

ORDINANCE 2025-01

AN ORDINANCE REGULATING THE TOWN OF GAYVILLE'S WATER SYSTEM, RATES AND CHANGES FOR THE TOWN OF GAYVILLE, YANKTON COUNTY, SOUTH DAKOTA

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GAYVILLE, SOUTH DAKOTA

Section 1. Purpose

- 1.1. The rules and regulations prescribed in this ordinance are established for governing the waterworks of the Town of Gayville and all maintenance and connections thereto. This system shall be the only source of domestic or commercial water supply within the Town of Gayville limits.
- 1.2. Every person applying for water service from the water system and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations, and rates contained in the ordinances of the Town of Gayville and to all modifications thereof and to all new rules, regulations, or rates duly adopted by resolution of the Town of Gayville Board of Trustees.

Section 2. Water Users

- 2.1. List: The Finance Officer shall prepare and maintain a list of water users/property owners, giving their names and whether such service is commercial or residential. The list shall be prima facie evidence of the liability of the named user and owner for water charges. Every occupancy of every kind within the Town of Gayville limits and whose lot line is within 150' of a water main shall be required to connect to the Town of Gayville water service, and every improved lot serviced is subject to minimum fee.
- 2.2. Application: Any party desiring water service must apply to the Finance Officer on a form provided stating the applicants name, address, type of service, and owner of the property. The application must bear the signature of the both the applicant and the property owner.
- 2.3. Separate Connections: Not more than one (1) premises shall be supplied from each service line without special permission of the Town of Gayville Trustees and each premises shall have its own separate curb stop box.
- 2.4. Curb Stop Boxes: A curb stop, of a type and design approved by the Town of Gayville Trustees, shall be placed on the water service line between the curb and as close as possible to the property line. Every curb stop must be enclosed within a proper enclosure of a type and design approved by the

Town of Gayville Trustees with the top of the box even with the grade of the sidewalk or parking. The curb stop box must be accessible at all times. It is the duty of the property owner to ensure curb stop boxes remain accessible.

2.5. Cost of Installation/Maintenance: The owner of the premises to be served is responsible for all costs, installation and repairs of all plumbing and street cutting and repair between the Curb Stop and service location. All plumbing installation and repairs shall at all times be subject to inspection and rejection or approval by the Water Superintendent. Any repairs or replacement found necessary by the Town of Gayville's representatives shall be made promptly. Failure to comply with this section shall be grounds to discontinue service.

2.6. New Installation: All water taps, street excavations, curb stop installations and plumbing from the water main to the curb shall be by a Town of Gayville employee or duly licensed plumber authorized by the Town of Gayville Trustees to perform such work.

2.7. Plumbing Requirements:

2.7.1. All service connections shall be polyethylene and shall be laid six feet below grade or at the level of the Town of Gayville's water mains, and must be rated at a minimum of 200 PSI.

2.7.2. Check valves are required on all water connections to steam boilers and any other connections deemed by the Water Superintendent to be necessary to protect the Town of Gayville's water system or the public's health and safety.

2.7.3. Separate meters supplied by the Town of Gayville, shall be installed on each service line to monitor all water usage to a premises; additional or auxiliary meters must be purchased and installed by the owner, at their own expense. All customers shall provide all connections to receive the meter, which shall be located in site safe from frost and other destructive conditions and conveniently accessible at all times for reading, inspecting and repair. If the water meter supplied by the Town of Gayville must be replaced as a result of damage caused to it, as determined by the Water Superintendent, by the negligence or intentional act of the water user or property owner or any member of his or her family or in his or her employ or under his or her control, the cost of such replacement shall be borne by the water user and/or property owner, jointly and severally. The cost of replacement includes the actual cost of the replacement meter in addition to the cost of any parts or materials required to install the meter, and the reasonable hourly rate for labor of the Water Superintendent or appropriately licensed designee

as set from time to time by resolution of the Board of Trustees of the Town of Gayville.

2.7.4. All meters shall remain property of the Town of Gayville and shall not be moved or tampered with, except with the knowledge and consent of the Water Superintendent.

2.8. Access: The Water Superintendent or other Town of Gayville employees designated by the Water Superintendent shall have the power to enter the property or buildings of consumers at any reasonable hour for reading, removing, installing, testing, or repairing meters or examining pipes. Such employees shall have the power to shut off the water to enforce orders for nonpayment, enforce repair of service, or prevent waste.

Section 3. Rates, Fees, Penalties & Termination of Service

3.1. The rates and charges to be imposed to the Town of Gayville for water services furnished through its water system shall be established and may be amended from time to time by resolution of the Board of Trustees, and shall be on file in the office of the Finance Officer.

3.2. Connection fee: The fees for connecting to the Town of Gayville water system shall be as proscribed from time to time by resolution of the Board of Trustees, and shall be on file in the office of the Finance Officer.

3.3. Minimum Deposit and Monthly fee: There shall be paid with all service connection applications a minimum deposit established by the Town of Gayville Board of Trustees by resolution. Refund of any deposit shall be made upon termination of the service only after payment of all indebtedness owed the Town of Gayville. The Town of Gayville may elect to apply a water user's deposit in partial or total settlement of the water user's accounts when service is terminated for nonpayment or an infraction of any Town of Gayville ordinance rule or regulation relative to Town of Gayville water services. The decision to apply a water user's deposit to any indebtedness shall be made by majority vote of the Town of Gayville Board.

