

CHAPTER 12-1 UTILITY SERVICES

12-1-1 CONSUMER DEFINED

Any location supplied with utility service from the city which is one of the following:

Residential Consumer. Any person, family, or association of persons occupying and using a dwelling who is not a commercial consumer. (The main place of worship for an organized, recognized religion shall also fall under residential rates.)

Commercial Consumer. Any person, family or association of persons, partnership or corporation conducting a business or operating an office in at least seventy-five (75) percent of the building at the location.

Multiple Use Residential Consumer. Uses that are residential in nature, but serve more than two families in the same building or on the same site. Included are apartment buildings, motels, nursing homes, hospitals, and trailer courts in existence prior to June, 2007.

12-1-2 APPLICATION FOR SERVICE

Any consumer desiring any utility service furnished by the city, including water and sewer, shall make application for the same to the city council. Such application shall contain the applicant's name, address, and the premises for which such service is desired. A separate application shall be made for each premises to be served. The applicant shall abide by the rules and regulations established by the city relative to utility service in effect at the time of such application and as revised from time to time in addition to conditions and agreements as the city council shall deem advisable.

Authority: SDCL9-39-23, 9-39 generally

12-1-3 DEPOSIT FEE

Any applicant for City utility service shall make a cash deposit in an amount set by resolution by the city council, and shall not be entitled to the use of such utility service until such deposit is made. The deposit is also an indemnity against theft, misplacement, or injury to city equipment.

Authority: SDCL9-39-23, 9-39 generally

12-1-3.1 DEPOSIT FEE – HOMEOWNER

A person who owns a dwelling will have the deposit fee for utility service returned after one year, providing the following three requirements are met: (a) Twelve consecutive months of utility bill payments were paid by the due date, (b) No disconnect notices were sent during said period, and (c) No insufficient funds checks were received for payment of the account during said period.

Authority: SDCL9-39-23, 9-39 generally

12-1-3.2 DEPOSIT FEE – RENTER

A person who rents a dwelling will have the deposit fee for utility service returned when the consumer gives due notice of discontinuing utility service and is free from indebtedness to the city. If utility service is discontinued and a balance is left on a consumer's account, the consumer's deposit shall be applied toward the payment of said account. If a balance is still due

after the application of the deposit, the consumer shall be required to pay the remaining balance on said account.

If any consumer's utility account is disconnected and said consumer does not have a deposit on file with the city, said consumer will be required to pay the deposit as stated above before utility service is reconnected.

Authority: SDCL9-39-23, 9-39 generally

12-1-4 CONNECT FEE/RECONNECT FEE

Any applicant for City utility service shall pay a connect fee, and shall not be entitled to the use of such utility service until such connect fee is made. If a consumer currently being served by utility service wants the service shut off due to a prolonged absence, the consumer shall pay the minimum basic utility service rates for each billing period, or shall pay a reconnect fee when service is restored. Rates for connect fees and reconnect fees shall be in an amount set by resolution by the city council

Authority: SDCL9-39-23, 9-39 generally

12-1-5 RATES

Rates for the use of utilities furnished by the city and late charges shall be established by resolution by the Platte city council.

Authority: SDCL 9-40-15.1, 9-39-23

12-1-6 CONSUMER'S BILLS

Utility bills become due and payable upon receipt. If not paid by the fifteenth (15th) of the month, they become delinquent. If the bill remains unpaid on the fifteenth (15th) day of the month in which it becomes due, the consumer shall pay a late charge. If the bill remains unpaid on the fifteenth (15th) day of the second consecutive month, the consumer shall be sent a disconnect notice. Consumers who have been sent disconnect notices shall have ten (10) days from the date of notice to pay the bill in full before service is disconnected without further notice.

See Also: SDCL 9-39-23, 9-40 generally

12-1-7 RESTORATION OF SERVICE

In the event utility services have been disconnected for nonpayment, the consumer shall pay a reconnect fee as set by the city council plus the consumer shall pay all delinquent charges before any utilities will be reconnected. Reconnections will be made only during the business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If reconnection must be made after business hours, a higher fee, as set by the city council, will be charged. Utilities voluntarily disconnected shall also require a reconnect fee as set by the city council.

If any consumer's utility account is disconnected and said consumer does not have a deposit on file with the city, said consumer will be required to pay the deposit as stated above before utility service is reconnected.

Authority: SDCL 9-40-15.1

12-1-8 IMPROPERLY RESTORING SERVICE

It shall be illegal to restore utility service to a site that has been discontinued by the city for non-payment of service, or for any other reason without first having obtained permission from the

city to do so as provided in this ordinance. Any person found to be in violation of this subsection, shall be subject to the penalties provided in this ordinance.

Authority: SDCL 9-40-15.1; See Also: SDCL 9-40 generally

12-1-9 TRAILER COURTS

All trailers within a trailer court shall be individually metered. Each individual trailer will be considered a separate use rental property. As with other rental properties, the landlord must comply with section 12-1-10 of this code.

Authority: SDCL 9-40-15.1

12-1-9.1 EXISTING TRAILER COURTS

Trailer courts existing within the city limits of Platte on the effective date of this ordinance shall be exempt from 12-1-9 except in the case where maintenance or repair would require replacement of more than 50% of the water lines within the trailer park. If replacement or repair as stated in this subsection is done, the affected trailer court must come into compliance with 12-1-9.

Authority: SDCL 9-40-15.1

12-1-10 RENTAL PROPERTIES

Landlords who desire to have water service continued to a property regardless of occupancy must complete and file with the City Finance Officer a Landlord Agreement regarding continued utility service on a form provided by the city. If such an agreement is not completed and filed with the City Finance Officer, the city will, upon notification to the landlord, discontinue service to unoccupied properties. It shall be the landlord's responsibility to inform the city when a property has become unoccupied. If the landlord fails to provide notice of vacancy within five (5) days of the vacancy, the landlord shall be responsible for the payment of charges for all gallons registered on the water meter since the last payment and regular monthly bills.

Authority: SDCL 9-40-15.1

12-1-11 TAMPERING WITH CITY EQUIPMENT

Should the city discover that any person has damaged its equipment or attempted to tamper with such equipment or attempted to falsify the amount of water or sewer services used, or the amount of the bill due the city for utility service, the city shall disconnect and discontinue the utility services to said consumer.

In the event utility services are disconnected as a result of the above stated conduct, the consumer shall be liable and responsible for the payment to the City for the cost of all replacement and/or repairs to City's equipment. The City's remedies shall not be limited to the recovery of the costs of the replacement or repairs to its equipment and the City shall be entitled to all other remedies, which may be available to it under South Dakota law.

Authority: SDCL 49-34-19

12-1-12 USER RESPONSIBLE FOR OPERATION AND MAINTENANCE OF WATER AND SEWER LINES

Each occupied residence must have a usable water and sewer service. The City of Platte shall be responsible for the maintenance and proper operation of the water mains and water service lines

up to and including the curb stop, and for the sewer mains only. Any other water or sewer line shall be the exclusive responsibility of the property owner. All owners must, at their own expense, keep their water service line, from the point of connection to the curb stop, and all other equipment in good working order and properly protected from frost and other damage. All owners must, at their own expense, keep their sewer service line, from the point of connection to the main, and all other equipment in good working order and properly protected from frost and other damage. All materials used to repair service lines will conform to the city's specifications. In the event that a property owner must excavate to repair a line, it shall be his responsibility to fill in such excavation to the satisfaction of the city. It shall be the responsibility of the city to replace the pavement displaced by such excavation at the cost of the property owner.

See Also: SDCL 9-40 generally

12-1-13 CITY NOT LIABLE FOR DAMAGE

No claim shall be made against the city by reason of the breaking of any service pipe or equipment, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure, or ram of water from mains, and no reduction will be made from regular rates because of leaking pipes or fixtures. The city shall not be liable for damage or injury to person or property whether caused by interruption of service, discontinuance of service, or other utility-related problems, which shall arise from mechanical breakdowns, an act of God, or other cause beyond the control of the city.

See Also: SDCL 9-40 generally

12-1-14 POWERS AND AUTHORITY OF INSPECTORS

Superintendents and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing pertinent to utility service to the community system in accordance with the provisions of this title.

See Also: SDCL 9-40 generally

12-1-15 UTILITIES TO NONRESIDENTS

The City may provide utilities and a delivery system to areas outside of the city limits to include both residential or commercial use provided that the City complies with all state laws and regulations in doing so. All nonresident users of the City's utilities and delivery systems shall agree in writing to be bound by the City's ordinances relative to utility services. Further, the City reserves the right to set the deposit amount and rates for utility services independently of the deposit amounts and rates set for resident users.

Authority: SDCL 9-30-1; See Also: SDCL 9-40 generally

12-1-16 PENALTIES

A violation of any of the provisions of this ordinance, the ordinance regulating water, or the ordinance regulating sewer, shall be punishable by 30 days imprisonment in the county jail or a \$500.00 fine, or both such fine and imprisonment. Further, in the event a violation of the ordinances is ongoing in nature, each day that the violation is in effect shall constitute a separate and distinct offense. Nothing hereby shall prohibit the City from availing itself to the remedies

available to it under the criminal laws of the State of South Dakota. The City however shall be required to elect its remedies in this regard.