

CHAPTER 4 - UTILITIES

ARTICLE 3 – WATER SERVICE

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Section 4-3-403 to 499, inclusive. Reserved.

Sections 4-3-101 to 4-3-199, inclusive. Water service - rights and duties respecting the use of the city water service - rules and regulations - penalties.

Section 4-3-101 Conditions of consumer use of the city water mains.

The following rules and regulations are hereby established for the governing of the water department of the city, and the control of all persons doing any plumbing in and upon any of the water mains, connections or appliances appertaining to the waterworks system of the city.

Any person, firm or corporation applying for and receiving water from the waterworks system belonging to the city shall receive such water on the express condition that such water is taken subject to all rules, regulations, and penalties provided by the city for any infraction of said rules and regulations.

The rules and regulations and penalties prescribed by this chapter shall not be considered as a contract between the city and any parties affected thereby in any manner so as to prohibit the commission from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.

Source: R.O. Pierre, 1957, 12.0202.

Statutory reference: SDCL 9-47-1, general municipal power to construct and operate waterworks system.

Section 4-3-102 City's right to discontinue service on the city water mains.

The city reserves the right at all times to discontinue water service on the city water mains for the purpose of repairing the same, making connections or extensions of the same, or for the purpose of

cleaning said main. No claim shall be made against the city by reason of a break in the mains or service pipes or service curb cocks, or from any damage arising from discontinuing the supply of water for purposes of repairing, laying or relaying water mains, hydrants or other connections. It shall be the duty of the water department to give reasonable notice of the discontinuance of said water service for the above mentioned purposes, whenever possible.

Source: R.O. Pierre, 1957, 12.0244.

Section 4-3-103 Permission as requisite to supplying water to others.

No owner or occupant of any premises to which the city furnishes city water will be allowed to supply water to any other persons or families without the written permission of the city commission. Any owner or occupant violating this section will be charged double the usual rates for each person or family so furnished with water and, if not paid, the water supply shall be cut off from said premises. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises but all service pipes shall enter at the front of the building nearest the sidewalk.

Source: R.O. Pierre, 1957, 12.0233.

Section 4-3-104 Prohibition against use of water from public hydrants - penalties.

No water shall be taken from any free or public hydrant for domestic use and no person shall be allowed to take water from the free or public hydrant for any other use. No water shall be taken or used without paying the regular and established rate thereof to the city finance officer.

No person except the regular employees of the city water department or fire department of the city, unless authorized by the City Water Department of said city, shall take water from, or in any way interfere with, injure, break or deface any fire hydrants belonging to the city.

Source: R.O. Pierre, 1957, 12.0239. Rev. of Ord.; 1990.

Section 4-3-105 Prohibitions against unnecessary waste of water.

Hydrants, taps, hoses, water closets, urinals, baths and other fixtures shall not be permitted to be kept running when not in use and it shall be the duty of all employees of the water department of the city to enforce this section and to notify the consumer of any unnecessary waste of water on the premises. If the necessary repairs are not made within twenty-four hours after being notified that water is being wasted, the water department shall forthwith discontinue the water service on the premises and before it shall be reinstated the consumer shall pay a fine as provided in this chapter.

Source: R.O. Pierre, 1957, 12.0240.

Section 4-3-106 Priorities of use of water and hose size restriction.

The sprinkling of gardens or lawns, washing of sidewalks, store or shop windows and fronts, shall be subordinate to domestic use and fire protection, and may be restricted by the water department at any time when a scarcity of water or any emergency exists.

Source: R.O. Pierre, 1957. 12.0242. Rev. of Ord.; 1990.

Section 4-3-107 Permission prerequisite to use of yard fountains and special requirements pertaining thereto.

Yard fountains shall not be used except by special permission and then only between April first and November first. The service pipe for fountains outside of doors must be provided with stop cocks under control of the city.

Source: R.O. Pierre, 1957, 12.0243.

Section 4-3-108 Enforcement of the provisions of this chapter.

It shall be the duty of the waterworks and sewerage commissioner, his authorized agent, employees of the city water works department, and all persons in the employ of the city having police powers, to enforce this chapter by making complaint before the city commission against all persons violating its provisions.

Source: R.O. Pierre, 1957. 12.0203.

Section 4-3-109 Penalties for violations of the provisions of this chapter.

