

ORDINANCE #5388

AN ORDINANCE TO ADOPT A POLICY FOR THE CITY TO PARTICIPATE IN THE COST OF BRINGING PRIVATE NONCONFORMING WATER AND SEWER SERVICE LINES UP TO CURRENT STANDARDS BY ADDING A NEW CHAPTER TO TITLE 13 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the standards for the materials, location and construction of water and sewer service lines within the City of Rapid City have changed significantly over time; and

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 customers served by private nonconforming water and sewer service lines have contributed to the costs of operating the water and sewer utilities through the fees paid to the City; and

WHEREAS, the City of Rapid City currently has had a policy of assisting landowners in the City who have nonconforming private 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 City of Rapid City recognizes that many landowners may not be aware that their property is served by a private nonconforming service line; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City to formalize in ordinance form the City's approach to upgrading water and sewer service lines.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that the Rapid City Municipal Code is hereby amended by adding a new chapter to Title 13 to read as follows:

Chapter 13.06 Private Water and Sewer Service Lines

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 a 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 project or upon the determination of the Rapid City Common Council that new service lines are necessary and that the City shall undertake an assessed project, 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 a service line that did not exist prior to January 1, 1970, the City shall pay forty percent (40%) and the landowner shall pay sixty percent (60%) of the proportionate share of the cost of replacing the service line.

B. Notwithstanding subsections (A)(1&2) of this section, the City's total participation shall not exceed seven thousand dollars (\$7,000.00) per lot. All costs exceeding seven thousand dollars (\$7,000.00) 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.

13.06.030 Location and notification of nonconforming service lines

The Public Works Department shall determine the location of all private service lines within the city limits by December 31, 2008 and compile a list of properties so served. The list shall be maintained in the Finance Office and be open to public inspection during normal business hours. Upon determining that a lot is served by a private service line, the Public Works Director shall notify the owner of record of the property as shown by the current county records by first class mail of the private nonconforming nature of the service line. Upon completion of a project that corrects the nonconforming nature of the service line, the property served shall be removed from the list by the Finance Officer.

13.06.040

The Public Works Department shall develop criteria for prioritizing the private nonconforming service lines for upgrade. The criteria shall be presented to the Council for approval by resolution. Upon approval, the Public Works Department shall establish a priority list based upon the approved resolution. The priority list shall be maintained by the Public Works Department and an updated copy shall be available for public inspection in the Finance Office.

13.06.040 Subsequently created nonconforming lines not covered

Nonconforming service lines that are created after the enactment of this ordinance shall not be covered by the provisions of this chapter and the landowner shall be solely responsible for the maintenance and replacement of such nonconforming service lines.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: