

**Renner Sanitary District
Resolution 2020-01**

A RESOLUTION TO AUTHORIZE THE EXECUTION, DELIVERY AND PERFORMANCE OF ITS OBLIGATIONS UNDER A CONSOLIDATED WATER FACILITIES CONSTRUCTION PROGRAM GRANT

Whereas, Renner Sanitary District has identified the need for repair as and updates for the sewer system serving the Renner area, Minnehaha County, South Dakota;

Whereas, the Sanitary District is eligible to apply for a Consolidated Water Facilities Construction Program grant to provide funding assistance concerning the proposed project; and

NOW, THEREFORE BE IT RESOLVED that with the submission of the grant application, Renner Sanitary District assures and certifies that all grant program requirements will be fulfilled.

AND BE IT FURTHER RESOLVED that Erick Anderson, President ,Board of Trustees, and /or Roger Scheibe, Clerk of the District, or SECOG are hereby designated as the certifying officers to execute any and all documents necessary to fulfill the grant requirements and to secure the performance of the District's obligations under the Grant Agreement, correspondence and other required documents necessary as a result of this grant award.

This resolution is effect immediately upon passage.

Adopted at Renner, South Dakota this 18th day of February, 2020.

Approved:

Renner Sanitary District

By

Erick Anderson, President

Attest:

Roger Scheibe, Clerk

Adopted: February 18, 2020

Approved: February 18, 2020

RESOLUTION 2019-02

RESPONSIBILITY OF LATERAL LINE TO TAP OF SEWER LINE

WHEREAS, the By-Laws of Renner Sanitary District (RSD) provides that the Board of Trustees can determine policy regarding ownership of lateral lines.

WHEREAS, the By-Laws determine that the owner of each house, building or property used for human occupancy, employment, recreation or other purposes, in Renner Sanitary District shall at the owner's expense install suitable toilet facilities therein, and connect the facilities directly with the proper public sewer in accordance with the instructions of Renner Sanitary District.

NOW, THEREFORE, BE IT RESOLVED THAT Renner Sanitary District considers the "connection" or service line from the building to the main (generally located in the center of the street) "private property". Property owners are required to operate and maintain their private property.

Adopted by the Board of Trustees on November 19, 2019.

Roger Scheibe (2022)

Nancy Rasmussen (2020)

Erick Anderson (2021)

Judy Peltier, District Treasurer & Clerk

RESOLUTION 2019-01

ESTABLISHING THE SEWER RATES FOR THE NEXT PERIOD

WHEREAS, the By-Laws of Renner Sanitary District (RSD) provides that the Board of Trustees determine the sewer rates of said RSD, and

WHEREAS, the Trustees have reviewed the operating expenses and assets of said RSD, and

NOW, THEREFORE, BE IT RESOLVED THAT the monthly sewer rates be moved to \$71 per port per month until such time as said Board determines a change.

Adopted by Board of Trustees on September 20, 2019.

Roger Scheibe (2019)

Nancy Rasmussen (2020)

Erick Anderson (2021)

Judy Peltier, District Treasurer & Clerk

RESOLUTION NO. 2020-02

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,
AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND
DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT
REQUESTS.

WHEREAS, Renner Sanitary District (the "District") has determined it is necessary to
proceed with improvements to its Wastewater System, including but not limited to Wastewater
System Improvements (the "Project"); and

WHEREAS, the District has determined that financial assistance will be necessary to
undertake the Project and an application for financial assistance to the South Dakota Board of
Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and
submit the Application on behalf of the District and to certify and sign payment requests in the
event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the District as follows:

1. The District hereby approves the submission of an Application for financial assistance
in an amount not to exceed \$2,125,000 to the South Dakota Board of Water and Natural
Resources for the Project.
2. The District President or District Clerk is hereby authorized to execute the Application
and submit it to the South Dakota Board of Water and Natural Resources, and to execute and
deliver such other documents and perform all acts necessary to effectuate the Application for
financial assistance.
3. The District President or District Clerk is hereby designated as the authorized
representative of the District to do all things on its behalf to certify and sign payment requests
in the event financial assistance is awarded for the Project.

Adopted at Renner, South Dakota, this 12 day of March 2020.

APPROVED:



President
Renner Sanitary District

(Seal)

Attest:



Clerk

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A RESOLUTION TO AUTHORIZE THE EXECUTION, DELIVERY AND PERFORMANCE OF ITS OBLIGATIONS UNDER A CONSOLIDATED WATER FACILITIES CONSTRUCTION PROGRAM GRANT

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Ordinance No. 2013-2

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2013-2**

Ordinance No. 1

**AN ORDINANCE AUTHORIZING THE CONSTRUCTION
OF A SEWAGE COLLECTION AND DISPOSAL SYSTEM,
AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY
THE COST THEREOF**

ORDINANCE NO. 1

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF A SEWAGE COLLECTION AND DISPOSAL SYSTEM, AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COST THEREOF

BE IT ORDAINED by the Board of Trustees of Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. It is hereby found and determined that it is necessary and expedient and in the best interests of the District that there be constructed in and for the District a system for the collection, treatment and disposal of sewage and other domestic, commercial, and industrial wastes, such system to be owned and operated by the District as a public utility, all pursuant to and in accordance with the provisions of SDCL 1967, Chapters 34-17 and 9-40.

Section 2. Pursuant to said Chapter 9-40 and subject to the prior approval of this ordinance by the favorable vote of not less than 60% of the qualified electors voting on such proposition, the District shall issue its negotiable coupon revenue bonds in an amount not to exceed \$175,000, to bear interest at a rate or rates not to exceed 8% per annum, payable semiannually, for the purpose of providing moneys to defray the cost of such improvement and undertaking.

Section 3. At or before the issuance of said bonds the Board of Trustees shall by further ordinances or resolutions set aside, appropriate and pledge the income and revenues of said utility into a separate and special fund or funds in accordance with the provisions of said Chapter 9-40, to be used solely for the payment of reasonable and current expenses of maintenance, repairs, replacements and operation of said utility, and to provide net income or revenues, in excess of the foregoing charges, from which net revenues there shall be paid, as a first and prior lien thereon, the principal of and interest on the bonds herein authorized and any additional revenue bonds which may be hereafter issued in accordance with law and in accordance with such limitations as shall be established by the Board for the security of the present issue; and the remainder of said net income or revenues on hand, from time to time may be transferred, as directed by the Board, to a depreciation account to be used for any improvements, extensions or additions to said utility, or for the redemption prior to maturity of bonds which constitute a lien upon the earnings of the utility, or may be transferred to other funds of the District in the

manner and to the extent permitted by law and by the ordinances and resolutions relating to the bonds herein authorized; and said Board shall also provide, by ordinance or resolution duly adopted after approval of this ordinance by the electors, any such further lawful provisions and stipulations for the proper operation and maintenance of said utility and the administration of the income and revenues therefrom, and for the security of holders of said revenue bonds, as the Board shall deem necessary, and shall fix and determine the form and details of said bonds and sell the same in such manner and upon such terms as the Board shall deem for the best interests of the District.

Section 4. Said revenue bonds shall not constitute an indebtedness of the District within the meaning of any constitutional or statutory provision or limitation, and shall be payable solely from the net revenues or income of said utility as so extended and improved, and the taxing power of the District shall never be used for the payment of the principal of and interest on said bonds, and no other funds or revenues or property of the District shall ever be used to pay said bonds or interest thereon except as may be otherwise provided by law.

Section 5. It is hereby found and determined that there are no outstanding bonds or other obligations of the District issued for the construction or improvement of said utility or payable from the revenues thereof.

Passed first reading: April 17, 1972

Passed second reading: April 24, 1972

Published: April 28, 1972 and May 5, 1972

Approved:

/S/ DANIEL D. HANSEN, District President

ATTEST: /S/ SHARON W. WOLD, District Clerk

Ordinance No. 2

**AN ORDINANCE PROVIDING APPROPRIATIONS
AND LEVYING THE PROPERTY TAX FOR THE FISCAL
YEAR ENDING DECEMBER 31, 1974 FOR THE
RENNER SANITARY DISTRICT**

ORDINANCE NO. 2

**AN ORDINANCE PROVIDING APPROPRIATIONS AND LEVYING THE PROPERTY
TAX FOR THE FISCAL YEAR ENDING DECEMBER 31, 1974 FOR THE
RENNER SANITARY DISTRICT**

BE IT ORDAINED by the Board of Trustees of the Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. That the following sums of money are hereby appropriated and taxes levied upon all taxable property within the Renner Sanitary District for the purpose of providing funds to meet all lawful expenses and liabilities of said city for the fiscal year ending December 31, 1974:

Legal services	\$950.00
Publication and printing fees	90.00
Election costs	55.00
Bond for Treasurer	75.00
Postage and office supplies	200.00

Section 2. The Clerk of said District is hereby authorized and directed to certify the said tax to the County Auditor of Minnehaha County, South Dakota, so that the same may be spread and assessed as provided by law, and the Treasurer shall credit tax received to the various funds as shown by this ordinance.

First reading: October 18, 1973.

Second reading and unanimous adoption: October 25, 1973.

Approved:

/S/ DANIEL D. HANSEN, District President

ATTEST: /S/ SHARON W. WOLD, District Clerk

Ordinance No. 3

**AN ORDINANCE PROVIDING APPROPRIATIONS
AND LEVYING THE PROPERTY TAX FOR THE FISCAL
YEAR ENDING DECEMBER 31, 1975, FOR THE
RENNER SANITARY DISTRICT**

ORDINANCE NO. 3

**AN ORDINANCE PROVIDING APPROPRIATIONS AND LEVYING THE PROPERTY
TAX FOR THE FISCAL YEAR ENDING DECEMBER 31, 1975, FOR THE
RENNER SANITARY DISTRICT**

BE IT ORDAINED by the Board of Trustees of the Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. That the following sums of money are hereby appropriated and taxes levied upon all taxable property within the Renner Sanitary District for the purpose of providing funds to meet all lawful expenses and liabilities of said city for the fiscal year ending December 31, 1975:

Legal services	\$850.00
Publication and printing fees	90.00
Election costs	55.00
Bond for Treasurer	91.00
Postage and office supplies	200.00

Section 2. The Clerk of said District is hereby authorized and directed to certify the said tax to the County Auditor of Minnehaha County, South Dakota, so that the same may be spread and assessed as provided by law, and the Treasurer shall credit tax received to the various funds as shown by this ordinance.

First reading: September 6, 1974.

Second reading and unanimous adoption: September 13, 1974.

Approved:

/S/ HAROLD D. BRUHN, District President

ATTEST: /S/ SHARON W. WOLD, District Clerk

Ordinance No. 4

**AN ORDINANCE PROVIDING APPROPRIATIONS
AND LEVYING THE PROPERTY TAX FOR THE FISCAL
YEAR ENDING DECEMBER 31, 1976, FOR THE
RENNER SANITARY DISTRICT**

ORDINANCE 4

AN ORDINANCE PROVIDING APPROPRIATIONS AND LEVYING THE PROPERTY TAX FOR THE FISCAL YEAR ENDING DECEMBER 31, 1976, FOR THE RENNER SANITARY DISTRICT

BE IT ORDAINED by the Board of Trustees of the Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. That the following sums of money are hereby appropriated and taxes levied upon all taxable property within the Renner Sanitary District for the purpose of providing funds to meet all lawful expenses and liabilities of said city for the fiscal year ending December 31, 1976:

Engineering Services	\$1,000.00
Legal services	850.00
Publication and printing fees	90.00
Election costs	55.00
Bond for Treasurer	91.00
Postage and office supplies	200.00

Section 2. The Clerk of said District is hereby authorized and directed to certify the said tax to the County Auditor of Minnehaha County, South Dakota, so that the same may be spread and assessed as provided by law, and the Treasurer shall credit tax received to the various funds as shown by this ordinance.