Any person who shall violate any of the provisions contained in this chapter, except those sections wherein a specific penalty has been stated, shall, upon conviction thereof, in addition to having the water service discontinued, be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisonment in jail for a period of not more than thirty days, or both such fine and imprisonment, at the discretion of the court.

Any plumber or other person who shall violate the above provisions other than those for which penalties have been provided, shall upon conviction thereof be fined in a sum of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), and the city commission may revoke the license of such plumber.

Source: R.O. Pierre, 1957, 12.0248; Ord. No. 1474, 2000.

Sections 4-3-110 to 199, inclusive. Reserved.

Sections 4-3-201 to 4-3-299, inclusive, Water service - water meters.

Section 4-3-201 Metering of all water from the city water mains - city's duty to furnish and service meters.

All consumers of water from the water mains of the city shall receive city water through a meter. All water meters shall be of a type approved by the city commission. The city water department shall install all meters and keep the same in repair free of charge to the consumer, under restrictions as hereinafter provided, and the meters will remain the property of the city.

Source: R.O. Pierre, 1957, 12.0224.

Section 4-3-202 Single meter for each service pipe - auxiliary meters.

Single meter for each service pipe must be recorded by one meter only, for which one bill will be rendered by the city.

Source: R.O. Pierre, 1957, 12.0225. Rev. of Ord.; 1990.

Section 4-3-203 Placement of water meters.

All meters shall be located in the basement, crawl space or first floor of the building on the premises to be supplied with water and provided with a line size ball valve between the main and the meter. The City Engineer may permit the locating of the meter in other places on the property when in his opinion such meter shall be safe from frost or other destructive conditions.

Water meters shall be placed as close as possible to the point where the water service line enters the building. No extended non-metered raw water lines shall be permitted within the construction of the building.

Source: R.O. Pierre, 1957, 12.0226. Ord. No. 1647, 2009;

Section 4-3-204 Placement of outside meters in special boxes.

All water meters located outside of cellars must be placed in boxes. All such outside meter boxes must be of approved make.

Source: R.O. Pierre, 1957, 12.0227. Rev. of Ord.; 1990.

Section 4-3-205 Responsibility of consumer for safety and accessibility of meters - costs and penalties.

A suitable place, safe from frost or other damage and accessible for reading and examination, must be provided for said meter at the expense of the owner or occupant. In all cases where the meter is injured by freezing, or where it is otherwise damaged by the act or neglect of the owner or occupant of the premises, or of his agent or servants, the cost of repair and replacing of same shall be paid by the owner or occupant. In case of neglect or refusal to pay the same on demand the water supply may be turned off or meter removed or both, and shall not again be turned on until such cost and provisions of section 4-2-101 of this code are satisfied. The owner or occupant of all premises where a water meter is located shall see that the meter is kept free from obstruction on or around the same, and conveniently accessible during all reasonable hours of the day for the purpose of reading, inspection or repairing of such meter.

Source: R.O. Pierre, 1957, 12.0228. Rev. of Ord.; 1990; Ord. No. 1606, 2007;

Section 4-3-206 Placement of check valves on boilers and hot water apparatus.

Where a meter has been placed on a water pipe connection to a boiler or other hot water apparatus, a check valve must be placed and maintained between such meter and the boiler or hot water apparatus when so ordered by the waterworks and sewer commissioner or his assistants, which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for all such damages.

Source: R.O. Pierre, 1957, 12.0231.

Section 4-3-207 Meter testing at consumer's request - deposit - allowable variances.

Any owner or occupant of premises shall have the right, upon payment of the applicable fee to the City, to have his water meter tested and he may be present at such test if he so desires. If the meter is found to be defective, the fee shall be returned. The fee shall be set out in a schedule to be approved by the City Commission, as presented and on file at the city business office.

Source: R.O. Pierre, 1957, 12.0230; Ord. No. 1086, 1982; Ord. No. 1606, 2007;

Section 4-3-208 Prohibitions against damaging or interfering with meters - penalties.

Any person who shall break or deface the seal of any water meter, or who shall obstruct or injure the action of any water meter, or who shall make any connections by means of a pipe or otherwise with any main or pipe used for the delivery of water to the consumer in such manner as to take water from said main or pipe without its passing through a water meter, or who shall use any water so obtained, or

who shall, with intent to defraud, make any connection or reconnection with such main or pipe, or turn on or off or in any manner interfere with any valve, stop cock or other appliance connected therewith, shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00), or be imprisoned not more than thirty days, or be subject to both such fine and imprisonment, in the discretion of the court and pay for any water estimated to have been used.

Source: R.O. Pierre, 1957, 12.0232. Rev. of Ord.; 1990.

Section 4-3-209 Requiring remote reading devices on all residential water meters.

At such time as ordered by the Utilities Commissioner of the City of Pierre, South Dakota, all residential water meters in the City of Pierre shall be equipped with a remote reading device located on the exterior of the building served. The remote reading device shall be installed adjacent to the electric meter location at a minimum elevation of 3-1/2 ft. and a maximum elevation of 5-1/2 ft. above proposed adjacent grade. On new installations, the electrician will be required to run 18/3 wire from each water meter to area near electric meter socket location. Wire shall be thermostat type wire with 0.008 pvc insulation over copper wire and an overall 0.018 pvc jacket.

Installation of the remote reading device shall be done by City of Pierre personnel and the consumer shall pay a remote reading device fee therefore to the City of Pierre. The fee shall be set out in a schedule to be approved by the City Commission, as presented and on file at the city business office.

Source: Ord. No. 1111,1983; Ord. No. 1474, 2000; Ord. No. 1606, 2007; Ord. No. 1650, 2009;

Sections 4-3-210 to 299, inclusive. Reserved.

Sections 4-3-301 to 399, inclusive. Water service connections of service pipe and appurtenances to city water mains.

Section 4-3-301 Permit prerequisite to the use of city water.

Owners of property desirous of using water from the distributing pipes shall make application in writing, either by themselves or their agent, to the city inspector. The application shall state the description of the premises, name of the owner, and purpose for which the water is to be used, the size of the tap, and kind of service pipe to be used. The application must be made at least two days before the work is to be commenced. If the application shall have been approved by the waterworks and sewer commission or his authorized agent, the city inspector shall issue a permit. It shall then be the duty of the water department upon due notice, to tap the distributing pipe. No person or persons shall be permitted to tap or make any connections, except the water department. No additional use of water will

be permitted by the city except that mentioned in the application for water, and persons desiring further or additional use of water must make application as herein set forth.

Source: R.O. Pierre, 1957, 12.0204.

Statutory reference: SDCL 9-47-1, general municipal power to operate waterworks system.

Section 4-3-302 Tap fee to be paid by consumer.

At the time of making the application as hereinbefore provided, the applicant shall pay to the city finance officer a sum to cover the cost of making the tap upon the water mains as per schedule in Section 4-3-303.

Source: R.O. Pierre, 1957, 12.0208. Rev. of Ord.; 1990.

Statutory reference: SDCL 9-50-16, rates, charges and rentals charged by municipality.

Section 4-3-303 Costs of water service connections charged against property owners - deposits.

All labor and materials for tapping the main shall be charged to the property owner requesting the tap and payment shall be made in advance to the city. The water service connection fees shall be set out in a schedule to be approved by the City Commission as presented and on file at the city business office.

All water service connections installed shall be equipped with an outside meter viewer.

The property owner shall be responsible for furnishing and installing the pipe from the main to the premises, the curb stop and curb box. The pipe, curb stop and curb box must be of a type approved by the City of Pierre Water Department.

The property owner shall also furnish a suitable space and couplings for a water meter.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Source: R.O. Pierre, 1957, 12.0209; Ord. No. 765, 1966; Ord. No. 858, 1972; Ord. No. 1039m 1980; Ord. No. 1214, 1988. Rev. of Ord.; 1990; Ord. 1486, 2001; Ord. No. 1606, 2007;

Statutory reference: SDCL 9-50-16, rates charges and rentals charged by municipality.

Section 4-3-304 Return of information concerning water uses by plumbers.

All plumbers shall make full returns of the ordinary and special uses to which water is designated to be applied under any permit granted by the city, with a description of all apparatus and arrangements

for using the water in every case, such return to be made to the city water department by the plumber who does the work within forty-eight hours after its completion. For any misrepresentations or omissions, in the statement of the work done or appurtenance set, through which there may be water used, the plumber may be suspended or his license may be revoked at the discretion of the City Commission.

Source: R.O. Pierre, 1957, 12.0205.

Section 4-3-305 Minimum depth of service pipe.

Within the limits of the streets in the city, service pipes shall in no case be laid at less than five feet below the lowest part of the gutter.

Source: R.O. Pierre, 1957, 12.0212.

Section 4-3-306 Requirement of service pipe and method of installation.

Every service pipe must be of such material as required by the plumbing code from the corporation cock on the main to the meter. In cases where more than one tap is required for the same service pipe or otherwise, such taps shall be placed at least eighteen inches apart on the main. In no case shall taps be made closer than 24 inches from the face of the bell. All new and replacement water service lines shall have attached to it a locating wire. The locating wire shall be tracer/locator wire #12 AWG, single conductor insulated with a blue high molecular weight polyethylene (HMWPE) insulation specifically for use in direct burial applications and manufactured to ASTM and/or UL specifications. Tracer wires shall extend from the corporation valve on the water main to within five (5) feet of the building and shall extend above the ground surface and terminate within a flush mount access box. The access box shall have a cast iron lid that can be locked and opened with a standard pentagon head key wrench.

Polyethylene (PE) plastic pipe, (SDR-PR) meeting standard ASTM D 2239, 200 psi rated, 1 inch thru 2 inch inside diameter, may be used within the city right-of-way between the corporation stop and the curb stop valve. Fittings used on polyethylene pipe shall be fusion type exterior fittings or approved pre-manufactured bonded stainless steel fittings. No insert type fittings utilizing pipe clamps will be allowed. Copper pipe shall be of such size and weight as may be prescribed by the Plumbing Code.

Source: R.O. Pierre, 1957, 12.0210. Rev. of Ord.; 1990; Ord. No. 1636, 2008; Ord. No. 1649, 2009;

Section 4-3-307 Substitution requirements of service pipe not made of material as required by plumbing code.

The water service pipes not of material in plumbing code, now connected with the water mains of the city, shall not be repaired when the same shall become leaky, and the material allowed by plumbing code shall then be substituted in lieu thereof.

Source: R.O. Pierre, 1957, 12.0221.

Section 4-3-308 Areas where iron pipe allowed by special permit and conditions. (REPEALED)

Source: R.O. Pierre, 1957, 12.0211. Rev. of Ord.; 1990.

Section 4-3-309 Replacement of iron and other non-conforming pipe at time of paving.

All persons who have been connected with the city water mains in the streets, avenues, and alleys of the city, whose connections are not made of material as allowed by the plumbing code of the size, character and specifications as provided for connections in this chapter and the plumbing code shall before the work of paving commences, and at such time in advance thereof as may be ordered by the city commission, cause said connections to be removed and re-laid with material allowed by the plumbing code.

Source: R.O. Pierre, 1957, 12.02220.

Section 4-3-310 Requirement for stopcocks and waste cocks.

There shall be a brass curb cock in each service pipe under the exclusive control of the city water department, said curb cock to be placed in the service pipe at the outer edge of the sidewalk or at the alley line, and no person not a direct employee of the city water department shall open or close or otherwise interfere with said curb cock. All such curb cocks shall have stops with circular waterways of the same diameter as the pipe in which they are placed, and must have "T" heads and be in all respects equal to sample in the office of the water department. Each service pipe must be furnished with a stop and waste cock below the action of the frost, so situated that water can be easily shut off and drained from the pipes to prevent freezing. There shall also be a stop and waste cock in every cellar or basement served, below the action of the frost to enable the consumer to turn the water off in case of accidents to the pipes on the premises and to drain the pipes and water meter to prevent freezing.

Source: R.O. Pierre, 1957, 12.0214.

Section 4-3-311 Requirements for boxes or tubes for curb cocks.

All curb cocks shall be provided with a box or tube of approved pattern, and the top of each box or tube be placed on the level with the grade of the sidewalk, and no premises shall be supplied with water without said box or tube being in good order.

Source: R.O. Pierre, 1957, 12.0215.

Section 4-3-312 Requirements for separate cut-offs for each building or consumer.

Each separate building or water consumer must have its own separate cut-off placed at the outside edge of the sidewalk or in the alley, provided, that when two or more buildings are already supplied through one service connection and one cut-off, such service may be continued until separate service pipe and cut-offs are ordered in, but if the water rates for any of the said buildings shall become delinquent and so remain for a period of five days, the water supply may be turned off from all of the said buildings and shall not be again turned on until provisions of section 4-2-101 of this code are satisfied. The water department may order separate service connections for any such buildings so already supplied through one service pipe if or whenever the city water main has been laid in the street adjacent to said building.

Source: R.O. Pierre, 1957, 12.0217. Rev. of Ord.; 1990; Ord. No. 1606, 2007;

Section 4-3-313 Consumer's responsibility for installation and repair of service pipe.

All service pipes from the water main to the premises shall be installed by and kept in repair at the expense of the owner or person in possession of the premises served. If such owner or person shall fail to cause to have properly repaired any service pipe within thirty (30) days upon receipt of the due notice from the water department, the water shall immediately be shut off from said premises and remain shut off until said repairs shall have been made; or the water department may repair such service pipe and charge all repairs to the owner or person in possession of the premises.

Source: Ord. No. 1122, 1984; Ord. No. 1474, 2000.

Section 4-3-314 Owner's responsibility for pipes and fixtures - immunity of city from claims from damages.

The city waterworks department shall not be responsible for pipes and fixtures. All owners must at their own expense keep their service pipes from the water main to their premises, and all other apparatus, in good working order and properly protected from frost and other danger. Other apparatus includes but is not limited to: curb stops, corporations, saddles or any other materials used in the service line but does not include the city water main. No claim shall be made against the city, its mayor, commissioners, or any employees of the city water department, by reason of the breaking of any service pipe, water meters, or apparatus, or from any damage that may result from shutting off water for repairing, or any other purpose or for any variations in pressure. No deduction will be made from the regular rates because of leaking pipes or fixtures.

Source: R.O. Pierre, 1957, 12.0219; Ord. No. 1066, 1981; Ord. No. 1606, 2007;

Section 4-3-315 Replacing non-conforming pipes and appurtenances penalties.

Pipes and appurtenances in use, which do not comply with the provisions of this chapter must be made to so comply and if not complied with in a reasonable time the water supply shall be discontinued.

Source: R.O. Pierre, 1957, 12.0245.

Section 4-3-316 City officials and employees permitted to enter premises to make inspections - penalties.

The waterworks and sewer commissioner or other members of the City Commission, the Chief of Police, Director of Public Works, City Engineer, City Inspector, and employees of the city water department shall be permitted (at reasonable hours) to enter the premises or buildings of consumers to examine the water pipes and fixtures and the manner in which water is used. In any case of fraudulent representation on the part of the owner or occupant, or willful or unreasonable use of water, such owner or occupant shall forfeit any payment made, and the city may cause the water service to be discontinued and assess reasonable damages.

Source: R.O. Pierre, 1957, 12.0246.

Cross reference: Section 2-3-305, city inspector.

Section 4-3-317 Auxiliary fire hydrants for commercial and public buildings by special permit.

When any commercial or public water consumer of the city desires to lay larger auxiliary pipes with fire hydrants and hose couplings to be used only in case of fire, it will be permitted to connect with the city water mains at their own expense upon granting of a permit by the waterworks and sewer commissioner, and will be allowed to use water for fire purposes only free of charge.

Source: R.O. Pierre, 1957, 12.0220.

Section 4-3-318 Unauthorized service pipe, connections or use of city water - penalties.

Any person who shall lay any water service pipe, or introduce into or about any building or on any grounds any water pipes, or do any plumbing in any building or on any grounds for the purpose of connecting such pipes or plumbing with the water pipes of the city waterworks, or prepare them for such connection with a view to leaving such places supplied with water from the city waterworks, or who shall make any additions to or alterations of any water pipe, water closet, stop cock or other fixtures or apparatus for the supply of any premises with water, without having been duly licensed to do such work by the city, or without first having obtained a permit for doing such work from the city finance officer, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred (\$100.00) for each offense. Provided, that the foregoing provisions shall not apply to work done upon grounds or in buildings belonging to the city or the board of education of and for said city, when such work is authorized by the water and sewerage commissioner to be performed by employees of the water

department.

Source: R.O. Pierre, 1957, 12.0206. Rev. of Ord.; 1990.

Sections 4-3-319 to 399, inclusive. Reserved.

Sections 4-3-401 to 4-3-499, inclusive. Water service - fluoridation.

Section 4-3-401. Fluoridation - statement of policy. (REPEALED)

Source: Ord. No. 777, 1967, Sec. 1; Repealed 2016, Ord. No. 1767

Section 4-3-402. Fluoridation - authorization and conditions. (REPEALED)

Source: Ord. No. 777, 1967, Sec. 2; Repealed 2016, Ord. No. 1767

Statutory reference: SDCL 34-24-A-1, duty of control of fluoride content in municipal water

Statutory reference: SDCL 34-24-A-1, duty of control of fluoride content in municipal water.

Sections 4-3-403 to 499, inclusive. Reserved.
