

**CITY OF DEADWOOD
ORDINANCE 1416**

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **AMENDMENT** “13.04.020 Definitions” of the Deadwood Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.04.020 Definitions

As used in this chapter:

"Account" means a service address which receives water and/or sanitation services.

"City" means Deadwood, South Dakota.

"Commercial account" means any account which conducts business with regular business hours, or which services two or more single-family residences in the same building.

"Current month" means the period between the date the city sends out bills and the close of business on the ~~twenty-seventh~~ ~~twenty-fifth~~ day of the same month. When the ~~twenty-seventh~~ ~~twenty-fifth~~ day of the month is a holiday, the applicable day will be the following business day ~~twenty-fourth~~. When the ~~twenty-seventh~~ ~~twenty-fifth~~ day falls on a weekend, the applicable day will be the following Monday ~~preceding Friday~~.

"Customer" means any person, partnership, or corporation who has one or more accounts with the city.

"Owner" means any natural person, partnership, corporation, business entity, trustee, heirs, successors, assigns, administrators or executors which have the right to possess and use any property to the exclusion of others.

"Premises" means any real or personal property served or capable of being served by any city service. The term includes but is not limited to houses, buildings, mobile homes and trailers.

"Residential account" means any account which is a single-family dwelling.

"Sixty (60) days past due" means any account which has an outstanding balance for the current and the preceding month at the close of the current month.

(Ord. 1177 (part), 2012)

SECTION 2: AMENDMENT “13.04.030 Rules” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.030 Rules

- A. All active customers will be billed monthly. Any customer who desires to pay on another schedule, i.e., bi-monthly, quarterly, semi-yearly, or yearly will have to pay ahead and monitor itself. Any billed amount unpaid prior to the next month's billing cycle shall be considered delinquent. A late payment charge of ten (10) percent shall be assessed on the current unpaid balance of a delinquent account per month of delinquency, and shall compound each month thereafter unpaid.
- B. The city will run past due notices of those customers who will be sixty (60) days past due at the end of the current month.
 - 1. Notice of intended termination will be sent to customers with information on procedures to contest the termination;
 - 2. These notices will be mailed on the sixteenth day of each month;
 - 3. If the past-due condition is not paid by the end of the current month, the city will turn-off service and charge a twenty-five dollars (\$25.00) fee ~~discontinue service;~~
 - 4. Before water service will be turned back on, the customer/owner/occupier shall pay a water turn-on charge of twenty-five dollars (\$25.00) fee. ~~of fifty dollars (\$50.00).~~
- C. Owners, lessees, or other users of premises located within the corporate limits of the city of Deadwood, whose premises are served either directly or indirectly by a connection to any town service, shall be jointly and severally liable for payment of charges or rentals for all town services, including by not limited to charges or rental for water, sewer, and garbage charge.
- D. The water will not be turned on in any house or private service until the applicant shall have paid the amount due.
- E. When premises are vacated, any amounts due for utility service shall be paid in full and utility service shall not be commenced at another place until this is done.

(Ord. 1177 (part), 2012)

SECTION 3: AMENDMENT “13.04.040 Water Meter Regulations” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.040 Water Meter Regulations

- A. All meters referenced herein shall be at the property owner's cost and responsibility regardless of whether or not the meter is residential, commercial, or other.
- B. Any developed residential or commercial property which has a change of ownership shall be required to install a water meter compatible with the city's automated meter reading system, if one is not already installed, within thirty (30) days of change of ownership.
- C. Any undeveloped residential or commercial property which is later developed shall be required to install a meter compatible with the city's automated meter reading system, if one is not already installed, before the city will deliver water service.
- D. All accounts of the city must install water meters compatible with the city's automated meter reading system.
- E. Anyone found to have turned on water service without requesting such service from the city or after the city has discontinued service for nonpayment will be arrested and charged with tampering with city property and theft.
- F. If a customer requests water service turned off or on between the hours of 3:00~~30~~ p.m. and 7:00 a.m., the affected account shall be charged for the extra costs incurred by the city, ~~which is set and amended by resolution. If city staff are called out to handle a problem at a residence or commercial business the wages of the staff as well as the costs of equipment or materials shall be billed to the customer/owner/occupier of the property involved in the call-out. Wages shall be at an overtime rate if outside of regular business hours.~~ which is set and amended by resolution.
- G. The base monthly water charge will be levied for every month or part thereof that a given account receives service.
- H. If a customer requests that water service be turned off, the customer shall pay a twenty-five dollar (\$25.00) fee. If a customer requests that water service be turned on, the customer shall pay a twenty-five dollar (\$25.00) fee. In the event that the water is turned off and the system remains inactive the minimum service fee shall be charged (in other words, off, but charged). ~~A one hundred dollar (\$100.00) fee for inactive services shall be assessed if the meter has been previously pulled by city staff before it will be reinstalled.~~
- I. When a water meter that is suspected of providing inaccurate readings or, based on historical data, shows an inaccurate reading, the public works director may request that the meter be replaced. The owner of the meter may either replace the meter or provide certified documentation within fifteen (15) days of written notice of the need to replace the meter that it is providing an accurate reading with a variation from the true flow of not more than +/- two percent. The cost of the meter and its installation shall be the responsibility of the property owner.
- J. Upon discovery of a leaking service connection within the water system the public works director shall, in writing, notify the landowner of the property. Following such notification, the landowner shall have thirty (30) days to complete the repair of the leaking service connection. If the work is not completed within thirty (30) days the public works department shall repair the leak or contract to have the leak repaired. In either case the landowner shall be billed for any and all costs associated with this

repair, which is set and amended by resolution. Water may be turned off and will not be turned on until city inspection of water meter is completed. ~~City employee hours shall be billed at seventy-one dollars and fifty cents (\$71.50)/hour for this work.~~ Any costs not reimbursed to the city for such repairs shall be assessed to the taxes of the property.

- K. If it is determined by the public works director that the water meter needs to be replaced or repaired, the owner shall have thirty (30) days from receipt of written notice to replace or repair a defective water meter. If the owner fails to replace or repair a defective water meter, the city may replace or repair the water meter and assess the owner for all costs, which is set and amended by resolution. Water may be turned off and will not be turned on until city inspection of water meter is completed. ~~City employee hours shall be billed at seventy-one dollars and fifty cents (\$71.50)/hour for this work.~~ Any costs not reimbursed to the city for such repairs shall be assessed to the taxes of the property.

(Ord. 1177 (part), 2012)

SECTION 4: AMENDMENT “13.04.050 Tap Fee” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.050 Tap Fee

The tap fee for hooking up to the city water system is according to the following ~~scale~~:

- A. All fees related to a water service tapping city infrastructure mains for residential, commercial, or fire suppression systems are listed in the city fee schedule, which is set and amended by resolution.

(Ord. 1177 (part), 2012)

SECTION 5: AMENDMENT “13.04.110 Rules” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.110 Rules

- A. All active customers will be billed monthly. Any customer who desires to pay on another schedule, i.e., bi-monthly, quarterly, semi-yearly, or yearly will have to pay ahead and monitor itself. Any billed amount unpaid prior to the next month's billing

cycle shall be considered delinquent. A late payment charge of ten (10) percent shall be assessed on the current unpaid balance of a delinquent account per month of delinquency, and shall compound each month thereafter unpaid.

- B. The city will run past due notices of those customers who will be sixty (60) days past due at the end of the current month.
1. Notice of intended termination will be sent to customers with information on procedures to contest the termination;
 2. These notices will be mailed on the sixteenth day of each month;
 3. If the past-due condition is not cleared up by the end of the current month, the city will discontinue service;
 4. Before water service will be turned back on, the customer shall pay a water turn-on charge of twenty-five dollars (\$25.00) based upon the number of times the service has been required during the ownership of the particular property by that particular owner and a schedule as follows:
 - a. ~~The first time under a given owner shall be a charge of twenty-five dollars (\$25.00);~~
 - b. ~~The second shall be a charge of fifty dollars (\$50.00);~~
 - c. ~~The third shall be a charge of one hundred dollars (\$100.00);~~
 - d. ~~The fourth and all subsequent times shall be a charge of two hundred dollars (\$200.00).~~
- C. Owners, lessees, or other users of premises located within the corporate limits of the city of Deadwood, whose premises are served either directly or indirectly by a connection to any town service, shall be jointly and severally liable for payment of charges or rentals for all town services, including but not limited to charges or rental for water, sewer, and garbage charge.
- D. The water will not be turned on in any house or private service until the applicant shall have paid the amount due.
- E. When premises are vacated, any amounts due for utility service shall be paid in full and utility service shall not be commenced at another place until this is done.

At the same time a customer is assessed for a first time the water is turned on after being shut off for nonpayment, the customer shall be given a copy of this section or a notice setting forth the contents hereof.

(Ord. 1179 (part), 2012; Ord. 1087, 2007; Ord. 1064 (part), 2006; Ord. 1010 § 1 (part), 2003; amended during 2004 codification; prior code § 34-101)

SECTION 6: **AMENDMENT** “13.04.120 Water Meter Regulations” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.120 Water Meter Regulations

- A. Any developed residential or commercial property which has a change of ownership will be required to install a water meter with an outside reader, if one is not already installed, within thirty (30) days of change of ownership.
- B. Any undeveloped residential or commercial property which is later developed will be required to install a meter with an outside reader before the city will deliver water service.
- C. All accounts of the city must install water meters with outside readers.
- D. Anyone found to have turned on water service without requesting such service from the city or after the city has discontinued service for nonpayment will be arrested and charged with tampering with city property and theft.
- E. If a customer requests water service turned off or on between the hours of ~~3:00~~three p.m. and ~~7:00~~seven a.p.m., (the late afternoon and night), the affected account will be charged for the extra costs incurred by the city.
- F. The base monthly water charge will be levied for every month or part thereof that a given account receives service.
- G. If a customer requests that water service be turned off, the customer shall pay a twenty-five dollar (\$25.00) fee. If a customer requests that water service be turned on, the customer shall pay a twenty-five dollar (\$25.00) fee, unless the service has been off for sixty (60) or more days. In the event that the water is turned off and the system remains inactive for a period of sixty (60) or more days, a fee of one hundred dollars (\$100.00) will be required to be paid prior to turning the water on and reactivating the system. The one hundred dollar (\$100.00) fee for inactive services of sixty (60) or more days does not apply to secondary water services, only to primary services.
- H. When a water meter that is suspected of providing inaccurate readings or, based on historical data, shows an inaccurate reading, the public works director may request that the meter be replaced. The owner of the meter may either replace the meter or provide certified documentation within fifteen (15) days of written notice of the need to replace the meter that it is providing an accurate reading with a variation from the true flow of not more than +/- two percent. The cost of the meter and its installation shall be the responsibility of the property owner.
- I. Upon discovery of a leaking service connection within the water system the public works department will, in writing, notify the landowner of the property. Following such notification, the landowner shall have thirty (30) days to complete the repair of the leaking service connection. If the work is not completed within thirty (30) days the public works department shall repair the leak or contract to have the leak repaired. In either case the landowner shall be billed for any and all costs associated with this repair, ~~which is set and amended by resolution. City employee hours shall be billed at seventy-one dollars and fifty cents (\$71.50)/hour for this work.~~ Any costs not reimbursed to the city for such repairs shall be assessed to the taxes of the property.
- J. If it is determined by the public works director that the water meter needs to be replaced or repaired, the owner shall have thirty (30) days from receipt of written notice to replace or repair a defective water meter. If the owner fails to replace or repair a defective water meter, the city may replace or repair the water meter and assess the owner for all costs, ~~which is set and amended by resolution. City employee hours shall be billed at seventy-one dollars and fifty cents (\$71.50)/hour for this work.~~ Any costs

not reimbursed to the city for such repairs shall be assessed to the taxes of the property.

(Ord. 1179 (part), 2012; Ord. 1122, 2009; Ord. 1090, 2007; Ord. 1031, 2004; Ord. 1030 § 1, 2004; prior code § 34-102)

SECTION 7: AMENDMENT “13.04.130 Tap Fee” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

13.04.130 Tap Fee

The tap fee for hooking up to the city water system is according to the following ~~seale~~:

- A. All fees related to a water service tapping city infrastructure mains for residential, commercial, or fire suppression systems are listed in the city fee schedule, which is set and amended by resolution.

(Ord. 1179 (part), 2012; Ord. 1030 § 2, 2004; prior code § 34-103)

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood