

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **UTILITIES - SOUTH DAKOTA**

### **Brant Lake Sanitary Dist. v. Thornberry**

**Supreme Court of South Dakota - September 28, 2016 - N.W.2d - 2016 WL 5637019**

Sanitary district brought action against landowners seeking to enjoin them from using their property until they connected their dwelling to a sewer line.

The Circuit Court entered summary judgment in favor of landowners. Sanitary district appealed.

The Supreme Court of South Dakota held that ordinance requiring connection to a sewer line did not apply to landowners, who were subject to “grandfather” clause providing that ordinance did not apply to existing houses “not currently required” to be connected.

Language “not currently required” referred to the time at which the ordinance was enacted, rather than to those property owners who had not yet received notice to connect to sewer line.