

**OFFICIAL PROCEEDINGS**  
**CITY OF HERREID, SOUTH DAKOTA**  
**JUNE 2, 2025**  
102 Main St N.  
Herreid, SD 57632

**I. Call to Order**

The Herreid City Council was called to order by Mayor Gary Weismantel on the above date at 7:00 p.m. at Herreid City Hall.

**II. Roll Call**

The following members were present: Adrienne Dupper, Kim Rossow, Brady Vander Vorst, Troy Fuehrer, Bob Rossow, and Canaan Winthrop. Also present were Keith Hall, Finance Officer; Alan Allbee, Deputy Finance Officer; Brett Van Vugt, Maintenance; Orland Geigle, Prairie Pioneer; and Karen Speidel, Selby Record; Jose Diaz, Campbell County Insurance Agency; Sandra and Andrew Erickson, Residents.

**III. Approval of Agenda**

Moved by Dupper, seconded by Fuehrer, to approve the agenda. All members voted aye; motion carried.

**IV. Approval of Minutes**

Moved by Vander Vorst, seconded by B. Rossow, to approve the May 5, 2025 meeting minutes. All members voted aye; motion carried.

**V. Approval of Claims**

Moved by Dupper, seconded by Fuehrer, to approve the normal claims for May 2025. All members voted aye; motion carried. There were no additional/unusual claims for May. Dupper also noted that the council would like to thank Elmer’s Welding for reducing the bill for using the boom lift to change out the main street lights.

**May 2025 Claims**

24/7 Gas	Fuel	\$287.73
Campbell County Bank	ACH Service Fee	\$20.40
Campbell County Insurance	Audit 2024	\$64,498.00
Campbell County Sheriff	Services	\$3,308.45
Carlson Services	Water Line Services	\$2,419.07
City of Herreid	Starting cash for pool & Com Ctr	\$251.77
Code Enforcement Specialist	Services	\$424.91
Curtis Rud Oil	LP Fuel	\$1,775.00
Elmer's Welding	Services	\$1,585.00
Financial Agent	Payroll Taxes	\$2,806.29
Fresh Start Market	Supplies	\$13.14
Griese Construction	Pool Repairs	\$30,561.28
Heartland Waste	Garbage Collection	\$5,670.00
Herreid Super Stop	Fuel	\$135.28
Huber & Son	Repairs & Maintenance	\$86.90
Les's Standard	Repairs	\$4,336.44
Metropolitan Compounds	Supplies & Materials	\$658.62
MDU	Utilities	\$1,861.26
Prairie Pioneer	Publishing	\$376.95
Quality Quick Print	Signs	\$552.50
Quill Corp	Supplies	\$123.46
Record Keepers LLC	Shredding Services	\$111.90
Runnings	Supplies	\$452.61
Schaeffbauer Electric	Services	\$1,796.73

SD Dept of Health	Sampling Fees	\$15.00
SD Dept of Revenue	State Portion of Alcohol License Renew	\$150.00
SD Dept of Revenue	Sales Tax	\$349.35
SD One Call	Locates	\$7.84
SD Retirement	Retirement Contributions	\$1,241.68
SD State Treasurer	Tax Payment	\$17.13
Servall	Linen Services	\$77.88
Share Corporation	Supplies	\$481.91
SRP Supplemental Retirement	Supplemental Retirement	\$100.00
USDA	Loan Payments for Sewer Projects	\$7,727.00
Valley Telco	Utilities	\$365.69
Visa	Supplies & Fees	\$797.15
WEB Water	Bulk Water	\$7,756.07

**Payroll**

Finance Dept	\$3,848.56
Streets Dept	\$1,978.01
Water Dept	\$1,615.90
Sewer Dept	\$1,615.90
Parks Dept	\$395.60

**Total Payroll    \$9,453.97**

**VI. Public Comments**

The council discussed concerns about the abundance of stray cats in a few areas in town. Options of trapping and relocating were discussed. Letters will be sent out to those that are known to be feeding and harboring strays, which is a violation of city ordinances. Also discussed was the roadway conditions on 4<sup>th</sup> Ave SE (Railway Ave).

**VII. Building Permits**

Motion was made by K. Rossow, seconded by Fuehrer to approve the building permit for Sandra Erickson to bring in a house to be set on Lot 7 of Elm St. North. Also approved in the motion was the building permit for Thomas Rice to move a house in to be set on Lot 4 of Elm St. North. All members voted aye; motion carried.

**VIII. Old Business**

**a. Pool**

The council reviewed updates on the pool’s concrete replacement and the possibility of installing a gate opening along the north side of the pool. The pool is set to open Monday, June 9<sup>th</sup>.

**b. Elm St Development**

The council discussed future improvements and development of the north section of Elm Street. HAHD had previously requested that the city pay for the cost to stub in services lines all the way to the end of Elm Street for future residential development. A quote from Todd Pudwill had been received that totaled \$27,794.28 and included stubbing in both water and sewer service lines from the mains. It included Lots 6, 7, 8, & 9. It was agreed that the matter would be further discussed during a topic later in the meeting.

**IX. New Business**

**a. Oaths of Office**

Canaan Winthrop (Ward 1), was elected unopposed (2 years) but was absent at the May meeting. The oath of office was administered to Winthrop.

**b. Council President & Vice President**

Motion was made by Vander Vorst, seconded by B. Rossow to nominate and approve Dupper for council President and K. Rossow for council Vice President. All members voted aye; motion carried.

**c. Community Center Insurance**

Heard from Jose Diaz of the Campbell County Insurance Agency, that a general liability policy for the Community Center had been added and that there had also been a rate adjustment on the city’s

insurance policies. The adjustment resulted in a difference of \$1,892.00 which will be refunded to the city. Motion was made by K. Rossow, seconded by Fuehrer to approve the new liability policy. All members voted aye; motion carried.

**d. Surplus Item Bid Opening**

All sealed bids were opened by Mayor Weismantel. Winning bidders were as follows: Church Pew – Bonnie Schick, \$5; Cast-Iron Patio Tables (2) and Cast-Iron Patio Chairs (9) – Nelisse Sumey, \$110. No other surplus items received bids.

**e. Park Vandalism**

The council discussed a recent episode of possible vandalism at the Karl Deibert City Park. One of the backboards had been shattered by what appears to be a rock thrown at it. Discussion was held on the replacement, possibly installing cameras, and placing new signage for park rules. Winthrop will be researching the cost of a security camera system and report back to the council.

**f. Service Lines – Cost of Connections**

The council held discussion on whether or not to change the current cost of connections ordinance, code 11.04.100. Currently the ordinance states that *“The cost of installing all pipes and plumbing between the city water and sewer mains... as well as all repairs, shall be borne entirely by the user (property owner).”* The discussion was centered around whether or not the “user” should be responsible for the cost of installing and repairing service lines all the way to the mains or only to the property line. Following discussion, it was agreed to leave the ordinance as is for now.

**g. Livestock Trailer Parking**

The council discussed the possibility of drafting an ordinance banning overnight parking of livestock trailers within city limits. No final conclusion was reached at this time.

**h. Ordinance 2025-02 Amendment to Code 11.04 (2<sup>nd</sup> Reading)**

Moved by K. Rossow, seconded by Fuehrer, to approve the second reading as read of Ordinance 2025-02 – Amendment to Code 11.04. All members voted aye; motion carried. The amendment clarifies and restructures utility billing policies.

**i. Ordinance 2025-03 Amendment to Code 6.08.050 (2<sup>nd</sup> Reading)**

Moved by Dupper, seconded by Vander Vorst, to approve the second reading as read of Ordinance 2025-03 – Amendment to Code 6.08.050. All members voted aye; motion carried. The amendment clarifies and restructures garbage collection policies to align with Code 11.04 amendments.

**j. Ordinance 2025-04 Addition of Code 6.08.065 User Fees (2<sup>nd</sup> Reading)**

Moved by B. Rossow, seconded by Fuehrer, to approve the second reading as read of Ordinance 2025-04 – Addition of Code 6.08.065 User Fees. All members voted aye; motion carried. The ordinance establishes a rubble site fee structure.

**k. Resolution 2025-05 – Fee Schedule – Rubble Site Fees**

Moved by Fuehrer, seconded by K. Rossow to approve the reading as read of Resolution 2025-05 – Fee Schedule. All members voted aye; motion carried. The resolution updates the fee schedule to include the actual fees for the rubble site.

**l. Compost Site Quote**

The council discussed the quote from Griese Construction to replace concrete at the compost site. The site would be relocated next to the current site and include an 8” thick pad. The quote totaled \$13,533.70 which includes all labor and materials. Moved by K. Rossow, seconded by Vander Vorst to approve the quote and move forward with the project. Fuehrer, B. Rossow, Vander Vorst, Winthrop, and K. Rossow voted aye; Dupper opposed; motion carried.

**m. Emergency Siren Update**

Finance Officer Hall and Deputy Allbee updated the council on a proposed emergency siren for the north end of town. Currently, no grants are available at this time and it is not known when any will be available for the foreseeable future. The council discussed potential locations and the timelines. Following more discussion, it was agreed to budget for the addition in 2026 which would give more time to decide on a location and hopefully secure a grant.

**n. Community Center Use (Gymnastics)**

The request to use the Community Center for a youth gymnastics class on five dates in July was agreed

on and approved.

**o. Community Access Grant**

The council agreed to reapply for the Small Community Access Grant which provide funds to help in the cost of fixing the roads on 4<sup>th</sup> Ave SE (Railway Ave). Hall will be working with Ted Dickey of NECOG to apply for the grant.

**p. Community Center Rate & Pay**

The council agreed to make a rate adjustment for rental of the Community Center and skating. FO Hall will include the adjustments in a resolution at the next meeting. Motion by Winthrop, seconded by Dupper, to adjust the compensation rates for Ray and Carol Ottenbacher for skating events and Community Center cleaning. The new rates are \$60 per skate party and Sunday open skating (previously \$40), \$100 for standard cleaning after a rental event (previously \$75), and \$125 for extensive cleaning after a rental event. All members voted aye; motion carried. The rates apply collectively to both Ray and Carol, not individually.

**q. Fitness Center Treadmill and Repairs**

The council discussed the replacement of one of the older treadmills. Hall noted that there was \$1,000 set aside in the current budget for equipment replacement. Motion by K. Rossow, seconded by Fuehrer, to allow Hall & Allbee to spend up to \$1,000 to purchase a replacement treadmill. All members voted aye; motion carried. The council also discussed some maintenance issues in the fitness center. More discussion will be held on that matter at future meetings.

**r. Code Enforcement Update**

The council reviewed the latest code enforcement update.

**s. Elected Officials Workshop**

Heard that the next Elected Officials Workshop will be held in Pierre on July 16-17.

**t. Budget Training Class**

Motion by Dupper, seconded by Winthrop to approve FO Hall to attend the Budget Training Class in Rapid City on June 18<sup>th</sup>. All members voted aye; motion carried.

**X. Maintenance Report**

Van Vugt provided updates on maintenance activities.

**XI. Finance Report**

The council discussed delinquent utility accounts and reviewed financial reports.

**XII. Executive Session – SDCL 1-25-2 (1) personnel**

At 9:30 p.m., motion was made by Fuehrer, seconded by Vander Vorst, to enter Executive Session pursuant to SDCL 1-25-2 (1) for personnel matters, press and public excluded. At 9:48 p.m., Mayor Weismantel declared the council out of Executive Session. Upon returning, motion was made by Dupper, seconded by K. Rossow, to approve the hiring of Leehvi Stokes for the seasonal maintenance position at \$15.00 per hour. All members voted aye; motion carried.

**XIII. Executive Session – SDCL 1-25-2 (4) legal**

None

**XIV. Next Meeting**

The next regularly scheduled Council meeting is set for Monday, July 7, 2025 at 7:30 p.m.

**XV. Adjournment**

With no further business, the meeting was adjourned at 9:50 p.m.

