

ORDINANCE NO. 749

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 42
OF THE CITY OF BOX ELDER MUNICIPAL CODE

WHEREAS, the City of Box Elder seeks to enhance the clarity and consistency of its ordinances through periodic review; and

WHEREAS, the City of Box Elder has reviewed chapter 42 of its municipal code so that amendments might be made to improve the clarity and consistency of various sections.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the following Sections of Chapter 42 of the City of Box Elder Municipal Code be amended to read as follows (new language shall be indicated by underscore, and language to be deleted shall be indicated by strike-through):

Chapter 42. UTILITIES**ARTICLE I. IN GENERAL****Sec. 42-1. Definitions.**

Utility Bill is the billing statement used by the City of Box Elder for the purposes of billing for water, sanitary sewer, and trash services. Billing and collection procedures shall be identified within Section 42-194 of the municipal code, where the word "Bill" is used, it shall also mean "Utility Bill."

ARTICLE II. SEWER**Sec. 42-30. Billing And Collecting.**

- (a) Bills for sanitary sewer service will be figured in accordance with the city's adopted sanitary sewer rate schedule, except where a customer orders sanitary sewer service turn-off less than one month after sanitary sewer service turn-on. In such cases the minimum bill to the customer for that period shall be equal to the minimum charge for one full month of sanitary sewer.
- (b) The initial or minimum charge as provided in the sanitary sewer rate schedule shall be made for each sanitary sewer service connection, regardless of location.
- (c) Each sanitary sewer service connection will be assigned an individual account by the utility billing department. Each class of sanitary sewer service must be separately billed. All commercial use for business purposes shall be billed separately from any residential use and vice versa, whether now in service or to be installed in the future.
- (d) Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from responsibility for payment.

ARTICLE III. WATER

DIVISION 42-III-5. BILLING AND COLLECTION

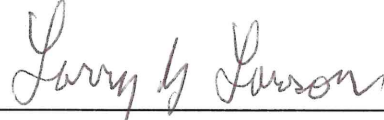
Sec. 42-194. Due Date; Delinquent Account Procedure and Fees.

- (a) *Due date.* Utility Bills are generated on or about the 20th day of each month and payments are due the first day of the following month.
- (b) *Late charges.* All payments for Utility Bills must be received by the city on or before close of business 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 close of business on the next scheduled business day.
- (c) *Delinquent account; notice to customer.* A customer's Utility Bill will be deemed delinquent by close of business on the 15th of the month in which the second consecutive monthly bill is due if neither bill has been paid. The city shall issue delinquency notices by mail on the 16th of the month and include the total amount due and the date water service will be suspended if payment is not received by close of business on the 27th of the month.
- (d) *Administrative service fee.* If payment is not received by close of business on the 27th of the month, an administrative service fee shall be assessed according to the Master Fee Schedule and the water service account placed on the shut-off list. 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.
- (e) *Suspension of service for nonpayment.* Payment must be received by 7 a.m. of the day water services are scheduled to be shut-off, per their delinquency notice, in order to avoid termination of services.
- (f) *Amount due to re-establish service.* After water service has been suspended for nonpayment, service will not be reinstated until all utility 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 utility services, 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 water service has been suspended.
- (g) *Unpaid water bills become lien on property.* Unpaid utility bills shall become a lien or property tax assessment upon the property for which utility services are provided, and such bill and lien shall be enforceable against the owner of the property. The property owner shall receive notice of an unpaid utility bill by the tenant after it is due.
- (h) *Reconnection during business hours only.* Accounts that have been turned off for nonpayment will be turned on during normal business hours only, unless otherwise authorized by the public works director.
- (i) *Monthly services fees continue during suspension of service.* Monthly service fees will continue to be assessed even after service is suspended due to nonpayment.
- (j) *Delinquent tenant; notice and billing to property owner.* If the account holder and the property owner are not the same person and the account holder becomes delinquent on three consecutive occasions, a notice and final bill will be sent to the account holder and the property owner. At the end of the then current billing cycle, the account will be transferred into the property owner's name and will become the property owner's obligation.
- (k) *Effect of failure to receive bills or notice.* Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from their responsibility for payment.

- (l) *Utility collection procedure and policy.* The finance officer shall develop an administrative utility collection procedure policy to implement procedures provided in this section.

PASSED AND APPROVED ON FIRST READING this 5 day of March, 2024.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 19 day of March, 2024.

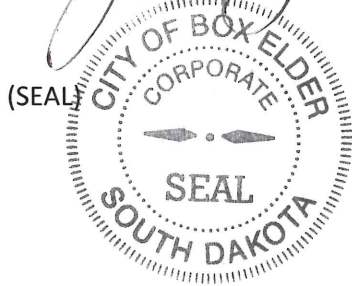


Larry Larson, Mayor

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 on: March 28, 2024 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: April 16, 2024.



Chaz Kokesh, City Clerk