

TITLE V: PUBLIC WORKS

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CHAPTER 50: UTILITIES IN GENERAL

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*GENERALLY***' 50.01 GENERAL PROVISIONS.**

The town-owned public utilities of the Town of Pickstown are its electrical distribution system, water system and sewer system. Subject to the supervision of the Town Board of Trustees, the town-owned public utilities shall be operated by a town employee to be known as the Superintendent of Public Utilities, subject to the approval of the governing board at the first meeting of May each year. The salary of the Superintendent shall be paid bi-monthly and shall be a sum that shall be, from time to time, fixed by the governing body. The Town Board of Trustees shall employ other assistants as may be necessary for the regular dispatch of the work and business of the town-owned public utilities. The assistants shall be under the direct supervision of the Superintendent of Public Utilities.

(1986 Code, Title 35, ' 1)

***ADVANCE WATER AND ELECTRICITY DEPOSITS;
COLLECTION OF UNPAID UTILITY BILLS*****' 50.15 DEPOSITS.**

(A) Persons, firms or corporations residing within the town and desiring electric, water and/or wastewater services from the municipal system shall provide a favorable credit reference from a previous utility supplier to the town Finance Officer within two weeks of connection of service, or make a deposit of \$250 prior to the connection.

(B) Failure to produce a favorable utility credit reference will result in immediate disconnection of service unless consumer deposits an additional \$250 with the finance Officer. This deposit shall be held for one year by the town, to be returned to the consumer, providing the utility payments have been received in the Finance Office by the fifteenth of each month for that year, or until final settlement is made.

(Ord. 2016-197, passed 1-11-2017)

' 50.16 CONNECTIONS CHARGES AND METER DEPOSITS.

(A) It shall be the responsibility of the person requesting the utility service to get the utility to the property and to the residence or business. The town will provide a meter and remote read pad for water and a meter for electricity for the new services.

(B) All material installed for connections must meet specifications of the town. Complete list of requirements available from the Finance Office.

(C) Any improvements made after the initial installation are the responsibility of the homeowner/business.

(D) The following fees will be charged for new service hook-ups:

| | |
|---------------------------------|----------------------------------|
| Sewer | \$50 |
| Water | \$200 |
| Electric | Actual cost of meter and hook-up |
| * These fees are non refundable | |

(E) For existing residence or business to have services resumed after they have been disconnected for reasons other than non-payment will be \$50 per service.

(F) Replacement cost for meters will be assessed to the customer unless it is a device failure. (Ord. 2016-197, passed 1-11-2017)

' 50.17 PAYMENT OF UTILITY SERVICES.

The municipal shall fairly and without discrimination adiminster a policy for payment of utility services. The following shall be the guidelines used:

(A) Payment of utility bill is due on the fifteenth of each month.

(B) All utility payments shall be made at the Finance Office in the municipal building, Pickstown, South Dakota, by mail or direct payment to the town.

(C) Bills not received by the fifteenth of the month will be assessed a "late payment charge" of \$10.

(D) Should a tenant vacate a premise without paying the utility bill in full, the landlord or primary owner of the premise shall be liable to the city for all charges of the account.

(E) All utility bills not paid by the twentieth of the month shall be considered delinquent, and shall receive a disconnect notice.

(Ord. 2016-297, passed 1-11-2017)

' 50.18 COLLECTION OF DELINQUENT UTILITY SERVICES.

The municipality shall fairly and without discrimination administer the following policy for collection of delinquent accounts.

(A) Any delinquent account must be paid in full before a customer is reconnected at a new location. This policy shall apply to all customers residential and commercial.

(B) Full payment of the outstanding utility bill and associated fees must be made to maintain or reconnect existing service.

(C) On the twentieth of the month, a disconnect notice will read as follows:

(1) Our records indicate payment for your utility account has not been received. The amount of the bill plus a late payment charge (\$10) is shown above. To save time and assure proper credit, please send or bring the top portion of this statement with your remittance. If your bill still remains unpaid as of 9:00 a.m. on the above disconnect date, you will be charged a \$100 disconnect mobilization fee, and your service will be disconnected on that date.

(2) Any other important or pertinent information relating to the disconnect notice may be included at the discretion of the Utility Superintendent and/or the Finance Officer.

(D) Disconnection shall be 30 days after the due date of the bill. Exceptions by the Board of Trustees may be made as follows:

(1) On a case by case basis and prior to the utility disconnection of the utility customer and the governing body may make arrangements for an alternative payment option for the utility customer. Failure by the utility customer to make payment(s) within the terms of the arrangement will result in an immediate disconnect of utilities, forfeiture of the deposit, and disconnect fees without any further notice. These arrangements may supersede the guidelines in this section.

(2) Municipal utility services shall continue for a single 30 day period upon receipt and approval by the governing body of a physician's certificate or notice from a public health or social service official that disconnection of utility service would aggravate an existing medical emergency or other exigent circumstance of the customer or another permanent resident in the customer's premise.

(E) Disconnects/reconnections shall take place during normal business hours and if any disconnect/reconnect is to take place on a weekend or holiday, that disconnect shall take place the next business day.

(F) A Disconnect mobilization fee@ in the amount of \$100 shall be charged to any account that remains unpaid as of 9:00 a.m. on the disconnect day. For services to be resumed the customer must pay in full the original utility bill, the \$10 late fee, the \$100 disconnection fee and a \$50 reconnection fee. (Ord. 2016-197, passed 1-11-2017)

' 50.19 VOLUNTARY DISCONNECTION OF UTILITIES.

(A) Should anyone seek to have their utilities voluntarily disconnected the municipality shall do so, however the customer will still be charged the minimum fee for each utility (electric/water/sewer). A 24-hour notice is required.

(B) Utilities that have been voluntarily disconnected by the primary owner of the premise will be subject to a reconnect fee in the amount of \$50. (Ord. 2016-197, passed 1-11-2017)

' 50.20 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the town for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was used. The Town Finance Officer, Clerk or other authorized agent of the town, shall notify in writing, or cause to be notified in writing, all owners or their agents whenever the tenants or lessees are 60 days or more delinquent in the payment of utility rents. It shall be the duty of the Town Finance Officer at the regularly monthly meeting of the Town Board to report to the Town Board a list of all unpaid accounts due for utilities together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the Town Board, shall be certified by the Finance Officer, Clerk, or authorized agent, to the County Clerk or other designated county official to be collected as a special tax in the manner provided by law.

COMBINED SEWER AND WATERWORKS IMPROVEMENTS**' 50.45 COMBINED CONSTRUCTION AND FINANCING, SAME LAND BENEFITTED.**

Whenever the governing body of a municipality shall deem it necessary to construct a sewer improvement and a waterworks improvement pursuant to the provisions of Chapters 51 and 52, and the benefits of each of said improvements, ascertained as provided in said Chapters 51 and 52, will accrue to the same lots and tracts of land within the municipality, such improvements may be constructed and financed as a combined waterworks and sewer improvement, and all proceedings for such combined improvement shall be conducted as provided by law for a single sewer or waterworks improvement of the type contemplated. The combination of such improvements may be effected by resolution of the governing body at any time.

(SDCL ' 9-49-1)

' 50.46 COMBINED OR SEPARATE DISTRICTS.

The municipality may establish separate or combined sewer and waterworks districts.

(SDCL ' 9-49-2)

' 50.47 COMBINED OR SEPARATE CONTRACTS, ASSESSMENTS AND BONDS.

The improvement contracts may be let, assessments may be levied, and bonds may be issued in lieu of assessment certificates for both of the improvements described in ' 50.45 together or for each separately.

(SDCL ' 9-49-3)

' 50.48 COMBINED BONDS AND FUNDING, DIFFERENT TRACTS BENEFITTED.

Whenever contracts have been let and assessments levied according to law for 2 or more waterworks or sewer improvements or combined waterworks and sewer improvements not benefitting identical lots and tracts of real estate, and the governing body determines to issue bonds in lieu of assessment certificates for such improvements, a single issue of such bonds may be made, and for that purpose the funds of all such improvements may be combined, and the bonds may be made payable from such combined funds without preference of any 1 bond over any other.

(SDCL ' 9-49-4)

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Section

CHAPTER 51: SOLID WASTE

- 51.01 Definitions
- 51.02 Handling of solid waste
- 51.03 Garbage on public grounds
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- 51.15 Disposal site; access, restriction, entrance sign, burning and the like
- 51.16 Grazing of livestock
- 51.17 Prohibition of disposing of hazardous wastes

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GENERAL PROVISIONS

' 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL FACILITY. Any business, no matter what the ownership structure, which operates to produce, manufacture, assemble, package, store, distribute or market any produce or service in the Town of Pickstown.

CONSTRUCTION WASTE. Building materials and rubble from construction repair and demolition operations.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking or placing of any non-hazardous waste solid waste into or on any land or water, so that the waste or any constituent thereof may enter the environment by emission into the air or discharge into any waters, including ground water.

DISPOSAL SITE. The site designated at the Pickstown landfill.

FIRE CHIEF. The Chief Firefighting Officer of the Volunteer Fire Department covering the Town of Pickstown.

FOMITES. Inanimate objects, such as swabs and bandages which have been exposed to pathogenic microorganisms.

FREE MOISTURE. Liquid that will drain freely by gravity from solid waste materials.

GARBAGE. Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attended the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

HAZARDOUS WASTE. Solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

INFECTIOUS WASTES.

- (1) Equipment, instruments, utensils and fomites of a disposable nature from the rooms of patients who are suspected to have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;
- (2) Laboratory wastes, such as pathological specimens (i.e. all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals and disposal fomites), any substance that may harbor or transmit pathogenic organisms attendant thereto; and/or
- (3) Surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

JUNK. Materials which will not be utilized if not collected and processed for reuse or recyclings, including but not limited to mean, old scrap, copper, brass, iron, steel, rope, wire, glass, rags, batteries, paper, trash, rubber, debris, demolition waste, abandoned mobile homes, dismantled or wrecked, untaxed, untitled or unlicensed vehicles or parts thereof, and other old or scrap ferrous or nonferrous material.

PERSON. Any individual, partnership, association, public or private corporation, trustee, receiver, assignee, agent, municipality or other governmental subdivision, public agency, officer or governing or managing body of any municipality, governmental, subdivision or public agency or any other legal entity.

PUBLIC FACILITY. Any facility used for public purposes such as schools, churches, gyms, activity and recreational facilities, centers, offices and the like, generally used from time to time by the public.

PUTRESCIBLE. Capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases and the like. Kitchen wastes, offal and dead animals are examples of **PUTRESCIBLE** components of solid waste.

REFUSE. Putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator residue, street cleanings and solid market and industrial wastes.

RUBBISH. Nonputrescible solid wastes, excluding ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

SCAVENGING. The uncontrolled and unsafe removal of materials at any point within the landfill area.

SLUDGE. Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects.

SOLID WASTE. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other material having no intended reuse, including solid, liquid semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ' 402 of the Federal Water Pollution Control Act, being ' 33 U.S.C. 1342, as amended, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, being " 42 U.S.C. 2011 *et seq.*, as amended.

STORAGE. The interim containment of solid waste at the generation source prior to collection and ultimate disposal or recovery.

(Ord. 94-84, passed 11-9-1994)

' 51.02 HANDLING OF SOLID WASTE.

No person shall be allowed to keep in, or about any dwelling, building or premise or any other place in the Town of Pickstown, garbage or refuse of any kind that may be injurious to the public health or offensive to the residents of the Town of Pickstown, unless the same is kept in approved containers. It shall be unlawful to throw or seep into the streets, roads, alleys, parks or any other public grounds any paper, nails, glass, refuse, waste or rubbish of any kind. No person may permit garbage, junk or refuse to accumulate and all persons shall remove the same from their property within 24 hours after being notified to do so by the Board of Trustees of the Town of Pickstown.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.03 GARBAGE ON PUBLIC GROUNDS.

No persons shall throw or deposit any ashes, offal, oil, dirt, garbage, yard waste, junk or other offensive matter into the streets, alleys, avenues, public grounds or vacant land within the town.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.04 GARBAGE DEPOSITED IN PUBLIC SEWER.

No persons shall throw or deposit any feathers, offal, dirt, yard waste, garbage or other substance which might tend to clog or obstruct the sewage into any sewage pipe, drain or manhole in the town.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.05 INSPECTION.

Upon complaint of any of the citizens of Pickstown, the Board of Trustees shall inspect all of the premises complained of, and if he or she discovers any unhealthful accumulations of manure, offal, garbage or other offensive matter deposited upon a premises or upon any street, avenue or alley adjacent thereto, he or she shall serve notice upon the owner or occupant of the premises to cause the same to be removed within 24 hours after being notified to do so by the Board of Trustees of the Town of Pickstown.

(Ord. 94-84, passed 11-9-1994)

' 51.06 COLLECTION SERVICE.

The Town of Pickstown shall allow independent contractors to operate garbage and refuse collection services in the town. It shall be mandatory upon all occupants, residents or other persons residing or doing business within the municipal boundaries of the Town of Pickstown to obtain collection services, unless an environmentally acceptable alternative, which complies with all applicable environmental regulation is proposed and approved by the Board of Trustees. Fees for the collection services shall be set by the independent contractors.

(Ord. 94-84, passed 11-9-1994)

' 51.07 LICENSING OF CONTRACTORS.

(A) *License requirements.* No person, corporation, partnership or other entity may collect garbage or other solid waste within the Town of Pickstown, unless the independent contractor first applies for and receives a license from the Town of Pickstown. The Town of Pickstown may assess a licensing fee in an amount set by the Board of Trustees. In order to obtain a license, each independent contractor shall:

- (1) Submit an application for license on forms approved by the Board of Trustees;
- (2) Pay the licensing fee; and
- (3) Comply with all necessary environmental regulations, laws and rules with regard to the collection and disposal of solid waste.

(B) *Independent garbage hauler license suspended.*

(1) Any independent garbage hauler who shall violate any environmental regulation, law, rules or the foregoing ordinances, shall immediately have its license suspended pending investigation. After an investigation is conducted, the Board of Trustees may do any of the following:

- (a) Privately reprimand the contractor;
- (b) Give written reprimand to the contractor;
- (c) Suspend the contractor=s license for a period of time as is determined by the Board of Trustees; or
- (d) Terminate the contractor=s license permanently.

(2) Immediately after any action is taken, the town will serve notice of the action taken upon the contractor, and the contractor may thereafter request a hearing with the Board of Trustees which shall be held at the next regularly scheduled Trustees= meeting following the service of notice, if the contractor demands a hearing in writing at least 5 days prior to the next regularly scheduled meeting.

(C) *Independent garbage permit.* Any licensed garbage hauler within the Town of Pickstown shall have displayed, in a conspicuous place, a permit issued by the Town of Pickstown on all of the licensed garbage hauler=s vehicles or equipment.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.08 SANITARY CONTAINER.

(A) The occupants of every dwelling house or apartment and every place of business and building shall provide an approved and sanitary container in which occupants shall cause to be deposited all garbage accumulating upon the premises.

(B) Approved containers shall be constructed of galvanized metal or heavy-duty plastic in good repair, leak proof, rodent proof, free from holes and with a tight-fitting cover. Refuse containers shall be stored in a manner so that spilling and animal pilferage is prevented. Containers shall be placed in the designated location on collection days.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.09 COLLECTION TIMES.

Garbage and refuse shall be collected once a week in residential areas. Bi-weekly collection from commercial establishments will be required where accumulations warrant. Collection shall be scheduled by the Board of Trustees for public facilities.

(Ord. 94-84, passed 11-9-1994)

' 51.10 TRANSPORTATION OF TREES AND BRANCHES.

Transportation of trees, branches or other bulky items that are not collected by independent contractors shall be the responsibility of the tenant or owner.

(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.11 MAINTENANCE OF COLLECTION VEHICLES.

No truck or trailer or other vehicle shall be used for hauling garbage or refuse that is not equipped with a liquid-tight box and so covered that no spillage may occur on the street or road to the point of disposal. Collection vehicles shall be kept painted, clean and in good repair.
(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.12 SOLID WASTE DISPOSAL AREA.

No person, firm, corporation, government subdivision or agency shall dispose of any refuse, garbage or rubbish at any place in the town except the solid waste disposal areas which have been properly permitted and approved by the respective environmental agencies.
(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.13 MISDEMEANOR FOR UNAUTHORIZED SOLID WASTE DISPOSAL.

Any person, acting on his or her own or on behalf of a firm, corporation, governmental subdivision or agency, who deposits any refuse, garbage or rubbish in any location other than an approved solid waste disposal area or in any way causes littering in the Town of Pickstown shall be guilty of a misdemeanor.
(Ord. 94-84, passed 11-9-1994) Penalty, see ' 51.99

' 51.14 INSPECTION OF SOLID WASTE.

The Board of Trustees are hereby designated to investigate complaints and inspect any deposits of solid waste outside of the approved disposal area in an effort to identify and prosecute violations of this subchapter.
(Ord. 94-84, passed 11-9-1994)

' 51.15 DISPOSAL SITE; ACCESS, RESTRICTION, ENTRANCE SIGN, BURNING AND THE LIKE.

(A) *Access.* Access to the disposal site shall be permitted only during daylight hours. Dumping refuse on the site shall be contained to the smallest practical area.

(B) *Disposal site restricted to town residents.* Access and use shall be restricted to Pickstown residents, businesses and contract use as approved by the Board of Trustees. Fees for use of the designated solid waste disposal site shall be set by resolution by the Board of Trustees.

(C) *Sign at entrance of disposal site.* A sign shall be placed at the entrance containing information and restrictions for use, dumping directions and the restriction for use by Pickstown residents and businesses, and contract use as approved by the Board of Trustees.

(D) *Disposal of construction wastes.* The Board of Trustees shall designate a restricted use facility for the disposal of rubble, trees, construction/demolition debris, wood products and yard waste compost. White goods, except for refrigerators, freezers, air conditioners and other apparatus which customarily contain freon, and waste tires will be accepted at the facility for a fee to be established by the Board of Trustees. The facility will not accept items that are traditionally accepted at licensed/permitted solid waste facilities. Unacceptable items include, but are not limited to, petroleum contaminated soils, herbicide/pesticide containers, car batteries, ash, putrescible wastes and hazardous or special wastes.

(E) *Burning at disposal site.* Open burning at the disposal site shall be allowed under the supervision of the Fire Department or when a permit is obtained from the Fire Chief of the Town of Pickstown. Burning shall be only under controlled burning conditions. Arrangements shall be made for extinguishing undesirable fires.

(F) *Disposal of dead animals.* Dead animals or parts thereof must be placed in separate pits at the disposal site and covered with a least 2 feet of cover.
(Ord. 94-84, passed 11-9-1994)

' 51.16 GRAZING OF LIVESTOCK.

All scavenging operations and all grazing or feeding of farm or domestic animals shall be prohibited in conjunction with or upon the disposal site.
(Ord. 94-84, passed 11-9-1994)

' 51.17 PROHIBITION OF DISPOSING OF HAZARDOUS WASTES.

The following special wastes may not be disposed of at the site: bulk liquids and semi-liquids, sludges containing free moisture and industrial process wastes.
(Ord. 94-84, passed 11-9-1994)

' 51.99 PENALTY.

(A) Any person violating any provision of this subchapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who hauls garbage in the Town of Pickstown without being licensed may be assessed a \$50 penalty and may be permanently prohibited from collecting garbage within the Town of Pickstown, which penalty shall be in the discretion of the Board of Trustees.
(Ord. 94-84, passed 11-9-1994)

Section

- 52.01 Electrical distribution system **CHAPTER 52: ELECTRICITY**
- 52.02 Aggregation of retail customer demand response
- 52.03 Ancillary services provided by demand response resources

' 52.01 ELECTRICAL DISTRIBUTION SYSTEM.

(A) The Town of Pickstown shall operate a municipal electrical distribution system. The Superintendent of Public Utilities shall be responsible for coordination of services necessary in the operation and maintenance of the distribution system, to the end that service to the consumers may be interrupted as little as possible.

(1) It shall be the duty of the Finance Officer to send out monthly billings and notices of delinquent bills.

(2) It shall be the duty of the Superintendent of Public Utilities to coordinate necessary shut offs and disconnects of service wires of any and all consumers of electric current from the town=s distribution system after proper notification has been given.

(3) New electrical consumers shall pay a connection fee of \$50 for payment of the use of electricity and power and shall not be entitled to the use of electricity until the connection fee is made.

(4) Intentional damage to meters shall be the responsibility of the town for repair or replacement, at the consumer=s expense.

(5) All new wiring shall conform to the provisions of the National Electrical Code.

(6) The Town of Pickstown will retain ownership of electric meters.

(7) The following rates for the use of electric current are hereby established to become effective upon the effective date of this section.

Pickstown - Public Works

(8) This schedule is for electric service to urban and rural residential customers for domestic purposes, and all other customers for commercial purposes.

(9) Residential service is defined as service to each separate house, apartment, flat or other living quarters occupied by a person or persons constituting a distinct household using electrical energy for general purposes and including separately metered hall lighting or other general service furnished exclusively for tenants of residential apartment houses.

(10) Any other service not described under residential service shall be considered commercial and shall be charged at the commercial rate as listed below.

| <i>Residential Rate</i> | | | |
|-------------------------|-------------|-------------|-------------|
| | <i>2016</i> | <i>2017</i> | <i>2018</i> |
| Customer Charge | \$16.50 | \$17.50 | \$18.50 |
| Energy charge - per kWh | | | |
| June-August | \$0.081 | \$0.083 | \$0.085 |
| September-May | \$0.073 | \$0.075 | \$0.077 |

| <i>Small Commercial Rate</i> | | | |
|------------------------------|-------------|-------------|-------------|
| | <i>2016</i> | <i>2017</i> | <i>2018</i> |
| Customer charge | \$22.90 | \$23.90 | \$24.90 |
| Energy charge - per kWh | | | |
| June-August | \$0.083 | \$0.085 | \$0.087 |
| September-May | \$0.077 | \$0.079 | \$0.081 |

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|
| Large Commercial Rate - non-residential customers with a peak demand of 25 kW or more in any previous month. Customers will remain in this class unless they drop below 25kW for 12 consecutive months and request to be moved to the small commercial class. | | | |
| | 2016 | 2017 | 2018 |
| Customer charge | \$37.20 | \$38.20 | \$39.20 |
| Energy charge - per kWh | | | |
| June-August | \$0.058 | \$0.060 | \$0.062 |
| September-May | \$0.054 | \$0.056 | \$0.058 |
| Demand charge - per kWh | \$5.60 | \$5.65 | \$5.70 |
| Note (made here by Res. as of 1-21-2015): There will be a \$1,000 deposit fee for bulk water meter use if exceeding over one day | | | |

(Ord. 88-56, passed 3-4-1988; Am. Ord. passed 5-10-2006; Am. Ord. 2007-152, passed 12-12-2007; Am. Ord. 2009-158, passed 3-11-2009; Am. Ord. 2009-162, passed 12-9-2009; Am. Ord. 2013-181, passed 3-13-2013; Am. Ord. 2015-194, passed 1-13-2016, Am. Ord. 2016-197, passed 1-11-2017)

(B) Every person applying for electric services from the town=s system, every owner of the property for which an application is made and every resident or owner of property currently receiving electric service from the town electric system, is deemed to consent to all rules, regulations and rates of town resolutions and ordinances, and any modifications thereof and to all new rules, regulations or rates duly adopted.

(1) The town shall have, and reserves, the right to enter and gain access to, during reasonable or necessary hours, the property or premises of every person applying for electric service from the town system, every owner of the property for which an application is made and every resident or owner of property currently receiving electric services from the town electric system, for the purpose of permitting the town to inspect the property or premises so as to allow the town to determine whether or not, in its sole discretion, a load management system is needed, necessary and required.

(2) If a determination is made in the town=s sole discretion that a load management system is needed, necessary or required for any particular property or premises, the town shall have, and reserves, the right to enter and gain access to, during reasonable and necessary hours, the premises and property of every person applying for electric service from the town=s system, every owner of the property for which an application is made and every resident or owner of property currently receiving electric service from the town=s system, for the purpose(s) of permitting the town to properly install and maintain equipment and facilities as are deemed, in the sole discretion of the town, necessary and proper.

(3) It shall be the duty of the town to furnish the necessary labor, material, supplies, equipment and facilities necessary to install and maintain all load management systems. All load management systems shall be supplied by, obtained from and remain the property of the town.

(4) The load management system shall be installed at a point on the consumer=s property as deemed reasonable by the Superintendent of Public Utilities.

(5) If any person applying for electric service from the town=s system, any owner of property for which an application is made or any resident or owner of property currently receiving electric service from the town=s system refuses to allow or permit the installation or maintenance of a load management system upon a property or premises for which the town has determined that a load management system is needed, necessary or required, an additional fee of \$10 per month shall be charged and imposed upon the monthly electric billing for that particular property or premises, until and unless the installation and maintenance of a load management system upon the property or premises is allowed and permitted. This additional fee is an accurate representation of the current additional monthly use and cost of electricity, due to inefficient service, for property or premises supplied by the town with electric service from its electric system that do not possess a functioning or operational load management system, as determined by the town.
(Ord. 98-106, passed 7-8-1998)

' 52.02 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE.

(A) The Town of Pickstown or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the town directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

(B) Retail customers served by the town wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the town or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the town.
(Ord. 2009-159, passed 6-22-2009)

' 52.03 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES.

(A) The Town of Pickstown or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the town directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).

(B) Retail customers served by the town wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by the town or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the town.

(Ord. 2009-159, passed 6-22-2009)

Section

- 53.01 Municipal authority **CHAPTER 53: WATER**
- 53.02 Real property in adjoining states
- 53.03 Emergency contract for repair or replacement
- 53.04 Contract for waterworks system; maximum tax levy
- 53.05 Special assessments governed by provisions for sewer assessments
- 53.06 Connection from water main to lot line
- 53.07 Equivalent terminology, sewer assessment law applied to water system
- 53.08 Classification of water pipes and mains
- 53.09 Distance between water connections
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- 53.11 Water regulations
- 53.12 Water rates
- 53.13 Request for rural water system within three miles of municipality
- 53.14 Municipality to provide service after previously declining
- 53.15 Providing service to persons with rural water system; purchase of facilities
- 53.16 Service to persons within extended areas
- 53.17 Election to provide service to those outside three-mile area
- 53.18 Certain matters negotiable for contract between parties
- 53.19 Connection of plumbing fixtures to public water system, purchase/lease of preexisting private wells

' 53.01 MUNICIPAL AUTHORITY.

The municipality shall construct, establish, operate, and maintain a system of waterworks and facilities and may regulate the distribution and use of the supplied thereby. It shall have the authority to assess, levy, and collect taxes and special assessments for such purposes; and may appropriate funds and levy taxes to accumulate funds for such purposes. The municipality may enter into agreements with the United States, with the State of South Dakota and with any authorized agency, subdivision, or unit of government, federal or state, to carry out such purposes.

(SDCL ' 9-47-1)

' 53.02 REAL PROPERTY IN ADJOINING STATES.

The municipality shall have power to purchase, lease, own, and hold real property and easements therein in an adjoining state for waterworks purposes.

(SDCL ' 9-47-2)

' 53.03 EMERGENCY CONTRACT FOR REPAIR OR REPLACEMENT.

(A) Wherever, in the municipality, the emergency specified in SDCL ' 9-21-15 is the complete failure of the water supply of such municipality, the governing body thereof is authorized to contract for the drilling of a new well or for such repairs, replacements, and new equipment as may be necessary, privately, without advertising for bids as required by the laws of this state relating to contracts of municipalities, and to pay therefor as provided in SDCL " 9-21-15 and 9-21-16 as to emergencies; provided, however, that no such contract shall be executed until the governing body has adopted a resolution of necessity therefor, by unanimous vote, which resolution shall become effective immediately upon its passage and publication.

(B) Any contract entered into as provided by this section shall be as binding, and have the same force and effect, as though the same were let in all particulars as provided by the laws of this state relating to contracts of municipalities.

(SDCL ' 9-47-3)

Statutory reference:

Replacement or repair required by unanticipated event, see SDCL ' 9-21-15

' 53.04 CONTRACT FOR WATERWORKS SYSTEM; MAXIMUM TAX LEVY.

When the expense in connection with the waterworks system is to be raised by general taxation, no contract for construction, purchase, lease, or maintenance which shall stipulate for an annual payment greater than an annual levy of 5 mills on each dollar of the assessed valuation of the municipality shall be authorized until such contract shall first have been submitted to a vote of the voters of such municipality at a general or special election and ratified by a majority of those voting at such election.

(SDCL ' 9-47-4)

' 53.05 SPECIAL ASSESSMENTS GOVERNED BY PROVISIONS FOR SEWER ASSESSMENTS.

When the expense in connection with the waterworks system is raised by special assessments, such assessments shall be levied and collected in the manner provided for the levy and collection of sewer assessments.

(SDCL ' 9-47-5)

' 53.06 CONNECTION FROM WATER MAIN TO LOT LINE.

To provide for the laying of water connections from the municipality water mains to the lot line, the municipality shall assess the cost against the abutting property owner.

(SDCL ' 9-47-6)

' 53.07 EQUIVALENT TERMINOLOGY, SEWER ASSESSMENT LAW APPLIED TO WATER SYSTEM.

For the purpose of special assessments a water supply and a plant or plants for the filtration, purification, or softening of water shall be regarded the same as a sewer outlet or septic or sewage treatment plant, a supply pipe or main the same as a main sewer, a trunk pipe or main the same as a trunk sewer, and a service pipe or main the same as a service sewer.

(SDCL ' 9-47-7)

' 53.08 CLASSIFICATION OF WATER PIPES AND MAINS.

Water pipes or mains are classified as:

***SERVICE PIPE* or *MAIN*.** One designed to supply water to the property abutting upon the particular street or way in which it is laid.

***SUPPLY PIPE* or *MAIN*.** Any pipe, ditch, flume, conduit, or other appliance designed to conduct a supply of water from its source to the municipality.

***TRUNK PIPE*.** One designed to supply water to the property abutting upon the street or way in which it is laid and to other pipes or mains in a defined district or portion of the municipality.

(SDCL ' 9-47-8)

' 53.09 DISTANCE BETWEEN WATER CONNECTIONS.

No more than 1 water connection shall be made for each platted lot or for each 44 feet of frontage of unplatted ground in the residence section, and for each 22 feet of frontage in the business section of the municipality, except when the abutting owner requests in writing the placing of water connections at a less number of feet.

(SDCL ' 9-47-18)

' 53.10 SPECIAL ASSESSMENT FOR MAINTENANCE OF WATER SYSTEM.

(A) The governing body, at the time of making its annual tax levy for other purposes may levy a special assessment for the purpose of maintaining its system of waterworks. Such assessment shall be apportioned as provided in this chapter for the assessment of the cost of constructing such waterworks, and be certified to the county auditor and collected as municipal taxes for general purposes.

(B) Such special assessment shall in no year exceed the sum of \$.04 per front foot against any lot or parcel of abutting property and shall be subject to review and equalization the same as assessments for general purposes. Funds derived from such assessment shall be used only for the purpose for which it is levied.

(SDCL ' 9-47-19)

' 53.11 WATER REGULATIONS.

(A) Applications for water service shall be made by the owner or agent of the property to the Board of Trustees or Superintendent of Public Utilities, stating the lot and block where water is desired. If the application is granted by the Board of Trustees or Superintendent of Public Utilities, the applicant shall be granted a permit authorizing the connection to be made. The fee for making the tap shall be \$50, payable at the time of making the application. That all expenses in connection with the running of the water line from the main to the consumer=s property shall be at the consumer=s expense.

(B) No wells shall be drilled or bored within town boundaries.

(C) No water shall be sold or distributed unless the same is measured by a town furnished meter and/or exterior digital read out, which shall be owned and kept in repair by the Town of Pickstown.

(Ord. 88-62, passed 10-12-1988)

(D) The standard connection with the water main shall be copper pipes from main to curb stand. All other pipes may be galvanized pipes capable of standing pressure of 150 pounds.

(E) All excavations pertaining to water lines in any of the streets of the town shall be under the supervision of the Superintendent of Public Utilities.

(F) All owners must, at their own expense, keep the surface pipe from the town main to their property, in good working order and properly protected from frost and other danger.

(G) Owners or consumers desiring to discontinue the use of water shall be required to give notice thereof to the Superintendent of Public Utilities and regular rates shall be continued until notice is given.

(H) The use of water for street, lawn or garden sprinkling is subordinate to domestic use or fire protection and may be restricted by the town at any time, should a scarcity of water or an emergency of any kind require it.

(I) If 2 or more premises, with separate owners, are supplied from the same service pipe, a minimum fee to each consumer must be paid, in addition to the metered water provided to consumers.

(J) Officers or employees reserve the right to set or remove a meter, or change its location whenever it is deemed necessary to do so. Work shall be coordinated with residents for a time that the work shall be accomplished.

(K) In cases where water meters fail to register the amount of water passing through them, by being stopped or from any other cause, the quantity used shall be determined, and the charge made based upon the average amount used during 2 or more preceding periods of similar length.

(L) The Town of Pickstow will retain ownership of the water meters.
(1986 Code, Title 37, ' 3)

' 53.12 WATER RATES.

(A) The charges per month for all use of water from the town water system are as follows.

| <i>Gallons</i> | <i>Proposed Rate</i> |
|---------------------------------------|-----------------------|
| Monthly flat rate (no water included) | \$28 |
| Gallon cost | \$3 per 1,000 gallons |
| Bulk water rate | \$5 per 1,000 gallons |

(B) These rates may be modified hereafter by resolution of the Board
(Ord. 2002-129, passed 3-13-2002; Am. Ord. 2008-154, passed 6-9-08; Am. Ord. 2017-198, passed 3-20-2017)

' 53.13 REQUEST FOR RURAL WATER SYSTEM WITHIN THREE MILES OF MUNICIPALITY.

If a rural water system is requested after July 1, 1989, to provide water service to any person who resides within 3 miles of a municipality owning and operating a water supply system, the rural water system shall promptly notify such municipality of such request in writing. Within 60 days from the receipt of such notice, the municipality may elect to provide water service to such person. If the municipality does not so elect, the rural water system may provide such service.

(SDCL ' 9-47-22)

' 53.14 MUNICIPALITY TO PROVIDE SERVICE AFTER PREVIOUSLY DECLINING.

If a rural water system provides service to a person whom a municipality has declined to serve, pursuant to ' 53.13, and the municipality thereafter elects to provide water service to such person, the municipality shall first purchase the facilities of the rural water system which were required and used to provide service to such person. The purchase price shall be the present day reproduction cost, new, of the facilities being acquired, less depreciation computed on a 30-year straight-line basis, plus an amount equal to the cost on a nonbetterment basis of constructing any necessary facilities to reintegrate the system of the rural water system after detaching the portion to be sold; plus as compensation for service rights, an annual amount, payable each year for a period of 5 years, equal to the sum of 5% of the gross revenues received from the sale of water service to such person during the 5-year period. Gross revenues received shall be determined by applying the rate in effect by the purchased rural water system at the time of purchase.

(SDCL ' 9-47-23)

' 53.15 PROVIDING SERVICE TO PERSONS WITH RURAL WATER SYSTEM; PURCHASE OF FACILITIES.

If a municipality elects to provide water service to any person who is being served by a rural water system and who resides within the boundaries of a municipality or within 3 miles of the municipality as the boundaries exist on July 1, 1989, the municipality shall purchase the facilities of the rural water system which were required and used to provide service to such person. The purchase price shall be as set forth in ' 53.14.

(SDCL ' 9-47-24)

' 53.16 SERVICE TO PERSONS WITHIN EXTENDED AREAS.

If the 3-mile area referred to in ' 53.15 is extended as a result of annexation, consolidation, or incorporation after July 1, 1989, and the municipality elects to provide service to any person receiving service from a rural water system residing within the newly extended 3-mile area, the municipality shall purchase the facilities of the rural water system which were required and used to provide service to such person. The purchase price shall be determined pursuant to ' 53.14. The provisions of ' 53.13 are applicable to all persons seeking water service in the newly extended area from and after the effective date of such extension.

(SDCL ' 9-47-25)

' 53.17 ELECTION TO PROVIDE SERVICE TO THOSE OUTSIDE THREE-MILE AREA.

If a municipality elects to provide water service to any person being served by a rural water system and located more than 3 miles from the municipal boundaries, the municipality shall purchase the facilities of the rural water system which were required and used to provide service to such person. The purchase price shall be determined pursuant to ' 53.14.

(SDCL ' 9-47-26)

' 53.18 CERTAIN MATTERS NEGOTIABLE FOR CONTRACT BETWEEN PARTIES.

The provisions of SDCL " 9-47-22 through 9-47-26, inclusive, do not prevent a municipality and a rural water system from contracting with each other relative to the transfer of customers, disposition, and sale of facilities and related matters on such terms and conditions as they may determine.

(SDCL ' 9-47-27)

' 53.19 CONNECTION OF PLUMBING FIXTURES TO PUBLIC WATER SYSTEM, PURCHASE/LEASE OF PREEXISTING PRIVATE WELLS.

(A) Each building in which plumbing fixtures are installed shall connect to a public water supply system if available. A public water system is available to a premise used for human occupancy if the property line of the premise is within 200 feet of the system.

(B) A municipality may purchase, lease with purchase option, lease, or otherwise acquire from the owners, any preexisting private wells located within the municipality. The provisions of this section do not apply to municipalities of the first class.

(C) Nothing in this section requires any municipality to provide any municipal service outside of its municipal boundaries.

(SDCL ' 9-47-28)

Section

CHAPTER 54.a SEWERS

- 54.001 Sewer regulations and rates
- 54.002 Municipal authority
- 54.003 Classification of sewers
- 54.004 Real property in adjoining state
- 54.005 Sewer pipes on private property; discharge
- 54.006 Acquisition on sewer mains, newly annexed area
- 54.007 Financing; general obligation bonds
- 54.008 Connections from sewers to lot lines
- 54.009 Disposing private or industrial waste through municipal sewage plant
- 54.010 Sump pumps

Service Sewers

- 54.025 Resolution of necessity for service sewers
- 54.026 Notice of hearing on resolution for service sewers
- 54.027 Construction of service sewers
- 54.028 Determination of benefits and assessments for service sewers
- 54.029 Service sewer assessments; front foot basis

Connections

- 54.045 Connection by property owners with main, trunk or storm sewer
- 54.046 Assessment of benefits; connection to main, trunk or storm sewer
- 54.047 Minimum distance between sewer connections
- 54.048 Connection of plumbing fixtures to public water sewer system

Purchase of Private Sewers

- 54.060 Municipal purchase of private sewers
- 54.061 Plans, specifications and cost estimate for purchase of sewer
- 54.062 Property owner's protest against purchase of private sewer
- 54.063 Special assessment roll and levy for purchase of private sewer

Maintenance

- 54.075 Power to levy for maintenance
- 54.076 Annual levy for maintenance
- 54.077 Lots against which maintenance assessment levied
- 54.078 Front foot
- 54.079 Proceeds of maintenance assessment

*GENERAL***' 54.001 SEWER REGULATIONS AND RATES.**

(A) It shall be unlawful for any person, persons or corporation to build or construct any cesspool or septic tank either on private or public ground within the corporate limits of the Town of Pickstown. The Superintendent of Public Utilities shall have general supervision of all connections made to the town sewer and the excavations so related.

(B) Applications for connecting to the main sewer line shall be made to the Town Board of Trustees or to the Superintendent of Public Utilities. A charge of \$50 shall be made for tapping into the main sewer line where a AY@ is not provided. A charge of \$25 shall be made if connection is made to an existing AY@ in the main sewer line. It shall be the responsibility of the property owner to pay all expenses with regard to the connection and running a line to his or her property, all of which shall be under the direct supervision of the Superintendent of Public Utilities.

(C) It shall be unlawful for any person to willfully dump any coarse garbage or waste material into the sewer, if the garbage and material would have a tendency to disrupt the flow of the sewer.

(D) No whey shall be deposited into the town sewer system, and in the event that whey is found in the sewer system, or in the lagoons, then, in that event, the Town Board of Trustees shall either have the sewer plugged so that no further use of the sewer may be used where there is any possibility of whey going into the lagoons, or in the alternative, make a charge to the user of the establishment where whey is entering into the sewer. An additional fee is deemed necessary to treat the town=s sewer lagoons so that proper chemical action may be maintained in the sewer lagoons to assure the proper functional use thereof, and to enable them to operate as normal sewer lagoons.

(E) Any run-off from commercial establishments, such as vehicle washing racks, creamery buildings and the like shall enter the sewer only through a suitable settling basin and/or grease trap. Each connection of this type shall be approved by the Superintendent of Public Utilities.

(1986 Code, Title 39, ' 5) Penalty, see ' 10.99

| <i>Residential Rate</i> | <i>Commercial Rates</i> | |
|--------------------------|----------------------------|------|
| <i>Monthly Flat Rate</i> | <i>Water Use (Gallons)</i> | |
| \$22 | 0 | \$20 |
| | >20,000 | \$30 |
| | >40,000 | \$40 |
| | >80,000 | \$50 |

(F) All lots deeded that have utilities on or adjacent to them pay a minimum of \$7 per month or \$84 per year, commencing 1 full year after lot or lots have been deeded from the Town of Pickstown. Any landowner owning 2 or more lots lying in a single contiguous area shall not be required to pay the minimum charge for 1 extra lot, as selected by the landowner. If the landowner owns more than 2 contiguous lots, he or she shall be required to pay the minimum charge on all lots he or she owns in excess of 2 lots.

(G) All commercial campgrounds are hereby assessed a monthly access fee of \$10 per month for each occupied pad from May 1 through October 31 each year to help defray the town's sewer expenses. This fee is to be paid directly to the town's Finance Office.

(Ord. 95-92, passed 7-11-1995; Am. Ord. 2006-148, passed 10-11-2006; Am. Ord. 2011-169, passed 5-11-2011; Am. Ord. 2013-185, passed 10-9-2013)

' 54.002 MUNICIPAL AUTHORITY.

(A) The municipality may establish and construct main, trunk, and service sewers, and septic or sewage treatment plants, drains, and manholes either within its corporate limits or within 10 miles of its corporate limits; may appropriate funds and levy taxes to accumulate funds for such purposes; may establish sewer districts as provided by SDCL Title 9; may acquire any sewer, drain, or system of sewerage and drainage already established and constructed; and may acquire land within or without the municipality for a septic or sewage treatment plant or outlet to any main sewer, and may assess the cost thereof with cost of any necessary extension or connection of such main sewer to all the property within the sewer district benefitted as provided by this chapter.

