

AN ORDINANCE TO REMOVE REQUIREMENT THAT PROPERTY OWNERS OPEN CITY UTILITY ACCOUNTS BY AMENDING PROVISIONS IN CHAPTER 13.08 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, in November 2020 the City of Rapid City adopted Ordinance No. 6443 to amend provisions in Chapter 13.08 of the Rapid City Municipal Code; and

WHEREAS, Ord. 6443 included amendments to require property owners to open utility accounts with the City and to clarify that the City will no longer permit tenants or occupants to open City utility accounts; and

WHEREAS, since adoption of Ord. No. 6443 the City has received complaints from property owners concerning the amendments to RCMC 13.08.390 and RCMC 13.08.430 governing who can open utility accounts; and

WHEREAS, the City wishes to amend RCMC 13.08.390 and RCMC 13.08.430 to remove the requirement that property owners open utility accounts for their properties and to permit occupants and tenants to obtain City utility service in their own names; and

WHEREAS, the City believes it to be in the best interests of the health, safety, and general welfare of its citizens to amend provisions in Chapter 13.08 of the Rapid City Municipal Code as described above.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 13.08.390 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

13.08.390 New account-related fees.

A. An account charge for accounts within City limits and an account charge specific to accounts outside City limits shall be paid for water turn-on service. ~~Accounts shall be opened and closed by the property owners only and shall be in the name of the property owners.~~

B. An after hours surcharge shall be paid in addition to the account charge if such turn-on or turn-off service is requested to be performed during non-business hours. Business hours shall be set by the Public Works Director.

C. An additional surcharge shall be paid if the employees of the City are unable to turn on the water because of inability to obtain access through no fault of the City. This surcharge amount may be greater if the service is requested to be performed during non-business hours.

D. The rates for any and all charges the City shall make under this provision shall be prescribed by resolution of the Common Council.

(Ord. 6443 (part), 2020; Ord. 5838, 2012)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 13.08.430 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

13.08.430 Water service configuration and water meter placement per utility user classification.

A. General.

1. Water services and private water distribution systems shall be in accordance with this Chapter and shall conform with the IDCM and Standard Specifications.
2. ~~Water account(s)/meter(s) shall be in the name of the owner of the premises~~Each water meter will be assigned to a separate account for utility billing purposes.
3. No person shall extend a water service from 1 structure to another structure after a water service has entered a structure, except as allowed by subsection B.2.d.iv. below.
4. No person shall extend a water service or private water distribution system to another premises. If a single owner has multiple structures on multiple premises, each premises shall have a separate independent water service or private distribution system conforming to the IDCM and Standard Specifications.
5. Private water distribution systems shall have a South Dakota Certified Water Distribution Operator who is responsible for operation and maintenance of the private water distribution system, unless it is determined by the Public Works Director that a certified operator is not required.
6. Private water distribution systems shall be owned, operated, and maintained by the owner of the premises.
7. Existing systems that do not comply with city ordinances and/or do not comply with current IDCM and Standard Specifications shall not be repaired or individual components replaced. Instead, the owner shall bring the premises into compliance. Additionally, the Public Works Director may order an owner to bring a noncompliant property into compliance with city ordinances and/or the current IDCM and Standard Specifications. Upon receipt of such written order, the owner shall undertake to install the infrastructure as directed by the Public Works Director to bring the property into compliance.

B. Commercial users and industrial users shall comply with the following requirements for water service:

1. A single structure on a premises:
 - a. The structure shall have a separate service line with curb stop connected to a city water main fronting the premises.

b. A single water meter, except as allowed for irrigation, will be furnished by the city for the structure. If the owner desires additional or auxiliary meters within the structure, the owner shall furnish the meters at his or her expense and shall assume all responsibility of maintaining and reading the same. If additional meters are installed, they shall be set downstream of the city meter.

2. Multiple structures on a premises:

a. Water service lines or private water distribution systems shall connect to a city water main fronting the premises.

b. The water distribution system on the premises may be public and owned, maintained, and operated by the city, or it may be private and owned, maintained, and operated by the owner of the premises.

i. The owner of the premises may request the water distribution system be a public system. The Public Works Director may approve the request if the system serves multiple buildings on a premises. If the Public Works Director does not approve a public system, then the system shall be a private water distribution system.

c. If a water distribution system on a premises is publicly owned, maintained and operated by the city:

i. A public water distribution system shall be placed in a dedicated easement in accordance with the easement requirements in the IDCM and Standard Specifications.

ii. Each structure shall have a separate service line with curb stop connected to the public water distribution system. The public water system shall be in a location acceptable to the Public Works Director to provide ease of maintenance and to minimize the length of building service lines.

