

ORDINANCE NO. 740

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF BOX ELDER MUNICIPAL CODE TO REMOVE REFERENCES TO SPECIFIC FEE AMOUNTS AND TO FURTHERMORE IDENTIFY THOSE FEES WITHIN ITS COMPREHENSIVE MASTER FEE SCHEDULE

WHEREAS, the City of Box Elder seeks to enhance the clarity of its fee structure through a singular ordinance known as the comprehensive Master Fee Schedule; and

WHEREAS, the City of Box Elder has determined that references to specific fees are best located within its comprehensive Master Fee Schedule; and

WHEREAS, the City of Box Elder has reviewed the entirety of its municipal code so that amendments might be made to remove references to specific fees and furthermore to alternatively reference the comprehensive Master Fee Schedule.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to read as follows:

Chapter 2. ADMINISTRATION

ARTICLE VII. PUBLIC RECORDS

Sec. 2-334. Fees.

The fees related to fulfilling public records requests shall be in accordance with the master fee schedule. The city clerk shall maintain a written schedule of current fees in the clerk’s office. The fees charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

ARTICLE VIII. ADMINISTRATIVE CITATION PROGRAM

DIVISION 2-VIII-1. GENERALLY

Sec. 2-363. Administrative Citations Authorized; Civil Penalties.

A person violating any provision of this Code for which a civil penalty may be assessed may be issued an administrative citation by code enforcement staff. A civil penalty assessed by means of an administrative citation shall be payable directly to the city. The amount of civil penalties shall be listed in the master fee schedule.

Chapter 4. ANIMALS

ARTICLE III. LICENSES AND TAGS

Sec. 4-62. License Required; Exception; Transfer Not Permitted.

4-62(e). *Fees.* Each license application, except those for service dogs, shall be submitted with a non-refundable license fee according to the master fee schedule.

ARTICLE III. LICENSES AND TAGS

Sec. 4-183. Redemption or Destruction of Impounded Animals.

4-183(a). In the event an animal is impounded, the responsible party shall redeem the animal within three days of impound by paying the impound and associated fees for care of the animal and presenting a current rabies certificate. Impound costs and fees include the daily boarding, the costs of any other services rendered (such as veterinary services or microchip implantation), and an impoundment fee according to the master fee schedule.

Chapter 22. NUISANCES

ARTICLE IV. OBSCENITY.

Sec. 22-104. Dissemination of Obscene Material; Violations and Penalties; Affirmative Defense.

22-104(a). Disseminating obscene material is a misdemeanor punishable by confinement in jail not to exceed 30 days, or by a fine, or by both such fine and imprisonment.

Chapter 34. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE II. CONSTRUCTION IN CITY RIGHTS-OF-WAYS

34-20(c). The right-of-way work permit application fee and any late application fee shall be set by the master fee schedule.

34-20(e). The public works director may require the contractor to post surety with the city as a condition of approval of the right-of-way permit.

Chapter 42. UTILITIES

ARTICLE II. SEWER

Sec. 42-29. Fees And Rates.

42-29(a). *Tap fees.* Tap fees are intended to cover the cost of parts (such as, but not limited to, cleanouts, pipe, tapping saddle, and backflow-prevention valve) and labor to connect to a city sewer main. All taps into city sewer mains will be performed by, or under the supervision of, the public works department. Tap fees are charged in accordance to the master fee schedule. Fees under this subsection do not include excavation and exposure of the main to be tapped. Payment of tap fees are the responsibility of the contractor performing the work.

42-29(b). *Sewer facility impact fees.* Sewer facility impact fees are intended to defray the capital costs to the city's sanitary sewer system caused by the addition of new sanitary sewer service customers. Sewer facility impact fees are charged in accordance to the master fee schedule as determined by the public works department. Payment of sewer facility impact fees are the responsibility of the contractor performing the work.

42-29(c). *Service rates and surcharges.* For all classes of service with a city water account sewer service charges are based on the average water use for November, December, and January. The derived fixed charge will be in effect for the following February through January. For all classes of service without a city water account, the sewer service charges charged in accordance to the master fee schedule. All classes of service are subject to surcharges as established by the city council.

Sec. 42-30. Billing And Collecting.

42-30(d). Bills are due on and delinquent after the 15th day of each month. All bills not paid by the 15th of the current month are subject to a late charge as set in the master fee schedule. If the 15th falls on a Saturday, Sunday, or on a holiday recognized by the city, the late charge will not be added to the bill until after 5:00 p.m. on the next scheduled working day of the utility billing office. If payment is not received within 30 days of the billing date, the sanitary sewer service will be terminated.

Sec. 42-32. Violations And Penalties.

42-32(b). Any person willfully using the city's sanitary sewer services without prior permission of the city shall be assessed a penalty as defined in the master fee schedule plus the cost of estimated sanitary sewer services during the period the sanitary sewer system use was not approved.

ARTICLE III. WATER

DIVISION 42-III-3. PROHIBITED ACTS

Sec. 42-129. Use Of Unmetered Water, Unauthorized Water Turn-On.

42-129(a). Any person willfully using unmetered city water without the prior express written permission of the public works department shall be assessed a minimum penalty or administrative citation as outlined in the master fee schedule, plus the cost of the estimated water consumption during the period the water use was unmetered. The unmetered use will be estimated at a minimum, no less than an average monthly charge for service, for each month of violation.

DIVISION 42-III-5. BILLING AND COLLECTION

Sec. 42-194. Due Date; Delinquent Account Procedure and Fees.

42-194(c). *Late charges.* All payments for water service must be received by the city on or before 5:00 p.m. on the 15th of the month in which they are due or are assessed a late charge set in the master fee schedule. If, however, the 15th falls on a Saturday, Sunday, or on a holiday recognized by the city, the late charge will not be added to the bill until after 5:00 p.m. on the next scheduled business day.

42-194(e). *Administrative service fee.* Once an account has been placed on a termination list and has not been paid prior to the scheduled termination date, there will be an administrative fee added to the account as set in the master fee schedule, whether or not the water is shut off or the account is terminated. The city finance officer has the discretion to waive the administrative fee if the customer can show a history of on-time payments, no past delinquent payments, and unforeseen circumstances.

42-194(f). *Amount due to re-establish service.* After water service has been suspended for nonpayment, service will not be reinstated until all water bills, fees, charges, rentals, and meter deposits have been paid in full. At a minimum, the account balance due shall be paid in full, as indicated on the account and printed on the delinquency notice, which shall include the amount due for water service, late fees and the administrative fee, prior to services being restored. Current charges, if not due, are not indicated in the account balance due after the water service has been suspended.

Sec. 42-195. Billing Upon Estimate When Meter Reading Is Unavailable.

42-195(c). Service shall remain off until a meter reading is obtained and the city receives payment of a reconnect charge. Reconnect charges are based on the time the reconnection is accomplished and listed in the master fee schedule.

DIVISION 42-III-6. FEES AND CHARGES

Sec. 42-218. Tap And Service Availability Fees.

42-118(c). Water service availability fees are assessed on new taps to city mains and are intended to defray the capital costs to the city's water system caused by the addition of new water service customers. Water service availability fees are listed in the master fee schedule.

Sec. 42-219. Enhanced Charges For Customers Outside City Limits.

The city at its discretion, may furnish water to customers outside the city limits, if sufficient water is available. The tap fee, impact fee, and water consumption rates for customers outside city limits are listed in the master fee schedule.

Sec. 42-220. Fee For Water Shutoff At Customer Request.

If water service has been turned off at the request of the water user for reasons other than repair of faulty utility equipment, there shall be a service charge as listed in the master fee schedule. Shut-off fees under this section will be added to the customer's water account and subject to the delinquency and termination fees and procedures in the same manner as regular water use charges.

Sec. 42-221. Customer Deposits.

42-221(a). *Basis; minimum amount.* Customer deposits are based on water meter size. A separate customer deposit shall be required for each water meter installed, and the amount of each customer deposit is not negotiable. Minimum deposits are listed in the master fee schedule.

DIVISION 42-III-7. TAPS, MAINS AND SERVICE LINES

Sec. 42-264. Water Leaks In Private Service Lines.

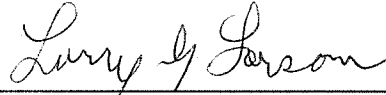
42-264(b). If a customer fails to properly repair any leaky water service pipe or other apparatus promptly upon receipt of notice from the public works director, or his designee, then the water service may immediately be shut off to the premises and remain shut off until the necessary repairs have been made. Water turn-on and turn-off fees are listed in the master fee schedule.

Sec. 42-271. Contractor Responsibility For Installations.

42-271(b). If a leak should develop in a new water service line within two years of its installation, the plumber or water sewer installer installing the same shall be notified by the public works director or his agent to make the repair within five days, unless the leak is so extensive to require the service line to be shut off. In such case, the contractor must respond within 24 hours after notification. If the repairs are not made by the specified date, the public works director shall make the necessary repairs, or cause the same to be done, and the original contractor shall be billed.

PASSED AND APPROVED ON FIRST READING this 19th day of December, 2023.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2nd day of January, 2024.

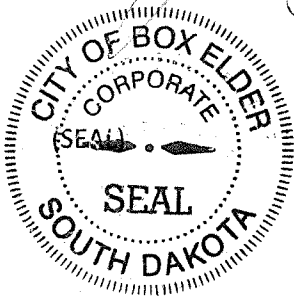


Larry Larson, Mayor

ATTEST:

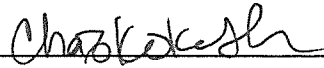


Nicole Schneider, Chief Financial Officer, City Administrator



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on the twentieth day after its publication, that date being: 1/31/2024.



Chaz Kokesh, City Clerk