

ORDINANCE No. 2016-1

**AN ORDINANCE RESTRICTING CONNECTIONS TO ALTERNATIVE
WATER SYSTEMS WITHIN THE BOUNDARIES OF
COLONIAL PINE HILLS SANITARY DISTRICT**

BE IT ORDAINED by the Colonial Pine Hills Sanitary District (District) that Pursuant to SDCL § 34A-5-29 an Ordinance restricting connections to alternative water systems within the boundaries of the Sanitary District be and is hereby adopted as follows:

I. Purpose Colonial Pine Hills Sanitary District in determining service, water resources, storage capacity, and distribution system has to project usage under long-term planning which includes analysis of the ability to pay back long-term debt. In order to secure Colonial Pine Hills Sanitary District's ability to maintain service in the area, pay for the storage and existing water system, and plan for long-term development and maintenance of the water system, it is necessary to prevent areas within the District from connecting to alternative water sources. Therefore, any land, building, structure, or water lines within the exterior boundaries of the District are hereby restricted as follows:

- A. Within the exterior boundaries of Colonial Pine Hills Sanitary District, no connection may be made to any water system not owned by the District. All land owners within the exterior boundaries of Colonial Pine Hills Sanitary District must hook up to the Colonial Pine Hills Sanitary District's Water System to obtain water unless granted an exception by the Sanitary District Board as allowed with the Sanitary District ordinances.
- B. Colonial Pine Hills Sanitary District Board may make an exception and permit a land owner to connect to an alternative water system provided the following conditions are met:
 - 1. There is not a District water main within 1,000 feet of the property line and it is deemed impractical by the District to extend the District's main or require the land owner to extend the main or a service line;
 - 2. The connection to the alternative water source will not require a change of District boundaries;
 - 3. The land owner shall continue to pay all District's real property taxes due on land in the District;
 - 4. The land owner will pay a one-time payment equal to ten years of the monthly minimum and of any surcharge currently imposed on District users, at the time of the exception, for the purposes of maintaining the system or paying any system debt for each water connection on the property made to the alternative water service;
 - 5. The connection will be limited to that area that meets all the requirements of this section even if that area is less than the current existing legal description where the connection is taking place; and
 - 6. The District Board determines in its sole discretion allowing the connection is in the best interest of the District.

- C. Anyone seeking to connect to an alternative water system under this exception shall submit a written request to the Board providing information regarding where the connection will be located, what it will be used for, how much water will be used and the proposed dimensions and size of the connection, along with any other information requested by the District Manager. Accompanying the request for the exception will be a nonrefundable Five Hundred Dollar (\$500) permit fee to cover the District's costs to review the application.
- D. If a land owner shall violate this Ordinance, the land owner shall pay a penalty of \$500 and one tenth of the District's residential monthly minimum for every day the violation continues. If the land owner has not remedied the violation within 30 days of receiving notice of the violation, The District may enter onto the property and sever the connection to the alternative water source.
- E. Nothing within this Ordinance shall require the District to pay for improvements to its water system.
- F. This Ordinance shall not apply to restrictions of private wells that are controlled by Ordinance No. 2013-1.

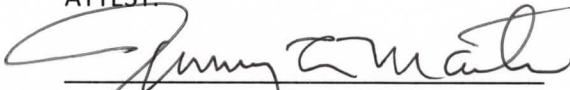
Dated this 19th day of July, 2016

COLONIAL PINE HILLS SANITARY DISTRICT



Edward C. Mills, President of the Board

ATTEST:



Jimmy L. Martin, Finance Officer

(SEAL)

First Reading: June 21, 2016

Second Reading: July 19, 2016

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