

ORDINANCE 5498

AN ORDINANCE TO REVISE THE TERMS AND CONDITIONS FOR CITY PARTICIPATION IN THE COST OF BRINGING PRIVATE NONCONFORMING WATER AND SEWER SERVICE LINES UP TO CURRENT STANDARDS BY AMENDING SECTIONS 13.06.010 AND 13.06.020 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City recognizes that many existing water and sewer service lines do not meet the current City standard for a number of reasons; and

WHEREAS, the City of Rapid City enacted Ordinance 5388 to codify the City's policy of assisting landowners in the City who have nonconforming private water and sewer lines; and

WHEREAS, the City of Rapid City has had a number of requests from landowner's for additional financial participation by the City in bringing existing nonconforming service lines up to current standards; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City to revise the City's ordinance to upgrade water and sewer service lines.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Sections 13.06.010 and 13.06.020 of the Rapid City Municipal Code are hereby amended to read as follows:

13.06.010 Application to nonconforming service lines only

The provisions of this chapter shall only apply to ~~City funded assessed~~ projects in cases where an existing private water or sewer service line does not conform to the current standards for the laying of service lines ~~and the assessed project will benefit three or more current utility customers.~~

13.06.020 Determination of financial participation by the city

A. Upon either the presentation to the City of a petition for ~~an assessed a~~ project improvement or upon the determination of the Rapid City Common Council that new service lines are necessary and that the City shall undertake ~~an assessed a~~ project to correct the nonconforming service line, the City shall provide a portion of the funding for the replacement of the nonconforming service line as follows:

1. For a service line that existed prior to January 1, 1970, the City shall pay seventy percent (70%) and the landowner shall pay thirty percent (30%) of the proportionate share of the cost of replacing the service line.

2. For all other qualifying service lines that did not exist prior to January 1, 1970, the City shall pay ~~forty~~ fifty percent (~~40~~50%) and the landowner shall pay ~~sixty~~ fifty percent (~~60~~50%) of the proportionate share of the cost of replacing the service line.

B. Notwithstanding subsections ~~(A)(1&2)~~ (A)(1) and (A)(2) of this section, the City's total participation shall not exceed ~~seven~~ ten thousand dollars (\$710,000.00) per lot. All costs exceeding ~~seven~~ ten thousand dollars (\$710,000.00) per lot shall be the responsibility of the landowner.

C. For purposes of this section, a private service line shall be deemed to exist as of the date of approval of a final plat for the lot or lots served by the service line.

D. This ordinance shall not apply to properties that received final plat approval after January 1, 2007.

E. This ordinance shall not apply in cases where current or previous property owners have executed a waiver of right to protest or covenant agreement relating to nonconforming service lines.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: