

WATER USE ORDINANCE NO. 14-1

RAPID VALLEY SANITARY DISTRICT - WATER SERVICE RAPID CITY, SOUTH DAKOTA

An ordinance establishing rules and regulations concerning the operation and maintenance of the water and wastewater collection systems of the Rapid Valley Sanitary District - Water Service, and setting rates for the use of such systems.

Ordinance 06-1 was revised from Ordinance 95-3. Ordinance 14-1 replaces Ordinance 06-1.

Be it ordained by the Rapid Valley Sanitary District - Water Service, Pennington County, South Dakota, as follows:

ARTICLE I

CLASSIFICATION OF SERVICE

- A. Residential. Residential use applies to a single-family dwelling unit.
- B. Commercial. Commercial use applies to, but is not limited to motels, hotels, rest homes, fraternal organizations, laundries, service stations, bottling works, hospitals, restaurants and wholesale, retail, business establishments, apartment buildings, multiplexes or multiple entities metered by one bulk meter.
- C. Rates and charges have been set by the District through resolution entered into by the Board of Directors. The rates and charges adopted are reflected in Water Use Resolution "A" that sets forth the rates as of the adoption of the ordinance. The Board of Directors may adjust these rates by resolution without notice at any Board of Directors meeting where the matter is set for the agenda. All users shall be responsible for paying the current appropriate rates at the time the services are rendered.

ARTICLE II

APPLICATION OF SERVICE

- A. The individual requesting water and sewer service will make application for such service in person at the office of Rapid Valley Sanitary District - Water Service (hereinafter the "District"). This will apply when a new service is requested or if a change in service is requested.
- B. The District may reject any application for water service when the applicant is delinquent in payment for services previously supplied by the District at another location, or if the owner of the property has had water and/or sewer services and has not paid for the same. Subsequent property owners' applications may be denied if the previous owner of the property failed to pay for services or is delinquent in paying for services. In such situations, the application shall be processed upon the payment of the back charges. If the ordinances or rules and regulations

of the District relating to application for service are violated, the District may, at the expiration of ten (10) days and after mailing notice to the last known address of the consumer of record disconnect water service. Before water service is again restored, the consumer of record or the property owner, pursuant to Article IV, Paragraph D, will be required to pay the District all applicable charges, fines, re-connection fees, and service charges.

C. The District may reject any application for water and/or sewer services when the District in its sole discretion determines there is not capacity to serve the applicant based on available volumes in water lines or sewer lines or that service is not reasonably economical given the applicant's property location.

D. The District has the authority to withhold water for violations. The supply of water may be withheld from all premises where the ordinance of this Chapter or the rules and regulations adopted by the District have in any manner been violated, and the supply not again turned on except upon rectification of the cause of withholding the same and satisfactory assurance given that no further cause of complaint shall arise.

ARTICLE III

METER DEPOSITS

A. Meter deposits are required for all owners of property and for all renters of property where a meter has been installed. The fee schedule for different sized and types of meters is established by the District by resolution from time to time. Where the owner of the property is renting, a property owner deposit and a renter deposit is required.

B. The individual whose name the meter deposit is made or the property owner pursuant to Article IV, Paragraph D will be responsible for payment of all bills incurred in connection with the services furnished. The owner of rental properties will be held liable for any and all charges incurred when a renter of the property fails to pay at the time the renter vacates the premises. All such indebtedness will be paid in full before service will be provided to the property, pursuant to Article II, Paragraph D.

C. Meter deposits will be refunded, without any interest, to whomever paid the meter deposit and after all bills incurred on the property have been paid. All unpaid balances on a water or sewer account will be deducted from the meter deposit. Any unused portion will be refunded. If the meter deposit is not enough to cover the balance on the account, the remaining balance will be assessed to the property owner and water service will not be provided until balance on the account is paid in full, pursuant to Article II, Paragraph D. The meter deposit is not transferable and can only be redeemed at the District's office during regular business hours.

D. If the District feels that the request for a meter deposit refund is questionable, the District may require the applicant to produce the deposit receipt, properly endorsed, before a refund will be issued. All installed meters are the property of the District.