iii. A single water meter, except as allowed for irrigation, will be furnished by the city for each structure. If the owner desires additional or auxiliary meters within a structure, the owner shall furnish the meters at his or her expense and shall assume all responsibility of maintaining and reading the same. If additional meters are installed, they shall be set downstream of the city meter.

d. For a private water distribution system on a premises:

i. The private water distribution system shall connect to a master meter facility furnished and installed by the owner of the premises. The master meter facility will be owned and maintained by the owner of the premises.

ii. The master meter facility shall be located above ground and shall utilize a high hazard backflow prevention device (RPZ).

iii. The master meter and RPZ shall be in a facility designed to protect the infrastructure from freezing and shall be easily accessible.

iv. The master meter facility may be located within a room of a structure which is not a dedicated meter facility structure, so long as the structure with the master meter facility is the structure closest to the public water main connection and the room is unoccupied and accessible to city personnel. The location of a meter in a structure must be approved by the Public Works Director. After the system runs through the master meter facility, it shall immediately branch out to other structures and shall not continue in the structure to provide individual services before existing the structure. This is the only circumstance where a water distribution system may enter a structure and exit a structure to provide service to other structures on a premise.

v. A master meter facility that is a standalone structure shall be located as close as practical to the connection point to the public water main.

vi. A separate irrigation service and irrigation meter shall be provided. The irrigation service tap shall be made prior to (upstream of) the domestic master meter facility.

vii. The owner of the premises shall remain liable, as a single account consumer, for all water entering the private water distribution system.

e. Mobile home park on a premises:

i. Water service for a premises with a mobile home park shall comply with the provisions for a private water distribution system as described in division B.2.d. above.

ii. Water service shall be obtained by connecting to a city water main fronting the premises.

iii. The owner of the mobile home park premises shall remain liable, as a single account consumer, for all water entering the private water system.

iv. Mobile home parks currently being charged a contracted rate may remain on the contracted rate until notified by the city.

C. Irrigation user, as defined in § 13.04.010. The “irrigation user classification” is utilized for premises that are commercial and industrial users, except as provided in subsection C.2. below. Other user classifications are not allowed to utilize the irrigation user classification.

1. Irrigation service and meters. All irrigation service lines and meters shall be installed in accordance with the IDCM, Standard Specifications and plumbing code.

2. Irrigation only account. A premises that uses city water only for livestock or crop production may have an irrigation user account without having a commercial or industrial user account, provided the water is only used for irrigation or livestock purposes.

3. Irrigation meter enclosures. If a separate irrigation enclosure structure is utilized and the irrigation meter is not located within a room of a structure, then the irrigation meter enclosure shall be located above ground and shall utilize a high hazard backflow prevention device (RPZ). A separate irrigation enclosure structure shall be winterized seasonally. If the water service is utilized more than seasonally, then the meter and RPZ shall be in an enclosure designed to protect the infrastructure from freezing and shall be designed for ease of maintenance and accessibility. Any facility that will not be winterized seasonally requires approval from the Public Works Director.

D. Multi-family residential user, as defined in § 13.04.010. The dwelling units may be in a single structure, in multiple structures, or in a combination of the 2.

1. Each structure shall have a separate curb stop and meter installed, in accordance with the IDCM and Standard Specifications.

2. If the owner desires additional or auxiliary meters within a structure, the owner shall furnish the meters at his or her own expense and shall assume all responsibility of maintaining and reading the same.

3. Irrigation meters, for the irrigation user classification, are not allowed.

4. A water service may not be extended from a structure to another structure once the service has entered a structure.

E. Raw water user, as defined in § 13.04.010. A customer desiring a connection to a city raw water supply shall make such request to the Public Works Director. Raw water connections shall be per the Public Works Director's direction and requirements. The Public Works Director solely has the authority to allow or deny raw water connections. The owner of a premises utilizing a raw water connection shall discontinue service if ordered to do so by the Public Works Director. Upon receipt of such order the owner shall undertake the infrastructure abandonments and disconnects as directed by the Public Works Director.

F. Single-family residential user, as defined in § 13.04.010.

1. The dwelling unit shall have a separate curb stop and meter installed in accordance with the IDCM and Standard Specifications.

2. If the owner desires water service to a detached structure(s) that is not intended to be a dwelling unit or is not occupied in a manner that would constitute being a dwelling unit, then a separate service line with curb stop and meter shall be installed to the detached structure in accordance with the IDCM and Standard Specifications. The second service and meter will be considered as a single-family residential user for account purposes.

3. A service may not be extended from a structure to another structure once the service has entered a structure.

(Ord. 6443 (part), 2020: Ord. 5794 (part), 2012)

CITY OF RAPID CITY

Mayor

Attest

Finance Director

(seal)

First Reading:

Second Reading:

Published:

Effective: