

**RESOLUTION 2010- 36
DECLARING THE POLICY OF
THE CITY OF STURGIS
CONCERNING THE PROVISION OF MUNICIPAL SERVICES OUTSIDE OF
THE CITY**

WHEREAS the orderly growth and development of the City of Sturgis in a safe and sanitary manner requires a complete system of municipal services such as public safety, public works and utility services to serve each and every residence, industry, and commercial establishment, and,

WHEREAS the City Council of the City of Sturgis is not in a financial position, either through its general fund or water and sewer enterprise revenue to provide new municipal services beyond what services are currently provided to individual residences and businesses outside of the City without additional sources of operating and capital funds to offset the cost of the provision of new municipal services, and,

WHEREAS, the South Dakota Codified Law provides that the Sturgis City Council may, at its discretion, extend municipal services to areas outside of the City limits in accordance with South Dakota Codified Laws 9-4-1, 9-4-1.1, and 1-24, and

WHEREAS, South Dakota statutes provide that Cities are not legally required to provide municipal or other utility services to properties located outside the City limits, but that Cities have the discretion to provide such utilities on terms and conditions set forth in a voluntary contract; and

WHEREAS, the City of Sturgis Municipal Code has established and maintained requirements and practices for providing municipal services to properties outside the City limits, and

WHEREAS, the City of Sturgis has determined that the past practices for providing municipal services to properties outside the City limits are no longer adequate nor financially responsible to meet the long term development goals of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sturgis, South Dakota, that the following shall be the official policy regarding the provision of municipal services and the extension and construction of water and sanitary sewer lines which will be connected to the City of Sturgis water and sewerage systems:

Section 1. The provision of municipal and utility services shall require a commitment by the property owner that the owner will agree to annex the property to the City and to comply with City zoning, development regulations, utility requirements and all applicable codes, confirmed through a negotiated contract agreed to by the

property owner in accordance with South Dakota Codified Law 9-4-1 and 9-4-1.1, or as authorized by South Dakota Codified Law chapter 1-24.

Section 2. The provision of any utility services will require voluntary annexation or a binding contractual commitment to annex at a specific date in time as a condition for properties located outside the City limits to receive water and/or sewer service from the City's utilities; and

Section 3. Property owners must execute a pre-annexation, utility extension agreements in order to receive City utility services outside the City limits, and such agreements all require the signing parties and their successors to cooperate with annexation efforts for the subject property whenever that occurs, and to comply with the City's comprehensive plan, zoning and development regulations, and city code.

Section 4. This Municipal Services Policy shall not limit the Water Department from continuing to make water available to individuals through bulk water sales at established rates at designated sales stations within the City.

Section 5. If a section, subsection, paragraph, sentence, clause, or phrase of this policy is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If any provision of this ordinance is found to be inconsistent with the other provisions of the Sturgis Municipal Code, this policy is deemed to control.

PASSED by the City Council of the City of Sturgis this 18th day of October, 2010 and signed in authentication thereof this 18th day of October, 2010.

CITY OF STURGIS

Maury LaRue, Mayor

ATTEST:

Fay Bueno, Finance Officer

Published: October 27, 2010
Effective: November 17, 2010