc., Harmful Materials into Storm Water System.**

It shall be unlawful for any person to discharge, deposit, dump or drain, or cause to be discharged, deposited, dumped or drained any liquid, solid or material which may degrade storm water quality and/or is prohibited by city, state or federal regulations or policies into the Storm Water System. (Ord. No. 1282 § 2.)

### **Section 38.14.210     Application.**

A proposed Storm Water Management Plan shall be filed with the City Engineer. The application shall include a description of the location upon which the approval is requested, verification that the proposed use is permitted in the underlying zoning district, and adequate evidence showing the proposed use will conform to the standards set forth in this article.

Two sets of legible copies of the drawings and required information shall be submitted to the City Engineer. Applicable fees as set forth in the city fee schedule shall be paid prior to commencement of any construction activities. Plans shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. (Ord. 1282 § 2.)

### **Section 38.14.220     Mandatory Compliance with Other City Codes.**

In addition to this article, the applicant is responsible for adhering to the requirements of all city codes, including but not limited to the following:

1. Zoning regulations
2. The city's flood plain requirements.
3. Regulations governing the subdivision of land.

(Ord. No. 1282 § 2.)

### **Section 38.14.230     Contents of Storm Water Management Plan.**

All Storm Water Management Plans, drawings, specifications, and computations for Storm Water management facilities submitted for review. Any plan for developments five acres or larger shall contain a validated seal and be signed by a Professional Engineer registered in the State of North Dakota. At a minimum, the Storm Water Management Plan shall contain the following information:

1. Storm Water Management Plan Report. A written summary discussing pre and post development hydrology and hydraulic analysis, erosion and sedimentation control measures to be used during and after construction,

protective measures for proposed and existing structures, and water quality concerns.

2. Construction Plans and Specifications. Plans and specs submitted as part of the plan shall contain the following:

a. **Existing site map.**

- (1) The name and address of the applicant, the section, township and range, and the north point, date and scale of drawing, and number of sheets;
- (2) The location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or other defining landmarks;
- (3) Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet;
- (4) A watershed boundary map illustrating the project site location as a sub watershed within the watershed of the larger or major drainage basin;
- (5) A delineation of streams, rivers, public waters and the presence or absence of wetlands located on and immediately adjacent to the site, including depth of water, a general description of vegetative cover found within the site, a statement of general water quality, and any classification given to the water body by state or federal agencies;
- (6) Location and dimensions of existing Storm Water drain systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate Storm Water is conveyed from the site, identifying the receiving stream, river, public ditch, or wetland, and setting forth those areas of the unaltered site where Storm Water collects or passes;
- (7) A description of the soils on the site, including a map indicating soil types of the areas to be disturbed, containing information on the suitability of the soils for the type of development proposed, potential for erosion, the type of Storm Water management system proposed, and any remedial steps to be taken by the developer to render the soils suitable.
- (8) Current extent of vegetative cover and a clear delineation of any vegetation proposed for removal;
- (9) The current land use of the area in which the site is located; and
- (10) The 100-year flood plains, flood fringes, and floodways.

b. **Site Construction Plan.**

- (1) Locations and dimensions of all proposed land disturbing activities and any phasing or scheduling of those activities;
  - (2) Approximate locations of all temporary soil or dirt stockpile areas;
  - (3) Location and description of all construction site erosion control measures necessary to meet the requirements of this ordinance;
  - (4) A schedule of anticipated starting and completion dates for each land disturbing activity, including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and
  - (5) Provisions for maintaining the construction site erosion control measures prior to, during, and after construction.
- c. **Plans of Final Site Conditions.**
- (1) The proposed final grading plan shown at contours at the same interval as provided above or as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features;
  - (2) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of proposed landscape materials which will be added to the site as part of the development;
  - (3) A drainage plan of the developed site delineating the direction and at what rate Storm Water runoff will be conveyed from the site and setting forth the areas of the site where Storm Water will be collected;
  - (4) The proposed size, alignment, and intended use of any structures to be erected on the site;
  - (5) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to used; and
  - (6) Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project. (Ord. No. 1282 § 2)

### **Section 38.14.240 Storm Water Management Criteria for Permanent Facilities.**

Storm Water control facilities included as part of the final design for a permanent development shall be addressed in the Storm Water Management Plan and shall meet the following criteria:

1. **Pre-versus Post Hydrological Response of Site for areas five (5) acres or larger.**  
An applicant shall install or construct, on or for the proposed land disturbing or development activity, all Storm Water management facilities necessary to manage increased runoff so that the two (2) year, ten (10) year and one hundred (100) year storm peak discharge rates existing before the proposed development shall not be

increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. In lieu of the installation or construction of Storm Water management facility. An applicant shall contribute to the development and maintenance of regional Storm Water management facilities designed to serve multiple land disturbing and development activities.

2. **Natural Features of the Site.** The applicant shall give consideration to reducing the need for Storm Water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they existed before development.
3. **Storm Water Management Strategies.** Using sound and current engineering practices, the following Storm Water management practices may include but are not limited to the following.
  - a. Natural infiltration of precipitation and runoff on-site, if suitable soil and geological conditions are available. The purpose of this strategy is to encourage the development of a Storm Water Management Plan that encourages natural infiltration.
  - b. The use of open vegetated swales and natural depressions.
  - c. Storm Water detention facilities.
  - d. Storm Water retention facilities (on a case by case basis).

A combination of successive practices may be used to achieve the applicable minimum control requirements specified in the above four strategies.

Justification shall be provided by the applicant for the method selected.

4. **Adequacy of Outlets.** The adequacy of any outlet used as a discharge point for proposed Storm Water management facilities must be assessed and documented to the satisfaction of the City Engineer. The hydraulic capacities of downstream natural channels, storm sewer systems, or streets shall be sufficient to receive post-development runoff discharges and volumes without causing increased property damages or any increase in the established base floodplain elevation. If a floodplain or floodway has not been established by the Federal Emergency Management Agency, then the applicant shall provide a documented analysis and estimate of the base flood elevation as certified by a Professional Engineer registered in the State of North Dakota. In addition, projected velocities in downstream natural or manmade channels shall not exceed that which is reasonably anticipated to cause erosion unless protective measures acceptable to the City Engineer are approved and installed as part of the Storm Water Management Plan. The assessment of outlet adequacy shall be included in the Storm Water Management Plan and shall be certified by a Professional Engineer registered in the State of North Dakota
5. **Storm Water Detention/Retention Facilities.** Storm Water detention or retention facilities proposed to be constructed in the Storm Water Management Plan shall be designed according to the most current and sound engineering practices. (Ord. No. 1282 § 2)

### **Section 38.14.250 Operation and Maintenance Considerations.**

All Storm Water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All

Storm Water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in Storm Water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the Storm Water management facilities for inspection and maintenance purposes. (Ord. No. 1282 § 2)

### **Section 38.14.260 Easements and Bonds.**

Easements or bonds may be required as conditions to the issuance of a permit. (Ord. No. 1282 § 2)

### **Section 38.14.270 Management of Site Vegetation.**

The applicant shall provide for the installation and maintenance of vegetation on development property in accordance with the following criteria:

1. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within Storm Water systems. (Ord. No. 1282 § 2)

### **Section 38.14.310 Process.**

Storm Water Management Plans meeting the requirements of Chapter 38.14-.0210 to 38.14.270 shall be submitted to the City Engineer for review and compliance with the standards of Chapter 38.14-.0410 to 38.14.440. The City Engineer shall approve, approve with conditions, or deny the Storm Water Management Plan. If a particular Storm Water management plan involves a complex application or has the potential for significant controversy, a public hearing may be scheduled before the Planning and Zoning Commission for public input. (Ord. No. 1282 § 2)

### **Section 38.14.320 Duration.**

Approval of any plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one year. Receipt of any request for an extension shall be acknowledged by the City within fifteen (15) days. The City Engineer shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted plan is subject to all applicable fees and shall be considered as a new application. (Ord. No. 1282 § 2)

### **Section 38.14.330 Conditions.**

A Storm Water Management Plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other

facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Dickinson or other public entity of certain lands or interests therein. The City may specify special requirements for specific watersheds within the City and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resource environment of each sub watershed. Approval of a plan shall bind the applicant to perform all of the conditions and requirements of the plan prior to any land disturbing activities. A plan issued under this title runs with the land and is a condition of plat approval. Any owner or subsequent owner of any parcel within the plat must comply with the plan or any approval, revision or modification of the plan. (Ord. No. 1282 § 2)

### **Section 38.14.340 Standards.**

All Storm Water Management plan designs shall be designed using current and sound engineering practices. All plans submitted shall be reviewed for appropriate content described in this section. No construction may commence until the storm water management plan has been approved by the City. (Ord. No. 1282 § 2)

### **Section 38.14.350 General.**

This section describes approval standards against which proposed Storm Water Management Plans will be measured. A Storm Water Management Plan which fails to meet the standards contained in this section shall not be approved by the City. Other standards, such as state and federal standards, shall also apply. If two standards of different agencies conflict, the more restrictive standards shall apply.

It shall be the responsibility of the applicant to obtain any required permits from other governmental agencies having jurisdiction over the work to be performed. Typically, such agencies would include but are not limited to the Stark County Water Resource District, the State Water Commission, the State Department of Transportation, the State Health Department, the State Historical Preservation Officer, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency. (Ord. No. 1282 § 2)

### **Section 38.14.410 Storm Water Management.**

It is unlawful to initiate land development, land disturbing, or other activities which result in an increase in Storm Water quantities, degradation of Storm Water quality, or restriction of flow in any storm sewer system, open ditch or natural channel, Storm Water easement, water body, or wetland outlet within the zoning jurisdiction of the City. (Ord. No. 1282 § 2)

### **Section 38.14.420 Storm Water Management Permits.**

1. Mandatory Permits. Any person proposing a development or project which involves land development, land disturbing, or other activities as defined in this title, shall obtain a Storm Water management permit before initiating those activities.
2. Permit Application. All persons subject to meeting the requirements for a mandatory Storm Water permit shall complete and file with the City Engineer an application in the form prescribed by the City and accompanied by a fee established by the City and



adopted by the Board of City Commissioners. The permit application shall be accompanied by a Storm Water Management Plan as prescribed under Chapter 38.14-.0210 to 38.14.270 of this article. The City Engineer will evaluate the data furnished as part of the Storm Water Management Plan and may require additional information. After evaluation and acceptance of the Storm Water Management Plan, the City may issue a Storm Water management permit subject to any terms and conditions deemed necessary.

3. Permit Conditions. Storm Water management permits are issued subject to all provisions of this title and all other applicable regulations, user charges and fees established by the City. Permits may contain any of the following conditions:
  - a. The user fee for a Storm Water outlet utilizing a regional Storm Water management facility.
  - b. Limits on the maximum rate of Storm Water discharge;
  - c. Limits on water quality degradation of Storm Water discharge;
  - d. Requirements for the installation, operation and maintenance of Storm Water detention/retention facilities;
  - e. Compliance schedule;
  - f. Requirements for notification to and acceptance by the City of any land disturbing activities which have the potential for increasing the rate of Storm Water discharge resulting in degradation of Storm Water quality; and
  - g. Other conditions as deemed appropriate by the City to insure compliance with this title.
4. Permit Duration. Permits must be issued for a time period specified by the City. The applicant shall apply for permit renewal a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of a permit are subject to modification by the City during the term of the permit as set forth in paragraph five (5).
5. Permit Modification. Permits may be modified by the City for just cause upon 30 days' notice. Just cause shall include but not be limited to:
  - a. Promulgation of a new applicable state or nationwide permit standard;
  - b. Changes in the requirements of this ordinance;
  - c. Changes in the process used by the permittee or changes in discharge rate, volume, or character; and
  - d. Changes in the design or capability of receiving Storm Water facilities.
  - e. A written request submitted by the Permittee to the City and agreed upon by the city

The applicant must be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6. Permit Transfer. A permit runs with the property it covers and is transferable to new owners in its entirety or by parcel, with each parcel being subject to the permit and any conditions which apply to that parcel.
7. Monitoring Facilities. The City may require the applicant to provide and operate, at the applicant's expense, a monitoring facility to allow inspection, sampling, and flow measurements of each Storm Water facility component. Where at all possible, the monitoring facility shall be located on the property of the applicant as opposed to on

public rights-of-way. Ample room must be allowed for accurate flow measuring and sampling and the facility shall be kept in a safe and proper operating condition.

8. Inspection. Any employee of the City of Dickinson may enter with or without notice to inspect the Storm Water management facilities of any permittee to determine compliance with the requirements of this title. The City shall be allowed to set up equipment on the permittee's premises as required for the purpose of collecting samples and flow recording. The City shall retain enforcement powers for assuring adequate operation and maintenance activities through permit conditions and penalties for noncompliance orders. Maintenance shall remain the responsibility of the subdivision and/or property owners. (Ord. No. 1282 § 2)

### **Section 38.14.430 Construction Activities.**

Construction operations must at a minimum comply with the following requirements:

1. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydro-cyclones, soil concentrators or other appropriate controls as deemed necessary. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding on the site; the receiving channels; or any wetland.
2. Waste and Material Disposal. All waste materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff or wind.
3. Tracking Management At the end of each work day any material placed on a public or private road shall be removed (not by flushing) to prevent sediment tracking.
4. Water Quality Protection. The construction contractor shall be required to control oil and fuel spills, and the discharge of any chemicals to prevent such spills or discharges from entering any water course, sump, sewer system, water body, or wetland.
5. Site Erosion and Sedimentation Control. Construction operations must include erosion and sedimentation control measures meeting accepted design criteria, standards and specifications. (Ord. No. 1282 § 2)

### **Section 38.14.440 Final Storm Water Management Plan.**

Upon completion of all required construction activities, the permit applicant shall submit to the City the final Storm Water Management Plan to document any change to the original Storm Water Management concept. The final Storm Water Management Plan shall contain Record Drawings showing the final configuration for all improvements as constructed. For areas five (5) acres or larger the final Storm Water Management Plan and Record Drawings shall be certified by a Professional engineer registered in the State of North Dakota. (Ord. No. 1282 § 2)

### **Section 38.14.510 Emergency Suspension of Permits.**

The City may for cause order the suspension of the Storm Water management permit and/or building permit of a person, contractor, developer or parcel owner when it appears to the

City that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, substantial danger to the environment, or a violation of any permit conditions imposed by this article. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings. The City may reinstate the Storm Water management permit and/or building permit upon proof of compliance with all permit conditions.

Whenever the City orders the emergency suspension of a Storm Water management permit and/or building permit pursuant to the emergency provisions of this section, the City shall serve notice on the permittee personally or by registered or certified mail before or after actually suspending activity depending on the individual situation. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings.

Any applicant dissatisfied with an order the City issued pursuant to this section may request a hearing before the Board of City Commissioners by filing a written request for a hearing with the City, within fifteen (15) days of receipt of the order. The hearing must be held within thirty (30) days of receipt of the request, or as subject to the current meeting schedule, whereupon the Board of City Commissioners may affirm, modify or rescind the order. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending. (Ord. No. 1282 § 2)

### **Section 38.14.520 Revocation of a Permit.**

A Storm Water management permit may be revoked following notice and an opportunity for a hearing in accordance with Sections 38.1-06-03 and 38.1-06-04. The City may revoke a Storm Water management permit for cause, including but not limited to if upon permitted site there is:

- a. One or more Violation of any terms or conditions of the Storm Water management permit;
  - b. False statements on any required reports;
  - c. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
  - d. Any other violation of this title or related ordinance.
- (Ord. No. 1282 § 2; Ord No. 1369 §1)

### **Section 38.14.530 Notification.**

Whenever the City finds that any person has violated or is violating this title, Storm Water discharge permit and/or its conditions, or any prohibition, limitation or requirement contained herein, the City shall serve upon such person a written notice stating the nature of the violation. Within the time period specified, a plan for the satisfactory correction thereof must be submitted to the City. (Ord. No. 1282 § 2)

### **Section 38.14.540 Hearing.**

If the violation is not corrected by timely compliance, the City may order any permittee who causes or allows a violation to a Storm Water permit to show cause before the Board of City

Commissioners why the order of the City should not be upheld. A notice of hearing must be served on the permittee specifying the time and place of a hearing to be held by the Board Commission regarding the order of the City , and directing the permittee to show cause before the Board Commission why the order of the City should not be upheld. The notice must be served personally or by registered or certified mail postmarked at least ten (10) days before the hearing. The evidence submitted at the hearing shall be considered by the city which shall then uphold, modify or rescind the order of the city. An appeal of the city's decision may be taken according to law.

If any person commences any land disturbing activities which result in increased Storm Water quantity or Storm Water quality degradation into the City Storm Water management system contrary to the provisions of this title, federal or state requirements or any order of the City, the City Attorney may, following the authorization of such action by the Board of City Commissioners, commence legal action for appropriate legal and/or equitable relief. (Ord. No. 1282 § 2; Ord No. 1369 §1)

### **Section 38.14.610 Penalty.**

Any person, who is found to have violated an order of the Board of City Commissioners made in accordance with this title, or who has failed to comply with any provision of this title and the orders, rules, regulations and permits issued hereunder, is guilty of an offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. (Ord. No. 1282 § 2)

### **Section 38.14.620 Costs of Damage.**

Any person violating any of the provisions of this title or who initiates an activity which causes a deposit, obstruction, or damage or other impairment to the City' s Storm Water management system is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this title the costs for any cleaning, repair or replacement work caused by the violation of Storm Water discharge. (Ord. No. 1282 § 2)

### **Section 38.14.630 City Attorney's Fees and Costs.**

In addition to the civil penalties provided herein, the City may recover reasonable attorney' s fees, court costs, court reporter' s fees, and other expenses of litigation by appropriate action against the person found to have violated this title or the orders, rules, regulations and permits issued hereunder. (Ord. No. 1282 § 2)

### **Section 38.14.640 Falsifying Information.**

Any person who knowingly makes any false statements, representations, or certification in any applicable record, report, plan, or other document filed or required to be maintained pursuant to this title, or Storm Water management permit, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this chapter, shall be guilty of an offense. (Ord. No. 1282 § 2)

**Article 38.16 REPEALED WITH ORDINANCE 1245**

## **Article 38.20 Water, Wastewater and Storm Water Charges**

### **Sections:**

- 38.20.010 Definitions - REPEALED**
- 38.20.020 Monthly basis**
- 38.20.030 Water Utility rates**
- 38.20.040 Wastewater rates - REPEALED**
- 38.20.045 Storm water service charge - REPEALED**
- 38.20.046 Storm Water Service Charge**
- 38.20.050 Statements; meter readings; adjustment of errors on estimates - REPEALED**
- 38.20.060 Due date; failure to pay generally**
- 38.20.065 Early Payments List**
- 38.20.070 Joint and several liability of owners and occupants; billing and payment after notice of termination**
- 38.20.080 Charges to constitute lien on premises; assessment and collection of lien**
- 38.20.090 Settlement of claims of overcharging**
- 38.20.100 Connection fees**
- 38.20.110 Water Utility and Stormwater Fund**

### **Section 38.20.010 Definitions - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.20.020 Monthly basis**

All charges for water utilities, including water, wastewater, and stormwater, shall be billed to the owner or occupant of each property connected to the city waterworks system on a monthly basis. (Ord. No. 1403 §1)

### **Section 38.20.030 Water Utility rates**

The owner or occupant of each property connected with the waterworks system of the city shall pay a fixed minimum charge per month, regardless of the actual amount of water consumed or metered, or the amount of wastewater or stormwater carried from the property. Such fixed minimum monthly charge shall be based upon the size of the meter. The minimum fixed monthly charge shall be in such amount as determined from time to time by the board of city commissioners and shall be in the city fee schedule.

In addition to the minimum fixed rate charge per month each owner or occupant of each property connected with the water works system of the city shall pay, for all water used, a charge per thousand gallons. The charge shall be in such amount as determined from time to time by the board of city commissioners and shall be in the city fee schedule. Such a charge may vary depending on the amount of water used each month.

The Board of City Commissioners hereby finds that the principal purpose of the city's water distribution system is to provide adequate water supply to residents of the City of Dickinson for their ordinary personal, household and commercial use. Accordingly, no person shall operate a Bulk Water Vendor or otherwise convey water in bulk for other than the ordinary personal, household or commercial use of the residents of the City of Dickinson, without special permit from the Board of City Commissioners. In the City's fee schedule, the Board of City

Commissioners may establish particular rates for users of the City's water distribution system operating a Bulk Water Vendor.

A Bulk Water Vendor shall be defined as follows: "A person or entity connected to the city's water distribution system, conveying water in bulk principally for purposes other than the ordinary personal, household or commercial use of the of the residents of the City of Dickinson, and shall specifically include any user of the city's water distribution system principally designed to fill water trucks for agricultural or industrial use."

The City reserves the right to shut off water service to any property connected to the city waterworks system if, in the sole subjective discretion of the Board of City Commissioners, that property's use of the city waterworks system, including the daily volume or total volume of water used by the property, endanger the waterworks system or the daily total maximum allotment of water to the City of Dickinson from Southwest

The water utility rate schedule applies to each owner or occupant of each residential or commercial premises connected with the water works system of the city, and the minimum fixed rate charges shall apply to each owner or occupant of residential or commercial premises, regardless of whether the water utilized by such individual owner or occupant comes from a private well.

### **Section 38.20.035      **Penalty****

Any person, who is found to have violated any provision of the foregoing Section 38.20.030, or who has failed to comply with any other provision of this title and the orders, rules, regulations and permits issued hereunder, is guilty of an offense, and is subject to penalties as set forth in Section 25.20.010 of the Dickinson City Code, as may be amended from time to time. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

In the discretion of the board of city commissioners, users of the city waterworks system located outside of city limits may be charged more for operation, maintenance, and equipment replacement costs than those users inside the city limits. Additional charges to users outside the city limits may be charged for debt retirement, capital improvements, and other costs not readily apportionable according to wastewater flow and strength.

The owner or occupant of each residential premises connected to the wastewater system of the city that have private wells, and do not have metered city water billings shall pay minimum wastewater charge and a charge based upon a city wide average of residential water consumption. The City shall have the right to require the well to be metered. The minimum wastewater charge shall be in such amount as determined from time to time by the board of city commissioners and shall be in the city fee schedule.

Commercial properties with a minimum of ten thousand square feet of irrigated grassed area may apply for the exception which may be capped or averaged per billing period. The minimum fixed monthly charge and the rate based upon the water consumption and cap or average shall be in such amount as determined from time to time by the board of city commissioners and shall be in the city fee schedule. Such written application shall be filed on or before April 1 of the year the exception is requested and every three years thereafter. Laundry and dry cleaning establishments may be entitled to a maximum of twenty-five percent exemption. The owners or occupants of any commercial premises connected to the wastewater system of the city that have private wells must have the well water metered to be eligible for the commercial exception or the laundry and dry cleaning establishments exemption.

When any user of the wastewater system discharges wastewater to the city system with biochemical oxygen demands and/or suspended solids in excess of those from normal residential and commercial users, the city may require the payment of additional charges for wastewater service based upon such excess strength wastewater as determined by measurement. The surcharge for extra strength biochemical oxygen demand and/or suspended solids shall be in such amounts as determined from time to time by the Board of City Commissioners, as set forth in the City Fee Schedule.