APPROVED:

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Gary Weismantel, Mayor

ATTEST:

*This institution is an equal opportunity provider.*

**RESOLUTION 2025-05**

**A RESOLUTION TO SET FEES CHARGED BY THE CITY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HERREID, SOUTH DAKOTA that the following fees shall be amended, added, and/or charged by the City of Herreid:

RUBBLE SITE		
Code 6.08.065		
	GENERAL RUBBLE	AMOUNT
	Pickup truck load	\$6.00
	Pull behind utility trailer	\$6.00
	Truck load - single axel	\$12.00
	Truck load - tandem	\$23.00
	Semi load	\$55.00
	CONCRETE	AMOUNT
	Pickup truck load	\$17.00
	Pull behind utility trailer	\$17.00
	Truck load - single axel	\$35.00
	Truck load - tandem	\$52.00
	Semi load	\$115.00
	APPLIANCES	AMOUNT
	Fridge/Freezer	\$10.00
	Range	\$10.00
	AC Unit	\$10.00
	Washer/Dryer	\$10.00
	MISCELLANEOUS	AMOUNT
	Couch	\$10.00
	Recliner/Easy Chair	\$10.00
	Mattress	\$10.00
	Toilet	\$5.00
	Mower	\$5.00

Dated this 2<sup>nd</sup> day of June 2025.

## CITY OF HERREID ORDINANCE

2025-02

### AN ORDINANCE AMENDING CHAPTER 11.04 OF THE HERREID CODE OF ORDINANCES REGARDING UTILITY PAYMENT ARRANGEMENTS, DELINQUENCY TIMEFRAMES, SECURITY DEPOSITS, NONPROFIT EXEMPTIONS, AND UTILITY AGREEMENTS

**WHEREAS**, the City of Herreid seeks to ensure consistent and timely payment of utility charges for water and wastewater services; and

**WHEREAS**, the City has experienced issues with delinquent utility accounts for rental properties when accounts are placed in tenants' names, often leaving property owners responsible for unpaid balances; and

**WHEREAS**, the City desires to require that utility accounts for rental properties be maintained in the name of the property owner, except for certain nonprofit organizations, and to clarify the responsibility for payment; and

**WHEREAS**, the City seeks to provide an exemption for tax-exempt organizations recognized under Sections 501(c)(3) and 501(c)(6) of the Internal Revenue Code, allowing them flexibility in naming utility accounts while maintaining ultimate responsibility for unpaid charges; and

**WHEREAS**, the City aims to revise delinquency timeframes to improve collection efficiency, clarify that security deposits must be paid in full before service is granted, establish clear billing and reconnection policies, and require a signed utility agreement to formalize responsibilities;

**NOW THEREFORE**, be it ordained by the City Council of the City of Herreid, in the State of South Dakota, that Chapter 11.04 of the Herreid Code of Ordinances is hereby amended as follows:

**SECTION 1: AMENDMENT** "11.04.120 Special Fees And Charges" of the Herreid Municipal Code is hereby *amended* as follows:

#### **AMENDMENT**

##### 11.04.120 Special Fees And Charges

- (a) Any person desiring water and/or wastewater services from the city for a premises not theretofore connected to the systems shall pay to the city finance officer as a connection charge the sum of \$25.00 for a water or sewer or combination of both connections. An exception to the prohibition of pro-rating bills shall be made for purposes of seasonal or temporary use hookups.
- (b) ~~Every user shall, prior to receiving water and/or wastewater services, deposit with the city finance officer an amount of \$125.00. Said deposit shall be held in a separate fund by the city finance officer as a guarantee of payment for water and/or wastewater charges. Said deposit shall be refundable after two years if said user remains current on their monthly payments. Whenever water and/or wastewater service to a user is discontinued prior to two years of service, the balance of the deposit for water and/or wastewater service shall be returned to said user, less any amount due for service.~~ Every user shall, prior to receiving water and/or wastewater services, sign a utility agreement with the city finance officer acknowledging responsibility for charges, fees, and penalties under this chapter, as applicable to their role as property owner or designated account holder, and deposit with the city finance officer an amount of \$125.00 in full. Said security deposit shall be paid in full before water and/or wastewater services are granted. Said security deposit shall be held in a separate fund by the city finance officer as a guarantee of payment for water and/or wastewater charges. Said security deposit shall be refundable after two years if said user remains current on their monthly payments. Whenever water and/or wastewater service to a user is discontinued prior to two years of service, the balance of the security deposit for water and/or wastewater service shall be returned to said user, less any amount due for service.

- (c) A disconnect fee will not be assessed for discontinuing water and/or wastewater services whether for nonpayment or at the request of the property owner or other authorized person. There shall be a fee ~~of \$30.00~~ as stated in Appendix A: City Fee Schedule charged for reestablishing water and/or wastewater service whether due to nonpayment or due to the request for discontinuance from the property owner or other authorized person.
- (d) For all rental properties within the City of Herreid, utility accounts for water and/or wastewater services shall be established and maintained solely in the name of the property owner, defined as the individual or entity listed as the owner of record on the property's tax assessment with Campbell County, except as provided below for certain nonprofit organizations. The property owner shall be the responsible party for all charges, fees, and penalties associated with the utility account. Utility accounts for rental properties shall not be placed in the name of tenants, except as provided below. The property owner may determine how to recover utility costs from tenants, but the City shall issue bills and notices solely to the property owner, and no courtesy bills or notices shall be issued to tenants or property managers.
- (e) As an exemption, property owners that are tax-exempt organizations recognized under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code may choose to establish and maintain utility accounts for their rental properties in either the organization's name or the tenant's name. If such an organization chooses to place the utility account in the tenant's name, the tenant shall pay the security deposit and be primarily responsible for timely monthly payments, but the organization shall remain ultimately responsible for any unpaid charges, fees, and penalties associated with the utility account, including any delinquent balances left by the tenant. The City shall issue bills and notices to the account holder as designated by the organization, and no courtesy bills or notices shall be issued to any other party, but the organization's responsibility for payment of unpaid amounts shall not be waived. The utility agreement signed by such organizations shall specify their liability for unpaid charges on tenant-named accounts and may designate the tenant as the account holder, who shall acknowledge responsibility for timely monthly payments and payment of the security deposit. The security deposit paid by the tenant shall be refunded to the tenant per the terms of this section, less any amount due, with the organization responsible for any remaining unpaid charges.

(Code 1991, ch. 22, § 7; Ord. No. 2012-05, 4-1-2013; Ord. No. 2019-7, 1-15-2020)

**SECTION 2: AMENDMENT** "11.04.150 Payment Of The User's Water And Wastewater Charges And Penalties" of the Herreid Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 11.04.150 Payment Of The User's Water And Wastewater Charges And Penalties

- (a) All charges and fees for water and/or wastewater services shall become due and payable to the city finance officer on the 20th day of the month following the month the service was rendered. If payment is not received or postmarked by that date, a late fee in the amount stated in the Appendix A: City Fee Schedule shall be added to the account. No allowances shall be made on water bills for excessive use occasioned by leaks or waste within the premises of the consumer. ~~The city shall add a late fee of the rate stated in the City Fee Schedule per month if payment is not received or postmarked before said date.~~
- (b) The city finance officer shall prepare a list of all delinquent utility users whose payments are more than ~~60~~thirty (30) days delinquent. The city finance officer shall present said list of delinquent payments to the city council at their regular monthly meeting.
- (c) Should any user fail to pay the charges as well as any and all associated penalties within ~~90~~sixty (60) days from the date they become due and payable, the city may discontinue service to the property.
- (d) ~~Any user whose service was disconnected for nonpayment shall be required to pay all charges as well as any and all associated penalties due prior to having services restored. Any user whose service was~~

disconnected for nonpayment shall be required to pay all past-due charges, late fees, penalties, and any applicable reconnection or reinstatement fees as set forth in the Appendix A: City Fee Schedule in full, prior to having services restored. No partial payments or payment arrangements shall be permitted once services have been disconnected.

- (e) In addition to the other remedies provided by this section, the city may proceed against any user in any civil action, in any court of competent jurisdiction, to collect overdue charges.  
(Prior Code, ch. 22, § 8; Ord. No. 2010-08, 10-4-2010; Ord. No. 2019-7, 1-15-2020)

**SECTION 3:     AMENDMENT** “11.04.160 Discontinuance Of Service By Customer; Notice Required” of the Herreid Municipal Code is hereby *amended* as follows:

**AMENDMENT**

11.04.160 Discontinuance Of Service By Customer; Notice Required

Users desiring to discontinue the use of water and sewer service shall be required to give notice thereof to the city finance officer, and regular rates shall be charged until such notice has been given. Notice must also be given for change of tenants. For rental properties, only the property owner, defined as the individual or entity listed as the owner of record on the property’s tax assessment with Campbell County, may provide notice to discontinue service, except for properties owned by tax-exempt organizations recognized under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code. For such organizations, if the utility agreement designates the tenant as the account holder, either the organization or the tenant may provide notice to discontinue service, but the organization remains responsible for any outstanding charges. Notice must also be given by the property owner for any change in tenancy, but the utility account shall remain in the property owner’s name, or in the tenant’s name for exempt organizations, as applicable, and shall not be transferred to a new tenant without the property owner’s authorization.

(Code 1991, ch. 22.01, § 2(2))

**SECTION 4:     SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 5:     EFFECTIVE DATE** This Ordinance shall be in full force and effect from June 22, 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF HERREID CITY COUNCIL JUNE 02, 2025.

**CITY OF HERREID ORDINANCE  
2025-03**

**AN ORDINANCE AMENDING SECTION 6.08.050 OF THE HERREID CITY CODE REGARDING GARBAGE COLLECTION COSTS, BILLING, AND COLLECTIONS**

**WHEREAS**, the City of Herreid seeks to ensure consistent billing and collection practices for all city services, including garbage collection, water, and wastewater; and

**WHEREAS**, amendments to Chapter 11.04 of the Herreid Municipal Code have established that utility accounts for rental properties are generally in the property owner’s name, with exemptions for certain nonprofit organizations; and

**WHEREAS**, garbage collection fees are included in the monthly city services bill, requiring alignment with the updated utility payment arrangements to avoid confusion and ensure effective collections; and

**WHEREAS**, the City desires to clarify billing responsibilities, define key terms, align disconnection timeframes, and address nonprofit liability for garbage collection fees to maintain consistency with state law and city ordinances;

**NOW THEREFORE**, be it ordained by the City Council of the City of Herreid, that Section 6.08.050 of the Herreid Municipal Code is hereby amended to read as follows:

**SECTION 1:** **AMENDMENT** "6.08.050 Costs, Billing And Collections" of the Herreid Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 6.08.050 Costs, Billing And Collections

For purposes of this section, "Account Holder" means the person or entity to whom the city services bill is issued.

- (a) A fair and reasonable charge for the collection of the contents at each regular collection time from each family domestic unit shall be as set by resolution of the city council. Any exemptions from this charge shall also be determined by resolution of the city council.
- (b) All ~~patrons~~ Account Holders receiving city garbage collection service shall be charged a monthly fee as stated in Appendix A - City Fee Schedule for garbage collection service, which will be included on the monthly city services bill. ~~and shall be collected at the same time as the city services bill is collected.~~ The garbage collection service charges shall become due and payable on the 20th day of the month following the month the service was rendered. If payment is not received or postmarked by said date, the charges shall be considered delinquent. The city will not accept payment for city services without payment of the garbage collection service fee.
- (c) The city finance officer, with the approval of the city council, may from time to time adopt and use, and may also enforce other methods of billing and collecting such charges as may appear efficient, feasible and appropriate to the end that, in every case, each unit shall pay the collection charge provided for in this chapter.
- (d) The city finance officer shall collect a delinquent garbage collection service fee as a condition precedent to the payment of any water, sewer, utility or other charge collected by the city as permitted by SDCL 34A-6-29 or acts amendatory thereto. ~~If the monthly garbage collection service charges are not paid within 30 days of the billing date, they shall be considered delinquent.~~
- (e) ~~Failure of the occupant of a family domestic unit to pay the collection charges when due will constitute grounds for the terminating of garbage collection, water services, gas service and electric service in any manner authorized by state law.~~ If the collection charges remain unpaid for more than 60 days after they become due, it will constitute grounds for terminating garbage collection, water services, gas service, and electric service in any manner authorized by state law.
- (f) For properties owned by tax-exempt organizations recognized under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code, where the utility account for water and/or wastewater services is in the tenant's name as permitted under Section 11.04.120, the organization shall remain ultimately responsible for any unpaid garbage collection charges, fees, and penalties.

**SECTION 2: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 3: EFFECTIVE DATE** This Ordinance shall be in full force and effect from June 22, 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF HERREID CITY COUNCIL JUNE 02, 2025.

**CITY OF HERREID ORDINANCE  
2025-04**

**AN ORDINANCE AMENDING CHAPTER 6.08 OF THE MUNICIPAL CODE OF ORDINANCES BY ADDING SECTION 6.08.065 TO ESTABLISH USER FEES FOR DISPOSAL AT THE CITY RUBBLE SITE.**

**WHEREAS**, the City Council seeks to ensure the sustainable operation of the city rubble site by implementing a fee structure for disposal services; and

**WHEREAS**, the City Council has the authority under Section 6.08.020 to regulate and fix charges for landfill services; and

**WHEREAS**, the proposed fees will be set by resolution and detailed in Appendix A - City Fee Schedule, without altering existing regulations on acceptable materials or restricting use to city residents only;

**NOW THEREFORE**, be it ordained by the City Council of the City of Herreid, in the State of South Dakota, as follows: SECTION 1. That Chapter 6.08 of the Municipal Code of Ordinances is hereby amended by adding a new Section 6.08.065 to read as follows:

**SECTION 1: AMENDMENT** "6.08 SOLID WASTE" of the Herreid Municipal Code is hereby *amended* as follows:

**AMENDMENT**

6.08 SOLID WASTE

**SECTION 2: ADOPTION** "6.08.065 User Fees For Rubble Site Disposal" of the Herreid Municipal Code is hereby *added* as follows:

**ADOPTION**

6.08.065 User Fees For Rubble Site Disposal (*Added*)

- (a) All city residents disposing of materials at the city rubble site, as authorized under Section 6.08.080, shall be required to pay user fees for such disposal services.
- (b) The rates for user fees shall be established by resolution of the City Council and are set forth in Appendix A - City Fee Schedule of the Municipal Code of Ordinances. The City Council may adjust these rates as necessary by resolution.
- (c) Methods of Payment: The City Council or its designee may authorize various methods of payment, including but not limited to:
  - (1) Flat Fee per Load – paid at the gate or invoiced.

- (2) Punch Card System – purchased in advance at City Hall or at the rubble site (if staffing allows).
- (3) Monthly Billing – available for frequent users, commercial entities, or contractors at the discretion of the City Council or its designee.
- (4) Other Payment Systems as determined by resolution of the City Council.
- (d) Refusal of Access: Any person who refuses to pay the required fee or cannot demonstrate residency shall be refused access to the rubble site.
- (e) Delinquent Fees: Any unpaid fees not remitted in accordance with the procedures established by the City Council shall be deemed delinquent. Repeated failure to pay may result in revocation of rubble site privileges, in addition to any other penalties permitted under the City Code.
- (f) Failure to pay the required fees shall be considered a violation of this chapter.
- (g) Any person found to be in violation of this section by disposing of materials without payment of the required user fees shall be subject to a fine of \$100 for the first offense and \$200 for each subsequent offense. Fines must be paid within thirty (30) days of issuance. Failure to pay such fines may result in further legal action and additional penalties, including revocation of rubble site access after three (3) violations, as determined by the City.
- (h) The superintendent of public works or their designee is authorized to enforce the provisions of this section, including the collection of fees and issuance of fines for non-compliance.

**SECTION 3:**                    **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:**                    **EFFECTIVE DATE** This Ordinance shall be in full force and effect from June 22, 2025 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF HERREID CITY COUNCIL JUNE 02, 2025.