First reading: September 2, 1975

Second reading and unanimous adoption: September 9, 1975

Approved:

/S/ HAROLD D. BRUHN, District President

ATTEST: /S/ GLADYS E. BRUHN, District Clerk

Ordinance No. 5

**AN ORDINANCE PROVIDING APPROPRIATIONS
AND LEVYING THE PROPERTY TAX FOR THE FISCAL
YEAR ENDING DECEMBER 31, 1977, FOR THE
RENNER SANITARY DISTRICT**

ORDINANCE NO. 5

**AN ORDINANCE PROVIDING APPROPRIATIONS AND LEVYING THE PROPERTY
TAX FOR THE FISCAL YEAR ENDING DECEMBER 31, 1997 FOR THE
RENNER SANITARY DISTRICT**

BE IT ORDAINED by the Board of Trustees of the Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. That the following sums of money are hereby appropriated and taxes levied upon all taxable property within the Renner Sanitary District for the purpose of providing funds to meet all lawful expenses and liabilities of said city for the fiscal year ending December 31, 1977:

Engineering Services	\$2,500.00
Legal Services	500.00
Publication and Printing Fees	90.00
Election Costs	55.00
Bond for Treasurer	91.00
Postage and Office Supplies	200.00
Clerical Services	300.00

Section 2. The Clerk of said District is hereby authorized and directed to certify the said tax to the County Auditor of Minnehaha County, South Dakota, so that the same may be spread and assessed as provided by law, and the Treasurer shall credit tax received to the various funds as shown by this ordinance.

First reading: September 14, 1976.

Second reading and unanimous adoption: September 21, 1976

Approved:

/S/ HAROLD D. BRUHN, District President

ATTEST: /S/ GLADYS E. BRUHN, District Clerk

Ordinance No. 6

**AN ORDINANCE AUTHORIZING THE ERECTION,
CONSTRUCTION, ACQUISITION AND OPERATION
OF A SEWAGE COLLECTION SYSTEM, AND THE
ISSUANCE OF REVENUE BONDS TO DEFRAY THE
COST THEREOF**

ORDINANCE NO. 6

AN ORDINANCE AUTHORIZING THE ERECTION, CONSTRUCTION, ACQUISITION AND OPERATION OF A SEWAGE COLLECTION SYSTEM, AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COST THEREOF

BE IT ORDAINED by the Renner Sanitary District, Minnehaha County, South Dakota:

Section 1. It is hereby found and determined that it is necessary and expedient and in the best interests of the District that the District erect, construct, acquire and operate a sewage collection system (the System), consisting of mains, connectors, lift stations and necessary appurtenances. The proposed System is to be acquired pursuant to the provisions of S.D.C.L., Chapters 9-40 and 34A-5.

Section 2. Pursuant to the statutory authority described above, and subject to the prior approval of this ordinance by the favorable vote of not less than 60% of the qualified electors voting on such proposition, the District shall issue its negotiable revenue bonds (the Bonds) in an amount not to exceed \$280,000, to bear interest at a rate or rates not to exceed the statutory maximum of 8% per annum, payable semiannually, for the purpose of providing moneys to defray the cost of the erection, construction and acquisition of the System as described in Section 1.

Section 3. At or before the issuance of the Bonds the Board of Trustees shall by further ordinance or resolution set aside, appropriate and pledge the income and revenues of the System into a separate and special fund or funds in accordance with the provisions of S.D.C.L., Chapters 9-40 and 34A-5, to be used solely for the payment of reasonable and current expenses of maintenance, repairs, replacements and operations of the System, and to provide net income or revenues, in excess of the foregoing charges, from which net revenues there shall be paid, as a first and prior lien thereon, the principal of and interest on the Bonds and any additional revenue bonds which may be hereafter issued in accordance with law and in accordance with such limitations as shall be established by the Board of Trustees for the security of the Bonds; and the remainder of said net income or revenues on hand from time to time may be transferred, as directed by the Board of Trustees, to a depreciation account to be used for any improvements, extensions or additions to the System, or for the redemption prior to maturity of bonds which constitute a lien upon the earnings of the System, or may be transferred to other funds of the District in the manner and to the extent permitted by law and by ordinances and resolutions

relating to the Bonds; and the Board of Trustees shall also provide, by ordinance or resolution duly adopted after approval of this ordinance by the electors, any such further lawful provisions and stipulations for the proper operation and maintenance of the System and the administration of the income and revenues therefrom, and for the security of holders of the Bonds, as the Board of Trustees shall deem necessary, and shall fix and determine the form and details of the Bonds and sell the same in such manner and upon such terms as the Board of Trustees shall deem for the best interests of the District.

Section 4. The Bonds shall not constitute an indebtedness of the District within the meaning of any constitutional or statutory provision or limitation, and shall be payable solely from the net revenues or income of the System as so constructed, and the taxing power of the District shall never be used for the payment of the principal of and interest on the Bonds, and no other funds or revenues or property of the District shall ever be used to pay the Bonds or interest thereon except as may be otherwise provided by law.

Section 5. It is hereby found and determined that there are no outstanding bonds or other obligations of the District issued for the construction of the System or payable from the revenues thereof.

Section 6. This ordinance is necessary for the immediate support of the municipal government and its existing public institutions, wherefore this ordinance shall take effect upon its passage and publication.

Passed First Reading: 5-30-79

Passed Second Reading: 6-12-79

Published on: June 20, 1979 and June 27, 1979

Approved:

/S/ RICHARD E. SORUM, District President

ATTEST: /S/ SANDRA SORUM, District Clerk

Ordinance No. 80-1

**AN ORDINANCE REGULATING THE USE OF
THE DISTRICT SEWER SYSTEM IN RENNER
SANITARY DISTRICT, ESTABLISHING CHARGES
FOR THE USE THEREOF, AND PENALTIES FOR
VIOLATION THEREOF**

ORDINANCE NO. 80-1

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

**SECTION 1
DEFINITIONS**

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- g. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or

other place of disposal.

j. "Person" means an individual, corporation (public or private), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

SECTION 2

USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct

or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$25.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with cast iron within five feet of the building and with vitrified stoneware or polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer

shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVI CE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$14.00 per month
Locker Plant	(5x)	\$70.00 per month
Steak House	(10x)	\$140.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$14.00 per month. Non-residential users with flows no greater than the average residential user's flow of 7,000 gallons per month and with BOD and SS no greater than the average residential user's strength of 200 mg/l BOD and 250 mg/l SS will pay the same charge of \$14.00 per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge of \$2.00 per 1,000 gallons per month for all flows greater than the average greater residential user's flow of 7,000 gallons per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/l BOD and 250 mg/l SS will pay a surcharge in accordance with the rate shown in the surcharge rate structure (Appendix A).

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; he will receive payment of bills and give receipts therefor.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any land within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the city of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

i. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

SECTION 5 USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection

is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or In any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6 OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7 PENALTIES

a. Violation of any of the provisions of Section 2, 3 and 5 of this ordinance shall constitute a misdemeanor and violators shall be fined not in excess of \$100.00 for each violation. Conviction shall not preclude civil liability to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the District sewer system. Any person convicted of a violation hereof shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$100.00 for each violation.

Approved:

/S/ RICHARD SORUM, District President

Passed first reading: January 10, 1980

Passed second reading: January 30, 1980

Approved: January 30, 1980

Published: February 5, 1980

ATTEST: /S/ SANDRA K. SORUM, District Clerk

Ordinance No. 82-1

**AN ORDINANCE REGARDING THE DISTRICT'S
SEWER PERMIT FEE, AND THE DISTRICT'S
SEWER SYSTEM MONTHLY SERVICE FEE**

ORDINANCE No. 82-1

**AN ORDINANCE REGARDING THE DISTRICT'S SEWER PERMIT FEE,
AND THE DISTRICT'S SEWER SYSTEM MONTHLY SERVICE FEE**

BE IT ORDAINED by the Board of Trustees of Renner Sanitary District, Minnehaha County, South Dakota:

1. Effective November 1, 1982, the sewer permit fee referred to in Ordinance No. 80-1 of the district shall be \$200.00 for the owner of every residence, business or industrial building within the district abutting upon any street or alley in which the public sewer mains are maintained, provided the public sewer main is within 200 feet of the owner's property line, provided, however, that if the owner gained his or her ownership interest after November 1, 1981, the sewer permit fee shall be as established as in Ordinance No. 80-1.

2. Effective November 1, 1982, the district will charge the user, as that term is defined in Ordinance No. 80-1, of each premises located within the district abutting upon any street or alley in which public sewer mains are maintained, provided that the public sewer main is within 200 feet of the property line, a monthly sewer availability fee of \$14.00 per month.

Passed First Reading: August 30, 1982

Passed Second Reading: September 14, 1982

Approved: September 14, 1982

Published on: September 14, 1982

Approved:

/S/ RICHARD E. SORUM, District President

ATTEST: /S/ SHAROLYN E. JONES, District Clerk and Finance Officer

**Amendment to
Ordinance No. 80-1**

CHANGES IN ORDINANCE 80-1

MINUTES OF A SPECIAL MEETING OF
BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT
MINNEHAHA COUNTY, SOUTH DAKOTA

A special meeting of the Board of Trustees of Renner Sanitary District was held at the District Office in Renner, South Dakota on March 5, 1990, at 7:00 o'clock p.m.. The following Board Members were present: Ron Pittenger, Kenneth Buthe and Chuck Berg. On motion duly made by Chuck berg and seconded by Kenneth Buthe and carried, the following Resolution was adopted:

CHANGES IN ORDINANCE NO. 80-1

BE IT RESOLVED by the Board of Trustees of Renner Sanitary District, Minnehaha County, South dakota, as follows:

1. Section 2, Paragraph (d) In our Ordinance No. 80-1, which reads as follows:

The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided that the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

Be it amended, in accordance with SDR 74:03:01:44, and hereby amended by the repeal of a portion of paragraph (d) to read as follows:

The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 400 feet of the home, trailer court, commercial establishment, business park or institution. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

On motion duly made by Ron Pittenger and seconded by Chuck Berg and carried, the following Resolution was adopted:

CHANGES IN USER RATES REGARDING FLOW

2. That in the event of excessive precipitation or excessive ground water entering the sewer system we will assess every user in the District an additional charge as required to cover the higher rates that we would have to pay to Sioux Falls for excessive flow.

Approved: Ronald Pittenger

District president

Passed First Reading march 5, 1990
Passed Second Reading march 13, 1990
Approved march 13, 1990
Published April 11, 1990

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }

SS.

COUNTY OF MINNEHAHA }

M. Devish being duly sworn, says: That the Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday the 11 day of April, 1990,

Wednesday the 18 day of April, 1990,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

and that 74.80 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me April 18, 1990.

Nancy A. Buckley
Notary Public, South Dakota

MINUTES OF A SPECIAL MEETING OF BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT - MINNEHAHA COUNTY, SOUTH DAKOTA

A special meeting of the Board of Trustees of Renner Sanitary District was held at the District Office in Renner, South Dakota on March 5, 1990, at 7:00 o'clock p.m.. The following Board Members were present: Ron Pittenger, Kenneth Buthe and Chuck Berg. On motion duly made by Chuck Berg and seconded by Kenneth Buthe and carried, the following Resolution was adopted:

CHANGES IN

ORDINANCE NO. 80-1

BE IT RESOLVED by the Board of Trustees of Renner Sanitary District, Minnehaha County, South Dakota, as follows:

1. Section 2, Paragraph (d) in our Ordinance No. 80-1, which reads as follows:

The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer, to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided that the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

Be it amended, in accordance with SDR 74-03:01:44, and hereby amended by the repeal of a portion of paragraph (d) to read as follows:

The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 400 feet of the home, trailer court, commercial establishment, business park or institution. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

On motion duly made by Ron Pittenger and seconded by Chuck Berg and carried, the following Resolution was adopted:

CHANGES IN USER RATES REGARDING FLOW

2. That in the event of excessive precipitation or excessive ground water entering the sewer system we will assess every user in the District an additional charge as required to cover the higher rates that we would have to pay to Sioux Falls for excessive flow.

Approved: Ronald E. Pittenger
District president

Passed First Reading

March 5, 1990

Passed Second Reading

March 13, 1990

Approved March 13, 1990

Published April 11, 1990

485

Apr. 11, 18, 1990

Ordinance No. 95-1

**AN ORDINANCE REGULATING THE FEES FOR
NEW HOOK-UPS OF RENNER SANITARY DISTRICT.**

The Renner Sanitary District Board of Trustees met in a special meeting on April 7, 1995 at 6:30 pm at the District Office.

Present: Kenny Buthe, Betty Miller, Deb Kurtz and Clerk Gloria Hanson.

Absent: None

After some discussion Betty Miller made a motion to enact Ordinance No. 95-01 which reads as follows:

ORDINANCE NO. 95-01

AN ORDINANCE REGULATING THE FEES FOR NEW HOOK-UPS OF
RENNER SANITARY DISTRICT,
BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT,
MINNEHAHA COUNTY, SOUTH DAKOTA:

"THAT THE FUTURE HOOKUPS OF SAID DISTRICT SHALL BE CHARGED
A SUM OF TWO HUNDRED FIFTY DOLLARS (250.00)."

For additional information contact:

Gloria Hanson, Secretary, Renner Sanitary District
25772 475th Avenue, Renner, South Dakota 57055
(605) 330-4189

Kenny Buthe seconded it, motion carried by Deb Kurtz.

As there being no further business, Deb made a motion to adjourn and
Betty seconded it, Motion carried.

Gloria Hanson, Clerk

Ordinance No. 01-1

AMENDMENT NO. 1 TO AGREEMENT

Agreement No. 96-0265
Purchase Order No. NA
Project Estimate _____
Dept. No. _____
CIP No. NA
City Dept. _____
Attorney's Office _____
Budgeting/Purchasing [Signature]

AMENDMENT NO. 1 TO AGREEMENT

Agreement made July 13, 2001, between the City of Sioux Falls, South Dakota, (the "City"), and Renner Sanitary District, (the "District").

The parties agree to amend the agreement dated September 9, 1996, and filed as City Agreement No. 96-0265 by adjusting the sewer use charges:

Part I., Section 2. The base rental shall be changed to \$1.12 per 1000 gallons

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

[Signature]
MAYOR

[Signature]
President, Board of Trustees
Renner Sanitary District

ATTEST:

[Signature]
City Clerk



Ordinance No. 04-02

**AN ORDINANCE OF THE RENNER SANITARY
DISTRICT ESTABLISHING PROCEDURES FOR
SEWER BACKUP, HEALTH EMERGENCIES AND
EXEMPTING SEWER CLEAN-UP SERVICES
FROM COMPETITIVE BIDDING REQUIREMENTS**

Date Adopted _____
Date Published _____
Effective Date _____

ORDINANCE NO 04-02

AN ORDINANCE OF THE RENNER SANITARY SEWER DISTRICT ESTABLISHING PROCEDURES FOR SEWER BACKUP, HEALTH EMERGENCIES AND EXEMPTING SEWER CLEAN UP SERVICES FROM COMPETITIVE BIDDING REQUIREMENTS.

BE IT ORDAINED BY THE RENNER SANITARY SEWER DISTRICT:

Section 1. That the Ordinances of the Renner Sanitary Sewer District, are hereby amended by adding the following sections to read:

Section 2. Sewer Backups.

- (a) If a sewer backup in any property in the sanitary district is caused by a malfunction or hydraulic overload of the District's sanitary sewer collection system, and causes an emergency constituting an immediate threat to the health and safety of its citizens, the sanitary district shall eliminate the health emergency as follows:
 - (1) The district is hereby authorized to declare a sanitary sewer health emergency.
 - (2) Any property owner or occupant shall notify the district immediately upon the discovery of a sanitary sewer backup.
 - (3) Upon notification to the district, the district or its designee shall inspect the premises and determine if a health emergency exists.
 - (4) If a health emergency is declared by the district or its designee, and the district determines that the backup is not caused by the private service line, the district will contract for clean up and disinfection to eliminate the public health emergency. In lieu thereof, the district will reimburse any insured party for any insurance deductible paid for clean up and disinfection services performed according to district standards by a district approved sewer clean up service. Notwithstanding state law or contracts, the district may contract for such clean up upon the issuance of a health emergency declaration by resolution of the district.
 - (5) The owner or occupant shall, prior to the district performing any work, hold the district harmless from any damages that might occur during the work and give written authority to enter the premises to perform the work and to inspect the premises after the work has been performed. The owner or occupant shall also assign to the district any claim it has for recovery of costs to eliminate the health hazard.
- (b) Any contractor performing work for the district that results in a sanitary sewer health emergency shall reimburse the district for the cost of the clean up.

- (c) The district shall not be responsible for any costs associated with the following:
- (1) Damage to personal or real property associated with any sewer backup.
 - (2) Sewer backups caused within any sanitary sewer service (private) line.
 - (3) Sewer backups caused by flood or other catastrophic acts of God.

Section 3. Retroactive Application of Sewer Backup Reimbursement.

The district may reimburse a property owner or occupant for the cost or the insurance deductible paid for clean up and disinfection services for health emergencies occurring after 1 April 2004, and before the date of this ordinance in such backup arose out of or was caused by a malfunction or hydraulic overload of the district's sanitary collection systems as a result of work on a district public works contract. The procedures and requirements of Section 2 as may be applicable and including any applicable indemnity provisions inuring to the benefit of the district, shall also apply for any claim for reimbursement under this section. In lieu of inspection of the property, any retrospective determination of a health emergency may be made by the district or its designee and issued pursuant to a review of documents submitted by an applicant and/or district records. The provisions of this section are repealed as of December 31, 2004, and the district shall accept no claims under this section after that date.

Section 4. That the Revised Ordinances of Renner Sanitary District are hereby amended to read:

"Items exempt from competitive bidding."

The district may purchase or lease sewer clean up services, as defined by SDCL 1-22-9, chemical products, biological products, laboratory apparatus and appliances, library books, medical supplies, lubricating oils and grease, snow removal services, personal computers, telecommunication equipment, peripheral computer hardware, printers, networking components, software, and associated wiring without advertising for competitive bids.

Date adopted _____

President

ATTEST:

Clerk

AFFIDAVIT OF PUBLICATION-

Customer Number: 127004

RENNER SANITARY

Invoice Number: P12061

Prairie Publications

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Beth Buchanan being duly sworn, says: That the **Dell Rapids Tribune** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Dell Rapids, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 16 day of June 2004 ,

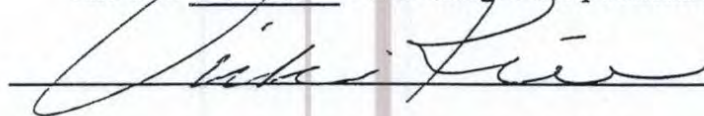
Wednesday, the 23 day of June 2004 ,

_____, the _____ day of _____ 2004 ,

_____, the _____ day of _____ 2004 ,

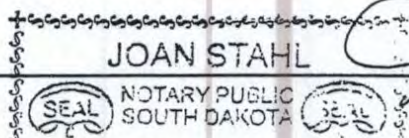
_____, the _____ day of _____ 2004 ,

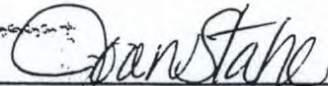
and that \$44.30 was charged for publishing the same



Subscribed and sworn to before 6/24/2004 .

JOAN STAHL




Notary Public, South Dakota

My Commission expires June 30th, 2005

upon the discovery of a sanitary sewer backup.

(3) Upon notification to the district, the district or its designee shall inspect the premises and determine if a health emergency exists.

(4) If a health emergency is declared by the district or its designee, and the district determines that the backup is not caused by the private service line, the district will contract for clean up and disinfection to eliminate the public health emergency. In lieu thereof, the district will reimburse any insured party for any insurance deductible paid for clean up and disinfection services performed according to district standards by a district approved sewer clean up service. Notwithstanding state law or contracts, the district may contract for such clean up upon the issuance of a health emergency declaration by resolution of the district.

(5) The owner or occupant shall, prior to the district performing any work, hold the district harmless from any damages that might occur during the work and give written authority to enter the premises to perform the work and to inspect the premises after the work has been performed. The owner or occupant shall also assign to the district any claim it has for recovery of costs to eliminate the health hazard.

(b) Any contractor performing work for the district that results in a sanitary sewer health emergency shall reimburse the district for the cost of the clean up.

(c) The district shall not be responsible for any costs associated with the following:

(1) Damage to personal or real property associated with any sewer backup.

(2) Sewer backups caused within any sanitary sewer service (private) line.

(3) Sewer backups caused by flood or other catastrophic acts of God.

Section 3. Retroactive Application of Sewer Backup Reimbursement.

The district may reimburse a property owner or occupant for the cost of the insurance deductible paid for clean up and disinfection services for health emergencies occurring after 1 April 2004, and before the date of this ordinance if such backup arose out of or was caused by a malfunction or hydraulic overload of the district's sanitary collection system as a result of work on a district public works contract. The procedures and requirements of Section 2 as may be applicable and including any applicable indemnity provisions inuring to the benefit of the district, shall also apply for any claim for reimbursement under this section.

In lieu of inspection of the property, any retrospective determination of a health emergency may be made by the district or its designee and issued pursuant to a review of documents submitted by an applicant and/or district records. The provisions of this section are repealed as of December 31, 2004, and the district shall accept no claims under this section after that date.

Section 4. That the Revised Ordinances of Renner Sanitary District are hereby amended to read:

"Items exempt from competitive bidding."

The district may purchase or lease sewer clean up services, as defined by SDCL 1-22-9, chemical products, biological products, laboratory apparatus and appliances, library books, medical supplies, lubricating oils and grease, snow removal services, personal computers, telecommunication equipment, peripheral computer hardware, printers, networking components, software, and associated wiring without advertising for competitive bids.

Dated adopted 6-8-04

Betty L. Miller
President

ATTEST:
Gloria J. Hanson
Clerk
T-June 16, 23

Renner Sanitary District

Date Adopted 6-8-04

Date Published 6-16-04, 6-23-04

Effective Date 7-13-04

ORDINANCE NO 04-02

AN ORDINANCE OF THE RENNER SANITARY SEWER DISTRICT ESTABLISHING PROCEDURES FOR SEWER BACKUP, HEALTH EMERGENCIES AND EXEMPTING SEWER CLEAN UP SERVICES FROM COMPETITIVE BIDDING REQUIREMENTS.

BE IT ORDAINED BY THE RENNER SANITARY SEWER DISTRICT:

Section 1. That the Ordinances of the Renner Sanitary Sewer District, are hereby amended by adding the following sections to read:

Section 2. Sewer Backups.

(a) If a sewer backup in any property in the sanitary district is caused by a malfunction or hydraulic overload of the District's sanitary sewer collection system, and causes an emergency constituting an immediate threat to the health and safety of its citizens, the sanitary district shall eliminate the health emergency as follows:

(1) The district is hereby authorized to declare a sanitary sewer health emergency.

(2) Any property owner or occupant shall notify the district immediately

Ordinance No. 2005-1

**AN ORDINANCE AMENDING ORDINANCE 80-1
AND SUBSEQUENT ORDINANCES IN REGARD
TO THE DISTRICT'S SEWER SYSTEM MONTHLY
SERVICE FEE AND INTEREST RATE ON PENALTY
FOR LATE PAYMENT**

ORDINANCE NO. 2005-1

**AN ORDINANCE AMENDING ORDINANCE 80-1 AND SUBSEQUENT
ORDINANCES IN REGARD TO THE DISTRICT'S SEWER SYSTEM
MONTHLY SERVICE FEE AND INTEREST RATE ON PENALTY FOR LATE
PAYMENT**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

Effective July 1, 2005, the district will charge the user, as that term is defined in Ordinance 80-1, and any subsequent ordinance filed thereto, of each premise located within the district abutting upon any street or alley in which public sewer mains are maintained, provided the public sewer main is within 400 feet of the home, trailer court, commercial establishment, business park or institution, a monthly sewer availability fee of \$24.00 per month per unit of service. The monthly sewer availability fee for commercial users will be determined by the Board. Any monthly sewer availability fee not paid by the 15th day of the month following the date of billing shall incur a late charge of 10% per month on the unpaid balance.

Approved:

Betty Miller, District President

Passed first reading: _____

Passed second reading: _____

Approved: _____

Published: _____

ATTEST: Judy Peltier, District Clerk

Ordinance No. 09-1

**AN ORDINANCE OF THE RENNER SANITARY SEWER DISTRICT
ESTABLISHING DISCONNECT PROCEDURES FOR DISTRICT
MEMBERS/USERS/PROPERTY OWNERS VACATING THEIR
RESPECTIVE RESIDENCES CONNECTED TO THE SEWER PLAN**

Date Adopted _____
Date Published _____
Effective Date _____

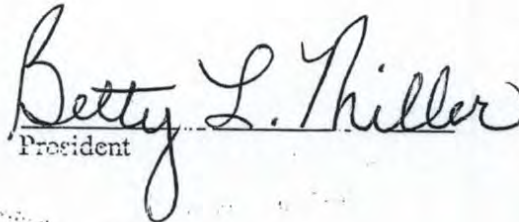
ORDINANCE NO 09-01

AN ORDINANCE OF THE RENNER SANITARY SEWER DISTRICT ESTABLISHING DISCONNECT PROCEDURES FOR DISTRICT MEMBERS/USERS/PROPERTY OWNERS VACATING THEIR RESPECTIVE RESIDENCES CONNECTED TO THE SEWER LINE.

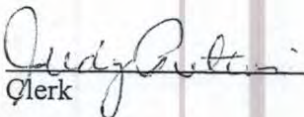
BE IT ORDAINED BY THE RENNER SANITARY SEWER DISTRICT that Section 2 of Ordinance 80-1 of the Renner Sanitary Sewer District is hereby amended to add the following subsection:

"f. That each District Member/User/Property Owner, for their properties located within the boundaries of the Renner Sanitary Sewer District shall be charged a fee of \$25.00, to disconnect from the sewer line. The District Member/User/Property Owner shall properly disconnect according to the instructions on the attached sheet provided by Renner Sanitary District's engineers. Renner Sanitary shall preserve the sewer permit for the each such vacated residence in the same manner that it was issued. If the permit was issued for residential service, it will be preserved for residential service. If the permit was issued for commercial service, it will be preserved for commercial service. In the event the current District Member/User/Property Owner desires to reactivate the sewer service, the then current reconnect fee will be required. Instructions for properly tapping the sewer line will be given at the time the reconnect fee is collected. Any new District Member/User/Property Owner shall be subject to all current monthly sewer charges. District Members/Users/Property Owners are required to advise successor owners of this Agreement.

Date adopted 9-22-09


President

ATTEST:


Clerk

DISCONNECT AGREEMENT

Renner Sanitary District here by agrees to allow District Member _____, for the property located at _____, South Dakota in consideration of the fee of \$25.00, to disconnect from the sewer line in accordance with Ordinance 09-_____.

The District Member agrees to properly disconnect according to the instructions on the attached sheet provided by Renner Sanitary District's engineers.

Renner Sanitary agrees to preserve the sewer permit for the above referenced address in the same manner that it was issued. If the permit was issued for residential service, it will be preserved for residential service. If the permit was issued for commercial service, it will be preserved for commercial service.

In the event the current property owner desires to reactivate the sewer service, the then current reconnect fee will be required. Instructions for properly tapping the sewer line will be given at the time the reconnect fee is collected. Any new district member would be subject to all current monthly sewer charges.

Land owners are required to advise successor owners of this Agreement.

Dated this ____ day of _____, 2009.

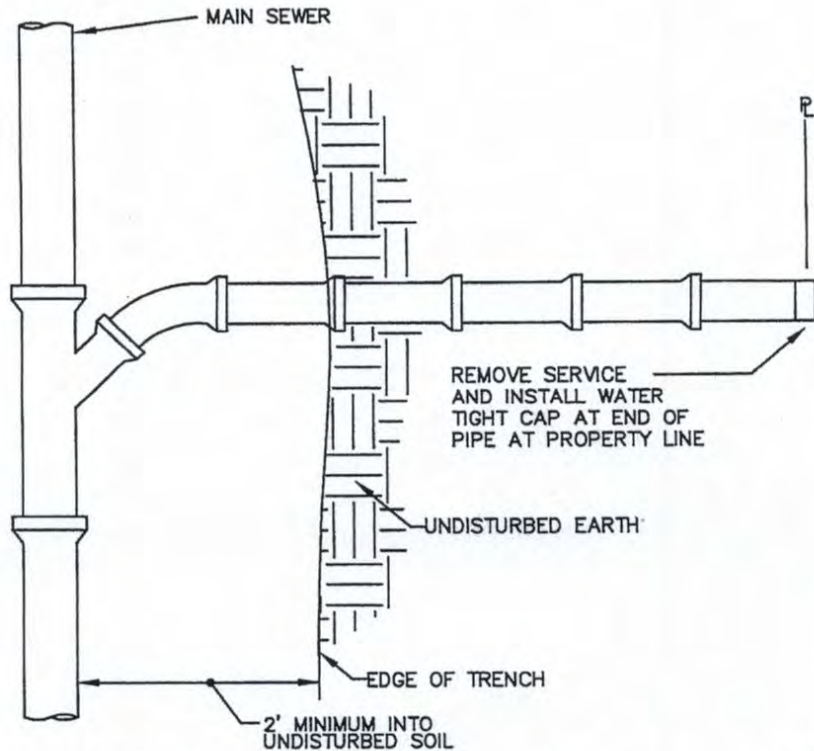
RENNER SANITARY DISTRICT

By _____, Clerk

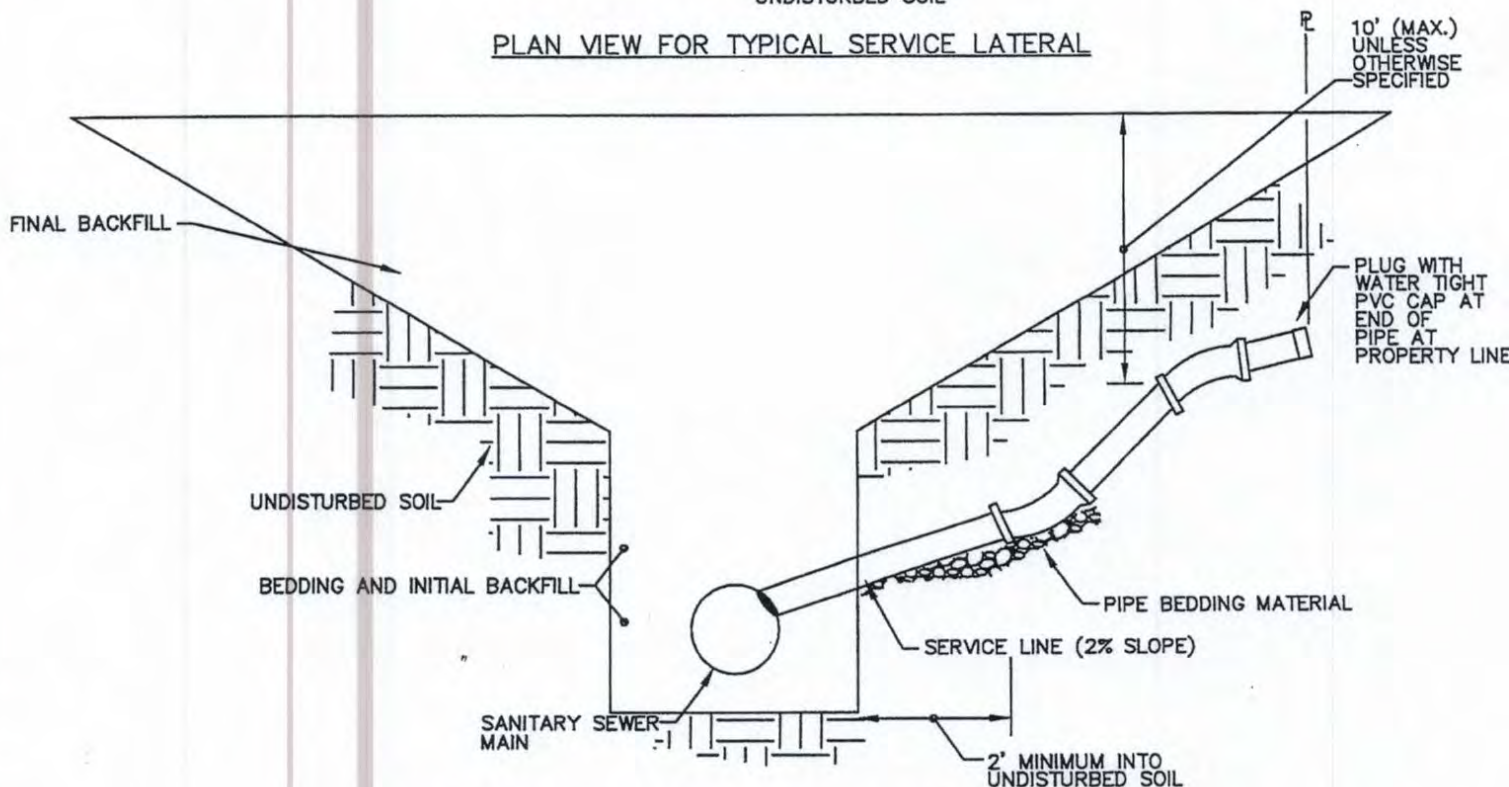
Renner Sanitary District Member

SANITARY SEWER SERVICE DISCONNECT

NOTE: PROVIDE TO RENNER SANITARY DISTRICT A SKETCH OF THE LOCATION OF THE SERVICE LATERAL AND WHERE IT CROSSES THE PROPERTY LINE. PROVIDE DIMENSIONS FROM EXISTING PROPERTY LINES, APPROXIMATE DEPTH AND ADDRESS OF THE LOT.



PLAN VIEW FOR TYPICAL SERVICE LATERAL



SECTION VIEW FOR DEEP SEWER SERVICE CONNECTIONS

NOTE:
USE FOR SERVICE CONNECTION WHEN SANITARY SEWER DEPTH EXCEEDS 12' UNLESS ADDITIONAL DEPTH IS NECESSARY TO SERVE ADJACENT PROPERTY.

Rolly H. Samp

From: Renner Sanitary District [RSD@SVTV.COM]
Sent: Friday, July 24, 2009 3:13 PM
To: 'Rolly H. Samp'
Subject: RE: Reconnection to Sewer System

Would you please prepare the appropriate documents and prepare to publish? If you have your office forward to me with the publication instructions, I'll forward to our publication of record.

Thanks and have a good weekend!

Judy Peltier
Renner Sanitary District
605-330-4189

From: Rolly H. Samp [mailto:rsamp@samplaw.com]
Sent: Friday, July 24, 2009 2:52 PM
To: 'Renner Sanitary District'
Subject: RE: Reconnection to Sewer System

(2) was listed as an issue...but tied to (1) that works

I think the fees proposed are reasonable

Rollyn H. Samp
Samp Law Offices
P.O. Box 495
Sioux Falls, SD 57101
605-339-1020
605-334-6630 (fax)

From: Renner Sanitary District [mailto:RSD@SVTV.COM]
Sent: Friday, July 24, 2009 2:38 PM
To: 'Rolly H. Samp'
Subject: RE: Reconnection to Sewer System

Do you think a \$25 fee for each of those fees is too much or too little?

Also, if they pay the disconnect of \$25 with the agreement to keep the permit, it would make sense to me that monthly fees would cease. If they determined in the future to request to come back on, then they would pay a \$25 reconnect fee (item #3).

In what situation would we need item #2?

Judy Peltier
Renner Sanitary District
605-330-4189

From: Rolly H. Samp [mailto:rsamp@samplaw.com]
Sent: Friday, July 24, 2009 2:33 PM

8/20/2009

To: 'Renner Sanitary District'
Subject: RE: Reconnection to Sewer System

You need a resolution to:

1. Allow for disconnect with a fee to keep the permit
2. preserve the permit
3. Re-connect fee

I am not sure of the economics on what the fee should be

Rollyn H. Samp
Samp Law Offices
P.O. Box 495
Sioux Falls, SD 57101
605-339-1020
605-334-6630 (fax)

From: Renner Sanitary District [mailto:RSD@SVTV.COM]
Sent: Friday, July 24, 2009 2:26 PM
To: 'Rollyn H. Samp'
Subject: Reconnection to Sewer System

Rollie,

We have recently had 2 items come up regarding disconnection and future reconnection, so we're looking for guidance. If a district member appropriately caps his tap, shouldn't his monthly fee be discontinued? What happens if, in the future, he wants to re tap? A permit has already been purchased for this address, so does a reconnect fee seem appropriate? How much would you recommend? Do we need a by-law change or resolution?

Thanks!

Judy Peltier
Renner Sanitary District
605-330-4189

8/20/2009

Ordinance No. 2010-1

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR
THE USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

ORDINANCE NO. 2010 -1

AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:

SECTION 1
DEFINITIONS

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- g. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or

other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct

or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$350.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVI CE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$30.00 per month
Each non-residential unit minimum	(2x)	\$60.00 per month
Locker Plant	(7x)	\$210.00 per month
Steak House	(5x)	\$150.00 per month

to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section[^] clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance shall constitute a misdemeanor and violators shall be fined not in excess of \$1,000.00 for each violation. Conviction shall not preclude civil liability to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any person convicted of a violation hereof shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$1,000.00 for each violation.

c. District may levy civil penalties of \$1,000.00 plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees, and expense per violation by civil action.

Approved:

/S/ Dennis L. Hoffman, District President

Passed first reading: 9-14, 2010

Passed second reading: 10-19, 2010

Approved: 10-19, 2010

Published: 10-19, 2010

ATTEST: /S/ Judy Pettin, District Clerk

Ordinance No. 2011-1

**AN ORDINANCE AMENDING ORDINANCE 80-1 AND SUBSEQUENT
ORDINANCES IN REGARD TO PENALTIES FOR VIOLATION
OF SAID ORDINANCE**

**AN ORDINANCE AMENDING ORDINANCE 80-1 AND SUBSEQUENT ORDINANCES
IN REGARD TO PENALTIES FOR VIOLATION OF SAID ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, AT A MEETING HELD ON AUGUST
16, 2011, THAT EFFECTIVE OCTOBER 1, 2011:**

1. Section 7 (Penalties), Paragraphs (a) and (b), which reads as follows:

“a. Violation of any of the provisions of Section 2, 3 and 5 of this ordinance shall constitute a misdemeanor and violators shall be fined not in excess of \$100.00 for each violation. Conviction shall not preclude civil liability to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the District sewer system. Any person convicted of a violation hereof shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$100.00 for each violation.”

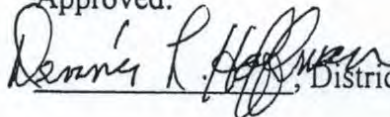
Shall be amended to read as follows:

a. Violation of any of the provisions of Section 2, 3 and 5 of this ordinance shall be assessed \$2,000.00 plus costs and expenses for the first occurrence and \$1,000.00 plus costs and expenses for any re-occurrence plus the actual cost of disconnecting if District is required to do the disconnection. Violation shall not preclude civil liability of additional damages to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the District sewer system. Any person found in violation shall be assessed \$2,000.00 plus costs and expenses for the first occurrence and \$1,000.00 plus costs and expenses for any re-occurrence, plus the actual cost of disconnecting if District is required to do the disconnection. Violation shall not preclude civil liability of additional damages to the District for any damage caused the District by the illegal act.

c. Any damage assessed which is unpaid for thirty (30) days shall be assessed against the real property of the violator.

Approved:

 District President

Passed first reading: 08-16-11 and Mail 8-30-11

Passed second reading: 9-20-11 and Mailed 9-29-11

Approved: 9-20-11

ATTEST: Judy Peltier, District Clerk

Ordinance No. 2011-2

**AN ORDINANCE FOR THE SUBMITTAL OF APPLICATIONS FOR
INFRASTRUCTURE FINANCING**

**RENNER SANITARY DISTRICT
RESOLUTION # 2011-2**

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, Renner Sanitary District has determined a need for the Sewer Repair and Lift Station Upgrades project;

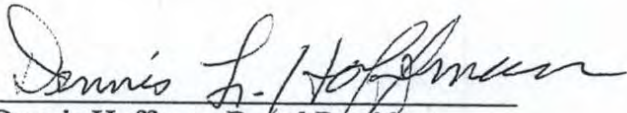
WHEREAS, financial assistance will be necessary to enable Renner Sanitary District to construct this project; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water and wastewater infrastructure projects.

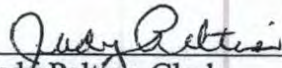
NOW THEREFORE BE IT RESOLVED THAT:

1. Renner Sanitary District hereby authorizes the filing of a grant and/or loan application with the South Dakota Department of Environment and Natural Resources including all understandings and assurances contained therein, to fund its project.
2. Be it further resolved that Renner Sanitary District hereby authorizes Dennis Hoffman, Board President, to act as Project Certifying Officer in connection with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Adopted this 18th day of October, 2011.


Dennis Hoffman, Board President

ATTEST:


Judy Peltier, Clerk

Official Seal:

Ordinance No. 2012-1

**RESOLUTION GIVING APPROVAL TO CERTAIN WATER SYSTEM
IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A
REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, SAID
IMPROVEMENTS APPROVING THE FORM OF THE LOAN AGREEMENT AND
THE REVENUE BOND AND PLEDING REVENUES AND COLLATERAL TO SECURE
THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND
ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE
SYSTEM AND RETIREMENT OF THE REVENUE BONDS**

**RENNER SANITARY DISTRICT
RESOLUTION NO. 2012-1**

RESOLUTION GIVING APPROVAL TO CERTAIN WATER SYSTEM IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, SAID IMPROVEMENTS; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND.

WHEREAS, one of the purposes of SDCL Chapters 34A-5 and 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes; or any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a sanitary district is authorized to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned and is authorized to pledge the net income or revenues from the system in accordance with SDCL 40-9-15; and,

WHEREAS, the Renner Sanitary District (the "Sanitary District") currently operates a system of waterworks for the purpose of providing water and water supply for municipal, industrial, and domestic purposes, and a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes, and has determined that improvements to the waterworks are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its waterworks system; and,

WHEREAS, the Sanitary District has determined to issue its revenue bonds to finance the improvements to its waterworks system (the "System") and has applied to the South Dakota Board of Water and Natural Resources (the "Board") for a Consolidated Water Facilities Construction Fund Loan to finance the Project;

WHEREAS, the Sanitary District will adopt rates and charges to be pledged, segregated and used for the payment of the Revenue Bond.

NOW THEREFORE BE IT RESOLVED by the Sanitary District as follows:

1. Declaration of Necessity and Determination of Facilities Financed. The Sanitary District desires and hereby determines it is necessary to construct improvements to its drinking water facilities within its System, as described in Exhibit A hereto (the "Project"). The Sanitary District

hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the Sanitary District and its inhabitants. The Sanitary District hereby determines that the Project will substantially benefit the entire System and all of its users within the meaning of SDCL 9-40-15 and SDCL 9-40-17.

2. Approval of Loan. The Sanitary District hereby determines to finance up to \$71,000 of the costs of the Project through the issuance of utility revenue bonds (the "Revenue Bond").

3. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement") between the Sanitary District as Borrower and the South Dakota Board of Water and Natural Resources (the "Board"), is hereby in all respects authorized, approved and confirmed, and the President and Clerk are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the Sanitary District deems appropriate and approves, for and on behalf of the Sanitary District. The President and the Clerk are hereby further authorized and directed to implement and perform the covenants and obligations of the Sanitary District set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the SD DENR and is available for inspection by any interested party.

4. Approval of Revenue Bonds. The issuance of the Revenue Bond in aggregate principal amount not to exceed \$71,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the President, Clerk and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the Board, for and on behalf of the Sanitary District, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The President and the Clerk are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in SDCL 9-40-19.

5. Paying Agent/Registrar. The Revenue Bond shall be payable at the office of the Board of Water and Natural Resources. The Clerk, hereby designated as paying agent and registrar.

6. System Fund Accounts. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Revenue Bond, the following mandatory segregation accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

(a) Revenue Account. There shall be deposited in the Revenue Account as received the entire gross revenues derived from the operation of the System collected pursuant to the ordinances or regulations of the Sanitary District (the "Rate Ordinance") including future improvements, enlargements, extensions and repairs

thereto (the "Gross Revenues"). Moneys from the System Revenue Account shall be transferred periodically into separate accounts as provided below.

(b) Operation and Maintenance Account. There shall be established the General Operation and Maintenance Account. Out of the remaining revenues of the System Revenue Account after application described in (c) and (d) below, there shall be set aside each month into the General Operation and Maintenance Account, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the remainder of the System and such current expenses for the maintenance thereof as may be necessary to preserve the remainder of such System in good repair and working order. The term current expenses shall be construed to include all reasonable and necessary costs of operating, repairing, maintaining and insuring the System, including without limitation salaries, supplies and rent t, but shall exclude General Depreciation Account and System Debt Service Account.

(c) System Debt Service Account. Out of the revenues in the System Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated System Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal and interest on, the Revenue Bond and any reserve determined by the Sanitary District to be necessary. The amount set aside monthly shall be not less than one-sixth of the total principal, interest, and other amounts payable on the following May 1 or November 1, and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

(d) Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the System Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Sanitary District to be a proper and adequate amount for repair and depreciation of the System.

(e) Surplus Account. There shall be established the General Surplus Account. Revenues remaining in the System Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be credited to the General Surplus Account. If at any time there shall exist any default in making any periodic transfer to the System Debt Service Account, the Sanitary District shall authorize the Clerk to rectify such default so far as possible by the transfer of money from the General Surplus Account. If any such default shall exist as to more than one account at any time, then such transfer shall be made in the order such accounts are listed above.

When not required to restore a current deficiency in the System Debt Service Account, moneys in the General Surplus Account from time to time may be used for any of the following purposes and not otherwise:

i. To redeem and prepay the Revenue Bond when and as such Revenue Bond become prepayable according to its terms;

ii. To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the System Debt Service Account and the Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

iii. To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

iv. To be used for any other authorized municipal purpose designated by the Sanitary District.

No moneys shall at any time be transferred from the General Surplus Account or any other account to any other account of the Sanitary District, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as allowed by this Section.

7. Pledge of Revenues. The Revenue Bond, together with the interest thereon, shall not constitute a charge against the Sanitary District's general credit or taxing power, but shall be a limited obligation of the Sanitary District payable solely out of the System Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of and interest on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The Sanitary District covenants and agrees to charge rates for all services from the System or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The Sanitary District hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the Sanitary District set forth in this Section 7 or any other covenant or agreement in the Loan Agreement.

8. Additional Bonds. As permitted by SDCL 9-40-8 and SDCL 9-40-9, additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement and no provision of this Resolution shall have the effect of restricting the issuance of, or

impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The Sanitary District shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

9. General Covenants.

(a) The Sanitary District hereby covenants and agrees with the Board and other owners of the Revenue Bond that it will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

(b) The Sanitary District agrees and covenants that it will promptly construct the improvements included in the Project.

(c) The Sanitary District covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Surcharge on the Revenue Bond, and the Sanitary District agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the collection and treatment of wastewater for municipal, industrial, and domestic purposes within the Sanitary District.

(d) The Sanitary District covenants and agrees with the Board and other owners of the Revenue Bond that it will maintain the Project and the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remain outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to SDCL 9-40-19.

(e) The Clerk shall cause all moneys pertaining to the Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the Sanitary District, so long as any of the Revenue Bond and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be

withdrawn from such deposit accounts except for the purposes of the Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Accounts may at any time, in the discretion of the Sanitary District's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Account may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

(f) In the event of mismanagement of the System, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project or System are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the Sanitary District hereby consents to the appointment of a receiver pursuant to SDCL 9-40-33, and agrees that the receiver will have the powers set forth therein, and in SDCL 9-40-34 and SDCL 9-40-35 to operate and administer the System, and charge and collect rates as described therein.

10. Issuance without Election. The Sanitary District hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15 no election is required to issue the Revenue Bond.

11. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

12. Authorization of Sanitary District Officials. The President, Clerk, Sanitary District Attorney and any other appropriate Sanitary District officials shall be and they are hereby authorized to execute and deliver for and on behalf of the Sanitary District any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

13. Definitions. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

14. Effective Date. This Resolution, after its final passage, will be recorded in a book kept for that purpose, will be authenticated by the signature of the President and the Clerk, will be published in the District's officially designated newspaper, and will be effective following such publication. After becoming effective, this Resolution will be irrevocable until the Bond issued hereunder has been paid in full, except that prior to issuance of the Bond, this Resolution may be amended at any time by adoption of an administrative resolution or ordinance.

EXHIBIT A

DESCRIPTION OF THE PROJECT

The Renner Sanitary District will perform pipe repairs at eight locations, injection grout ten leaking manholes, raise one manhole, and replace five lift station pumps that are 20 to 30 years old.

Adopted at Renner, South Dakota, this 17th day of April 2012.

APPROVED:

Dennis L. Hoffman
President
Renner Sanitary District

(Seal)

Attest: Judy Peltier
Judy Peltier

Adopted: 4-17, 2012

Approved: 4-17, 2012

Published: 5-2, 2012

NOTICE OF RESOLUTIONS 2012-1 AND 2012-2

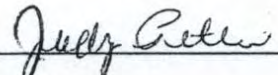
RENNER SANITARY DISTRICT

This will serve as notice under SCCL 34A-5-29.2 of the passage of Resolutions 2012-1 and 2012-2 by the board of the Renner Sanitary District on Tuesday April 17, 2012.

The Resolutions are on file with the clerk of Renner Sanitary District and copies are enclosed.

The intent of the Resolutions is to accept a \$50,000.00 grant from the State of South Dakota to the Renner Sanitary District along with obtaining a \$71,000.00 loan to be paid over 10 years.

Dated this 17th day of April 2012.



Clerk

Ordinance No. 2012-2

**A RESOLUTION TO AUTHORIZE THE EXECUTION, DELIVERY AND
PERFORMANCE OF ITS OBLIGATIONS UNDER A CONSOLIDATED WATER
FACILITIES CONSTRUCTION PROGRAM GRANT**

RENNER SANITARY DISTRICT
RESOLUTION 2012- 2

**A RESOLUTION TO AUTHORIZE THE EXECUTION, DELIVERY AND
PERFORMANCE OF ITS OBLIGATIONS UNDER A CONSOLIDATED WATER
FACILITIES CONSTRUCTION PROGRAM GRANT**

WHEREAS, Renner Sanitary District has identified the need for repairs and updates for the sewer system serving the Renner area, Minnehaha County, South Dakota.

WHEREAS, the Sanitary District is eligible to apply for a Consolidated Water Facilities Construction Program grant to provide funding assistance concerning the proposed project; and

NOW, THEREFORE, BE IT RESOLVED that with the submission of the grant application, Renner Sanitary District assures and certifies that all grant program requirements will be fulfilled;

AND BE IT FURTHER RESOLVED that Dennis Hoffman, President, Board of Trustees, and/or Judy Peltier, Clerk of the District, or SECOG are hereby designated as the certifying officer/s to execute any and all documents necessary to fulfill the grant requirements and to secure the performance of the District's obligations under the Grant Agreement, and further shall have full power and authority to execute any contracts, pay requests, correspondence and other required documents necessary as a result of this grant award.

This Resolution is effective immediately upon passage.

Adopted at Renner, South Dakota this 17th day of April, 2012.

APPROVED:

RENNER SANITARY DISTRICT

By *Dennis L. Hoffman*
Dennis Hoffman, President

ATTEST:

Judy Peltier
Judy Peltier, Clerk

Adopted: April 17th, 2012

Approved: April 17th, 2012

Ordinance No. 2013-1

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER SYSTEM IN
RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE USE
THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

NOTICE OF ORDINANCE

The attached Ordinance is proposed by Renner Sanitary District this 19th day of February, 2013 pursuant SDCL 34A-5-29".

ORDINANCE NO. 2013 -1

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

**SECTION 1
DEFINITIONS**

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- g. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or

other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct

or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$350.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVICE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$40.00 per month
Each non-residential unit minimum	(2x)	\$80.00 per month
Locker Plant	(7x)	\$280.00 per month
Steak House	(5x)	\$200.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$40.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$80.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section^ clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance may be subject to civil penalties of up to \$1,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any violators shall be subject to Section 7 a.

**SECTION 8
APPEALS**

Any person subject to civil penalties under this ordinance shall be provided an administrative hearing under SDCL 1-26 and all other appropriate South Dakota laws.

Approved:

/S/ Dennis L. Hoffman, District President

Passed first reading: 2-19, 2013

Passed second reading: Feb 26, 2013

Approved: Feb 26, 2013

Published: NA, 2013

ATTEST: /S/ Judy Peltier, District Clerk

Ordinance No. 2013-2

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER SYSTEM IN
RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE USE
THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

"NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this 16th day of May, 2013, pursuant to SDCL 34A-5-29"**

ORDINANCE NO. 2013 -2

AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER SYSTEM IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

SECTION 1 DEFINITIONS

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- £. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.

i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$350.00 \$2,400.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

- h. Every building shall be separately and independently connected with the public sewer.
- i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.
- j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.
- k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVICE CHARGES

- a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$40.00 per month
Each non-residential unit minimum	(2x)	\$80.00 per month
Locker Plant	(7x)	\$280.00 per month
Steak House	(5x)	\$200.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$40.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$80.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance may be subject to civil penalties of up to \$1,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any violators shall be subject to Section 7 a.

SECTION 8

APPEALS

Any person subject to civil penalties under this ordinance shall be provided an

administrative hearing under SDCL 1-26 and all other appropriate South Dakota laws.

Approved:

/s/ Dennis L. Hoffmann, District President

Passed first reading: 5-16-13, 2013

Passed second reading: 5-23-13, 2013

Approved: 5-30-13, 2013

Published: NA, 2013

ATTEST: /s/ Judy Ruten, District Clerk

ORDINANCE NO. 2015-1

**AN ORDINANCE AMENDING "SECTION 4 – SERVICE CHARGES" OF ORDINANCE
NO. 2013-2.**



for our book!
- Thanks!

Quay

"NOTICE OF ORDINANCE

The attached Ordinance is proposed by the Renner Sanitary District
this 21st day of August, 2015, pursuant to SDCL 34A-5-29"

ORDINANCE NO. 2015-1

**AN ORDINANCE AMENDING "SECTION 4 – SERVICE CHARGES" OF
ORDINANCE NO. 2013-2.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, THAT "SECTION 4 –
SERVICE CHARGES" OF ORDINANCE NO. 2013-2 SHALL BE DELETED IN
ITS ENTIRETY, AND THE FOLLOWING SHALL BE SUBSTITUTED IN LIEU
THEREOF, EFFECTIVE NOVEMBER 1, 2015:**

"SECTION 4 SERVICE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$50.00 per month
Each non-residential unit minimum	(2x)	\$100.00 per month
Locker Plant	(7x)	\$350.00 per month
Steak House	(5x)	\$250.00 per month

Kathy,

*Here's that original
for our book!*

Thanks!

Joey

b. Residential users are considered to be one class of user and are assessed a charge of \$50.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$100.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will

determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)."

ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-2 SHALL REMAIN IN EFFECT.

Approved:

/S/ Lou Jasper, District President

Passed first reading: Aug 21, 2015

Passed second reading: Sept 22, 2015

Approved: Sept 22, 2015

Published: Sept 30, 2015

ATTEST: /S/ Judy Brown, District Clerk

Kathy Durueze

From: Renner Sanitary District [rennersanitarydistrict@live.com]

Sent: Wednesday, August 26, 2015 7:59 AM

To: 'Kathy Durueze'

Subject: ordinance publish notice

Please note that our rates are going to \$50/month for residential and \$100/month for commercial as of Nov 1, 2015. Please prepare the appropriate ordinance for legal publication and forward to me as soon as possible.

Thanks!

Judy Peltier
Renner Sanitary District
605-330-4189

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6086 / Virus Database: 4409/10512 - Release Date: 08/25/15

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this 27th day of August, 2015, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2015-1

**AN ORDINANCE AMENDING “SECTION 4 – SERVICE CHARGES” OF
ORDINANCE NO. 2013-2.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, THAT “SECTION 4 –
SERVICE CHARGES” OF ORDINANCE NO. 2013-2 SHALL BE DELETED IN
ITS ENTIRETY, AND THE FOLLOWING SHALL BE SUBSTITUTED IN LIEU
THEREOF, EFFECTIVE NOVEMBER 1, 2015:**

**“SECTION 4
SERVICE CHARGES**

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$50.00 per month
Each non-residential unit minimum	(2x)	\$100.00 per month
Locker Plant	(7x)	\$350.00 per month
Steak House	(5x)	\$250.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$50.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$100.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will

determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A).”

ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-2 SHALL REMAIN IN EFFECT.

Approved:

/S/ _____, District President

Passed first reading: _____, 2015

Passed second reading: _____, 2015

Approved: _____, 2015

Published: _____, 2015

ATTEST: /S/ _____, District Clerk

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this ____ day of April, 2016, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2016-1

AN ORDINANCE AMENDING “SECTION 4 – SERVICE CHARGES” OF ORDINANCE NO. 2013-2 (AND AS AMENDED BY ORDINANCE 2015-1).

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, THAT “SECTION 4 – SERVICE CHARGES” OF ORDINANCE NO. 2013-2 (AND AS AMENDED BY ORDINANCE 2015-1) SHALL BE DELETED IN ITS ENTIRETY, AND THE FOLLOWING SHALL BE SUBSTITUTED IN LIEU THEREOF, EFFECTIVE JULY 1, 2016:

“SECTION 4 SERVICE CHARGES”

- a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$67.00 per month
Each non-residential unit minimum	(2x)	\$134.00 per month
Locker Plant	(7x)	\$469.00 per month
Steak House	(5x)	\$335.00 per month
Safari Bar & Grill Facility	(4x)	\$268.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$67.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$134.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed

in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A).”

ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-2 SHALL REMAIN IN EFFECT.

Approved:

/S/ _____, District President

Passed first reading: _____, 2016

Passed second reading: _____, 2016

Approved: _____, 2016

Published: _____, 2016

Date Adopted _____
Date Published _____
Effective Date _____

ORDINANCE NO 09-01

AN ORDINANCE OF THE RENNER SANITARY SEWER DISTRICT ESTABLISHING
DISCONNECT PROCEDURES FOR DISTRICT MEMBERS/USERS/PROPERTY OWNERS
VACATING THEIR RESPECTIVE RESIDENCES CONNECTED TO THE SEWER LINE.

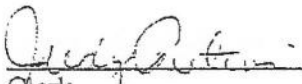
BE IT ORDAINED BY THE RENNER SANITARY SEWER DISTRICT that Section 2 of
Ordinance 80-1 of the Renner Sanitary Sewer District is hereby amended to add the following
subsection:

"f. That each District Member/User/Property Owner, for their properties
located within the boundaries of the Renner Sanitary Sewer District shall be charged a
fee of \$25.00, to disconnect from the sewer line. The District Member/User/Property
Owner shall properly disconnect according to the instructions on the attached sheet
provided by Renner Sanitary District's engineers. Renner Sanitary shall preserve the
sewer permit for the each such vacated residence in the same manner that it was issued.
If the permit was issued for residential service, it will be preserved for residential service.
If the permit was issued for commercial service, it will be preserved for commercial
service. In the event the current District Member/User/Property Owner desires to
reactivate the sewer service, the then current reconnect fee will be required. Instructions
for properly tapping the sewer line will be given at the time the reconnect fee is collected.
Any new District Member/User/Property Owner shall be subject to all current monthly
sewer charges. District Members/Users/Property Owners are required to advise
successor owners of this Agreement.

Date adopted 9-22-09


President

ATTEST:


Clerk

NOTICE OF RESOLUTIONS 2012-1 AND 2012-2

RENNER SANITARY DISTRICT

This will serve as notice under SCCL 34A-5-29.2 of the passage of Resolutions 2012-1 and 2012-2 by the board of the Renner Sanitary District on Tuesday April 17, 2012.

The Resolutions are on file with the clerk of Renner Sanitary District and copies are enclosed.

The intent of the Resolutions is to accept a \$50,000.00 grant from the State of South Dakota to the Renner Sanitary District along with obtaining a \$71,000.00 loan to be paid over 10 years.

Dated this 17th day of April 2011.

/s/ Judy Peltier_____

Clerk

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this 27th day of August, 2015, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2015-1

**AN ORDINANCE AMENDING “SECTION 4 – SERVICE CHARGES” OF
ORDINANCE NO. 2013-2.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, THAT “SECTION 4 –
SERVICE CHARGES” OF ORDINANCE NO. 2013-2 SHALL BE DELETED IN
ITS ENTIRETY, AND THE FOLLOWING SHALL BE SUBSTITUTED IN LIEU
THEREOF, EFFECTIVE NOVEMBER 1, 2015:**

**“SECTION 4
SERVICE CHARGES**

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$50.00 per month
Each non-residential unit minimum	(2x)	\$100.00 per month
Locker Plant	(7x)	\$350.00 per month
Steak House	(5x)	\$250.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$50.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$100.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will

determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A).”

ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-2 SHALL REMAIN IN EFFECT.

Approved:

/S/ _____, District President

Passed first reading: _____, 2015

Passed second reading: _____, 2015

Approved: _____, 2015

Published: _____, 2015

ATTEST: /S/ _____, District Clerk

Ordinance 2019-02

RESPONSIBILITY OF LATERAL LINE TO TAP OF SEWER LINE

WHEREAS, the By-Laws of Renner Sanitary District (RSD) provides that the Board of Trustees can determine policy regarding ownership of lateral lines.

WHEREAS, the By-Laws determine that the owner of each house, building or property used for human occupancy, employment, recreation or other purposes, in Renner Sanitary District shall at the owner's expense install suitable toilet facilities therein, and connect the facilities directly with the proper public sewer in accordance with the instructions of Renner Sanitary District.

NOW, THEREFORE, BE IT RESOLVED THAT Renner Sanitary District considers the "connection" or service line from the building to the main (generally located in the center of the street) "private property". Property owners are required to operate and maintain their private property.

Adopted by the Board of Trustees on November 19, 2019.

Roger Scheibe (2022)

Nancy Rasmussen (2020)

Erick Anderson (2021)

Judy Peltier, District Treasurer & Clerk

Ordinance 2019-01

ESTABLISHING THE SEWER RATES FOR THE NEXT PERIOD

WHEREAS, the By-Laws of Renner Sanitary District (RSD) provides that the Board of Trustees determine the sewer rates of said RSD, and

WHEREAS, the Trustees have reviewed the operating expenses and assets of said RSD, and

NOW, THEREFORE, BE IT RESOLVED THAT the monthly sewer rates be moved to \$71 per port per month until such time as said Board determines a change.

Adopted by Board of Trustees on September 20, 2019.

Roger Scheibe (2019)

Nancy Rasmussen (2020)

Erick Anderson (2021)

Judy Peltier, District Treasurer & Clerk

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this ____ day of _____, 2013, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2013-2

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

**SECTION 1
DEFINITIONS**

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- £. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.

i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of ~~\$350.00~~ \$2,400.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVI CE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$40.00 per month
Each non-residential unit minimum	(2x)	\$80.00 per month
Locker Plant	(7x)	\$280.00 per month
Steak House	(5x)	\$200.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$40.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$80.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section[^] clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance may be subject to civil penalties of up to \$1,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any violators shall be subject to Section 7 a.

SECTION 8

APPEALS

Any person subject to civil penalties under this ordinance shall be provided an

administrative hearing under SDCL 1-26 and all other appropriate South Dakota laws.

Approved:

/S/ _____, District President

Passed first reading: _____, 2013

Passed second reading: _____, 2013

Approved: _____, 2013

Published: _____, 2013

ATTEST: /S/ _____, District Clerk

RENNER SANITARY DISTRICT
RESOLUTION #_____

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, Renner Sanitary District has determined a need for the Sewer Repair and Lift Station Upgrades project;

WHEREAS, financial assistance will be necessary to enable Renner Sanitary District to construct this project; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water and wastewater infrastructure projects.

NOW THEREFORE BE IT RESOLVED THAT:

1. Renner Sanitary District hereby authorizes the filing of a grant and/or loan application with the South Dakota Department of Environment and Natural Resources including all understandings and assurances contained therein, to fund its project.
2. Be it further resolved that Renner Sanitary District hereby authorizes Dennis Hoffman, Board President, to act as Project Certifying Officer in connection with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Adopted this ____ day of _____, 2011.

Dennis Hoffman, Board President

ATTEST:

Judy Peltier, Clerk

Official Seal:

AN ORDINANCE AMENDING ORDINANCE 80-1 AND SUBSEQUENT ORDINANCES
IN REGARD TO PENALTIES FOR VIOLATION OF SAID ORDINANCE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, AT A MEETING HELD ON AUGUST
16, 2011, THAT EFFECTIVE OCTOBER 1, 2011:

1. Section 7 (Penalties), Paragraphs (a) and (b), which reads as follows:

“a. Violation of any of the provisions of Section 2, 3 and 5 of this ordinance shall constitute a misdemeanor and violators shall be fined not in excess of \$100.00 for each violation. Conviction shall not preclude civil liability to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the District sewer system. Any person convicted of a violation hereof shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$100.00 for each violation.”

Shall be amended to read as follows:

a. Violation of any of the provisions of Section 2, 3 and 5 of this ordinance shall be assessed \$2,000.00 plus costs and expenses for the first occurrence and \$1,000.00 plus costs and expenses for any re-occurrence plus the actual cost of disconnecting if District is required to do the disconnection. Violation shall not preclude civil liability of additional damages to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the District sewer system. Any person found in violation shall be assessed \$2,000.00 plus costs and expenses for the first occurrence and \$1,000.00 plus costs and expenses for any re-occurrence, plus the actual cost of disconnecting if District is required to do the disconnection. Violation shall not preclude civil liability of additional damages to the District for any damage caused the District by the illegal act.

c. Any damage assessed which is unpaid for thirty (30) days shall be assessed against the real property of the violator.

Approved:

_____, District President

Passed first reading: 08-16-11 and Mail 8-30-11

Passed second reading: _____ and Mailed _____

Approved: _____

ATTEST: Judy Peltier, District Clerk

ORDINANCE NO. 2005-1

**AN ORDINANCE AMENDING ORDINANCE 80-1 AND SUBSEQUENT
ORDINANCES IN REGARD TO THE DISTRICT'S SEWER SYSTEM MONTHLY
SERVICE FEE AND INTEREST RATE ON PENALTY FOR LATE PAYMENT**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

Effective July 1, 2005, the district will charge the user, as that term is defined in Ordinance 80-1, and any subsequent ordinance filed thereto, of each premise located within the district abutting upon any street or alley in which public sewer mains are maintained, provided the public sewer main is within 400 feet of the home, trailer court, commercial establishment, business park or institution, a monthly sewer availability fee of \$24.00 per month per unit of service. The monthly sewer availability fee for commercial users will be determined by the Board. Any monthly sewer availability fee not paid by the 15th day of the month following the date of billing shall incur a late charge of 10% per month on the unpaid balance.

Approved:

Betty Miller, District President

Passed first reading: _____

Passed second reading: _____

Approved: _____

Published: _____

ATTEST: Judy Peltier, District Clerk

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this ____ day of _____, 2013, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2013-2

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

**SECTION 1
DEFINITIONS**

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- £. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.

i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of ~~\$350.00~~ \$2,400.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVI CE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$40.00 per month
Each non-residential unit minimum	(2x)	\$80.00 per month
Locker Plant	(7x)	\$280.00 per month
Steak House	(5x)	\$200.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$40.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$80.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section[^] clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance may be subject to civil penalties of up to \$1,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any violators shall be subject to Section 7 a.

SECTION 8

APPEALS

Any person subject to civil penalties under this ordinance shall be provided an

administrative hearing under SDCL 1-26 and all other appropriate South Dakota laws.

Approved:

/S/ _____, District President

Passed first reading: _____, 2013

Passed second reading: _____, 2013

Approved: _____, 2013

Published: _____, 2013

ATTEST: /S/ _____, District Clerk

**RENNER SANITARY DISTRICT
RESOLUTION NO. 2012-1**

RESOLUTION GIVING APPROVAL TO CERTAIN WATER SYSTEM IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, SAID IMPROVEMENTS; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND.

WHEREAS, one of the purposes of SDCL Chapters 34A-5 and 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes; or any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a sanitary district is authorized to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned and is authorized to pledge the net income or revenues from the system in accordance with SDCL 40-9-15; and,

WHEREAS, the Renner Sanitary District (the "Sanitary District") currently operates a system of waterworks for the purpose of providing water and water supply for municipal, industrial, and domestic purposes, and a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes, and has determined that improvements to the waterworks are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its waterworks system; and,

WHEREAS, the Sanitary District has determined to issue its revenue bonds to finance the improvements to its waterworks system (the "System") and has applied to the South Dakota Board of Water and Natural Resources (the "Board") for a Consolidated Water Facilities Construction Fund Loan to finance the Project;

WHEREAS, the Sanitary District will adopt rates and charges to be pledged, segregated and used for the payment of the Revenue Bond.

NOW THEREFORE BE IT RESOLVED by the Sanitary District as follows:

1. Declaration of Necessity and Determination of Facilities Financed. The Sanitary District desires and hereby determines it is necessary to construct improvements to its drinking water facilities within its System, as described in Exhibit A hereto (the "Project"). The Sanitary District

hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the Sanitary District and its inhabitants. The Sanitary District hereby determines that the Project will substantially benefit the entire System and all of its users within the meaning of SDCL 9-40-15 and SDCL 9-40-17.

2. Approval of Loan. The Sanitary District hereby determines to finance up to \$71,000 of the costs of the Project through the issuance of utility revenue bonds (the "Revenue Bond").

3. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement") between the Sanitary District as Borrower and the South Dakota Board of Water and Natural Resources (the "Board"), is hereby in all respects authorized, approved and confirmed, and the President and Clerk are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the Sanitary District deems appropriate and approves, for and on behalf of the Sanitary District. The President and the Clerk are hereby further authorized and directed to implement and perform the covenants and obligations of the Sanitary District set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the SD DENR and is available for inspection by any interested party.

4. Approval of Revenue Bonds. The issuance of the Revenue Bond in aggregate principal amount not to exceed \$71,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the President, Clerk and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the Board, for and on behalf of the Sanitary District, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The President and the Clerk are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in SDCL 9-40-19.

5. Paying Agent/Registrar. The Revenue Bond shall be payable at the office of the Board of Water and Natural Resources. The clerk, hereby designated as paying agent and registrar.

6. System Fund Accounts. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Revenue Bond, the following mandatory segregation accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

(a) Revenue Account. There shall be deposited in the Revenue Account as received the entire gross revenues derived from the operation of the System collected pursuant to the ordinances or regulations of the Sanitary District (the "Rate Ordinance") including future improvements, enlargements, extensions and repairs thereto (the "Gross Revenues"). Moneys from the System Revenue Account shall be transferred periodically into separate accounts as provided below.

(b) Operation and Maintenance Account. There shall be established the General Operation and Maintenance Account. Out of the remaining revenues of the System Revenue Account after application described in (c) and (d) below, there shall be set aside each month into the General Operation and Maintenance Account, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the remainder of the System and such current expenses for the maintenance thereof as may be necessary to preserve the remainder of such System in good repair and working order. The term current expenses shall be construed to include all reasonable and necessary costs of operating, repairing, maintaining and insuring the System, including without limitation salaries, supplies and rent t, but shall exclude General Depreciation Account and System Debt Service Account.

(c) System Debt Service Account. Out of the revenues in the System Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated System Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal and interest on, the Revenue Bond and any reserve determined by the Sanitary District to be necessary. The amount set aside monthly shall be not less than one-sixth of the total principal, interest, and other amounts payable on the following May 1 or November 1, and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

(d) Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the System Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Sanitary District to be a proper and adequate amount for repair and depreciation of the System.

(e) Surplus Account. There shall be established the General Surplus Account. Revenues remaining in the System Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be credited to the General Surplus Account. If at any time there shall exist any default in making any periodic transfer to the System Debt Service Account, the Sanitary District shall authorize the Clerk to rectify such default so far as possible by the transfer of money from the General Surplus Account. If any such default shall exist as to more than one account at any time, then such transfer shall be made in the order such accounts are listed above.

When not required to restore a current deficiency in the System Debt Service Account, moneys in the General Surplus Account from time to time may be used for any of the following purposes and not otherwise:

i. To redeem and prepay the Revenue Bond when and as such Revenue Bond become prepayable according to its terms;

ii. To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the System Debt Service Account and the Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

iii. To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or

iv. To be used for any other authorized municipal purpose designated by the Sanitary District.

No moneys shall at any time be transferred from the General Surplus Account or any other account to any other account of the Sanitary District, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as allowed by this Section.

7. Pledge of Revenues. The Revenue Bond, together with the interest thereon, shall not constitute a charge against the Sanitary District's general credit or taxing power, but shall be a limited obligation of the Sanitary District payable solely out of the System Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of and interest on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The Sanitary District covenants and agrees to charge rates for all services from the System or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The Sanitary District hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the Sanitary District set forth in this Section 7 or any other covenant or agreement in the Loan Agreement.

8. Additional Bonds. As permitted by SDCL 9-40-8 and SDCL 9-40-9, additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from

the extensions, additions or improvements. The Sanitary District shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

9. General Covenants.

(a) The Sanitary District hereby covenants and agrees with the Board and other owners of the Revenue Bond that it will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

(b) The Sanitary District agrees and covenants that it will promptly construct the improvements included in the Project.

(c) The Sanitary District covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Surcharge on the Revenue Bond, and the Sanitary District agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the collection and treatment of wastewater for municipal, industrial, and domestic purposes within the Sanitary District.

(d) The Sanitary District covenants and agrees with the Board and other owners of the Revenue Bond that it will maintain the Project and the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remain outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to SDCL 9-40-19.

(e) The Clerk shall cause all moneys pertaining to the Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the Sanitary District, so long as any of the Revenue Bond and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Accounts as

authorized in this Resolution; except that moneys from time to time on hand in the Accounts may at any time, in the discretion of the Sanitary District's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Account may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

(f) In the event of mismanagement of the System, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project or System are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the Sanitary District hereby consents to the appointment of a receiver pursuant to SDCL 9-40-33, and agrees that the receiver will have the powers set forth therein, and in SDCL 9-40-34 and SDCL 9-40-35 to operate and administer the System, and charge and collect rates as described therein.

10. Issuance without Election. The Sanitary District hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15 no election is required to issue the Revenue Bond.

11. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

12. Authorization of Sanitary District Officials. The President, Clerk, Sanitary District Attorney and any other appropriate Sanitary District officials shall be and they are hereby authorized to execute and deliver for and on behalf of the Sanitary District any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

13. Definitions. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

14. Effective Date. This Resolution, after its final passage, will be recorded in a book kept for that purpose, will be authenticated by the signature of the President and the Clerk, will be published in the District's officially designated newspaper, and will be effective following such publication. After becoming effective, this Resolution will be irrevocable until the Bond issued hereunder has been paid in full, except that prior to issuance of the Bond, this Resolution may be amended at any time by adoption of an administrative resolution or ordinance.

Adopted at Renner, South Dakota, this 17th day of April, 2012.

APPROVED:

By___/s/ Dennis Hoffman____
Dennis Hoffman, President
Renner Sanitary District

(Seal)

Attest: /s/ Judy Peltier, Clerk_____
Adopted: April 17, 2012
Approved: April 17, 2012
Published: May 2, 2012

EXHIBIT A

DESCRIPTION OF THE PROJECT

The Renner Sanitary District will perform pipe repairs at eight locations, injection grout ten leaking manholes, raise one manhole, and replace five lift station pumps that are 20 to 30 years old.

**RENNER SANITARY DISTRICT
RESOLUTION #2011-2**

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, Renner Sanitary District has determined a need for the Sewer Repair and Lift Station Upgrades project;

WHEREAS, financial assistance will be necessary to enable Renner Sanitary District to construct this project; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water and wastewater infrastructure projects.

NOW THEREFORE BE IT RESOLVED THAT:

1. Renner Sanitary District hereby authorizes the filing of a grant and/or loan application with the South Dakota Department of Environment and Natural Resources including all understandings and assurances contained therein, to fund its project.
2. Be it further resolved that Renner Sanitary District hereby authorizes Dennis Hoffman, Board President, to act as Project Certifying Officer in connection with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Adopted this 18th day of October, 2011.

/s/ Dennis Hoffman_____
Dennis Hoffman, Board President

ATTEST:

/s/Judy Peltier_____
Judy Peltier, Clerk

Official Seal:

“NOTICE OF ORDINANCE

**The attached Ordinance is proposed by the Renner Sanitary District
this ____ day of April, 2016, pursuant to SDCL 34A-5-29”**

ORDINANCE NO. 2016-1

AN ORDINANCE AMENDING “SECTION 4 – SERVICE CHARGES” OF ORDINANCE NO. 2013-2 (AND AS AMENDED BY ORDINANCE 2015-1).

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA, THAT “SECTION 4 – SERVICE CHARGES” OF ORDINANCE NO. 2013-2 (AND AS AMENDED BY ORDINANCE 2015-1) SHALL BE DELETED IN ITS ENTIRETY, AND THE FOLLOWING SHALL BE SUBSTITUTED IN LIEU THEREOF, EFFECTIVE JULY 1, 2016:

“SECTION 4 SERVICE CHARGES”

- a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$67.00 per month
Each non-residential unit minimum	(2x)	\$134.00 per month
Locker Plant	(7x)	\$469.00 per month
Steak House	(5x)	\$335.00 per month
Safari Bar & Grill Facility	(4x)	\$268.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$67.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$134.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed

in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)."

ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2013-2 SHALL REMAIN IN EFFECT.

Approved:

/S/ _____, District President

Passed first reading: _____, 2016

Passed second reading: _____, 2016

Approved: _____, 2016

Published: _____, 2016

ORDINANCE NO. ____-1

**AN ORDINANCE REGULATING THE USE OF THE DISTRICT SEWER
SYSTEM
IN RENNER SANITARY DISTRICT, ESTABLISHING CHARGES FOR THE
USE THEREOF, AND PENALTIES FOR VIOLATION THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF RENNER SANITARY
DISTRICT, MINNEHAHA COUNTY, SOUTH DAKOTA:**

**SECTION 1
DEFINITIONS**

As used in this ordinance, unless the context otherwise requires.

- a. "District" means Renner Sanitary District or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water—carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "District sewer system" means the entire sewer system of the District for the collection and disposition of sewage and industrial wastes.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- £. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or

other place of disposal.

j. "Person" means an individual, corporation (public or private), limited liability company (LLC), limited liability partnership (LLP), partnership or association.

k. "User" means the owner, lessee or occupant of the premises connected to the district sewer system.

l. "Service" means connection to the district sewer system and the, right to the use of its facilities whether or not the facilities are in fact used.

m. "Notice" means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is delivered or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon any occupant.

n. "Residential unit" means a home, apartment, trailer, or other building or structure, or part thereof, which is normally occupied by one family, whether consisting of one person or more than one person.

o. "Sump Pump" means any mechanical pump operated for purposes of draining/pumping water from any building, pond or standing water.

SECTION 2 USE OF DISTRICT SEWER SYSTEM REQUIRED

a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under its jurisdiction, any sewage or industrial wastes.

b. It shall be unlawful to discharge to any natural outlet within the District, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct

or maintain any privy, septic tank, cesspool, or any facility intended or used for the disposal of sewage.

d. The owner of every residence, business or industrial building in the District abutting upon any street or alley in which public sewer mains are maintained, shall at his own expense install a sewer to dispose of all sewage and industrial wastes from the premises and connect it with the public sewer within 30 days after notice to do so, provided the public sewer main is within 200 feet of his property line. If such owner fails to provide for such sewer after notice to do so, the District shall provide for the installation of such sewer and charge the cost against the property as a special assessment.

e. So long as the public sewer main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the District, applicable ordinances of Minnehaha County and the City of Sioux Falls, and with all requirements of the Department of Public Health of the State of South Dakota. At such times as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private disposal facility shall cease.

f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section of the ordinance is declared to be a public nuisance and the District may abate the same in the manner provided by law.

SECTION 3 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO

a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued in accordance with the procedure hereinafter set forth.

b. All applications for sewer permits shall be made first to the District Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawings

showing the proposed work.

c. The District may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. After the application has been approved by the Board of Trustees and the applicant has paid to the District Clerk a permit fee of \$350.00 the District Clerk shall issue a receipt.

d. Upon issuance of the District's receipt, the person to whom it was issued shall submit the same together with the application and its accompanying plans and drawings to the Engineering Department, City of Sioux Falls.

e. The City may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations and that the statements in the application are true. After the application has been approved by the Engineering Department of said City and the applicant has paid to the City the connection fee, the Engineering Department shall issue a permit.

f. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Engineering Department of the City of the progress of the work at such stages during construction as the Engineering Department may direct and in particular shall notify the Engineering Department when the building sewer is complete and ready for connection with the public sewer. The Engineering Department shall be given an opportunity to inspect the work prior to back filling.

g. All connections with the public sewer shall be made with polyvinyl chloride (PVC) SDR 35 from five feet of the building to the public sewer and shall comply with current plumbing standards, if any, provided by ordinance of the City of Sioux Falls or law or regulations of the State of South Dakota. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the District and the Engineering Department but in no event shall the internal diameter be less than four inches, nor shall the slope be less than 1/8 inch per foot. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the District or the Engineering

Department.

h. Every building shall be separately and independently connected with the public sewer.

i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

j. The applicant shall indemnify and save harmless the District from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to issuance of the permit. The District may, as a condition to issuance of the permit, require the applicant to file a surety bond in the amount of \$1,000.00 for a period of two years.

k. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the current requirements of the building and plumbing code or other applicable rules and regulations of the City of Sioux Falls and the State of South Dakota. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SECTION 4 SERVI CE CHARGES

a. Monthly sewer service charges shall be as follows:

Each residential unit	(x)	\$30.00 per month
Each non-residential unit minimum	(2x)	\$60.00 per month
Locker Plant	(7x)	\$210.00 per month
Steak House	(5x)	\$150.00 per month

b. Residential users are considered to be one class of user and are assessed a charge of \$30.00 per month. Non-residential users are assessed a charge determined by the Board based on estimated volume of flow and type of flow, at a minimum of \$60.00 per month.

Any non-residential user with BOD and SS greater than the average residential user's strength of 200 mg/1 BOD and 250 mg/1 SS will pay a surcharge as determined by the Board.

c. The District shall review service charges annually and revise them periodically to reflect actual sewer system operation and maintenance costs, to assure equity of the system and to assure that sufficient funds will be collected from the system to adequately operate and maintain the wastewater treatment works.

d. An account for services will be kept for each property owner and a separate account for separate premises. Each owner will be liable for service to his premises. Bills for service shall be rendered monthly and will be due within ten days of date of billing. The District Treasurer will keep accounts and render the bills; and will receive payment of bills and provide receipts therefore.

e. All sewer charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, next to pay debt service on bonds of the District issued to construct the system, and the balance shall be used as the Board of Trustees may direct and as provided by law.

f. All sewer service charges shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the District shall have the right to disconnect sewer service to the premises and to collect the delinquent charges by civil action in any court and file as delinquent charges against the real property as per SDCL 34A-5-40.

g. Any charges, and any interest and penalties thereon, for sewer service rendered or made available to any real property within the District, which are due and unpaid on the first day of October in each year shall be certified by the District Clerk to the Minnehaha County Auditor in the manner provided by SDCL 10-12-7 and SDCL 34A-5-40, together with any taxes levied

for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property.

h. The Renner Sanitary District, with the assistance of the City of Sioux Falls, will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Renner Sanitary District will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the , average residential user. Such users will be assessed with a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. The surcharge rate structure for such above normal strength waste dischargers is attached. (Appendix A)

SECTION 5

USE OF PUBLIC SEWERS

a. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the District for purposes of disposal of polluted surface drainage.

b. No person shall discharge or cause to be discharged into any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, causing damage or hazard to property or personnel of the sewer system or interfering with any sewage treatment process; no person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank, manhole, lift station, or any part of the District sewer system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

c. Where necessary for the proper handling of liquid wastes containing excessive grease, any flammable wastes or sand or other harmful ingredients, the District may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

d. Each user which discharges any toxic pollutants which cause an increase in the cost

of managing the effluent or the sludge of the Grantee's treatment works shall pay for such increased costs.

SECTION 6

OTHER PROVISIONS

a. Any duty or authority herein imposed on or given to the District Clerk may be performed and exercised by any employee of the District, designated by resolution of the Board of Trustees, which resolution shall specify the duties and authority of the employee and to that extent the District Clerk will be relieved of his obligations herein.

b. The District Clerk and other duly authorized employees and agents of the District shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.

c. Nothing in this ordinance shall contractually bind the District.

d. All ordinances, resolutions or motions or parts thereof in conflict herewith are hereby repealed. The invalidity of any section[^] clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such valid part or parts.

SECTION 7

PENALTIES

a. Violation of any of the provisions of Section 2, 3, 4 and 5 of this ordinance shall constitute a misdemeanor and violators shall be fined not in excess of \$1,000.00 for each violation. Conviction shall not preclude civil liability to the District for any damage caused the District by the illegal act.

b. No unauthorized person shall maliciously or willfully break, damage, or tamper with any structure, appurtenance or equipment which is a part of the District sewer system. Any person convicted of a violation hereof shall be guilty of a misdemeanor and shall be fined in an amount not exceeding \$1,000.00 for each violation.

c. District may levy civil penalties of \$1,000.00 plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees, and expense per violation by civil action.

Approved:

/S/ _____, District President

Passed first reading: _____, 2010

Passed second reading: _____, 2010

Approved: _____, 2010

Published: _____, 2010

ATTEST: /S/ _____, District Clerk