

ORDINANCE NO. 2026-3

An Ordinance Entitled "An Ordinance Regulating the Operation of the Water System and Prescribing Rates and Charges for Water Service and the Collection Thereof for the City of Colome, South Dakota and Repealing Ordinance No. 47, and Ordinance 141, and Ordinance No. 161, Ordinance No. 2022-1, Ordinance NO. 2024-3, Ordinance NO. 2024-6, and Ordinance NO. 2025-6"

BE IT ORDAINED BY THE CITY OF COLOME, SOUTH DAKOTA

SECTION 1. LIST OF WATER USERS

The city finance officer shall prepare a list of all present water users, giving their name and whether residential or commercial service. Such a list shall be prima facie evidence of the liability of the named owner for the water charge.

SECTION 2. APPLICATION FOR FIRST SERVICE CONNECTION

Any party desiring water service from the city for premises not theretofore connected with the system shall apply for connection thereto on a form provided by the Superintendent or the Finance Officer. Such application shall contain an exact description of the premises to be served, state if the use is residential or commercial and the estimated amount of water to be used each month. Such an application shall be filed with the city finance officer. The applicant shall pay as and for a connection fee the sum of One-hundred and no/100 (\$100.00). Said fee shall be retained by the city. The fee is required for each service connection separately. The City Council shall reserve the right to dictate the number of water services approved for any space designated as a "lot", either residential or commercial.

No person, except a regularly licensed plumbing contractor or his qualified employees, or a regular employee of the department of the city utilities, or individuals, under special consideration from the city, shall be allowed to do this work.

SECTION 3. APPLICATION FOR SERVICE AND SECURITY DEPOSIT

Any occupant of premises who desires water service must make a written application for water service on a form provided by the Superintendent or the Finance Officer. Such application shall contain an exact description of the premises to be served, state if the use is residential or commercial, and the estimated amount of water to be used each month. Such an application shall be filed with the city finance officer. If the Applicant resides within the corporate limits of the city of Colome, the applicant shall deposit the sum of One-Hundred Dollars and no cents (\$100.00) without regard to whether the application is for domestic or commercial usage. If the applicant resides without the corporate limits, the deposit shall be One-Hundred Fifty Dollars and no cents (150.00). The deposit shall be credited to the applicant's account until final settlement of the account is made at which time, the deposit will be refunded. Any Occupant(s) Renting must provide a copy of the contract between renter and property owner to the Finance Office.

SECTION 4. COST OF INSTALLATION, REPAIRS, AND MAINTENANCE BORNE BY PREMISES OWNER.

The cost of original installation, repair, or maintenance, of all plumbing from the water main, including but not limited to, corporation and any service devices, curb stop and box, riser pipe with appropriate cape, piping, pipe fittings and water meter shall be maintained by the consumer. All extensions made to such plumbing, and all repairs shall be borne entirely by the consumer. Such plumbing and services shall at all reasonable times be subject to inspection by duly authorized representatives of the city. Any repairs found to be necessary, from city water main to water meter and beyond, shall be made promptly by the consumer. Any repairs needing immediate attention between the city main and curb stop may be repaired by the city, or their representative, with costs being invoiced to the consumer. Any leaky service pipe leading to a water meter shall be properly repaired on notice given by the city, or water shall be shut off. All work shall be performed by the city or authorized agent they are of being duly qualified for work of this nature.

SECTION 5. WATER METER USE AND FEE

No water shall be sold or distributed unless the same is measured by a meter, with or without a remote reading device, which shall be furnished and kept in repair by the city. Upon discovery of an unmetered water user, water shall be billed at a minimum rate of \$35.00 per month or more based on estimated usage until the water usage can be metered. The unmetered water usage rate shall be effective 5 days after receiving written notification from the city and will continue in effect until a water meter is in place.

The city shall charge a monthly fee of \$1.00 (One Dollar) to be kept in a separate fund, for the purpose of, but not limited to, the service, repair, or replacement of meters $\frac{3}{4}$ inch or smaller and remote reader, or \$2.00 (Two Dollars) for 1 inch or larger meter and remote reader. This fee will be in conjunction with the monthly water billing cycle.

All meters shall be placed in a reasonably accessible place. If a meter pit is used, it shall be of concrete construction with removable lid and a minimum diameter of thirty-six (36) inches inside.

SECTION 6. USE OF WATER WITHOUT AUTHORITY

It shall be unlawful for any person to use water from any premises without the consent of the owner or to use water from the water system of the city without a permit from the water Superintendent. No person except an authorized representative of the town shall turn on or off or tamper with any curb stop. Not more than one (1) consumer shall be supplied from each water service line without special permission from the city upon the recommendation of the maintenance supervisor. Water pipes shall not be extended from one (1) premises to another without special permission from the city upon recommendation of the water Superintendent.

SECTION 7. CONSENT TO REGULATIONS

Every person applying for water service from the water system and every consumer or 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 city and to all modifications thereof and to all new rules, regulations or rates duly adopted.

The City Council shall reserve the right to dictate the number of water services approved for any space designated as a "lot", either residential or commercial.

SECTION 8. DISCONTINUANCE AND RECONNECTION OF WATER SERVICE:

The City reserves the right to discontinue water service to any or all consumers without prior notice when necessary for:

- System repairs;
- Non-payment of any bill, including sewer and/or sanitation utilities; or
- Violation of rules and regulations governing water service.

Restoration of Service

When service has been discontinued due to non-payment or violation of applicable rules and regulations, service will not be restored until all of the following conditions have been met:

1. The outstanding balance has been paid in full;
2. A penalty and interest totaling twenty percent (20%) of the outstanding amount have been paid;
3. Full compliance with all applicable regulations has been achieved; and
4. A fifty-dollar (\$50.00) reconnection fee has been paid to the City.

Voluntary Discontinuance of Water Service

Any user requesting discontinuance of water service must notify the Finance Officer as soon as possible. The user shall remain responsible for monthly water charges until such notice is received.

Past-Due Accounts and Reconnection

All balance due and/or past-due bills associated with a property must be paid in full before:

- Water, sewer, and/or sanitation services will be reconnected; or
- A new utility account may be opened for the property.

Reconnections will be performed during regular business hours only.

SECTION 9. WATER CONNECTION WITH EXCAVATIONS

All excavations made upon the street, alleys, and/or public grounds of the City of Colome for the purpose of connecting with water mains, sewer mains, and/or service pipes shall be made after receiving authorization from the city. The cost of all repairs on service lines, streets, alleys, and/or public grounds of the City of Colome shall be referred to the premises owner or will be invoiced to the property owner.

SECTION 10. WATER SERVICE PIPES

All new service pipes, or replacement of existing, connecting to the water system shall be minimum pressure rating of 160 lbs. per square inch @ 73-degree Fahrenheit and shall be laid six (6) feet below the established grade or as low as the street mains. Residential corporation taps shall be no larger than one inch (1") without special consideration and approval from the city. Commercial taps requiring larger than one inch (1") need to be approved by the city.

SECTION 11. CURB STOPS

There shall be a curb stop in every service line attached to the water main, the same to be placed as near as possible to the street side of the sidewalk if on a street, or within one foot of the alley line if the main is located in the alley. Curb stops shall be accessible with a curb stop key and shall be enclosed in a substantial iron case covered with a tight-fitting iron lid, with the letter "W" cast upon it. There shall be a valve in the pipe on the house side near where it enters the structure.

SECTION 12. USE OF WATER MAINS FOR GEO-THERMAL HEATING OR COOLING.

It shall not be permitted for any geo-thermal heating or cooling system, or for any system of this nature, to be connected to, or benefit from, the city's water system.

SECTION 13. WATER SYSTEM CHECK VALVES AND BACK FLOW PREVENTERS.

Check valves and/or backflow preventers shall be required on all water connections at the point where the city's domestic water supply is allowed to enter the system being used for heating or cooling or any other system whose fluid content could enter back into the domestic water and contaminate. Systems that have added chemical treatments require a backflow preventer designed for protection of the potable water supply in accordance with the national plumbing codes designed for high hazard cross connections. The city reserves the right to inspect all systems at reasonable times. Failure to comply will result in the discontinuance of water service.

Starting on the effective date of this ordinance, it shall be required on all new, or when repairing, or replacing, existing service line, a dual check backflow preventer shall be installed on the building side of every water meter where the service enters the building.

Check valves and backflow preventers shall be maintained and kept in perfect working condition or water user shall be held liable for any contamination or damage to the city's water system. The water service will be shut off until the failed device has been corrected.

SECTION 14. USE OF WATER DURING FIRES

It is hereby declared to be unlawful for any person owning or occupying premises connected to the municipal water system to use or allowing any water from said system to be used during a fire except for the purpose of extinguishing such fire. Upon the sounding of a fire alarm, it shall be the duty of every person to see that all water services are tightly closed and that no water is used except for necessary household purposes during said fire.

SECTION 15. LIABILITY OF CITY FOR FAILURE OF WATER SUPPLY

No claim shall be made against the city by reason of failure of service, or service line, or any other component of the system, by the turning on or off the service as requested, or to make repairs to the city system.

SECTION 16. CONSUMER RESPONSIBILITY FOR METER AND/OR, REMOTE READING DEVICE.

Any water meter damaged by freezing or any other form of neglect that results in meter damage, by the party for whom the water meter shall have been installed, or any tenant to the person, or any member of his family, or in his employ or under his control, shall be repaired or replaced, at the cost and expense of the person for whom the water meter was installed, or persons responsible for water deposit.

All water meter remote reading devices shall be mounted on the exterior of the structure. It shall be the owner's responsibility to drill any holes in the structure necessary for the wiring of the meter register to the outside reader or release the city of liability when doing such work.

Any remote meter reading device damaged by neglect shall be repaired or replaced at the cost and expense of the person for whom the water meter was installed, or person(s) responsible for the water deposit.

SECTION 17. CONNECTING WATER COOLED REFRIGERATION COMPRESSORS TO CITY WATER SYSTEM

Connections of this nature will not be permitted.

SECTION 18. RATES FOR WATER SERVICE

There shall hereafter be imposed a monthly water charge against all water users or consumers of water supplied by the City of Colome who reside within the corporate limits as follows:

Monthly minimum (1 st - 2000 gallons)	\$ 22.00
For each additional (1000 gallons)	\$ 6.00

And every user or consumer of water supplied by the City of Colome who resides without the corporate limits of the city as follows:

Monthly minimum (1 st - 2000 gallons)	\$ 27.00
For each additional (1000 gallons)	\$ 7.50

Charge for water procured from a fire hydrant and transferred into a tank for use outside the city limits shall be charged at ten dollars and no cents (\$10.00) per 1000 gallons. Such water is to be procured from the fire hydrant directly in front of the city office at 116 West Third Street, or only with city approval, another location.

Water shall be procured only between the hours of 9:00 am and 5:00 pm, Monday through Friday. Any wrench and hose used must be approved by the city utilities manager. Failure to abide by any of these restrictions will be considered a violation of this ordinance and may result in a penalty of One Hundred Dollars and no cents (\$100.00).

All users or consumers of water from the city water system shall pay for the water used or consumed, and other city utilities, (sewer and/or sanitation) each month on or before the 10th day of the month in which the bill bears date. In the event of the failure of a user to pay for water used or consumed on or before the 10th day of the month in which the bill bears date, an additional penalty of twenty percent (20%), shall be levied thereon, and Unless the entire indebtedness, including penalties, is paid on or before the 25th day of the month, the water superintendent will disconnect the water service to the premises of such delinquent user or consumer and water that is turned off shall not be turned on again except upon proper application at the office of the finance officer and payment of all amounts due to the city from such applicant, together with fifty dollars and no cents (\$50.00) for expenses, and only upon the order of the city council or water superintendent, and no person or persons shall turn on said water or attempt to turn on.

Partial payment(s) of the consumers' total bill, that still reflects a balance due or past due amount, will not prevent the water service from being disconnected.

SECTION 19. BILLING AND PAYMENT

All accounts shall be carried in the name of the property owner who personally or by his authorized agent, shall apply for such service. The finance officer shall prepare duplicate monthly invoice and/or statement of the amount due under the terms of this ordinance from each user or consumer and file the same in the city office. The finance officer shall mail or deliver one thereof to the respective user or consumer. The amount shown on the invoice and/or statement shall be due and payable to the city finance officer forthwith and if not so paid, a penalty imposed in Section 8 hereof shall be added.

SECTION 20. FINANCIAL HARDSHIP CLAUSE

If a consumer provides proof of a financial hardship that prevents payment of the total bill in full by the 25th of the month, the City of Colome Council Members will consider an alternate payment plan on a case-by case basis.

SECTION 21.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 22. LANDLORD RESPONSIBILITIES

1. The owner of rental property, whether commercial or residential, shall be responsible for payment of any delinquent water, sewer, or garbage charges not promptly paid by the owner's tenant or tenants.
2. This provision applies to all rental property, including commercial property, single-family residential dwellings, apartment complexes, mobile home courts, and any other rental property. The owner shall be furnished with a copy of any notice of delinquency served upon the tenant.
3. Owners and/or landlords of rental properties must give notice of change of tenants if the utilities are being billed to the tenant

SECTION 23. NON-SUFFICIENT FUNDS (NSF) CHECK/ACH POLICY

Customers who issue checks and/or ACH that are returned to the City for insufficient funds will be subject to a \$40 service charge, immediate disconnection of utilities for non-payment, and are required to provide immediate payment of all fees and penalties by cash or money order before utilities are reconnected. No further notice of disconnect will be provided.

The handling of a returned check or ACH payment due to non-sufficient funds (NSF) is outlined below:

(A) First Offense

1. All applicable NSF fees must be paid in full.
2. No additional checks or ACH payments will be accepted until all outstanding balances and fees are collected.

(B) Second Offense

1. Checks and ACH payments will not be accepted for a period of six (6) months from the date of the second NSF occurrence.

(C) Third Offense

1. Checks and ACH payments will not be accepted for a period of twenty-four (24) months from the date of the third NSF occurrence.
2. Any payment arrangements following a third offense will be determined at the discretion of the Finance Office, with input from the City Council.

This Ordinance shall be in full force and in effect twenty (20) days after its passage, approval, and publication.

Kelly Leighton, Mayor

Attest:

Bobbi Harter, Finance Officer

First Reading: March 3rd, 2026

Second Reading: March 19th, 2026

Passage and Approval: March 19th, 2026

Publication: March 25th, 2026

Effective Date: April 14th, 2026