(B) The proceeds of any taxes levied for the accumulation of funds under this section shall be placed in a separate fund which may not revert at the end of the fiscal year. The amount of the fund may never exceed an amount equivalent to \$10 dollars per \$1,000 of taxable valuation of all property within the municipality. The fund shall be established by a resolution adopted pursuant to SDCL Chapter 9-19.

(SDCL ' 9-48-2)

' 54.003 CLASSIFICATION OF SEWERS.

Sewers are classified as follows:

COMBINED SANITARY AND STORM SEWER. A sewer which is not designated as either a storm sewer or sanitary sewer is designed for this use.

MAIN SEWER. One designed to carry the entire sewage or water of a municipality or sewerage district to the sewer outlet, septic, or disposal plant.

SANITARY SEWER. One designed solely to carry sewage and wastes from buildings or structures. The term **SANITARY SEWER** shall exclude drainage from roofs, sidewalks, roadways, streets, alleys, or other surface drainage.

SERVICE SEWER. One designed to carry sewage or water from the property abutting upon the street or way in which it is laid into a trunk or main sewer, or into the sewer outlet, septic, or disposal plant.

STORM SEWER. One designed solely to carry storm or surface waters.

TRUNK SEWER. One designed to carry the sewage or water from any particular district or portion of the municipality as well as the sewage or water from property abutting upon the street or way in which it is laid, and of sufficient capacity to carry the sewage or water from the service sewers in the district or portion of the municipality in which it is laid, to the main sewer outlet, septic, or disposal plant.
(SDCL ' 9-48-1)

' 54.004 REAL PROPERTY IN ADJOINING STATE.

The municipality shall have power to purchase, lease, own, and hold real property and easements therein in an adjoining state for sewerage purposes.
(SDCL ' 9-48-3)

' 54.005 SEWER PIPES ON PRIVATE PROPERTY; DISCHARGE.

The municipality may construct, maintain, or authorize the construction and maintenance of sewer pipes on private property or in or along any stream of water, or empty or discharge the sewage of the municipality into any stream of water within or without its limits, subject to the provisions of SDCL Chapter 34A-2, if such can be done without creating any foul or noxious odors in the air over or along such stream.
(SDCL ' 9-48-4)

Statutory reference:

Environmental protection, see SDCL Chapter 34A-2

' 54.006 ACQUISITION OF SEWER MAINS, NEWLY ANNEXED AREA.

The municipality shall have power, within the discretion of the governing board of the municipality, to purchase, lease with purchase option, lease or otherwise acquire from the owners thereof, or condemn under provision of SDCL ' 9-12-1(2), any sewer main or mains laid in, on or under any street or alley or otherwise located in any municipality, district or subdivision outside the corporate limits of the municipality and which subdivision or district shall have been, by annexation proceedings or otherwise, annexed to the municipality.

(SDCL ' 9-48-5)

' 54.007 FINANCING; GENERAL OBLIGATION BONDS.

The municipality may issue its general obligation bonds pursuant to SDCL Chapter 9-26 for the purpose of financing the construction of sewers.

(SDCL ' 9-48-6)

' 54.008 CONNECTIONS FROM SEWERS TO LOT LINE.

The municipality shall have power to regulate and provide for the laying of sewer connections from the city trunk or service sewers, to the lot line, and to assess the cost against the abutting property owner as provided by this chapter.

(SDCL ' 9-48-7)

' 54.009 DISPOSING PRIVATE OR INDUSTRIAL WASTE THROUGH MUNICIPAL SEWAGE PLANT.

A municipality, where a sewage treatment or septic plant is maintained, may enter into a contract to connect to the plant for the purpose of treating or disposing of private sewage or industrial waste originating within the municipality or within 10 miles of the corporate limits of the municipality, if the plant has the capacity to handle the sewage or industrial waste.

(SDCL ' 9-48-32)

' 54.010 SUMP PUMPS.

(A) *Causing or permitting certain water to run into sanitary sewer.*

(1) It is unlawful for any person or for the owner or occupant of any premises in the town to discharge or permit to be discharged or cause to be discharged into the sanitary sewer system of the

town, or into any drain or sewer connected with such sanitary sewer system, any storm water whatever from the roofs of buildings, from the overflow of cisterns, storm water, surface water, groundwater, footing drains, cooling water or unpolluted industrial process waters or otherwise; and no person shall allow water to run a sump pump and then allow such water to be pumped from there to the sanitary sewer system; except sump pumps may discharge into sanitary sewers located in family dwelling house between October 31 and April 1 provided that all plumbing is visible for inspection and no storm sewer is available for discharge.

(2) It is lawful for the President, members of the Board of Trustees, city engineer, the housing, building, plumbing, electrical and zoning official or its agents or employees to enter any building within the town which is connected therewith to the sanitary sewer system of the town, to ascertain if the prohibited acts in division (A)(1) above are being violated, and they and each of them shall have the right to enter such premises or building at all reasonable hours, and it is unlawful for any person to resist such entry.

(3) If the owner or occupant of any premises shall refuse access to the premises by the officers or employees of the town for such purposes, the premises may be disconnected from the sanitary sewer system of the town.

(B) Penalties

(1) Any person(s) found to be violating any provision of this chapter shall be served by the Town of Pickstown 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.

(2) *Each violation a separate offense.* Any person(s) who shall continue any violation beyond the time limit provided for in division (B)(1) above or any acts amendatory thereto, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in the amount not exceeding \$200 for each violation. Each day in which any such violation shall be deemed a separate offense. Any person violating any of the provisions of this section shall become liable to the Town of Pickstown for any expense, loss, or damage occasioned the Town of Pickstown by reason of such violation.
(Ord. 2011-168, passed 3-9-2011)

SERVICE SEWERS

' 54.025 RESOLUTION OF NECESSITY FOR SERVICE SEWERS.

Whenever the governing body shall deem it necessary that a service sewer or sewers be constructed, it shall by resolution declare the necessity therefor and shall cause plans and specifications showing the

location, arrangement, form, and size, and the material to be used in the construction thereof to be prepared by the engineer or other competent person and filed in the office of the auditor or clerk for the examination of all parties interested.

(SDCL ' 9-48-8)

' 54.026 NOTICE OF HEARING ON RESOLUTION FOR SERVICE SEWERS.

Notice of hearing upon the proposed adoption of such resolution pursuant to ' 54.025 shall be given by publication once each week for 2 successive weeks prior to the adoption thereof.

(SDCL ' 9-48-9)

' 54.027 CONSTRUCTION OF SERVICE SEWERS.

Upon the taking effect of the resolution described in ' 54.025 the governing body shall have the authority to make the improvement in such resolution specified and assess the cost thereof as hereinafter provided; provided, that the governing body may by resolution direct that any specified amount or fraction of the cost of said service sewers shall be paid by the municipality out of its general funds appropriated for that purpose or out of the proceeds of general obligation bonds as authorized by SDCL Chapter 9-43.

(SDCL ' 9-48-10)

' 54.028 DETERMINATION OF BENEFITS AND ASSESSMENTS FOR SERVICE SEWERS.

In and by the resolution declaring the necessity of the improvement it may be provided that the cost thereof shall be apportioned to each lot or tract of land fronting or abutting thereon according to the benefits determined by the governing body to accrue therefrom, and in such event the governing body, in preparing, considering, and hearing objections to the assessment roll as provided in SDCL Chapter 9-43, shall make such investigation as may be necessary and shall find and determine the amount in which each such lot or tract will be benefitted by the construction of the improvement, and shall assess against each such lot or tract such amount, not exceeding its special benefit, as shall be necessary to pay its just portion of the total cost of the work to be assessed.

(SDCL ' 9-48-11)

' 54.029 SERVICE SEWER ASSESSMENTS; FRONT FOOT BASIS.

(A) Whenever the construction of a service sewer or sewers shall have been determined upon, the engineer or other competent person shall, unless assessments are determined under ' 54.028, calculate and report to the governing body the amount to be assessed therefor against each lot or part of lot fronting or abutting upon the street or streets, alley or alleys in which such improvement is to be constructed.

(B) In estimating such assessment he or she shall divide the total cost of such improvement by the number of feet fronting or abutting upon such street or streets, alley or alleys, and the quotient shall be the amount assessed per front foot upon the property fronting or abutting thereon.

(SDCL ' 9-48-12)

CONNECTIONS**' 54.045 CONNECTION BY PROPERTY OWNERS WITH MAIN, TRUNK OR STORM SEWER.**

Whenever any municipality shall have constructed any main, trunk, or storm sewer and paid or agreed to pay for the same out of its general fund, or out of the proceeds of municipal bonds, and shall have constructed, have in course of construction, or have determined upon the construction of a system or part of a system of service sewers, and shall have assessed or determined to assess the cost of such service sewers against the property fronting or abutting upon such service sewers, the governing body may grant to the owners of property fronting or abutting upon such main, trunk, or storm sewer the privilege of connecting therewith, and may assess the benefits of such privileges against such fronting or abutting property.

(SDCL ' 9-48-13)

' 54.046 ASSESSMENT OF BENEFITS; CONNECTION TO MAIN, TRUNK OR STORM SEWER.

Whenever the governing body shall desire to exercise the power granted by ' 54.045, it shall grant by resolution such privilege and proceed to assess the benefits thereof in the manner provided in this chapter, such benefits being apportioned as provided for service sewers. Such power may be exercised notwithstanding such fronting or abutting property may have been previously connected with such sewer.

(SDCL ' 9-48-14)

' 54.047 MINIMUM DISTANCE BETWEEN SEWER CONNECTIONS.

No more than 1 sewer connection shall be made for each platted lot, or for each 44 feet of frontage of unplatted ground, in the residence section, and for each 22 feet of frontage in the business section of the municipality, except when the abutting owner requests in writing the placing of sewer connections at a less number of feet.

(SDCL ' 9-48-20)

' 54.048 CONNECTION OF PLUMBING FIXTURES TO PUBLIC WATER SEWER SYSTEM.

(A) Each building in which plumbing fixtures are installed shall connect to a public water sewer system if available. A public sewer system is available to a premise used for human occupancy if the property line of the premise is within 200 feet of the system. A municipality may purchase, lease with purchase option, lease, or otherwise acquire from the owners, or condemn pursuant to SDCL ' 9-12-1(2), any preexisting private sewers located within the municipality.

(B) The provisions of this section do not apply to municipalities of the first class. Nothing in this section requires any municipality to provide any municipal service outside of its municipal boundaries.

(SDCL ' 9-48-53)

PURCHASE OF PRIVATE SEWERS**' 54.060 MUNICIPAL PURCHASE OF PRIVATE SEWERS.**

Whenever there has been constructed by any person within any street or alley a private sewer or sewers which shall be wholly or partly within any district subsequently established as provided in this chapter, the municipality may purchase such sewer or sewers or any part thereof at a cost not in excess of the cost of constructing a similar sewer similarly situated, and assess such cost to the property fronting or abutting upon the sewer so purchased in the same manner as for construction of service sewers.

(SDCL ' 9-48-16)

' 54.061 PLANS, SPECIFICATIONS AND COST ESTIMATE FOR PURCHASE OF SEWER.

No purchase pursuant to ' 54.060 shall be made until plans and specifications of the location, arrangement, form, and size, and material to be used in the construction of such sewer or sewers and an estimate of the cost of constructing the same at the time of making such estimate shall have been made

and filed by the engineer or other competent person and a resolution providing for such purchase has become effective after notice and hearing thereon as provided in the case of a resolution to construct service sewers.

(SDCL ' 9-48-17)

' 54.062 PROPERTY OWNER'S PROTEST AGAINST PURCHASE OF PRIVATE SEWER.

If the owners of a majority of the real property fronting or abutting on a sewer described in ' 54.060 prior to such resolution becoming effective shall file a written protest against such purchase, the governing body shall not have power to purchase the same.

(SDCL ' 9-48-18)

' 54.063 SPECIAL ASSESSMENT ROLL AND LEVY FOR PURCHASE OF PRIVATE SEWER.

When the engineer or other competent person has made the estimate for and report as to special assessments provided for in ' 54.061, the governing body shall cause a special assessment roll to be prepared and proceed to levy the assessment as provided in this chapter.

(SDCL ' 9-48-19)

MAINTENANCE

' 54.075 POWER TO LEVY FOR MAINTENANCE.

The municipality shall have power to levy a special assessment for the purpose of maintaining its sewers and septic or sewage treatment plants as provided by this chapter.

(SDCL ' 9-48-21)

' 54.076 ANNUAL LEVY FOR MAINTENANCE.

The governing body of every municipality prior to the assessment of real property within the municipality for the next fiscal year may levy a special assessment for the purpose of maintaining its main trunk or service sewers and its septic or sewage treatment plant. Such assessment shall be apportioned as provided in this chapter for the assessment of the cost of constructing a main trunk or service sewer or septic or sewage treatment plant respectively and shall be levied as prescribed by ' 54.077.

(SDCL ' 9-48-22)

' 54.077 LOTS AGAINST WHICH MAINTENANCE ASSESSMENT LEVIED.

The governing body prior to the assessment of real property pursuant to ' 54.076 may, by resolution, designate the lots against which said assessment is to be levied, the amount of the assessment against each lot for such purposes and direct the director of equalization to add such assessment to the general assessment against said property and to certify said assessment together with the regular assessment to the county auditor to be collected as municipal taxes for general purposes, which assessment shall be subject to review and equalization the same as assessments or taxes for general purposes. Such assessment shall in no year exceed the sum of \$.04 per front foot against any lot or parcel of abutting property.
(SDCL ' 9-48-23)

' 54.078 FRONT FOOT.

FRONT FOOT, for the purposes of ' 54.077, shall be defined as the actual front of the premises as established by the buildings thereon, record title and use of the property regardless of the original plat thereof.
(SDCL ' 9-48-24)

' 54.079 PROCEEDS OF MAINTENANCE ASSESSMENT.

The funds derived from an assessment pursuant to ' 54.076 shall be used only for the purpose for which it is levied.
(SDCL ' 9-48-25)