

ORDINANCE NO. 93-1

1994 ANNUAL APPROPRIATION ORDINANCE

SECTION I: BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1994:

Trustees meeting fees	\$ 1,500.00
District Attorney	4,000.00
Election expense	320.00
Office supplies	200.00
Postage	200.00
Mileage and transportation	560.00
Lodging and meals	300.00
Debt service - state loan	1,500.00
Engineering	3,500.00
Miscellaneous expense	500.00
Contingency	500.00
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TOTAL	\$ <u>13,080.00</u>

SECTION II: Receipts

James River Water Development District Grant	\$ 1,500.00
State of South Dakota - loan	4,500.00
General Property Tax Levy	<u>7,080.00</u>
TOTAL	\$ <u>13,080.00</u>
TOTAL 1994 MEANS OF FINANCE	\$ <u>13,080.00</u>

SECTION III: The District Clerk is hereby directed and authorized to certify the said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$ <u>7,080.00</u>
TOTAL LEVY	\$ <u>7,080.00</u>

Passed First Reading 9/9/93

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

President, Board of Trustees

ATTEST:

Acting Clerk

ORDINANCE NO. 93-1

1994 ANNUAL APPROPRIATION ORDINANCE

SECTION I: BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1994:

Trustees meeting fees	\$ 1,530.00
District Attorney	4,500.00
Election expense	320.00
Office supplies	200.00
Postage	200.00
Mileage and transportation	560.00
Lodging and meals	300.00
Debt service - State loan	1,500.00
Engineering	2,000.00
Miscellaneous expense	500.00
Contingency	500.00

TOTAL \$ 12,110.00

SECTION II: Receipts

State of South Dakota - loan proceeds carried over	2,000.00
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General Property Tax Levy	<u>10,110.00</u>
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TOTAL \$ 12,110.00

TOTAL 1994 MEANS OF FINANCE \$ 12,110.00

SECTION III: The District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$ <u>10,110.00</u>
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TOTAL LEVY \$ 10,110.00

Passed First Reading 9/9/93

Passed Second Reading 9/28/93

Adopted _____

President, Board of Trustees

ATTEST:

Acting Clerk

ORDINANCE NO. 94-1

1995 ANNUAL APPROPRIATION ORDINANCE

SECTION I: BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1995:

Trustees meeting fees	\$	1,530.00
District Attorney		4,000.00 <i>2500.00</i>
Election expense		320.00
Office supplies		100.00
Postage		100.00 <i>200.00</i>
Mileage and transportation		560.00
Lodging and meals		300.00
Debt service - State loan		1,500.00
Engineering		1,000.00
Land acquisition <i>& testing</i>		3,000.00 <i>6000.</i>
Audit expense		500.00 <i>200.00</i>
Payroll taxes		150.00
Legal/Notice publication expense		450.00
Miscellaneous expense		500.00 <i>Delete</i>
Contingency		<u>500.00</u>
TOTAL		<u>14,510.00</u>

SECTION II: Receipts

1994 carryover		500.00 <i>4105.00 carryover</i>
General property tax levy	\$	<u>14,010.00</u>
TOTAL		<u>14,510.00</u>
TOTAL 1995 MEANS OF FINANCE	\$	14,510.00 <i>13,900.00</i>

SECTION III: The District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$	<u>14,010.00</u>
TOTAL LEVY	\$	<u>14,010.00</u>

Passed First Reading 10-25-94

Passed Second Reading 11-1-94

Adopted 11-1-94

ATTEST:

James A. O'Keefe
 Acting Clerk

James A. O'Keefe
 President, Board of Trustees

ORDINANCE NO. 94-1

1995 ANNUAL APPROPRIATION ORDINANCE

SECTION I: BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1995:

Trustees meeting fees	\$	1,530.00
District Attorney		4,000.00
Election expense		320.00
Office supplies		100.00
Postage		100.00
Mileage and transportation		560.00
Lodging and meals		300.00
Debt service - State loan		1,500.00
Engineering		1,000.00
Land acquisition		3,000.00
Audit expense		500.00
Payroll taxes		150.00
Legal/Notice publication expense		450.00
Miscellaneous expense		500.00
Contingency		<u>500.00</u>
TOTAL		<u>14,510.00</u>

SECTION II: Receipts

1994 carryover		500.00
General property tax levy	\$	<u>14,010.00</u>
TOTAL		<u>14,510.00</u>
TOTAL 1995 MEANS OF FINANCE	\$	<u>14,510.00</u>

SECTION III: The District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$	<u>14,010.00</u>
TOTAL LEVY	\$	<u>14,010.00</u>

Passed First Reading 10-25-94

Passed Second Reading 11-1-94

Adopted 11-1-94

ATTEST:

James H. O'Keefe
Acting Clerk

James H. O'Keefe
President, Board of Trustees

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-1

AN ORDINANCE REQUIRING CONNECTION TO SANITARY SEWER SYSTEM, ESTABLISHING SANITARY SEWER CONNECTION FEES, DATE OF PAYMENT OF SAME AND REQUIRING PROPERTY OWNERS TO INSTALL AN ACCEPTABLE SEPTIC TANK.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AS FOLLOWS:

SECTION I

REQUIRED CONNECTION TO SANITARY SEWER SYSTEM

Pursuant to SDCL § 34A-5-35, all dwellings and other structures containing water and/or toilet facilities within the boundaries of the Richmond Lake Sanitary District which are now or in the future could be serviced by a septic tank system or any other type of waste disposal system, must be connected to the sanitary sewer facilities of the District. Such sanitary sewer connection shall be made to the sanitary sewer system at such time as the construction of the sanitary sewer system permits such connection. A property owner shall be given notice of the approximate date when the connection for his property will be made and after such date, the property owner may only use its existing waste disposal system until the actual date on which the connection will or could be made. If the property owner fails or refuses to timely connect to the sanitary system, the District may, pursuant to SDCL § 34A-5-35, cause such connection to be made and assess the cost thereof upon the land where the dwelling or other structure is situated.

SECTION II

DEFINITIONS

Unless the context specifically indicates otherwise, the definitions of terms used in this Ordinance shall be as follows:

- A. "Property Owner" shall refer to any owner in fee of any residential property or commercial property.
- B. "Wastewater system" shall refer to the public wastewater collection system being operated by the District at any time.
- C. "Residential Users" are classified as owners of single family dwellings, individual condominium units, or individual mobile home units, whether seasonal or year-round.
- D. "Commercial Users" shall be all types of users other than "Residential Users" and "Vacant Lot Owners" when the property is used for any type of business, whether for profit or non-profit, including but not limited to multiple family dwelling units, apartment houses, hotels, motels, mobile home units in designated or zoned mobile home courts, bed and breakfast facilities, dance halls, bars, resorts, bait shops, youth camps, or public use areas and State Park facilities, other than single family residential homes provided for Park employees which shall be treated as residential users and all other enterprises.

- E. "Septic tank" shall mean a tank that meets the South Dakota Department of Environment and Natural Resources standards.
- F. "Phase I" shall encompass the geographic areas of the project commonly known as: South Shore Drive, State Park campground, resort and house adjacent to the resort.
- G. "Phase II" shall encompass the geographic areas of the project commonly known as: North Shore Drive, East Shore Drive, West Shore Drive, West Bridge Road, and Youth Camp.
- H. "Vacant lot" shall be a platted lot or unplatted tract of land on which no structure exists that contains any water or toilet facilities.

SECTION III

ACCEPTABLE SEPTIC TANK REQUIREMENT

Property owners must provide prior to connection, at their expense, a septic tank which meets the standards of the South Dakota Department of Environment & Natural Resources. Following connection, the District shall maintain such septic tank at its expense.

SECTION IV

PROPERTY OWNER CONNECTION FEES

The property owner shall pay a connection fee to the District as follows:

- I. Phase I:
 - A. Residential and Commercial Users:

(1) \$2,500 if paid \$1,250 before September 1, 1996 and \$1,250 before March 1, 1997;

(2) \$3,000 if not paid in full on or before the due dates of Paragraph I-A-(1).

B. Vacant Lot Owner:

(1) \$1,000 if paid \$500 before September 1, 1996 and \$500 before March 1, 1997;

(2) \$1,500 if not paid in full on or before the due dates of Paragraph I-B-(1);

(3) The property owner may at his option pay the remaining \$1,500 portion of the connection fee to prior to March 1, 1997.

(4) If the property owner does not pay the remaining fee prior to March 1, 1997, the property owner may pay the remaining connection fee at the time of connection, but he will be assessed as additional 5% annually from and after April 1, 1997 on the \$1,500 balance.

II. Phase II:

A. Residential and Commercial Users:

(1) \$2,500 if paid \$1,250 before January 1, 1997 and \$1,250 before July 1, 1997;

(2) \$3,000 if not paid in full on or before the due dates of Paragraph II-A-(1).

B. Vacant Lot Owner:

(1) \$1,000 if paid \$500 before January 1, 1997 and \$500 before July 1, 1997.

(2) \$1,500 if not paid in full on or before the due dates of Paragraph II-B-(1).

(3) The property owner may at his option pay the remaining connection fee of \$1,500 prior to July 1, 1997.

(4) If the property owner does not pay the remaining \$1,500 connection fee prior to July 1, 1997, the owner may pay the connection fee at the time of connection to the system, but he will be assessed an additional 5% annually on the remaining \$1,500 from and after July 1, 1997.

All connection fees remaining unpaid as of their due date shall be considered delinquent and shall be certified to the County Auditor in accordance with SDCL 34A-5-40.

SECTION V

VALIDITY

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

FIRST READING 6/11/96

SECOND READING 6/18/96

PUBLISHED _____

EFFECTIVE DATE _____

President

ATTEST:

Acting Clerk (SEAL)

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-2

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING CHARGES FOR DEBT SERVICE TO BE LEVIED ON ALL PROPERTY OWNERS IN THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, HEREIN DESIGNATED AS DISTRICT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT.

SECTION I

PURPOSE

The purpose of this ordinance shall be to generate sufficient revenue to reimburse costs (principal, interest, and administrative costs) of indebtedness incurred for the construction of the complete wastewater system. The costs shall be distributed among the property owners in the District as hereinafter stated.

SECTION II

DETERMINATION OF DEBT SHARE

The District shall determine the total amount of debt, interest, and administrative costs to be reimbursed over the term of the indebtedness. The District shall determine the proportionate share of the debt cost by dividing the total cost by the total number of property owners in the District.

SECTION III

THE INDEBTEDNESS

Indebtedness of District shall consist of a loan from the South Dakota State Revolving Loan Fund and a no interest loan from the REA. The duration of the SRF indebtedness shall be for a period twenty (20) years at an interest rate of 5.25% per annum and the duration of the REA indebtedness is ten (10) years.

The indebtedness shall be secured by Richmond Lake Sanitary District Revenue Bonds or such other evidence of debt as determined by the Board.

SECTION IV

PROPERTY OWNER DEBT SERVICE

The District proposes five (5) options from which the property owner may select one (1) option as the means by which the share of indebtedness will be reimbursed. The property owner will have a one-time privilege to select the option desired to service their proportionate share of debt. The property owner would have the privilege of payment in full without penalty at any time. A surcharge of .5% will be added to the 5.25% loan interest rate to cover administrative costs of amortized payments.

As additional areas are included in the District, a pro-rata share of the reduced debt service share needed will be credited to the unpaid balance of the property owner's account, applied to the property owner's service fee account, or refunded to the property owner at the option of the District.

SECTION V

DEBT SERVICE OPTIONS

The property owner shall select from the options listed below as the means of reimbursement for his proportionate share of indebtedness. This is a one time selection for the duration of the property owners debt service unless full payment is made. Debt service payments are in addition to property owner connection fees as established in Ordinance No. 96-1.

- Option 1:** The property owner could make a payment of \$2,900 (based on 268 participants) up-front, plus the up-front \$2,500 connection fee for a total one time payment of \$5,400.
- Option 2:** The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$335.00 for a period of 5 years, plus the up-front \$2,500 connection fee for a total payment of \$5,850.
- Option 3:** The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$191 for a period of 10 years, plus the up-front \$2,500 connection fee for a total payment of \$6,320.
- Option 4:** The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$145 for a period of 15 years, plus the up-front \$2,500 connection fee for a total payment of \$6,850.
- Option 5:** The property owner could make monthly payments each year in the amount of \$21.50 for a period of 20 years, plus the up-front \$2,500 connection fee for a total payment of \$7,660.

The following options are provided for each property owner for payment of undeveloped lot fees and connection fees.

Option A: \$1,000 undeveloped lot fee payable up front. The property owner may at his option pay the remaining \$1,500 connection fee prior to March 1, 1997 for Phase I and July 1, 1997 for Phase II.

Option B: \$1,000 undeveloped lot fee payable up front. If the property owner does not pay the remaining \$1,500 connection fee prior to March 1, 1997 for Phase I and July 1, 1997 for Phase II, the property owner may pay the connection fee at the time of connection, but he will be assessed an additional 5% annually on the remaining \$1,500 from and after April 1, 1997 for Phase I and August 1, 1997 for Phase II.

SECTION VI

SELECTION OF PAYMENT OPTION

The property owner shall make the payment option selection at the time of the final payment of the property owner connection fee for the project phase in which the property owner's property is located. The option selection shall be a one (1) time privilege

and shall after selection, remain for the duration of the property owner's debt service term unless the remaining outstanding balance is paid in full. The property owner shall have prepayment privilege without penalty.

SECTION VII

NOTIFICATION

Each property owner selecting an option calling for periodic payments will be provided with an amortization (payment) schedule which will depict the date of payment due, the principal portion of the payment, the interest portion of the payment, the total amount of the payment and the principal balance outstanding after application of the payment.

The provision of the amortization schedule shall constitute notice of payments due, and additional notices of individual payments due will not be provided.

SECTION VIII

DELINQUENCY

Payment not received within 30 days after the due date will be considered delinquent. A delinquent payment fee in the amount of 1.5% per month will be assessed on the delinquent account retroactive to the date payment was due. The delinquent payment fee assessed shall be a part of the remaining obligation of the property owner if not paid.

Property owner debt service fees remaining unpaid after their due date shall be considered delinquent and shall be certified to the County Auditor in accordance with SDCL 34A-5-40.

SECTION IX
VALIDITY

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

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

FIRST READING _____ 6/11/96 _____
SECOND READING _____ 6/18/96 _____
PUBLISHED _____
EFFECTIVE DATE _____

ATTEST:

President

Acting Clerk (SEAL)

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-3

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING CHARGES FOR OPERATION AND MAINTENANCE AND A RESERVE FUND TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AND PROVIDING CERTAIN PROHIBITIONS AND ESTABLISHING INITIAL RATES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, HEREINAFTER DESIGNATED AS BOARD.

SECTION I

PURPOSE

The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system together with funding a reserve fund. The costs shall be distributed to all users of the wastewater system on a basis of full-time service or seasonal service.

SECTION II

DEFINITIONS

Unless the context specifically indicates otherwise, the definitions of terms used in this Ordinance shall be as follows:

- A. "Property Owner" shall refer to any owner in fee of any lot(s), or part thereof, including residential property and non-residential property.
- B. "Wastewater system" shall refer to the public wastewater collection system being operated by the District at any time.
- C. "Residential Users" are classified as single family dwellings, individual condominium units, or individual mobile home units, whether seasonal or year-round.

- D. "Commercial Users" shall be all types of users other than "Residential Users" and "Vacant Lot Owners" when the property is used for any type of business, whether for profit or non-profit, including but not limited to multiple family dwelling units, apartment houses, hotels, motels, mobile home units in designated or zoned mobile home courts, bed and breakfast facilities, dance halls, bars, resorts, bait shops, youth camps, or public use areas and State Park facilities, other than single family residential homes provided for Park employees which shall be treated as residential users and all other enterprises.
- E. "Seasonal User" those Residential Users and/or Commercial Users using the System service or having the System service available during the calendar period of April 1 to October 31.
- F. "Annual User" those Residential Units and/or Commercial Users using the System service before April 1 or after October 31 of any calendar year.

SECTION III

DETERMINATION OF ANNUAL COST

The District shall determine the total annual cost of operation, maintenance, and financing of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the system, for which such works were designed and constructed. The total annual cost shall include but

need not be limited to labor, repairs, equipment replacement, maintenance, modifications, electrical power, sampling, laboratory tests, and a reasonable contingency fund.

SECTION IV

DETERMINATION OF EACH USER'S WASTEWATER RATE

The District shall determine the Basic User Cost by dividing the total annual cost by the total number of user months of the wastewater system. User months for the system shall be determined by multiplying the number of annual users by 12 and the number of seasonal users by 7. The total annual cost divided by the total users months will reflect the average user monthly cost. Determination of annual user cost shall be the average user monthly cost multiplied by 12; determination of seasonal user cost shall be the average user monthly cost multiplied by 7. The residential rate shall be the average user monthly cost. The commercial rate shall be the average user monthly cost plus a surcharge with respect to the estimated volume to be discharged into the system.

SECTION V

WASTEWATER FACILITIES RESERVE FUND

A reserve fund called the Reserve Account is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (30 years) of the wastewater collection facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.

The reserve fund called the Reserve Account established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$3,650 per year obtained from the wastewater utility fund at the end of each fiscal year beginning at the end of the 1998 fiscal year, and each year thereafter.

SECTION VI

REVIEW OF WASTEWATER USER'S FEE

The District shall review the total annual cost of operation, maintenance, and financing of the wastewater system and each wastewater user's fee not less often than every two (2) years. Revisions shall be made to the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system and maintain a reserve fund.

SECTION VII

NOTIFICATION AND PAYMENT

Each user will be notified not later than March 1 of each year of the user fee which will be due that calendar year. Notification shall be by means of regular mail via the US Postal Service. Mailing of notifications by regular mail to the last known address of record for the user in the Office of the District shall constitute legal notice.

Payment of user fees, seasonal and annual, shall be due and payable on or before April 1 of each calendar year. All user fees remaining unpaid after May 1 of each calendar year will be considered delinquent and shall be certified to the County Auditor

in accordance with SDCL 34A-5-40. Any user who shall fail to pay the District user fee within 30 days of the due date or after May 1 of each calendar year shall be assessed and be liable to the District in the sum of \$5.00 per month for each month the delinquency remains unpaid.

Continued or habitual delinquency may result in the District disconnecting wastewater service. Upon disconnection from service, the property would be in violation of the Clean Water Protection Act and the Ordinances of the District. District may require a reconnect charge as well as a user deposit to guarantee future payment of user fees.

SECTION VIII

DELINQUENCY CHARGES

Any person who shall fail to connect his/her private sewer facilities to the service system of the District after reasonable notification from District to connect, shall be liable to District in the sum of \$25.00 per calendar month or fraction thereof from the date provided by District after which the user is considered delinquent, plus a sum equal to all legal fees and expenses incurred by District in any legal action brought by District against such person to enforce its Ordinances. Such additional charges for legal fees and expenses may be waived in the sole discretion of the Board.

SECTION IX

INITIAL CHARGES

The initial monthly charges shall be \$12.00 for residential users and \$24.00 for commercial users per month commencing on the 1st day of the month following connection of User's septic tank to the system.

SECTION X

ACCEPTABLE SEPTIC TANK REQUIREMENT

Property owners must provide prior to hook-up, at their expense, a septic tank which meets the standards of the South Dakota Department of Environment and Natural Resources. Following hook-up, the District shall maintain such septic tank at its expense.

SECTION XI

VALIDITY

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

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

FIRST READING 6/11/96

SECOND READING 6/18/96

PUBLISHED _____

EFFECTIVE DATE _____

ATTEST:

President

Acting Clerk (SEAL)

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-5

AN ORDINANCE AMENDING SECTIONS IV AND V OF ORDINANCE 96-2 TO SPECIFY THE STARTING DATE FOR DEBT SERVICE PAYMENTS AND REVISE THE DEBT SERVICE OPTIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AS FOLLOWS:

- (1) That Section IV of Ordinance 96-2 be amended to read as follows:

SECTION IV

PROPERTY OWNER DEBT SERVICE

The District proposes five (5) options from which the property owner may select one (1) option as the means by which his/her share of the indebtedness will be reimbursed. The property owner will have a one-time privilege to select the option desired to service their proportionate share of debt. The property owner would have the privilege of payment in full without penalty at any time. A surcharge of .5% will be added to the 5.25% loan interest rate to cover administrative costs of amortized payments.

As additional areas are included in the District, a pro-rata share of the reduced debt service share needed will be credited to the unpaid balance of the property owner's account, applied to the property owner's service fee account, or refunded to the property owner at the option of the District.

Debt service payments will commence on August 1, 1997.

- (2) That Section V of Ordinance 96-2 be amended to read as follows:

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-4

AN ORDINANCE AMENDING SECTION IV OF ORDINANCE 96-1 TO DESCRIBE THE AREAS INCLUDED IN EACH PHASE OF THE SANITARY SEWER PROJECT AND TO CHANGE THE INITIAL PAYMENT DATE FOR PHASE I.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AS FOLLOWS:

That Section IV of Ordinance 96-1 be amended to read as follows:

SECTION IV

PROPERTY OWNER CONNECTION FEES

The property owner shall pay a connection fee to the District as follows:

I. Phase I: (The State Park, South Shore area, the Resort, and everything east of the Resort on the south side of the Lake, the Spillway Drive area and the North Shore Drive area up to, but not including the Brown County Youth Camp).

A. Residential and Commercial Users:

(1) \$2,500 if paid \$1,250 before December 1, 1996 and \$1,250 before March 1, 1997;

(2) \$3,000 if not paid in full on or before the due dates of Paragraph I-A-(1).

B. Vacant Lot Owner:

(1) \$1,000 if paid \$500 before September 1, 1996 and \$500 before March 1, 1997;

(2) \$1,500 if not paid in full on or before the due dates of Paragraph I-B-(1);

(3) The property owner may at his option pay the remaining \$1,500 portion of the connection fee to prior to March 1, 1997.

(4) If the property owner does not pay the remaining fee prior to March 1, 1997, the property owner may pay the remaining connection fee at the time of connection, but he will be assessed an additional 5% annually from and after April 1, 1997 on the \$1,500 balance.

II. Phase II: (All areas of the Lake that are not in Phase I).

A. Residential and Commercial Users:

(1) \$2,500 if paid \$1,250 before January 1, 1997 and \$1,250 before July 1, 1997;

(2) \$3,000 if not paid in full on or before the due dates of Paragraph II-A-(1).

B. Vacant Lot Owner:

(1) \$1,000 if paid \$500 before January 1, 1997 and \$500 before July 1, 1997.

(2) \$1,500 if not paid in full on or before the due dates of Paragraph II-B-(1).

(3) The property owner may at his option pay the remaining connection fee of \$1,500 prior to July 1, 1997.

(4) If the property owner does not pay the remaining \$1,500 connection fee prior to July 1, 1997, the owner may pay the connection fee at the

time of connection to the system, but he will be assessed an additional 5% annually on the remaining \$1,500 from and after July 1, 1997.

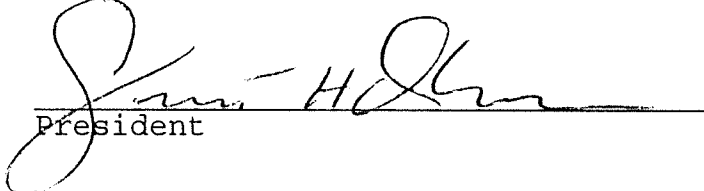
All connection fees remaining unpaid as of their due date shall be considered delinquent and shall be certified to the County Auditor in accordance with SDCL 34A-5-40.

FIRST READING 8/15/96

SECOND READING 8/29/96

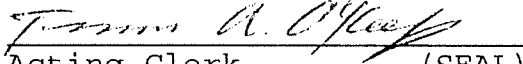
PUBLISHED 9/04/96

EFFECTIVE DATE 9/24/96



President

ATTEST:



Acting Clerk (SEAL)

SECTION V

DEBT SERVICE OPTIONS

The property owner shall select from the options listed below as the means of reimbursement for his proportionate share of indebtedness. This is a one time selection for the duration of the property owners debt service unless full payment is made. Debt service payments are in addition to property owner connection fees as established in Ordinance No. 96-1.

- Option 1: The property owner could make a payment of \$2,900 (based on 268 participants) up-front.
- Option 2: The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$335.00 for a period of 5 years.
- Option 3: The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$191 for a period of 10 years.
- Option 4: The property owner could make semi-annual payments on April 1 and October 1 of each year in the amount of \$145 for a period of 15 years.
- Option 5: The property owner could make monthly payments each year in the amount of \$21.50 for a period of 20 years.

FIRST READING 8/15/96
SECOND READING 8/29/96
PUBLISHED 09/04/96
EFFECTIVE DATE 09/24/96

ATTEST:

Terrance A. O'Keefe
Acting Clerk (SEAL)

James H. Johnson
President

1997 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1997:

SECTION I: Disbursements

Trustees meeting fees	\$ 2,700.00
Attorney fees and expenses	10,000.00
Election expense	320.00
Office supplies	100.00
Postage/mailing	300.00
Mileage and transportation	150.00
Lodging and meals	100.00
Audit expense	1,000.00
Payroll taxes	250.00
Legal Notice publication expense	450.00
Insurance	1,600.00
Miscellaneous expense	500.00
Contingency	500.00
Other Sewer system construction project expense	<u>1,657,000.00</u>
TOTAL	1,674,970.00

SECTION II: Receipts

1996 carryover	4,600.00
Connection and vacant lot fees	520,000.00
State Revolving Fund Loan	414,000.00
CWFPC Loan	400,000.00
Rural Business-Cooperative Service loan	325,000.00
General property tax levy	<u>11,370.00</u>
TOTAL	1,674,970.00

TOTAL 1997 MEANS OF FINANCE \$1,674,970.00

SECTION III: The District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$ <u>11,370.00</u>
TOTAL LEVY	\$ <u>11,370.00</u>

Passed First Reading 8-29-96

Passed Second Reading 9-11-96

Adopted 9-11-96

Published 9-17-96

ATTEST:

/s/ Grant Oleson
President, Board of Trustees

/s/ Terence A. O'Keefe
Acting Clerk

ORDINANCE NO. 96-6

1997 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1997:

SECTION I: Disbursements

Trustees meeting fees	\$	2,700.00
Attorney fees and expenses		10,000.00
Election expense		320.00
Office supplies		100.00
Postage/mailing		300.00
Mileage and transportation		150.00
Lodging and meals		100.00
Audit expense		1,000.00
Payroll taxes		250.00
Legal Notice publication expense		450.00
Insurance		1,600.00
Miscellaneous expense		500.00
Contingency		500.00
Other Sewer system construction project expense		<u>1,657,000.00</u>
TOTAL		1,674,970.00

SECTION II: Receipts

1996 carryover		4,600.00
Connection and vacant lot fees		520,000.00
State Revolving Fund Loan		414,000.00
CWFPC Loan		400,000.00
Rural Business-Cooperative Service loan		325,000.00
General property tax levy		<u>11,370.00</u>
TOTAL		1,674,970.00

TOTAL 1997 MEANS OF FINANCE \$1,674,970.00

SECTION III: The District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$	<u>11,370.00</u>
TOTAL LEVY	\$	<u>11,370.00</u>

Passed First Reading 8-29-96

Passed Second Reading 9-11-96

Adopted 9-11-96

Published 9-17-96

ATTEST:

/s/ Grant Oleson
President, Board of Trustees

/s/ Terence A. O'Keefe
Acting Clerk

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 96-7

AN ORDINANCE AMENDING 95-1, THE ANNUAL APPROPRIATION ORDINANCE, PURSUANT TO SDCL § 9-21-7.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AS FOLLOWS:

That the 1996 Annual Appropriation Ordinance (95-1) be amended as follows:

- 1. By increasing the following line items:

Trustee Meeting Fees by	\$ _____
District Attorney Fees/Expenses by	\$ _____
Payroll Taxes by	\$ 56.55
Legal Notice/Publication Expense by	\$ 147.69

- 2. By adding the following line items:

Employee Wages	\$ _____
Insurance--(Liability & Worker's compensation)	\$ 1,702.00

FIRST READING 12/12/96

SECOND READING _____

PUBLISHED _____

EFFECTIVE DATE _____

President

ATTEST:

Acting Clerk (SEAL)

ORDINANCE NO. 97-1

1998 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1998:

SECTION I: EXPENSES

Trustees meeting fees	\$ 2,700.00
Attorney fees and expenses	10,000.00
Debt service	26,000.00
Equipment acquisition	3,000.00
Election expense	320.00
System operation & maintenance	20,000.00
Office supplies	100.00
Postage/mailing	300.00
Mileage and transportation	150.00
Lodging and meals	100.00
Audit expense	1,000.00
Wages (for obtaining Easements and for part-time Clerk)	
Payroll taxes	1,000.00
Legal Notice publication expense	450.00
Insurance	1,800.00
Miscellaneous expense	500.00
Contingency	500.00
Other sewer system construction project expense	<u>832,154.00</u>
TOTAL	\$900,074.00

SECTION II: Receipts

1997 carryover	\$ _____
Debt service payments	_____
Connection and vacant lot fees	15,000.00
State Revolving Fund Loan	200,000.00
CWFCP Loan	240,000.00
User fees	12,000.00
Rural Business-Cooperative Service loan	325,000.00
General property tax levy	11,700.00
TOTAL	\$ _____
TOTAL 1998 MEANS OF FINANCE	\$ _____

SECTION III: The Acting District Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$ 11,700.00
TOTAL LEVY	\$ 11,700.00

Passed First Reading 8-28-97
 Passed Second Reading 9-4-97
 Adopted 9-4-97
 Published _____

ATTEST:

 Acting Clerk

 President, Board of Trustees

ORDINANCE NO. 97-2

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE SEWER SERVICE CHARGES TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE RICHMOND LAKE SANITARY DISTRICT AND PROVIDING CERTAIN PROHIBITIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT:

SECTION 1 - PURPOSE

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

SECTION 2 - DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE

The Richmond Lake Sanitary District shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

SECTION 3 - DETERMINING EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE

The Richmond Lake Sanitary District shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The Richmond Lake Sanitary District shall determine for each user or user class the average daily poundage of 5-day 20-degree Centigrade Biochemical Oxygen Demand (BOD) discharged to the wastewater

system which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine such user's BOD Contribution Percentage.

The Richmond Lake Sanitary District shall determine for each user or user class the average daily total Suspended Solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS Contribution Percentage. The Volume Contribution Percentage, BOD Contribution Percentage and TSS Contribution Percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total 5-day 20-degree centigrade BOD and total TSS, respectively.

SECTION 4 - DETERMINING A SURCHARGE SYSTEM FOR USERS WITH EXCESS BOD AND TSS

The Richmond Lake Sanitary District will assess a surcharge rate for all commercial users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 240 ppm TSS. The surcharge rate structure for such above-normal strength waste dischargers is attached (Appendix A).

SECTION 5 - DETERMINING EACH USER'S WASTEWATER SERVICE CHARGE

Each commercial user's wastewater treatment cost contribution as determined in Section 3 and 4 shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other non-residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule (Appendix B).

SECTION 6 - WASTEWATER FACILITIES REPLACEMENT FUND

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for

obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed (see Appendix C).

SECTION 7 - PAYMENT OF THE USER'S WASTEWATER SERVICE CHARGE AND PENALTIES

The wastewater service charge shall be included with the monthly wastewater utility billing. The Sanitary District shall add a penalty of one and one-half (1-1/2) percent per month if the payment is not received by the Sanitary District within ten (10) days from the date payment is due. Should any user fail to pay the user wastewater service charge and penalty the Sanitary District may file unpaid services charges and penalties with Brown County for collection on property taxes.

SECTION 8 - REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE

The Sanitary District shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The Sanitary District shall apply excess revenues collected from a class of users to the reserve fund for future replacements. If a significant user, such as an industry, has completed in-plant modifications which would change that user's Wastewater Contribution Percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the Sanitary District shall then determine if the user's Wastewater Contribution Percentage is to be changed. The Sanitary District shall notify the user of its finding as soon as possible.