3.4. Water Bills: All water user accounts will be carried in the name of the property owner and water user. The Finance Officer or a designee of the Finance Officer shall prepare a monthly water bill. All water bills become due on the first of each month and delinquent on the tenth of each month, if not sooner paid. Late fees for non-payment will be assessed on the first business day following the tenth of each month. Late fees shall be set and may be amended from time to time by resolution of the Town of Gayville Board of Trustees.

3.5. Termination of Service: The Town of Gayville has the right to temporarily interrupt water service for repairs or for any reason deemed by the Water Superintendent or Board of Trustees to be in the interest of public health and safety. The Town of Gayville shall have the right to disconnect, refuse to connect, or refuse to reconnect any utility service for the following reasons:

3.5.1. Failure to meet the applicable provisions of law.

3.5.2. Violations of the rules and regulations pertaining to utility service;

3.5.3. Non-payment of utility bills;

3.5.4. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;

3.5.5. Molesting or tampering with any meter, seal or other equipment controlling or regulating the supply of utility service;

3.5.6. Theft or diversion and/or use of service without payment therefore;

3.5.7. Vacancy of premises;

3.5.8. Any other reason deemed by the Water Superintendent or Board of Trustees to be in the interest of public health and safety.

3.6. Procedure for discontinuation of services:

3.6.1. Emergency Disconnect: The Water Superintendent is hereby authorized to terminate service on an emergency basis for any reason enumerated herein other than Non-payment or Vacancy. The Finance Officer within 24 hours of disconnect or the next business day must give written notice, personal service, or by first-class mail, the reason for emergency disconnect, steps to be taken to reestablish service, and the appeal procedure.

3.6.2. Non-emergency disconnect: The Finance Officer shall provide written notice to the water user and property owner by personal service, or first-class mail, of the Town of Gayville's intent to terminate service for nonpayment of bills or vacancy of the premises. The notice shall inform the water user and property owner of the appeal procedure. In the absence of a timely-filed appeal, water service may be terminated as of the date and time as stated in the notice of intent to terminate service.

3.6.3. Notices: Notices under subsection 3.6 are deemed to be given if by personal service on the date thereof, and if by first-class mail three-days after the post-marked date.

3.6.4. Appeal Procedure: A water user/property owner may file an appeal from the notice of emergency disconnect or notice of intent to discontinue services with the Finance Officer no later than 5:00 p.m. on the 25th day of the month. Any appeal so filed, will be heard by the Town of Gayville Board of Trustees at the next regularly scheduled meeting following the filing of the appeal. Water services shall not be terminated during the appeal process. Any party to the hearing may appeal the decision of the Board of Trustees to the circuit court as provided by law.

3.6.5. Alternative resolution procedures: The Finance Officer is authorized and empowered to enter into payment agreements with water users who are delinquent in their bills. Any such agreement shall be in writing and shall be executed by the water user. The agreement shall also state that service may be immediately terminated without notice in the event of default and that by signing, the water user/property owner waives any appeals to the Board of Trustees. The property owner, if different than the water user, shall receive notice of any payment arrangement entered into by the water user and the Town of Gayville.

3.7. Reconnection: Service will only be restored and reconnected by the Town of Gayville's Water Superintendent or an authorized agent of the Town of Gayville during normal business hours between 8:00 A.M and 5:00 P.M., Monday through Friday and only when authorized by the Finance Officer after the payment in full of all past due balances in addition to a water re-establishment fee as set by resolution of the Board of Trustees. The Board of Trustees may also prescribe by resolution an additional fee for after-hours service reconnection. Any service reconnection requested to be performed outside normal business hours shall be subject to such additional after-hours service reconnection fee, which must be paid in advance of service reconnection. No water re-establishment fee shall be charged for temporary service interruption.

3.8. Unauthorized use: It shall be unlawful for any person to use water from any premises without the owner's consent or to use water from the Town of Gayville's water system without having applied for service. Only Town of Gayville representatives shall turn on or off water service at curb stops.

3.9. Crimes and penalty: Any person who knowingly violates any provision of this ordinance shall be guilty of a class two misdemeanor under South Dakota Law. Any prosecution by the Town of Gayville shall not prevent any civil remedies the Town of Gayville may seek.


Section 4. General

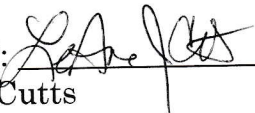
4.1. Water Fund: The Town of Gayville Finance Officer shall keep and maintain a special fund, to be known as the Water Fund. A collection of water charges set forth herein and other monies as appropriated from time to time shall be paid into the said fund. All costs of operation and maintenance of the Town of Gayville's Water system shall be paid from the Water Fund. .

4.2. Water Superintendent: Unless some other agent or employee of the Town of Gayville is designated as "Water Superintendent" the Town of Gayville Finance Officer shall act as the Superintendent and any reference herein shall be deemed to refer to the finance officer under direction of the Town of Gayville Board absent the specific designation.

4.3. Repeal of conflicting ordinances: The following ordinances are repealed and superseded with the adoption of this ordinance: 96 and 2024-1. Any other ordinance or part thereof, deemed by a court of competent jurisdiction to be in conflict with herewith, is hereby superseded.

Approved


Catalina Renteria
President Board of Trustees

ATTEST: 
LeAnne Cutts
Finance Officer

Passed first reading: April 15, 2025
Passed second reading: May 20, 2025