

BE IT ORDAINED BY THE CITY OF FLANDREAU, SOUTH DAKOTA, THAT CHAPTER 11.04 - RESERVED be amended to read in its entirety as follows:

Chapter 11.04 - UTILITY SERVICE POLICY

This chapter will cover utilities and services provided by the City of Flandreau, South Dakota.

11.0401 - UTILITIES AND SERVICES PROVIDED

The City of Flandreau provides water, sewer, electricity and residential garbage pickup for its residents.

11.0402 - UNLAWFUL TO INTERFERE WITH UTILITY METERS OR CONNECTIONS

It shall be unlawful for any person to do any of the following acts: Break or deface any meter, break or deface any seal attached to the meter or its appurtenances; to obstruct, alter, injure or prevent the actions of any meter; to make any connection by any means with the supply side of the meter in such a manner as to take the commodity so obtained with intent to defraud, or turn on or off, or in any manner interfere with any switch valve connected with any main supply, meter or connection. Both the applicant and the owner of the premises which is served by a city utility shall be jointly and severally responsible for the cost of repairs or replacement of any meter or other property of the City damaged by the intentional or negligent acts of any occupant of the real estate or occupant's guests. Responsibility will include damage by freezing weather.

11.0403 - CITY NOT REQUIRED TO FURNISH SERVICE, CERTAIN CASES

The City of Flandreau shall not be required to furnish electric current, water or sewer service to any person when the applicant for such service, or the husband, wife, or any other adult residing in the same household and obtaining City utilities either directly or indirectly through the same meter, is indebted to the City of Flandreau for the class of service applied for, whether for service at the same location or elsewhere and whether indebted or demanding service individually or a member of a partnership; nor shall any such service be required to be furnished for use upon any premises, the owner of which, or the husband or wife of such owner, is indebted to said City for such class of service.

11.0404 - OBTAINING SERVICE

Persons wishing to obtain city supplied utilities and services will make written application for said utilities and services on forms provided by the City Office.

11.0405 - UNLAWFUL TO OBTAIN SERVICE EXCEPT UNDER OWN NAME

It shall be unlawful for any person to obtain utilities or services from the City of Flandreau under an assumed name or any name other than his or her true name.

11.0406 - CASH DEPOSIT REQUIRED

A. Each consumer shall pay a cash deposit for each residential or business location for which service is requested. Said deposit is payable at time of application for service. The amount of said deposit shall be thirty dollars (\$30.00) for water service and seventy dollars (\$70.00) for electric service. The City shall issue a non-assignable receipt, showing the date, name of consumer and the amount received.

B. Cash deposits received for city supplied utilities and services shall be returned to consumers when the consumer no longer requires the utility or service. Consumers shall make written application for return of their cash deposit. Upon presentation of the receipt for cash deposit city personnel will determine if all services received by the consumer have been paid for. After all utilities and services supplied to the consumer have been paid for the city shall process the application for return of the cash deposit. Deposits may be applied to the final bill for utilities and services received or may be returned to the consumer by city check.

C. In addition homeowners who have resided in their primary residence for a period of six consecutive months and have paid their utility bills by the due date during that six month period may have their deposit refunded after the six month period and shall make application for it with the City Office.

11.0407 - BILLS FOR SERVICE

Bills for electricity, water, sewer and residential garbage pickup will normally be rendered on or about the 1st day of the calendar month following the furnishing of the utility or service.

11.0408 - WHEN PAYMENT DUE

All bills for utilities and services furnished by the City shall be due and payable prior to 5:00 p.m. on the 10th day of the month and shall become delinquent on the 11th day of the month following the date of such bill: provided, however that if such due date

shall fall on a Saturday, Sunday or a legal holiday observed by the City, then such bill shall be due and payable by 5:00 p.m. of the following business day.

11.0409 - DELINQUENT BILLS

Those bills for utility services not paid by the due date will become delinquent and will be subject to a late payment fee, in the amount of five percent (5%) of the current charges for all furnished services. In the event bills for utilities and services shall not be paid when the same become due, the City shall have the right to disconnect and discontinue any and all utilities or services furnished by the City to the consumer so in arrears.

11.0410 - DISCONTINUE FOR NON-PAYMENT OF BILL

The consumer of city furnished utilities and services will receive the following Notices of the amount owed for said utilities and services:

A. Bill For Services - will be sent to the consumer on or about the 1st day of the calendar month following the furnishing of service and will state the date which payment is due and payable.

B. Disconnect Notice - will be sent to the consumer on or about the 15th day of the calendar month following the furnishing of service.

C. Final Notice - will be hand delivered to the service location on or about the 26th day of the calendar month following the furnishing of service and said notice will state the date that service will be discontinued if payment for services is not received. A service charge of five dollars (\$5.00) will be added to all consumer bills who receive a hand delivered Final Notice.

11.0411 - RECONNECTION AFTER DISCONNECTION FOR NON-PAYMENT

In the event that utility service is disconnected for non-payment of the bill, the consumer thereof shall have the right to have the same reconnected only upon the payment of the entire amount due, and in addition thereto, a reconnection fee of twenty-five dollars (\$25.00) for each utility disconnected. No consideration shall be given to any consumer relative to extending of time of payment of such bills except the same be granted by the Flandreau City Council for cause at any regular or special meeting.

11.0412 - VOLUNTARY DISCONTINUANCE OF SERVICE

Consumers wishing to discontinue the use of any utility service shall give written notice thereof at the City Office. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

11.0413 - PAYMENT FOR MOVING UTILITIES

In the event that electricity or other utilities supplied by the City of Flandreau are required to be moved because of replating or division of lots, other than originally platted (fractional lots), or the owner of said property requests that they be moved, the cost of such movement shall be borne by the person requesting said movement.

11.0414 - CITY NOT LIABLE

The City shall be not liable for damage or loss due to material defects, leaks, negligence of the user, negligence of third parties, outages or circumstances beyond the City's control or interruptions of service for any other reason, or in connection with the user's plumbing, fixtures or practices.

11.0415 - PRIOR ORDINANCES

To the extent that any prior ordinances conflict with this ordinance, the provision contained in this ordinance shall prevail.

ATTEST:

Craig E. Shea
Craig E. Shea
Finance Officer

First Reading: August 17, 1998

Second Reading: September 8, 1998

Adopted: September 8, 1998

Published: September 16, 1998

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Vernon Walker
Vernon Walker
Mayor

Flandreau City Ordinance
Oct. 1998