

ORDINANCE NO. 11
AMENDMENT TO TERMS AND DEFINITIONS IN ORDINANCES

AN ORDINANCE OF THE SPRING CREEK/COW CREEK SANITARY DISTRICT OF HUGHES COUNTY AND SULLY COUNTY, SOUTH DAKOTA, TO AMEND ORDINANCES NO. 7, 8, AND 10 REDEFINING TERMS AND REFLECTING NECESSARY CHANGES DUE TO NEW DEFINITIONS.

BE IT ORDAINED AND ENACTED by the Board of Trustees of the Spring Creek/Cow Creek Sanitary District ("Board") of Hughes County and Sully County, State of South Dakota, as follows:

ARTICLE I
Amending Ordinance No. 7

Section 1 That Ordinance No. 7, Article III, Section 1, Paragraph I, be amended as follows:

- I. "User" shall mean any person with a service connection and shall be inclusive of residential and non-residential users. This term is sometimes used to refer to either residential, non-residential, and/or both.
 - a. "Residential User" shall mean individual households or living units, including, but not limited to, individually metered single-family homes, apartments, or condominiums, and lots which have paid the connection fee regardless of whether or not meters are installed or are currently being billed for services, which are primarily used for private domestic purposes. These properties are considered residential regardless of the frequency of occupancy, including part-time residences, second homes, and seasonal or vacation properties.
 - b. "Non-Residential User" shall be all other properties that are not considered Residential Users including those who have paid the connection fee regardless of whether or not a meter is installed or are currently being billed for services. This shall include, in a non-inclusive list, any structure, campground, restaurant or other connection that services multiple individual connection through a privately owned water and/or sewer system.

Section 2 That Ordinance No. 7, Article VII, Section 1, Paragraph B be amended as follows:

- B. Non-residential users are considered to be one class of user, further defined in Article III supra, and are assessed a hookup fee as set forth in Appendix A, Table 2 as amended from time to time, plus increases consistent the District's Ordinances.

Section 3 That Ordinance No. 7, Article VII, Section 2, Paragraph B be amended as follows:

- B. Non-residential users shall pay a minimum water charge as set forth in Appendix A, Table 2. That minimum charge shall include 1,000 gallons of water. Water usage of greater than 1,000 gallons will be billed at the water rate per 1,000 gallons as set forth in the same.

Section 4 That Ordinance No. 7, Article VII, Section 3, Paragraphs A, B, and C be amended as follows:

- A. The minimum monthly bill will consist of the minimum water rate as set forth in Appendix A, Table 1 (residential) or Table 2 (non-residential). Any additional water usage will be charged the water rate per 1,000 gallons as set forth in Appendix A, Table 1 (residential) or Table 2 (non-residential).
- B. A transfer fee as set forth in Appendix A, Table 1 (residential) or Table 2 (non-residential) will be required when one residential or non-residential user transfers to another.
- C. A deposit will be required of all new residential and non-residential users as set forth in Appendix A, Table 1 (residential) or Table 2 (non-residential). This deposit is refundable upon proper clearing of account upon departure.

Section 5 That Ordinance No. 7, Appendix A, Table 2, be amended in the title (first line/row of the table) to read "Table 2: Non-residential Water and Sewer Rates".

ARTICLE II Amending Ordinance No. 8

Section 1 That Ordinance No. 8, Article III, Section 1, Paragraph Y, be amended as follows:

- Y. "User" shall mean any person with a service connection and shall be inclusive of residential and non-residential users. This term is sometimes used to refer to either residential, non-residential, and/or both.
 - a. "Residential User" shall mean individual households or living units, including, but not limited to, single-family homes, apartments, or condominiums, and lots which have paid the connection fee regardless of whether or not currently being billed for services, which are primarily used for private domestic purposes. These properties are considered residential regardless of the frequency of occupancy, including part-time residences, second homes, and seasonal or vacation properties.
 - b. "Non-Residential User" shall be all other properties that are not considered Residential Users including those who have paid the connection fee regardless of whether or not currently being billed for

services. This shall include, in a non-inclusive list, any structure, campground, restaurant or other connection that services multiple individual connection through a privately owned water and/or sewer system.

Section 2 That Ordinance No. 8, Article IV, Section 4 be amended as follows:

Section 4 Non-residential users may maintain and replace in kind any privy, privy vault, or septic tank existing prior to January 1, 2021. Non-residential users shall provide a complete list of any privy(s), privy vault(s), or septic tank(s) within the boundaries of the SC/CCSD to the Superintendent before January 1, 2021. The listing shall include an aerial photo or plan sheet documenting the location and type of system.

Section 3 That Ordinance No. 8, Article VI, Sections 2 and 8 be amended as follows:

Section 2 There shall be three (3) classes of building sewer permits: (a) for residential; (b) for non-residential; and (c) for service to establishments producing industrial waste. In each case, the owner(s) or owner's agent shall make application on a form furnished by the SC/CCSD. The connection application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A connection fee as set forth in Appendix A Table 1 (residential) or Table 2 (non-residential), both of Ordinance No. 7, as amended, shall be paid to the SC/CCSD at the time an application is filed for the respective class. Connection fees for industrial waste generators shall be set by the Board of Trustees of the SC/CCSD on an as needed basis based upon the estimated costs required to collect, transport, and treat such industrial wastes. The board of Trustees may deny any application from any applicant that generates industrial waste. Denial of such applications is a final action.

Section 8 Where private wastewater collection systems are connected to the public sewer (non-residential user), all connections shall be made at a manhole in accordance with applicable requirements listed in the Recommended Design Criteria Manual, Wastewater Collection and Treatment Facilities available from the DANR. The owner of a private wastewater collection system utilizing a lift station to convey wastewater to the SC/CCSD, connected to the system prior to January 1, 2021, shall provide the Superintendent information including the wet well capacity, pump size and flow rating, and the estimated peak daily flows by July 1, 2021. If any portion of the information above is unavailable, the owner of the private system shall notify the Superintendent and provide a schedule for obtaining and supplying said information.

Section 4 That Ordinance No. 8, Article XI, Section 1, Paragraph B be amended as follows:

- B. Non-residential users are considered to be one class of user and are assessed a hookup fee as set forth in Appendix A, Table 2 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District.

Section 5 That Ordinance No. 8, Article XI, Section 2, Paragraph B be amended as follows:

- B. Non-residential users will pay the sewer rate per 1,000 gallons as set forth in Appendix A, Table 2 of Ordinance No. 7, as amended from time to time, or such Ordinance that may take place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District, or minimum sewer rates set forth in the same, per month, whichever amount is greater.

Section 6 That Ordinance No. 8, Article XI, Section 3, Paragraph A be amended as follows:

- A. A sewer deposit as set forth in Appendix A, Table 1 (residential) and Table 2 (non-residential), of Ordinance No. 7, as amended from time to time, or such Ordinance that may take the place of Ordinance No. 7 by operation of repealing and reenacting said Ordinance and providing for rates in the District, will be required of new residential and non-residential users. Deposits will be refundable upon proper closure of account upon user's departure. Deposits for industrial users shall be set by the board of Trustees of the SC/CCSD on an as needed basis.

ARTICLE III

Amending Ordinance No. 10

Section 1 That Ordinance No. 10, Article III, Section 1, Paragraph P be amended as follows:

- P. "User" shall mean any person with a service connection and shall be inclusive of residential and non-residential users. This term is sometimes used to refer to either residential, non-residential, and/or both.
 - a. "Residential User" shall mean individual households or living units, including, but not limited to, individually metered single-family homes, apartments, or condominiums, and lots which have paid the connection fee regardless of whether or not meters are installed or are currently being billed for services, which are primarily used for private domestic purposes. These properties are considered residential regardless of the frequency of occupancy, including part-time residences, second homes, and seasonal or vacation properties.

- b. “Non-Residential User” shall be all other properties that are not considered Residential Users including those who have paid the connection fee regardless of whether or not a meter is installed or are currently being billed for services. This shall include, in a non-inclusive list, any structure, campground, restaurant or other connection that services multiple individual connection through a privately owned water and/or sewer system.

ARTICLE IV

Validity

- Section 1 This ordinance shall be in full force and effect from and after its passage, approval, record, and publication as provided by law.
- Section 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 3 Nothing in this Article, shall prohibit or otherwise limit the SC/CCSD from commencing a separate civil action, whether equitable or legal, to remedy a violation of this ordinance.
- Section 4 All ordinances which cover the same substance as this ordinance, or any portion of a previous ordinance which directly conflicts with the terms of this ordinance is hereby repealed as to those provisions which conflict.
- Section 5 Nothing in this ordinance, shall prohibit or otherwise limit the SC/CCSD from commencing a separate civil action, whether equitable or legal, to remedy a violation of this ordinance.

ARTICLE V

Ordinance in Force

- Section 1 This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as required by law.
- Section 2 Passed and adopted by the Board of Trustees of Spring Creek/Cow Creek Sanitary

District on the 9th day of October, 2024, by the following vote:

Ayes: 5, Namely: Schneider, Bacon, Konda, Kopman, Schuh

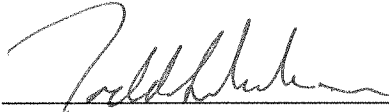
Nays: 0, Namely: None

Passed First Reading: 9/11/24

Passed Second Reading: 10/09/24

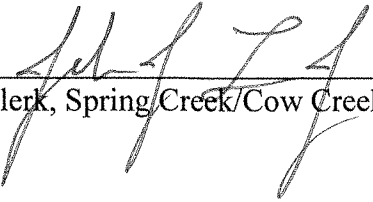
Published Hughes County: 11/21/24

Published Sully County: 11/21/24



President,
Spring Creek/Cow Creek Sanitary District

ATTEST:



Clerk, Spring Creek/Cow Creek Sanitary District

Published once in Hughes County at the approximate cost of \$176.44

Published once in Sully County at the approximate cost of \$ 138.30