

PICKEREL LAKE SANITARY DISTRICT

ORDINANCE NO. 7

(As Amended June 15, 2007)

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING CHARGES FOR OPERATION AND MAINTENANCE TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY PICKEREL LAKE SANITARY DISTRICT, DAY COUNTY, SOUTH DAKOTA, HEREIN DESIGNATED AS PLSD, AND PROVIDING CERTAIN PROHIBITIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PICKEREL 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. The costs shall be distributed to all users of the wastewater system.

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 and non-residential property.
- B. "Wastewater System" shall refer to the public wastewater collection system being operated by the Pickerel Lake Sanitary 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. "Non-Residential Users" shall be all types of units other than "Residential Users", including but not limited to multiple family dwelling units (i.e.: apartment houses, hotels, motels, mobile home units in designated or zoned mobile home courts or parks), public use areas, state park facilities, and all other enterprises.

SECTION III

DETERMINATION OF ANNUAL COST

The PLSD 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 PLSD shall determine the Basic User Cost by dividing the Total Annual Cost less non-residential fees by the total number of residential Users.

The Non-Residential Rate for Operation and Maintenance for Real Estate Tax Exempt Non-Residential Property shall be .500 times the five (5) year moving average of the Average Pumping Cost per Gallon Without Depreciation and Taxes per gallon based on water usage. The Non-Residential Rate for Operation and Maintenance for Real Estate Tax Paying Non-Residential Property shall be .500 times the five (5) year moving average of the Average Pumping Cost per Gallon Without Depreciation and With Taxes. The Fee will be billed semi-annually on March 1 and September 1 of each calendar year, payable within thirty (30) days. The amount to be determined by the water usage data for the previous calendar year as provided by WEB Water, or as determined by the water meter readings as gathered by PLSD employees. Non-residential property receiving sewer service for which a connection fee and debt service has not been paid will, upon being converted to residential property, be assessed a connection fee and debt service in accordance with ordinance provisions in effect at the time the non-residential property initially received sanitary sewer service.

SECTION V

WASTEWATER FACILITIES REPLACEMENT FUND

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within this 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 Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of not less than \$7,500 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 PLSD shall review the Total Annual Cost of operation, maintenance, and financing of the wastewater system and each Wastewater User's Fee not less 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 contingency fund.

SECTION VII

NOTIFICATION AND PAYMENT

Each User shall 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 PLSD shall constitute Legal Notice.

Payment of User Fees shall be payable as of the Invoice dates of March 1 And September 1 of each calendar year. All User Fees remaining unpaid 30 days after the invoice date will be considered delinquent. Accounts remaining unpaid thirty (30) days after the invoice date shall be assessed a late payment fee of 1.5% per month or \$5.00, whichever is greater. Accounts delinquent one hundred twenty (120) days or more, shall be assessed a late payment fee of 1.5% per month or \$10.00 whichever is greater for each month or portion thereof that the delinquency exceeds ninety (90) days. Account balances, including late payment fees, remaining unpaid as of October 1 of each calendar year shall be considered for certification to the Day County Auditor in accordance with SDCL 34A-5-40. Accounts certified to the Day County Auditor must be paid in full prior to payment of assessed real estate taxes.

Continued or habitual delinquency may result in the PLSD disconnecting wastewater service. Upon disconnection from service, the property would be in violation of the Clean Water Protection Act and the Ordinances of PLSD. PLSD may require a Reconnect Charge as well as a User Deposit to guarantee future payment of User Fees.

SECTION VIII

FAILURE TO CONNECT PENALTY

Any person who shall fail to connect his private sewer facilities to the Service System of PLSD, after reasonable notification from PLSD to connect, shall be liable to PLSD in the sum of \$100.00 per calendar month or fraction thereof from the date of notification provided by PLSD after which the User is considered delinquent, plus a sum equal to all legal fees and expenses incurred by PLSD in any legal action brought by PLSD against such person to enforce its Ordinances. Such additional charges for legal fees and expenses may be waived at the sole discretion of the Trustees.

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.

SECTION X

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.

Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota, on the 11th day of May, 1996, by the following vote:

AYES: 3 NAMELY: Monzel, Porter, Svare

NAYS: 0 NAMELY: None

Passed First Reading: May 4, 1996

AYES: 2 NAMELY: Porter and Svare (Monzel absent)

NAYS: 0 NAMELY: None

Passed Second Reading: May 11, 1996

Published: May 20, 1996

By: s/James Porter
James Porter, President

ATTEST:

S/Duane H. Podoll
Duane H. Podoll, Clerk

CORPORATE

SEAL

SECTION XI

AMENDED ORDINANC IN FORCE

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

Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota on the 17th day of October, 2003, by the following vote:

AYES: 2 NAMELY: Looyenga and Svare – Porter Absent

NAYS: 0 NAMELY: None

Passed First Reading: September 19, 2003

AYES: 2 NAMELY: Looyenga and Svare—Porter Absent

NAYS: NAMELY: None

Passed Second Reading: October 17, 2003

Published: October 27, 2003

By: s/Allan O. Svare
Allan O. Svare, Vice President

ATTEST:

C O R P O R A T E

S/Duane H. Podoll
Duane H. Podoll, Clerk

S E A L

SECTION XII

AMENDED ORDINANCE IN FORCE

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

Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota on the 12th day of August, 2005, by the following vote:

AYES: 3 NAMELY: Beals, Looyenga and Sprenger

NAYS: 0 NAMELY: None

Passed First Reading: July 15, 2005

AYES: 2 NAMELY: Beals and Looyenga (Sprenger Absent)

NAYS: 0 NAMELY: None

Passed Second Reading: August 12, 2005

Published: August 22, 2005

By: s/Lowell Looyenga
Lowell Looyenga, President

ATTEST:

s/Joan M. Weismantel
Joan M. Weismantel, Clerk

CORPORATE

SEAL

SECTION XIII

AMENDED ORDINANCE IN FORCE

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

Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota on the 15th day of June, 2007, by the following vote:

AYES: 3 NAMELY: Beals, Sprenger, and Weismantel

NAYS: 0 NAMELY: None

Passed First Reading May 11, 2007

AYES: 3 NAMELY: Beals, Sprenger, and Weismantel

NAYS: 0 NAMELY: None

Passed Second Reading: June 15, 2007

Published: July 23, 2007

By:
Melva J. Beals, President

A T T E S T:

Joan M. Weismantel, Clerk