Authorized city officials may enter upon any property or premises at reasonable times for the purpose of sampling any wastewater being discharged into the wastewater system. Any authorized City employee may enter upon the property at any hour under emergency circumstances.

The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the wastewater system, or to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the wastewater system is hereby prohibited.

Each user who discharges any pollutants that cause an increase in the costs of managing the effluent of the city's wastewater treatment system shall pay for such increased costs and EPA penalties and fines assessed.(Code 1958, § 31-39; Ord. No. 519, Ord. No. 597; Ord. No. 622, § 1; Ord. No. 644, § 1; Ord. No. 667, § 1; Ord. No. 697, § 1; Ord. No. 730, § 1; Ord. No. 790, § 1; Ord. No. 831, § 1; Ord. No. 923, § 3; Ord. No. 1001, § 1; Ord. No. 1029, § 1; Ord. No. 1064, § 1; Ord. No. 1086, § 26; Ord. No. 1245 § 1. Ord. No. 1403 §2; Ord. No. 1394 §1)

### **Section 38.20.040 Wastewater rates - REPEALED**

REPEALED (Ord No. 1403 §3)

### **Section 38.20.045 Storm water service charge - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.20.046 Storm Water Service Charge**

(1) *Generally.* A monthly storm water charge shall be collected for each property located within the Dickinson city limits. The storm water charge shall be collected either from each water meter connection or on a monthly billing in lieu of the water meter connection. This charge shall be based on the square footage and use of the property draining into the city's storm drainage system and served by said water meter. This charge is based on the estimated increase in storm water runoff rates resulting from property development. This increase is to be determined by subtracting the runoff coefficient for undeveloped property from the runoff coefficient of the developed property, for the purpose of determining the monthly storm water surcharge. Based upon engineering judgment, the following runoff coefficients are adopted:

Low Density Residential	0.35
Mobile Home Parks	0.35
High Density Residential	0.45
Public Buildings	0.55
Commercial	0.75
Undeveloped Land	0.15



Property within the city limits shall be assessed a monthly base charge. In addition, a surcharge will be charged for areas in excess of 20,000 square feet in all areas except low density residential and mobile home parks. The amount of the monthly base charge and surcharge shall be determined from time to time by the Board of City Commissioners in the City of Dickinson fee schedule. The initial monthly base charges and surcharges, until changed by the Board of City Commissioners as set forth above, shall be as set forth below:

<b><u>Property Use</u></b>	<b><u>Monthly Base Charge</u></b>	<b><u>Surcharge for Areas in Excess of 20,000 SF</u></b>
Low Density Residential Single Family Homes Duplexes Townhouses	\$1.25/month	None
Mobile Home Parks	\$1.25/mobile home/month	None
High Density Residential Apartments Multi-family dwellings Condominiums	\$2.00/month	\$0.08/1,000 SF/month
Public Buildings School Churches Public Buildings	\$3.00/month	\$0.10/1,000 SF/month
Commercial Commercial Industrial Fraternal Orders	\$3.00/month	\$0.15/1,000 SF/month
Vacant Land Undeveloped Areas Parks Cemeteries	None	None

The minimum monthly surcharge, for all properties subject to a surcharge, shall be \$1.00/month.

(2) Exemptions. The following properties are exempt from the charges imposed herein:

Private or public cemeteries.

Parks.

Undeveloped areas.

(3) Credits. Properties that are subject to a surcharge are entitled to apply for certain credits to allow the use of actual runoff characteristics rather than averages to determine the appropriate surcharge. Credits may also be issued for projects which reduce either the volume or discharge rate of runoff. The project must be designed by a qualified third party (architect or engineer) and subject to approval of the City.

(4) Application for Credits. All applications must be submitted in writing and supported by an accurate current scaled drawing or photo of the property, together with runoff coefficients determined by an engineer or architect. Said application shall be approved by the City. If denied, the applicant may appeal said denial to the Board of City Commissioners. The credit shall be periodically reviewed and amended as necessary to account for additional site development.

(5) Runoff. Any property hereinafter annexed or developed within the City shall be required to manage the runoff in a manner which will limit the runoff from its property to that which would have run off in an undeveloped state.

(6) Use of Fees. All fees collected as a result of this charge shall be placed in a separate enterprise fund which will be utilized for the construction, operation, and maintenance of the storm water utility system for the City. (Ord No. 1198, § 1; Ord. No. 1245 § 1.)

### **Section 38.20.050      Statements; meter readings; adjustment of errors on estimates - REPEALED**

This section was repealed with Ordinance No. 1245 approved May 6, 2002.

### **Section 38.20.060      Due date; failure to pay generally**

All bills for water utility and storm water service, labor and materials furnished each month shall be due and payable on the date of billing. Accounts unpaid at the next billing will be considered past due and assessed penalties as set by the Board of City Commission in the annual fee schedule. Unless the account is on the Early Payment List, if an account is unpaid 60 days after the billing, the water shall be shut off by the City and shall not be turned on again until all utility charges, labor and materials then due shall have been paid, together with the additional sum for establishing the service and penalties, in such amount as determined from time to time by the board of city commissioners and shall in the City of Dickinson fee schedule. (Code 1958, §§ 31-41, 31-42; Ord. No. 364, § 1; Ord. No. 438, § 2; Ord. No. 705, § 7; Ord. No. 1086, § 28; Ord. No. 1245 § 1; Ord. No. 1323 §2 Ord. No. 1403 §4.)

### **Section 38.20.065      Early Payments List**

Any account which has received a water shut off notice within any 12 month period may be placed on the Early Payments List. The property owner will be provided written notice that he is on the Early Payments List. After said written notice, any account on the Early Payments List must pay their bill in full before it becomes delinquent, or the water service will be shut off without further notice. Following shut off, the account must be paid in full, including additional fees and penalties, before service will be reconnected. (Ord. No. 1245 § 1.)

### **Section 38.20.070 Joint and several liability of owners and occupants; billing and payment after notice of termination**

The owner and occupant of each premise shall be jointly and severally liable for all charges for water utility and storm water service during the period of their respective ownership or occupancy and until receipt of written notice by the City of the termination of such ownership or occupancy. All such charges having been properly billed to the owner or occupant of any premises served and not paid may be recovered by the city in a civil action in any court of competent jurisdiction against either the owner or the occupant or both of them.

Upon receipt of notice of termination of ownership or occupancy of any premises, the City shall read the meter and issue a statement of charges for all water utility and storm water service since the last meter reading and not theretofore billed. If such person moves away from the city or to some place within the city where he is not directly supplied with municipal water utility service and refuses or neglects to pay such bill within ten days after the mailing or delivery thereof, such charge shall be collectible from the new owner or occupant of the property for which the bill was rendered and the city shall take such measures to enforce collection of such bill as are provided in the case of nonpayment of other bills. (Code 1958, § 31-43; Ord. No. 438, § 3; Ord. No. 1245 § 1 Ord. No. 1403 §5)

### **Section 38.20.080 Charges to constitute lien on premises; assessment and collection of lien**

All water utility and storm water charges shall constitute liens upon the respective lots, tracts and premises receiving water utility service; and all such charges which have been properly billed to the owner or occupant of the premises served and which are more than thirty days past due on September thirtieth of each year shall be certified by the city to the county between the first and the tenth day of October of each year; and the city, in so certifying such charges, shall specify the amount thereof, the description of the premises served and the name of the owner thereof; and the amount so certified shall be extended by the county on the tax rolls against such premises and collected by the county and paid to the city in the same manner as other county and municipal taxes are assessed, certified, collected and returned. (Code 1958, § 31-44; Ord. No. 1245 § 1; Ord. No. 1403 §6.)

### **Section 38.20.090 Settlement of claims of overcharging**

All bills against which no complaints have been filed with the City on or before the thirtieth day after the date of the bills shall be taken and considered as correct and shall be paid without any reduction. If billing is found to be in error, an adjustment will be made to the account. (Code 1958, § 31-45; Ord. No. 438, § 4; Ord. No. 1245 § 1.)

### **Section 38.20.100 Connection fees**

Every property owner who causes or permits his property to be connected to the wastewater or waterworks systems of the city shall pay and be fully responsible for a connection fee which shall be paid before waterworks and wastewater facilities may be utilized. The amount of the connection fees shall be in such amount as determined from time to time by the board of city commissioners in the city fee schedule. If a property owner replaces an existing water

service with a larger size service, a connection fee shall be paid, equal to the difference between the fee for the smaller and larger service. (Ord. No. 397, §§ 1, 2; Ord. No. 758, §§ 1, 2; Ord. No. 1086, § 29; Ord. No. 1245 § 1.)

### **Section 38.20.110 Water Utility and Stormwater Fund**

(a) ***Water Utility Fund.***

There shall be maintained a separate enterprise fund, hereby designated as the "Water Utility Fund," which will be used to account for all financial activities of the City water and wastewater system.

(b) ***Stormwater Fund.***

There shall be maintained a separate enterprise fund, hereby designated as the "Stormwater Fund" which will be used to account for all financial activities of the Stormwater System. (Code 1958, § 31-46; Ord. No. 878, § 1; Ord. 1226 § 1; Ord. No. 1245 § 1; Ord. No. 1403 §7)

## **Article 38.22 Wastewater Backup Claims**

### **Sections:**

- 38.22.010 Wastewater Backup Fund (Repealed November, 2016)**
- 38.22.020 Wastewater Backup Fee (Repealed November, 2016)**
- 38.22.030 Claims for Wastewater Backup Damages (Repealed November, 2016)**

### **Section 38.22.010 Wastewater Backup Fund**

Repealed (Ord. No. 1293 § 1; Ord. 1623 § 1)

### **Section 38.22.020 Wastewater Backup Fee**

Repealed (Ord. No. 1293 § 1; Ord. No. 1323 §3; Ord. 1623 § 1)

### **Section 38.22.030 Claims for Wastewater Backup Damages**

Repealed (Ord. No. 1293 § 1; Ord. No. 1362 §1; Ord. No. 1571 § 1; Ord. 1623 § 1)

## **Article 38.24 Wells**

### **Sections:**

- 38.24.010**      **Reporting existence to city**
- 38.24.020**      **Permits for construction**
- 38.24.030**      **Connection to service lines connected to municipal water system**
- 38.24.040**      **Connection to municipal service**

### **Section 38.24.010**      **Reporting existence to city**

Every owner and occupant of real property within the city upon which any water well is presently located is required to notify the City of the existence of such well, providing the location, description and use of such well. (Ord. No. 444, § 1; Ord. No. 1245 § 1.)

### **Section 38.24.020**      **Permits for construction**

Any person hereafter constructing any water well within the city, before undertaking such construction, shall first make written application to the City, describing in detail the proposed location, dimensions and use of such well and shall then obtain a written permit before undertaking the construction of such well. The permit fee shall be in such amount as determined from time to time by the board of city commissioners and shall be on file in the city fee schedule. (Ord. No. 444, § 2; Ord. No. 1245 § 1.)

### **Section 38.24.030**      **Connection to service lines connected to municipal water system**

No owner or occupant of any property within the city shall at any time have or permit a direct connection from a private water well supply to the waterworks system, unless a city approved backflow preventer device is installed. Valving between private water well lines and the waterworks system shall be prohibited and shall be in violation of this article. (Ord. No. 444, § 3; Ord. No. 1245 § 1.)

### **Section 38.24.040**      **Connection to municipal service**

No property within 200 feet of city water service shall be allowed to connect to a well for domestic use. Any property which does not conform to this requirement on the effective date of this Ordinance may continue such use, subject to the limitations of this section. If at any time city water service is extended to within 200 feet of property, such property shall convert to city water service. If a property becomes connected to the City Waterworks system, it cannot thereafter use a well for domestic use. (Ord. No. 1245 § 1.)

## **Article 38.25 Excavating Licenses**

### **Sections:**

- 38.25.010**      **Excavating license required--Application**  
**38.25.020**      **Same--Approval of application; bond required of applicant**  
**38.25.030**      **Same--Issuance; fee; term; renewal**

### **Section 38.25.010**      **Excavating license required--Application**

No person shall engage in the business or occupation of excavation of water mains, water lines, sewer mains, sewer lines or any other portion of the waterworks, wastewater or storm water system of the city without first procuring a license to do so. All applications for licenses shall be made in writing to the city. An applicant shall be required to submit, as part of the application, a copy of his contractor's license or renewal certificate, issued pursuant to North Dakota Century Code, Chapter 43-07, and a Master Plumber's License or a North Dakota Water and Sewer Installer's license, issued by the North Dakota State Plumbing Board. An excavator's license may not be issued unless the applicant has a current North Dakota contractor's license and a Master Plumber's License or North Dakota Water and Sewer Installer's license. (Ord. No. 1105, § 3; Ord. No. 1245 § 1.)

### **Section 38.25.020**      **Same--Approval of application; bond required of applicant**

If all of the requirements of this chapter are met, the City shall approve the application for a license required by section 38.25.010, which shall be filed with the City, together with a surety bond in a sum determined from time to time by the Board of City Commissioners for the execution of all work in strict conformity with the provisions of this chapter and the protection, indemnification and saving harmless the city from any or all loss, claim, suit or damages, direct or consequential which the city may sustain through violation of any of the provisions of this chapter, through negligence or in any other manner whatsoever. (Ord. No. 1105, § 4; Ord. No. 1245 § 1.)

### **Section 38.25.030**      **Same--Issuance; fee; term; renewal**

Upon filing of the required application and bond the City shall issue a license, as required by section 38.25.010, to the applicant upon payment by such person to the City of a fee in such amount as determined from time to time by the Board of City Commissioners in the City of Dickinson Fee Schedule. All licenses shall be for a period of one year or a fractional part thereof and shall expire as of the thirty-first day of December of each year. (Ord. No. 1105, § 5; Ord. No. 1245 § 1.)