SECTION 9 - NOTIFICATION

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

SECTION 10 - WASTES PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER TREATMENT SYSTEM

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 sludge of

any municipal systems, or to injure or interfere with any sewage 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 treatment works is hereby prohibited.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the wastewater treatment works shall pay for such increased costs.

(The District's "Regulation of Sewer Use" Ordinance contains additional requirements covering the use of the District's public sewers.)

SECTION 11 - PROHIBITION OF CLEAR WATER CONNECTIONS

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 12 - PROPER DESIGN AND CONSTRUCTION OF NEW SEWERS AND CONNECTIONS

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Richmond Lake Sanitary District and the State of South Dakota in the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(The District's "Regulation of Sewer Use" Ordinance contains additional requirements covering the proper design and construction of the District's sanitary sewer, building sewer, and connections.)

SECTION 13 - VALIDITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 14 - ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

FIRST READING 12/12/97

SECOND READING 12/18/97

PUBLISHED _____

EFFECTIVE DATE _____

ATTEST:

President

Clerk

(SEAL)

APPENDIX A
SURCHARGE RATE SCHEDULE FOR ABOVE NORMAL STRENGTH WASTES

The Richmond Lake Sanitary District has determined that the average total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD) daily loadings for the average residential user are 200 ppm BOD₅ and 240 ppm TSS. The Richmond Lake Sanitary District has assessed a surcharge rate for all commercial users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such users' above normal strength wastes. Such users will pay an additional service charge of two (2) times the average user rate for daily loadings exceeding the above mentioned levels.

APPENDIX B
RATE SCHEDULE

Residential users are considered to be one class of user and are assessed a charge of \$12.00 per month.

Commercial users with flows no greater than the average residential user's flow of 7,000 gallons per month and with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 240 ppm TSS will pay the same charge of \$12.00 per month as the average residential user.

Commercial users with volumes greater than the average residential user will be assessed a charge of \$24.00 per month.

Any commercial user with BOD and TSS greater than the average residential user with BOD and TSS greater than the average residential user's strength of 200 ppm BOD and 240 ppm TSS will pay a surcharge in accordance with the rates shown in the surcharge rate schedule.

APPENDIX C
WASTEWATER FACILITIES REPLACEMENT FUND SCHEDULE

The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$4350.00 per year obtained from the wastewater utility fund at the end of each fiscal year.

APPENDIX A - SUPPLEMENT 1

SEWER USE CHARGE
ORDINANCE NO. 97-2

Sec. 1. - Estimated Users - 1995/1996

<u>Class of Users</u>	<u>No. Users</u>	<u>Multiplier</u>	<u>Adi. No. Users</u>
Residential	165	x 1	166
Commercial	3	x 2	6
Vacant Lots	100	x 1	100
	168		172

Sec. 2. Debt Retirement

Summary of Payments:

Total Monthly Costs for Debt Retirement (268 debtors) \$22.91 per month

Operation and Maintenance: Residential \$12.00 per month
Commercial \$24.00 per month

Average Monthly Rates: Residential \$34.91 per month
Commercial \$46.91 per month

APPENDIX A - SUPPLEMENT 2

SEWER USE CHARGE
ORDINANCE NO. _____

Sec. 1. Estimated Annual Operation and Maintenance Costs 1997/1998

Administration (Billing)	\$ 2,000.00
Labor (Maintenance Personnel)	\$12,000.00
Utilities	\$ 3,000.00
Telephone & Training	\$ 500.00
Outside Services	\$ 500.00
Repair & Maintenance	\$ 1,000.00
<u>Equipment Replacement</u>	<u>\$ 1,000.00</u>
Total Annual Operation & Maintenance Costs	\$20,000.00
Total Monthly Operation & Maintenance Costs	\$ 1,667.67
User Monthly Operation & Maintenance Costs (Residential)	\$ 12.00

ORDINANCE NO. 97-3

REGULATION OF SEWER USE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE RICHMOND LAKE SANITARY DISTRICT OF BROWN COUNTY, STATE OF SOUTH DAKOTA.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE RICHMOND LAKE SANITARY DISTRICT OF BROWN COUNTY, STATE OF SOUTH DAKOTA AS FOLLOWS:

SECTION I - Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(4) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(5) "District" shall mean the Richmond Lake Sanitary District, in Brown County, South Dakota.

(6) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(7) "Effluent" shall mean the wastewater collected or discharged to the public sewer after pretreatment by an approved septic tank system.

(8) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly

ORDINANCE NO. 97-3

REGULATION OF SEWER USE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE RICHMOND LAKE SANITARY DISTRICT OF BROWN COUNTY, STATE OF SOUTH DAKOTA.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE RICHMOND LAKE SANITARY DISTRICT OF BROWN COUNTY, STATE OF SOUTH DAKOTA AS FOLLOWS:

SECTION I - Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

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(5) "District" shall mean the Richmond Lake Sanitary District, in Brown County, South Dakota.

(6) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(7) "Effluent" shall mean the wastewater collected or discharged to the public sewer after pretreatment by an approved septic tank system.

(8) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly

pretreated and the wastewater does not interfere with the collection system.

(9) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(10) "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(11) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(12) "May" is permissive (see "shall," subparagraph (20)).

(13) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(14) "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

(15) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.

(16) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

(17) "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(18) "Sewage" is the spent water of a community. The preferred term is "wastewater," subparagraph (26).

(19) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(20) "Shall" is mandatory (see "may," subparagraph 12).

(21) "Slug" shall mean any discharge of Wetter or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(22) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(23) "Superintendent" shall mean the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the Richmond Lake Sanitary District in Brown County, South Dakota, or his authorized deputy, agent, or representative.

(24) "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(25) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(26) "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(27) "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(28) "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

(29) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

SECTION II - USE OF PUBLIC SEWERS REQUIRED

(1) Public sewers for Richmond Lake Sanitary District shall include effluent pumping stations, effluent piping from septic tank systems, pressure sewer piping from effluent pumping stations, central force main collection lines, manholes, and lift stations. The District shall assume responsibility for septic tank systems (operation, maintenance and replacement) upon acceptance of condition or by approval of installation of new systems by the Supervisor.

(2) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

(3) It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(4) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater.

(5) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the District, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 30 days after date of official notice to do so, provided that said public sewer is within 400 feet of the property line.

SECTION III - Private Wastewater Disposal

The District will provide public wastewater systems to all homes, buildings, etc. within the Sanitary Sewer District boundaries. No private wastewater disposal systems will be allowed.

SECTION IV - SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS

(1) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any

public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and (b) (b) for commercial services and/or establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of fifty dollars (\$50.00) for a residential and one hundred dollars (\$100.00) for a commercial building and/or industrial building sewer permit shall be paid to the District at the time the application is filed.

(3) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection afore mentioned.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

(6) The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such

building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(10) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

(12) All new and existing building sewers shall be connected to an approved septic tank system. The District shall inspect the installation of new septic tanks or the condition of existing septic tanks. If the condition of the existing septic tank is satisfactory to the District's policies, the owner may utilize septic tank for pretreatment of wastes prior to connection the public sewer.

SECTION V - USE OF THE PUBLIC SEWERS

(1) No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

(2) Storm water other than that exempted under Section V, subparagraph (1) and all other unpolluted drainage shall be

discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

(3) No person (s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

(A) Any waste that has not been properly pretreated by the use of an approved septic tank system. Wastes shall be effluent from septic tank systems and shall not contain solids exceeding $\frac{1}{2}$ inch maximum diameter.

(B) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(C) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(D) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(E) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers and operation of effluent pumping stations, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(4) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations

established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(A) Wastewater having a temperature higher than 350 Fahrenheit (65° Celsius).

(B) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

(C) Wastewater from industrial plants containing floatable oils, fat, or grease.

(D) Any garbage that has not been properly shredded (see Section I, subparagraph (15) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(E) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.

(F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(H) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(I) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(J) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subparagraph (4) of this Section, and which in the judgement of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(A) Reject the wastes,

(B) Require pretreatment to an acceptable condition for discharge to the public sewers,

(C) Require control over the quantities, and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subparagraph (10) of this section.

When considering the above alternative the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subparagraph (4)(C), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private

living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner (s) personnel must be performed by currently licensed waste disposal firms.

(7) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(8) When required by the Superintendent, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

(A) Wastewaters discharge peak rate and volume over a specified time period.

(B) Chemical analyses of wastewaters.

(C) Information on raw materials, processes, and products affecting wastewater volume and quality.

(D) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(E) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(F) Details of wastewater pretreatment facilities.

(G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(10) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(11) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

SECTION VI - Powers and Authority of Inspectors

(1) The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

(2) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(3) While performing the necessary work on private properties referred to in Section VII, subparagraph (1), above, the Superintendent or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the District employees, and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section V, subparagraph (8).

(4) The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION VII - Hearing Board

(1) A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Superintendent. The cost of the arbitration will be divided equally between the District and the sewer user.

(2) One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this ordinance.

SECTION VIII - Penalties

(1) No person(s) shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

(2) Any person found to be violating any provision of this ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(3) Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a class I misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$1,000 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(4) Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

SECTION IX - Validity

(1) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(2) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION X - Ordinance in Force

(1) This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

FIRST READING 12/12/97

SECOND READING 12/18/97

PUBLISHED _____

EFFECTIVE DATE _____

ATTEST:

President

Clerk

(SEAL)

lots and unplatted areas having a combined road frontage of 150 feet or less that are owned by the property owner. If the property owner owns contiguous platted lots or unplatted areas with a road frontage in excess of 150 feet then his/her share of the Debt shall be increased proportionally. For example, if the road frontage is 200 feet then the amount owed would be 1.33 x the base amount. Back lots in the District that are adjacent to a platted roadway but with no lake frontage will be charged for one hookup fee and one base amount for debt service.

Debt service payments are in addition to property owner connection fees as established in Ordinance 96-1. Debt service payments previously made by the property owner pursuant to Ordinance 96-2 as amended by Ordinance 96-5 shall be credited against the amount due as determined above.

The District shall advise each property owner of the amount of his/her Debt obligation by letter addressed to the property owner at the address shown on the books of the District.

If, after May 18, 1998 and after the property owner has paid one connection fee pursuant to Ordinance 96-1, a property owner sells or transfers a portion of the property for which the connection fee was paid, the new property owner will be obligated to pay, in addition to a connection fee, a proportionate share of the Debt as calculated herein. The District shall credit the Debt service account of the Seller by the amount that the road frontage of the property sold had increased the Seller's Debt service obligation over the base amount as originally calculated.

If after May 18, 1998 a property owner sells or otherwise transfers all of his/her contiguous platted property to another person or entity and there is still money due the District from that property owner for his/her proportionate share of the Debt the property owner must, at the time of the closing of the sale or transfer, pay the District the full balance remaining.

SECTION III

THE INDEBTEDNESS

The indebtedness of the District shall consist of loans from the South Dakota Revolving Loan Fund (SRF) and a no-interest loan through Northern Electric Cooperative, Inc. The duration of the SRF indebtedness shall be for a period of twenty (20) years at an interest of 5.25% per annum and the duration the Northern Electric indebtedness is ten (10) years.

The indebtedness shall be secured by Richmond Lake Sanitary District Revenue Bonds or such other evidence of Debt as determined by the Board.

SECTION IV

PROPERTY OWNER DEBT SERVICE

The District proposes six (6) options from which the property owner may select one (1) option as the means by which his/her share of the Debt will be reimbursed. The property owner will have a one-time privilege, exercisable subsequent to the adoption of this Ordinance, to select the option desired to pay their proportionate

share of the Debt. The property owner shall have the privilege of payment in full without penalty at any time. A surcharge of .5% will be added to the 5.25% loan interest rate to cover administrative costs of amortized payments.

As additional areas are included in the District, a pro-rata share of the reduced debt service needed will be credited to the unpaid balance of the property owner's debt service account, applied to the property owner's monthly service fee account, or refunded to the property owner at the option of the District.

Debt service payments for Phase I property owners commenced on October 1, 1997. Debt service payments for Phase II property owners will commence on October 1, 1998.

SECTION V

DEBT SERVICE OPTIONS

Option 1: The property owner may make a one-time payment of the full amount owed on or before October 1, 1998.

Option 2: The property owner may make semi-annual payments on October 1 and April 1 of each year for a period of 5 years with the first payment for Phase I property owner due October 1, 1997 and for Phase II properties due October 1, 1998.

Option 3: The property owner may make semi-annual payments on October 1 and April 1 of each year for a period of 10 years with the first payment for Phase I properties due October 1, 1997 and for Phase II properties due October 1, 1998.

Option 4: The property owner may make semi-annual payments on October 1 and April 1 of each year for a period of 15 years with the first payment for Phase I properties due October 1, 1997 and for Phase II properties due October 1, 1998.

Option 5: The property owner may make monthly payments each year for a period of 10 years with the first payment for Phase I properties due October 1, 1997 and for Phase II

properties due October 1, 1998.

Option 6: The property owner may make monthly payments each year for a period of 20 years with the first payment for Phase I properties due October 1, 1997 and for Phase II properties due October 1, 1998.

The District shall mail an Option Selection Form (Form) to each property owner except that only one Form need be sent for joint owners or where multiple owners own a parcel of property. The property owner(s) shall select one of the options listed on the Form and return the Form to the District Clerk within thirty (30) days from the date of the mailing of the Form to the property owner. If the Form is not returned within the time specified the property owner(s) will be deemed to have selected Option 5.

Credit will be given for all payments made pursuant to a previously selection option.

Payments not received within ten (10) days after the due date will be considered delinquent. A delinquent payment fee in the amount of 1½% per month will be assessed on the delinquent amount retroactive to the date the payment was due. Delinquent payment fees assessed shall be part of the remaining obligation of the property owner. Debt service payments remaining unpaid after their due date and delinquent payment fees shall be considered delinquent and shall be certified to the County Auditor in accordance with SDCL § 34A-5-40.

SECTION VI

VALIDITY AND REPEALER

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

The invalidity of one section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

FIRST READING _____

SECOND READING _____

PUBLISHED _____

EFFECTIVE DATE _____

President

ATTEST:

Clerk

(Seal)

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 98-1

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING CHARGES FOR DEBT SERVICE TO BE LEVIED ON ALL PROPERTY OWNERS IN THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA HEREIN DESIGNATED AS DISTRICT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, HEREINAFTER DESIGNATED AS BOARD.

SECTION I

PURPOSE

The purpose of this Ordinance shall be to generate sufficient revenue to reimburse costs (principal, interest, administrative costs) of indebtedness incurred for the construction of the complete District wastewater system. The costs shall be distributed among the property owners in the District as hereinafter stated.

SECTION II

DETERMINATION OF DEBT SHARE

The District shall determine the total amount of debt, interest and administrative costs to be reimbursed over the term of the indebtedness (the Debt). The District shall determine the property owner's proportionate share of the Debt by totalling the following:

- a) the road frontage of all platted lots in the District;
- b) the road frontage of all unplatted areas in the District that are adjacent to platted roadways;
- c) the lake frontage for unplatted areas in the District that are not adjacent to a platted roadway

and dividing that number by 150. The resulting figure will be the base amount due from the property owner for all contiguous platted

ORDINANCE NO. 98-2

1999 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1999.

SECTION I: EXPENSES

Trustees meeting fees	\$ 2,700.00
Attorney fees and expenses	7,000.00
Debt service	90,000.00
Equipment acquisition	1,500.00
Election expense	320.00
Electric Service	1,200.00
System operation & maintenance	20,000.00
Office supplies	500.00
Postage/mailing	600.00
Mileage and transportation	150.00
Lodging and meals	100.00
Audit expense	1,000.00
Wages (for part-time Clerk)	5,400.00
Payroll taxes	1,000.00
Legal Notice publication expense	450.00
Insurance	1,800.00
Miscellaneous expense	500.00
Contingency	500.00
Bond reserve fund	8,400.00
Construction Expense	<u>40,110.00</u>
TOTAL	\$ 183,230.00

SECTION II: Receipts

1998 carryover	\$ 17,730.00
Debt service payments	126,000.00
Connection fees	4,000.00
Monthly fees	23,000.00
General property tax levy	<u>12,500.00</u>
TOTAL	\$ 183,230.00

TOTAL 1999 MEANS OF FINANCE \$ 183,230.00

SECTION III: The Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund \$ 12,500.00

TOTAL LEVY \$ 12,500.00

Passed First Reading 9-8-98
 Passed Second Reading 9-28-98
 Published 10-7-98

ATTEST:

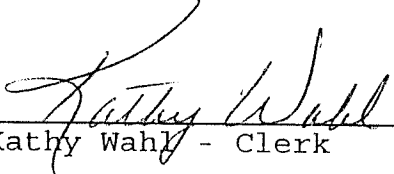
Kathy Wahl
 Kathy Wahl - Clerk

Grant H. Oleson
 President, Board of Trustees
 Grant H. Oleson

CERTIFICATION OF TAX LEVY

The undersigned Clerk of the Richmond Lake Sanitary District hereby certifies to the Brown County Auditor the District's tax levy for 1999 in the amount of Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00) pursuant to Ordinance No. 98-2 (1999 Annual Appropriation Ordinance), a copy of which is attached hereto.

Dated this 30th day of September, 1998.



Kathy Wahl - Clerk

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
500 CAPITOL BUILDING
P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420
FAX (605) 226-1911

[E-Mail siegellawabr@midco.net]

September 30, 1998

HAND DELIVERED

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
RAYMOND M. SCHUTZ
TERENCE A. O'KEEFE
HARVEY C. JEWETT
RORY KING
JEFFREY T. SVEEN
JOSEPH P. BARNETT
RONALD J. HALL
PAUL T. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
RYAN N. BOE

SIoux FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 606
P.O. BOX 1286
SIoux FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6250
FAX (605) 335-6749

Mrs. Maxine Taylor
Brown County Auditor
Courthouse Annex
25 Market Street
Aberdeen, SD 57401

RE: Richmond Lake Sanitary District

Dear Maxine:

Enclosed is the District's tax levy for 1999. If you have any questions, please let me know.

With best regards,


Terence A. O'Keefe
of SIEGEL, BARNETT & SCHUTZ, L.L.P.

TAO/

Enclosures

MOTION

To approve, pursuant to SDCL 34A-5-43, the "RESOLUTION TO EXCLUDE TERRITORY FROM THE DISTRICT AND TO INCLUDE OTHER TERRITORY IN THE DISTRICT" in the manner set forth in the "RESOLUTION OF INTENTION TO ANNEX TERRITORY INTO THE DISTRICT AND TO EXCLUDE TERRITORY FROM THE DISTRICT AND NOTICE OF HEARING" as published in the Aberdeen American News on September 5 and 12, 1998.

*Kathy - this is
the Motioned
Resolution from
9/15/98 meeting
Terry*

RESOLUTION NO. 98-2
RICHMOND LAKE SANITARY DISTRICT

RESOLUTION TO EXCLUDE TERRITORY FROM THE DISTRICT AND TO
INCLUDE OTHER TERRITORY IN THE DISTRICT

WHEREAS, the "Resolution Of Intention To Annex Territory Into the District and to Exclude Territory From the District and Notice Of Hearing" dated September 1, 1998, was duly published as required by SDCL 34A-5-42 on September 5, 1998, and September 12, 1998; and

WHEREAS, the Board having considered the matter at the public hearing held at the Richmond Lake Youth Camp on September 15, 1998, beginning at 7:00 P.M.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Richmond Lake Sanitary District, contingent on the approval of the Brown County Commission, as follows:

1. That the following described territory be excluded from the District on the grounds that the property is on the border of the District, is unplatted and does not contain any residence that could be connected to the sewer system:

(a) The East half (E ½) of the NW ¼ of Section 23, Township 124 North, Range 65 West of the 5th P.M.; and the East half (E ½) of the SW ¼ of Section 23, Township 124 North, Range 65 West of the 5th P.M., lying North of Richmond Lake, Brown County South Dakota.

(b) The unplatted portion of the West half (W ½) of the NW ¼ of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County South Dakota.

(c) The North half of the SE ¼ of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County South Dakota.

2. That the following described territory, which was inadvertently excluded from the District, or which was described in another manner, be included in the District:

(a) Lot 1 of the Plat of Keatts Subdivision in the NW ¼ of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County South Dakota. (This property was previously included in the District but it was described as the "south 300' of that portion of the W ½ of the NW ¼ of 23-824-65 lying north of Richmond Lake, containing nine (9) acres more or less").

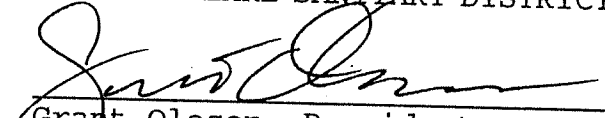
(b) Lutgens Outlot 1 in the NE ¼ of Section 25, Township 124 North, Range 65 West of the 5th

P.M., Brown County South Dakota, Brown County
South Dakota.

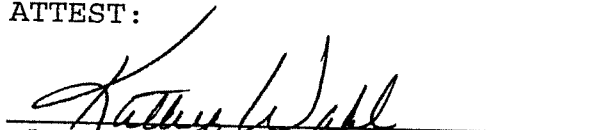
3. That the effective date of this Resolution shall be the date on which the Brown County Commission approves this Resolution. If the Brown County Commission does not approve this Resolution then it shall be of no force or effect.

The foregoing Resolution was duly adopted by the Board of Trustees on September 15, 1998.

RICHMOND LAKE SANITARY DISTRICT


Grant Oleson, President
Board of Trustees
Richmond Lake Sanitary District

ATTEST:


Clerk - Kathy Wahl

(SEAL)

APPROVAL OF THE BROWN COUNTY COMMISSION

The foregoing Resolution to Exclude Territory From the District And to Include Other Territory in the District was approved by the Brown County Commission at their meeting on _____, 1997.

Dated this ____ day of _____, 1998.

BROWN COUNTY COMMISSION

Chairman

ATTEST:

Auditor

(SEAL)

Prepared by: Mr. Terence A. O'Keefe
Siegel, Barnett & Schutz, LLP
PO Box 490
Aberdeen, SD 57402-0490
Phone: (605) 225-5420

ORDINANCE NO. 98-2

1999 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 1999.

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Debt service	90,000.00
Equipment acquisition	1,500.00
Election expense	320.00
Electric Service	1,200.00
System operation & maintenance	20,000.00
Office supplies	500.00
Postage/mailing	600.00
Mileage and transportation	150.00
Lodging and meals	100.00
Audit expense	1,000.00
Wages (for part-time Clerk)	5,400.00
Payroll taxes	1,000.00
Legal Notice publication expense	450.00
Insurance	1,800.00
Miscellaneous expense	500.00
Contingency	500.00
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Construction Expense	<u>40,110.00</u>
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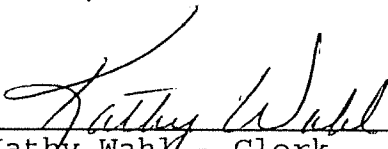
Kathy Wahl
Kathy Wahl - Clerk

Grant H. Oleson
President, Board of Trustees
Grant H. Oleson

CERTIFICATION OF TAX LEVY

The undersigned Clerk of the Richmond Lake Sanitary District hereby certifies to the Brown County Auditor the District's tax levy for 1999 in the amount of Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00) pursuant to Ordinance No. 98-2 (1999 Annual Appropriation Ordinance), a copy of which is attached hereto.

Dated this 30th day of September, 1998.



Kathy Wahy - Clerk

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
500 CAPITOL BUILDING
P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

FAX (605) 226-1911

[E-Mail siegellawabr@midco.net]

September 30, 1998

HAND DELIVERED

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
RAYMOND M. SCHUTZ
TERENCE A. O'KEEFE
HARVEY C. JEWETT
RORY KING
JEFFREY T. SVEEN
JOSEPH P. BARNETT
RONALD J. HALL
PAUL T. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
RYAN N. BOE

SIOUX FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 606
P.O. BOX 1286
SIOUX FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6250
FAX (605) 335-6749

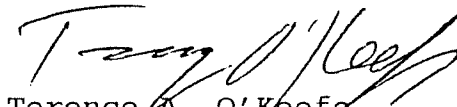
Mrs. Maxine Taylor
Brown County Auditor
Courthouse Annex
25 Market Street
Aberdeen, SD 57401

RE: Richmond Lake Sanitary District

Dear Maxine:

Enclosed is the District's tax levy for 1999. If you have any questions, please let me know.

With best regards,



Terence A. O'Keefe
of SIEGEL, BARNETT & SCHUTZ, L.L.P.

TAO/

Enclosures

ORDINANCE NO. 99 – 1

2000 ANNUAL APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE RICHMOND LAKE SANITARY DISTRICT, that the following sums are hereby appropriated to meet the obligations of the District for the fiscal year commencing January 1, 2000.

SECTION I:	EXPENSES	
	Trustees meeting fees	\$ 2,700.00
	Attorney fees and expenses	7,000.00
	Debt service	88,736.00
	Equipment acquisition	5,000.00
	Electric service	3,300.00
	System operation & maintenance	10,000.00
	Office supplies	500.00
	Postage/mailing	600.00
	Mileage and transportation	150.00
	Lodging and meals	100.00
	Audit expense	10,000.00
	Wages (full-time Clerk)	10,800.00
	Payroll taxes	1,500.00
	Legal Notice publication expense	450.00
	Insurance	2,000.00
	Miscellaneous expense	500.00
	Contingency	500.00
	Bond reserve fund	8,400.00
	Construction Expense	15,000.00
	TOTAL	\$167,236.00

SECTION II:	RECEIPTS	
	1999 Carryover	33,451.00
	Debt service payments	91,115.00
	Connection fees	8,000.00
	Monthly fees	22,170.00
	General property tax levy	12,500.00
	TOTAL	\$167,236.00

TOTAL 1999 MEANS OF FINANCE

SECTION III: The Clerk is hereby directed and authorized to certify said tax levy to the County Auditor of the County of Brown, State of South Dakota, to the end that the same be spread and assessed as provided by law.

General Fund	\$ 12,500.00
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TOTAL LEVY

\$ 12,500.00

Passed First Reading 09/07/99

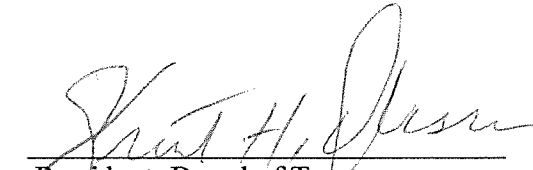
Passed Second Reading 09/24/99

Published 10/19/99

ATTEST:



Kathy Wahl - Clerk



President, Board of Trustees
Grant H. Oleson

RESOLUTION NO. 99-1
RICHMOND LAKE SANITARY DISTRICT

RESOLUTION OF INTENTION TO ANNEX TERRITORY
INTO THE DISTRICT AND NOTICE OF HEARING

WHEREAS, it has been determined by the Board of Trustees of the Richmond Lake Sanitary District that it would be in the public interest to annex territory into the District,

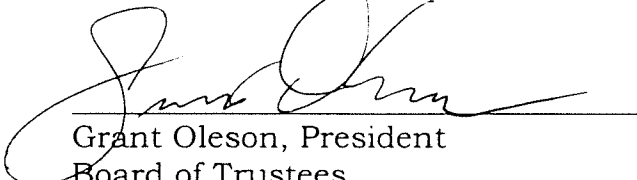
NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Richmond Lake Sanitary District declares its intention to:

Include the following described territory: Northwest Quarter of Section 25, Township 124 N., Range 65 West of the 5th P.M., Brown County South Dakota.

IT IS FURTHER RESOLVED, that the Board of Trustees shall meet on the 4th day of November, 1999 at 7:00 o'clock p.m. at the Youth Camp, Richmond Lake, South Dakota, to consider the adoption of a resolution annexing the territory described above into the District.

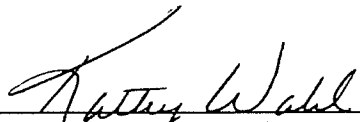
Dated this 14 day of October, 1999.

RICHMOND LAKE SANITARY DISTRICT



Grant Oleson, President
Board of Trustees
Richmond Lake Sanitary District

ATTEST:



Clerk - Kathy Wahl

(Seal)

34A-5-40

RICHMOND LAKE SANITARY DISTRICT

ORDINANCE NO. 98-3

AN ORDINANCE AMENDING SECTION II OF ORDINANCE 98-1 TO AUTHORIZE THE ASSUMPTION OF A DEBT SERVICE OBLIGATION UPON THE SALE OF PROPERTY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE RICHMOND LAKE SANITARY DISTRICT, BROWN COUNTY, SOUTH DAKOTA, AS FOLLOWS:

- (1) That Section II of Ordinance 98-3 be amended to read as follows:

SECTION II

DETERMINATION OF DEBT SHARE

The District shall determine the total amount of debt, interest and administrative costs to be reimbursed over the term of the indebtedness (the Debt). The District shall determine the property owner's proportionate share of the Debt by totalling the following:

- a) the road frontage of all platted lots in the District;
- b) the road frontage of all unplatted areas in the District that are adjacent to platted roadways;
- c) the lake frontage for unplatted areas in the District that are not adjacent to a platted roadway.

Contiguous lots with 150 foot of width or less, in accordance with a-c above, shall have a lot factor of 1.00. Contiguous lots in excess of 150 foot, shall have the lot width, as determined in a-c above, divided by 150 to determine the lot factor. Example: 200 foot platted road footage equals $200 \div 150 = 1.33 =$ lot factor. The summation of the lot factors shall be divided into the total indebtedness to determine a base amount. Each property owner shall pay the base amount times the lot factor to determine each property owners assessment. Example: 50 foot lot is equivalent to 1.00 lot

factor. Assessment equals 1.00 x base amount. Example: 200 foot lot is equivalent to 1.33 lot factor. Assessment equals 1.33 x base amount. Back lots in the District that are adjacent to a platted roadway but with no lake frontage will be charged for one hookup fee and one base amount for debt service.

Debt service payments are in addition to property owner connection fees as established in Ordinance 96-1. Debt service payments previously made by the property owner pursuant to Ordinance 96-2 as amended by Ordinance 96-5 shall be credited against the amount due as determined above.

The District shall advise each property owner of the amount of his/her Debt obligation by letter addressed to the property owner at the address shown on the books of the District.

If, after May 18, 1998 and after the property owner has paid one connection fee pursuant to Ordinance 96-1, a property owner sells or transfers a portion of the property for which the connection fee was paid, the new property owner will be obligated to pay, in addition to a connection fee, a proportionate share of the Debt as calculated herein. The District shall credit the Debt service account of the Seller by the amount that the road frontage of the property sold had increased the Seller's Debt service obligation over the base amount as originally calculated.

If after May 18, 1998 a property owner sells or otherwise transfers all of his/her contiguous platted property to another person or entity and there is still money due the District from that property owner for his/her proportionate share of the Debt the

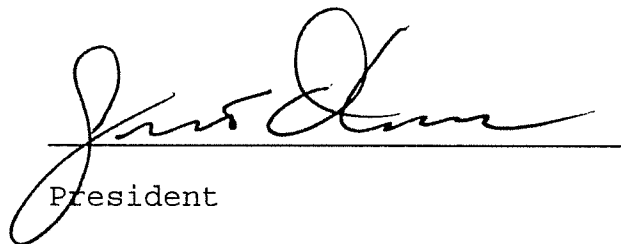
property owner must, at the time of the closing of the sale or transfer, pay the District the full balance remaining. In the alternative, the property owner shall provide the District Clerk with an "Assumption of Debt Service Obligation" form properly executed by the purchaser(s) under the terms of which the purchaser(s) agree to pay the balance due the District pursuant to the Debt Service Option previously selected by or for the property owner (seller). The "Assumption" form shall be as specified by the District.

FIRST READING 9-8-98

SECOND READING 9-15-98

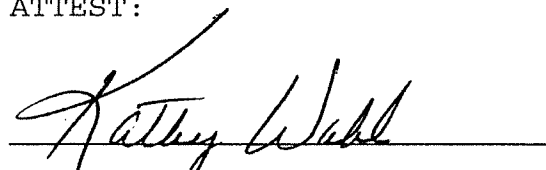
PUBLISHED 9-29-98

EFFECTIVE DATE 10-19-98



President

ATTEST:



Clerk (Seal)