E. Anyone needing to use water from a fire hydrant for construction purposes, street maintenance, etc. must have the approval of the District to do so. The District will specify which fire hydrant is to be used and the District will provide the meter. The user is responsible for safeguarding the meter. Any damage to the meter and/or the fire hydrant will be the responsibility

of the contractor. A meter deposit will be required. A portion of that deposit will be retained by the District to offset the cost of wear and tear on the meter. The remaining portion of the deposit will be applied to the final billing. The water rate will be determined by the Board of Directors. (See Water Use Resolution "A" for information on the deposit, retained amount, and rate. Attachments to this ordinance can be changed or updated by Board resolution passed at a board meeting.)

ARTICLE IV

WATER CHARGES

A. Rates for the amount of gallons used are determined by the Board of Directors. Payments for water use shall be made for each meter installed, regardless of location. Each billing will include an account number, along with the name of the consumer of record and the street address.

B. Water furnished to a given property will be used on that property only. Each class of service (i.e., commercial or residential) must be metered separately. Exceptions may be made for special circumstances in the case of service line leaks with the prior approval of the District.

C. In addition to the collection of regular rates, the District may collect from the customer of record a proportionate share of any privilege, sales, or use tax imposed on the District, or based on the gross revenue of the District.

D. The consumer of record, as indicated in the District's records, is responsible for paying all charges for the provision of water service to a property or premises, regardless of whether the consumer or another party has actually used the water delivered to the property. The District may elect to pursue collection of any outstanding charges from the owner of the property if the consumer does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pennington County Recorder's Office.

If there is no consumer of record, and a monthly meter reading indicates usage of water at the property or premises, the owner of the property shall be responsible for paying the water charges due.

E. Sewer charges shall be determined in accordance with the methodology set forth in Ordinance 14-2.

ARTICLE V

SERVICE CONNECTION REQUIREMENTS

A. All necessary fees are to be paid before new installations are dug. (See Water Use Resolution "A" for fees.)

B. The curb stop and box location shall be approved by the District and shall be installed approximately one (1) foot outside the property line within a public right of way or in an easement that grants the District access to the location. Unless the District approves otherwise, the

curb stop shall be located outside the property line nearest the water main. The expense of the service line, curb stop and box, tapping saddle, corporation, excavation, and backfill shall be paid by the applicant. No one other than the District personnel (or a contractor duly approved by the District) will tap the water main. If the tap has to be larger than can be tapped by the District, a licensed plumber will be required to tap the water main. The service line and all fittings must be inspected and approved by a representative of the District prior to backfilling. This inspection is to ensure that the installation was properly installed and materials used meet the specifications of the District. All applicants will be required to have installed with the water meter a remote reading device.

C. All developers, contractors or individuals who desire to install water and sewer service lines in the right-of-way, including easements, roads, alleys, or private property upon which the District's utility mains are located, must apply for the proper permits. Permission must be obtained from the District prior to any excavation for installation of new service lines. The required fees must also be paid prior to excavation. All permits must be obtained in writing prior to excavation and each application must be accompanied by the required fees. The District's service personnel or contractor approved by the District, upon appointment and after the main has been exposed, will tap the water main and inspect all services installed and complete drawings of same. Connections to water mains must be installed by a licensed (by an appropriate licensing agency) and insured utility contractor.

D. All new water and sewer services lines must meet the Design and Construction Standards for Water and Wastewater Piping and Appurtenances that have been adopted by the District by resolution of the Board of Directors. While the Board of Directors shall establish the design and construction standards, the District Manager shall have the right to add additional design and construction criteria should the District Manager conclude that, due to special circumstances for the protection of the District additional design and construction criteria are warranted for a project. The District Manager's determination of a heightened design or construction criteria may be appealed to the Board of Directors by letter request from any impacted party.

E. All contractors, sub-contractors, developers, realtors or individuals building new construction will be allowed to use the water service for construction purposes, excluding watering for sod, grass seed, shrubs, trees or anything for landscaping improvements. The individuals requesting water for such purposes will be required to set up an account for metered water.

ARTICLE VI

DISTRICT'S RESPONSIBILITY AND LIABILITY

A. All design and construction standards, deposits, service charges, late charges, fees, fines, and other related expenses in connection with the District's business listed as rules and regulations may be changed by resolution of the Board of Directors.

B. The District will install all water meters. The meters, when possible, will be installed inside the building or residence. If the meter has to be placed in a metering pit, the pit must be a Ford or Mueller style meter pit or approved equivalent.

C. Where two (2) or more meters are to be installed on the same premises, for different consumers, such meters will be closely grouped and each meter will be clearly designated by service address.

D. The District reserves the right to refuse service if the consumer's service line or piping is found to be installed in such a manner that cross connections or backflow siphonage could occur. The problem must be corrected before the service will be restored.

E. The District shall not be liable for damage of any kind which may result from the water or sewer services provided by the District (unless such damage is proven to be a direct result of sole negligence on the part of the District). The District shall not be responsible for any damage as a result of a defect in piping, fixtures, or appliances on the consumer's premises. The District shall not be responsible for the negligence of any third persons or forces beyond the control of the District.

F. Under normal conditions District will attempt to be notify the consumers of any anticipated interruption of service.

G. The District will repair any damaged or non-functioning residential consumer water service lines that are a maximum of 1" inch in diameter from the water main to the curb box at no cost to single family dwellings located within Rapid Valley Sanitary District. (Commercial properties are not included). Repair shall include replacement of said damaged or dysfunctional water line in accordance with the District's specifications, including compaction of fill dirt, concrete or asphalt needed to remove the old water line and replace it with a new functioning service line accordingly. The District shall not be responsible for settling or replacement of the water line trench after the expiration of ninety (90) days from the date of completion of the new installation. Not included, nor shall the District be responsible for cost of replacing or the reclamation of sod, grass, shrubs, trees other landscaping, decks, patios, concrete, or other structures if their removal is required for installation/repair. The District will not be responsible for repairing damage to service lines if caused by excavation or actions of the consumer or any other third party.

H. The District may replace or repair non-functioning or damaged water service lines that are a maximum of 1" inch in diameter from curb stop to the meter for single family dwellings within Rapid Valley Sanitary District. (Commercial properties are not included). The property owner or consumer is required to sign a repair/replacement authorization form (Water Ordinance No. 14-1 Attachment C) in order for the District to perform this service.

The replacement and/or repair will be done in accordance with established District criteria and the location of the meter inside the home or within the meter pit will be at the discretion of authorized personnel of the District. This may require relocating the meter. If homeowner requests for alternate location, this additional cost and responsibility for this work will be borne by homeowner. The District will replace up to a maximum of one hundred (100) feet of service line, if replacement of service line is required. The District will not be responsible for the repair or replacement of a meter pit. The plumbing on the effluent side of the meter will be the responsibility of the property owner. The District will not be responsible for repairing damage to service lines if caused by excavation or other means performed by others. The consumer is

responsible for proper protection of the service line up to and including the District's meter to keep from freezing.

The District shall not be responsible for settling of the surface over the consumer's water line (without charge to property owner) after the expiration of ninety (90) days from date of completion of new installation. Not included, nor shall the District be responsible for cost of replacing sod, grass, shrubs, trees or the reclamation of other landscaping, decks, patios, driveways, concrete, or any structures if removal of such is required for installation, or be held responsible for any damage to property in accordance with Article VI, Section E.

I. The District will not be responsible for any damage to personal property whether inside or outside of any structures caused by settling of trenches or leaks on the consumer water service line or sewer services. The consumer shall retain ownership of the water service line from the curb stop to the meter and meter pit if applicable.

J. The Board of Directors can adopt restrictions on District services by resolution such as water restrictions, volume restrictions, and other regulations or rules as it sees fit regarding the water use and access to the services.

ARTICLE VII

CONSUMER'S RESPONSIBILITY

A. Service lines on the consumer's property must be so arranged that the connections are conveniently located relative to the District's lines or water mains. All materials used for water and/or sewer service lines must meet all Rapid Valley Sanitary District's current design and construction standards for water and waste-water piping and appurtenances. (Unplatted agricultural lots, 40 acres or larger, if approved by the District, will be allowed to install service lines with a metering pit as according to the District's then current design criteria and regulations.) The applicant shall supply such information as the District may request

B. When the consumer's installation located on private property is so arranged that additional meters are required, each place of metering will be treated as a separate account.

C. The consumer of record shall furnish and maintain a private shut-off valve on the District's side of the water meter. In accordance with the Safe Drinking Water Act, the consumer of record will install a dual check backflow preventer on the consumer's side of the water meter before any tees in the line. If a dual check backflow preventer is not in place on the water line or if the existing backflow preventer is not in working condition, the consumer of record will be notified in writing. Installation is to be completed within thirty days of the date on the written notification.

D. The consumer's service lines, curb stops, curb boxes, and all accessories shall be installed by the consumer. All installations are to be made in full compliance with the rules and regulations of the District, Rapid City, and the Sanitary Regulations of the State Board of Health.

E. The consumer shall guarantee proper protection of the District's property placed on the consumer's premises and shall permit access to it only by an authorized representative of the

District. The consumer/property owner shall not plant, place, or build any obstruction over District's sewer mains, water mains, water services, or any of its appurtenances that hinders the District from repair of said infrastructure. Any costs associated with moving these obstructions for repair of infrastructure will be the responsibility of the consumer.

F. The consumer shall be liable for any and all damage, loss of property, accidents, or repairs to the District property or injuries to any District personnel. The cost of the necessary repairs shall be paid by the consumer to the District and any liability as a result from such negligence shall be assumed by the consumer.

G. The cost of repairs or replacements of damaged property shall be added to the consumer's account and, if not paid within thirty (30) days or other payment arrangements made with the approval of the District, may cause the water service to be disconnected. Water service will not be restored until all applicable fees are paid, pursuant to Article II, Paragraph D.

H. Water furnished by the District shall be used for domestic or commercial purposes only. The consumer shall not sell water to any other persons unless authorized by the District. Water shall not be used for irrigation or other purposes when there is not a sufficient quantity to provide normal water service to regular domestic and commercial users in the area.

I. All curb stops will be in accordance of the District's Design and Construction Standards. The top of each box installed shall be placed level with the ground and kept in working order. In the case of neglect, intentional damage or hindering access to the curb box the owner will either remove the hinderance, and or replace or repair the curb box within a reasonable amount of time, after being notified in writing, the District shall have the necessary repairs made and the cost of repairs billed to the property owner. The repair bill is to be paid within thirty days of the date on the invoice. If monthly payments are approved by the District, the owner will be billed for the cost of the repair plus ten percent (10%). The repair bill must be paid according to monthly payment schedule established or service will be disconnected. The payment schedule for any repairs or other special circumstances that are approved by the District shall not exceed 6 months unless approved by the District Manager.

J. The property owner is responsible for plumbing on effluent side of meter and having all leaks repaired promptly. The property owner is responsible for repair of water service line from curb box to the meter if the damage is determined by District personnel to be caused by negligence or if consumer refuses to sign the District approved repair/replacement authorization form, which in such case the repair or replacement will be completed within one (1) week of notification or less if District personnel deems necessary or service may be disconnected. All repair or replacement will be inspected by District personal to be in accordance with District criteria. The Consumer/property owner is responsible for applying heat tape and/or insulating their water service line and to properly protect the District's meter from freezing. The consumer shall be responsible for any service line leak that is before the meter were the service line is visible or accessible without excavation of backhoe. The consumer shall retain ownership of the water service line from the curb stop to the meter including the meter pit if applicable.

Ja. The property owner shall be responsible for the cost of any and all repairs, replacements or damages arising out of the settling of the water line or sewer line trench located on owner's property after installation of same, or any ancillary or adjacent

structures, including sidewalks, driveways, concrete, landscaping or other damage as a result of the settling of the location or any area around the location that is settling as a result of such installation.

K. The Manager or Directors of the District shall have the right to adjust the water and/or sewer billing because of leaking fixtures or leaking service lines.

L. Pursuant to Article II, Paragraph D.: Any person who breaks or defaces of any water meter or who obstructs or injures the action of any water meter, or who makes any connection by means of a pipe or other device to any main or pipe used for the delivery of water to the consumer's property in such a way as to take water from the main or pipe without the water passing through the water meter, will have service immediately disconnected. Any consumer, who turns off or turns on a valve, curb stop, or other appliance connected to the same, shall have water service immediately disconnected. Water service will not be restored until delinquent charges, fees, or fines have been paid in full. The consumer will be required to keep the water account paid current at all times.

M. There will be a service charge for non-emergency after hours calls as set forth in the District's then current Rate Schedule

ARTICLE VIII

ACCESS TO CONSUMER'S PREMISES: LOCATION OF METERS

A. All authorized representatives of the District shall have access during business hours; to the premises for the purposes of installing or removing District property, inspecting piping, reading or testing meters, or for any other purposes in connection with the District's services and facilities.

B. Each consumer shall grant or convey, or shall cause to be granted or conveyed, a permanent easement and right-of-way across any property owned or controlled by the consumer where water and/or sewer facilities or water and/or sewer mains are located for the purpose of furnishing water and/or sewer service to the consumer.

C. The property owner is responsible for all costs in providing metering pits and the costs of valves and connections necessary for meter installation. Water meters may be installed on the inside of the building or residence in a location where a remote reading device may be connected on the outside of the building, residence, or metering pit. The property owner or consumer on the premises is responsible for assuring that the water meter is safe from damage due to freezing, hot water, steam, or other damaging elements. Any damage to a meter from any cause other than mechanical wear and tear will be paid for by the consumer or owner of the property. In case of neglect or refusal to pay for the meter damage, the water service will be disconnected. Service will be disconnected if the meter is damaged a second time due to freezing or other causes and will not be turned on until meter is properly protected and inspected by authorized representative of the District. Before service is restored, all fees incurred will have to be paid.

D. Unplatted agricultural lots (40 acres or more) are required to install an approved

metering pit on their property at the nearest point to the District's water main.

ARTICLE IX

WATER & SEWER BILLS - BILLING - COLLECTIONS

A. The District will read the water meters each month. The District's billing cycle consists of two billing areas (the first billing area and the second billing area). The water and sewer bills will be sent out on or about the 1st day of the month (first billing area) and on or about the 15th day of each month (second billing area) for amounts due from the preceding month. Payment shall be due on or before the 10th (first billing area) and the 25th (second billing area) days of each month. Green Valley's bills will be sent on or about the 10th day of each month and payment is due on or before the 20th day of each month. The District may adjust the dates if the District Board of Directors adopts a new billing date schedule.

B. Water and sewer billings will be figured in accordance with the District's published rate schedules and applicable ordinances. The water charge will be based on the amount of water consumed for the period covered by the meter readings. Sewer billing for residential consumers will be billed each month based on the average established pursuant to Sewer Ordinance 14-2. Commercial sewer billing is based on the amount of water consumed each month. In the case of zero consumption and assuming service was not disconnected, the minimum charge will be payable by the consumer of record or the property owner.

C. Charges for water and sewer service begins when the meter is installed and the connection is made, whether used or not.

D. Readings from different meters will not be combined for billing with the exception of those times when a meter was replaced by the District's personnel.

E. Those consumers in the first billing area: the water and sewer bills will be billed by the 1st of each month, bills become delinquent after the 10th of the month. Payments received after 10 am the first business day following the 10th day of the month will be assessed a late charge. However, notwithstanding the above, when the 10th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, from the drop box, will not be charged a late charge. See Water Use Resolution "A" for late charge amount.

Those consumers in the second billing area: the water and sewer will be billed by the 15th of each month, bills become delinquent after the 25th of the month. Payments received after 10 am on the first business day following the 25th day of the month will be assessed a late charge. However, notwithstanding the above, when the 25th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge. See Water Use Resolution "A" for late charge amount.

Those consumers in the Green Valley billing area: the water will be billed by the 10th of each month, bills become delinquent after the 20th of the month. Payments received after 10 am on the first business day following the 20th day of the month will be assessed a late charge. However, notwithstanding the above, when the 20th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge. See Resolution "A" for late charge amount

F. Water and sewer billings thirty (30) days past due from the billing date for their billing area will be mailed a shutoff notice. An automatic service charge is added to each account that is mailed such notice. See Water Use Resolution "A" for service charge amount. If the account is not paid in full by the date stated on the notice, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. An extension may be approved by District to prevent service being disconnected. Extensions must be requested by 4pm the day prior to the date stated on the mailed shut off notice. Extensions requested after that date will not be considered. Extensions requested after that date will not be considered. Extensions allowed by the District shall not exceed 5 business days to include the date stated on the mailed notice. If payment is not received in full by the extension deadline, which includes current and delinquent charges and any additional service charges, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. See Water Use Resolution "A" for charges.

G. When service personnel go out to disconnect service and the consumers pay the bill before the service is disconnected, a service charge will be added to the consumer's account for making contact. See Water Use Resolution "A" for charges.

H. When a consumer has sewer service but does not have water service and the billing becomes thirty (30) days past due from the billing date, a notice will be mailed stating the billing must be paid in full. The District has the right to hire a utility contractor to disconnect the sewer service line from the District's sewer main if the account is not paid. The cost of any disconnection/reconnection fees shall be paid for by the property owner.

I. In accordance with the South Dakota Codified Laws (34A-5-40), the Board of Directors for the District is authorized to pursue all legal means to collect unpaid water and sewer bills (including all related charges) by any appropriate means including, but not limited to, assessing such amounts as a levy against the real property in question.

ARTICLE X

REFUND OF METER DEPOSIT

A. When water services are disconnected by request of the consumer, the meter deposit will be refunded (without interest) on the final billing with the exception of property owners who are renting their property, pursuant to Article III, Paragraph A.

B. When a service is disconnected, and a balance for either water or sewer remains due and owing, water and/or sewer service will not be restored until the balance is paid in full including all applicable service charges, pursuant to Article IV, Paragraph D.

ARTICLE XI

SUSPENSION OF SERVICE

A. The District reserves the right to disconnect water and/or sewer service without notice for the following reasons:

- 1) To prevent fraud or abuse;
- 2) Emergency repairs;
- 3) Pursuant to a court order authorizing or directing the action;
- 4) Fire, flood, accident, or any unavoidable cause;
- 5) Water supplies depleted due to circumstances beyond the District's control;
or,
- 6) Direction of public officials.

B. If a water bill is paid, but a sewer bill is not, the consumer's water will be discontinued, thereby causing sewer service to cease as well, pursuant to Article IV, Paragraph D.

C. The District has a water conservation policy (water restrictions) in place. This policy allows for watering on odd or even days of the month determined by the address of the property. In emergency situations, the District manager may put further immediate restrictions on water usage. Violations of the policy may result in written warnings, fines, or disconnection of service (See Water Use Resolution "A").

ARTICLE XII

COMPLAINTS - ADJUSTMENTS

A. If a consumer believes his or her meter reading to be in error, he or she shall present the complaint in writing at the District's office before the bill becomes delinquent. Such complaint, if made after the bill becomes delinquent, shall not be effective in preventing disconnection of water service, as heretofore provided. The consumer may pay such bill under protest and said payment will not prejudice the claim.

B. The District may make special meter readings as needed. Commercial accounts, where a high demand of water is needed for fire protection, may be charged a demand charge each month.

C. If a water meter fails to register properly or stops because of mechanical failure, the consumer shall pay an amount estimated from the record of the previous month's water usage or other proper data.

D. If a remote reader appears to be defective, the inside meter will be read and the bill will be based upon the amount of gallons registered on the inside water meter.

E. Conflicts related to water and sewer billing will be resolved by the Manager.

ARTICLE XIII

FIRE HYDRANTS

A. Only personnel authorized by the Manager of the District shall open or take any water from any fire hydrant belonging to the District, other than the Fire Department in the discharge of their duties. No individual shall in any way interfere with, break, or deface any fire hydrant. Any individual who damages a fire hydrant, a water main, or any connection thereof shall notify the District at once. The individual responsible for the damage shall pay the costs of repairs or replacement.

ARTICLE XIV

INSTALLATION OF SERVICE LINES AND INSPECTION

A. All installations shall meet the District's design and construction standards. Water service lines shall be laid at a depth of six (6) feet below the lowest part of the existing grade or finished grade, whichever is lower.

B. It will be the responsibility of the property owner to notify the District before any grading is done. All grading should be completed before the installation of any water main.

C. Any property owner who grades dirt or other material away from or on to the District's right-of-way or easement shall cause the water main to be kept below the frost line. However, the depth of the main shall not exceed eight (8) feet.

D. No water service or sewer service trench shall be backfilled or service line covered until all fees have been paid and the same have been inspected by the authorized personnel of the District. At least twenty-four (24) hours notice will be given to the District of the time such installation will be ready for inspection. It shall be the duty of the District's personnel, within a reasonable amount of time, to inspect the installation. If, in the Inspector's judgement, such service connection is properly connected and materials are of the quality specified, permission will be given to backfill the trench. If the Inspector finds the installation to be improperly installed or materials are not the quality specified, the work must be corrected to the satisfaction of the District before the trench is backfilled and water service is provided to the property.

E. Opening water or sewer trenches near the District's mains will not be permitted after 1:00 p.m. Friday afternoons or any afternoon preceding a holiday without the advance written approval of the District.

ARTICLE XV

EXTENSIONS OF WATER AND SEWER MAINS

A. All Developers, Contractors or individuals desiring to extend water and/or sewer mains/services, in development of an area, shall obtain prior approval of the District. The Contractor, Developer or Individual will be responsible for all costs incurred in extending any water or sewer mains/services including any professional charges incurred by the District in reviewing the plans, such as engineer or legal review. All water and sewer mains/services will be

properly sized according to RVSD master plan and designed to RVSD construction standards and criteria. The Contractor, Developer, or Individual shall be responsible for providing adequate fire flows for said development. All connections will be made by a licensed plumber or underground utility contractor. The applicable fees are set forth on Water Use Resolution "A."

B. The District shall be furnished with a set of plans for the proposed development, showing complete installation and locations of the same. The water and sewer mains will be accepted for operations and maintenance by the District after inspection is made and installation is done to the District's specifications. The Developer will guarantee the workmanship and all appurtenances installed for a period of two (2) years.

C. At the District's discretion, developments that have interior, private streets may be required to give easements for water and sewer mains. Water and sewer mains would be owned by the district. In accordance to Ordinance 14-1 and 14-2.

ARTICLE XVI

MODIFICATION OF ORDINANCE

A. The District will not be held liable for any promise or agreement of any employee representing the District unless such promise or agreement has been approved by the Board of Directors of the District.

B. No modification of rates or any of the rules, regulations, or ordinances shall be made by any employee of the District without the requisite approval by the Board of Directors of the District.

C. The word "District" used herein refers to the Rapid Valley Sanitary District - Water Service.

D. The Board of Directors of the District reserves the right to change any or all of the rules, regulations, and ordinances in the best interests of the District.

E. The word "Consumer" used herein refers to any individual, group, property owner, renter, customer or contractor.

ARTICLE XVII

PENALTIES

A. Any person found to be violating any provision of this ordinance, shall be served by the District 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.

B. Any person violating any of the provisions of this ordinance shall become liable to the District for any documented, incurred expenses, loss, or damage occasioned by the District by reason of such violation (including, but not limited to, attorney's fees incurred in enforcing this

ordinance). Any violation not corrected by the date specified by the District shall incur a \$250.00 daily fine.

ARTICLE XVIII

POWERS AND AUTHORITY OF INSPECTORS

A. The Manager, the District and their duly authorized employees bearing proper credentials and identification, shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the community system in accordance with the provisions of this ordinance.

B. The Manager, the District and their duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing the water treatment and distribution system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties the Manager, the Director and their duly authorized employees shall observe all safety rules applicable to the premises established by the company.

D. The Manager, the Director and their duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement or duly executed facilities agreement, including, but not limited to, for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the water facilities appurtenant to said easement or facilities, if any, on said easement, all of which shall be done in full accordance with the terms of the duly negotiated easement or other agreement pertaining to the private property involved.

ARTICLE XIX

ORDINANCE IN FORCE

Sec. A This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Sec. B Passed and adopted by the Rapid Valley Sanitary District - Water Service, State of South Dakota, on the day of the month and year by the following vote:

This Water Use Ordinance 14-1 was enacted by the Rapid Valley Sanitary District - Water Service with the First Reading on February 8, 2016 and the Second Reading on March 14, 2016.

Ayes 9 : namely Clyde Elwood, Shirley Haines, Richard Hensley, Patrick Judge, Diana Nelson, Connie Olsen, Dwight Peterson, Robert Phillips, and Jack Tomac.

Nays 0 : namely _____

Approved this 14 day of March, 2016

(Signed) _____ (Chairman of the Board of Directors)

Attest:

(Signed) _____ (District Clerk)