

# PICKEREL LAKE SANITARY DISTRICT

## ORDINANCE NO. 1

**AN ORDINANCE** in and for Pickerel Lake Sanitary District, Day County, South Dakota, regulating the use of sewers, drains, and disposal systems; regulating the construction, maintenance and use of wastewater treatment systems and facilities; regulating the installation and connection of building sewers; providing a permit system and forms therefore; providing for rules and regulations in reference to the foregoing; providing penalties for violations; and providing for variances.

**BE IT ORDAINED AND ENACTED** by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota, as follows:

### TITLE I

#### SEWER AND WASTEWATER TREATMENT

##### Chapter Contents

##### CHAPTER

- 1.01 Definitions
- 1.02 General Provisions
- 1.03 Wastewater Treatment
- 1.04 Superintendent and Inspectors
- 1.05 Permit System and Forms
- 1.06 Rules and Regulations
- 1.07 Penal Provisions
- 1.08 Variances
- 1.09 Validity

## CHAPTER 1.01

### DEFINITIONS

#### Section Contents

#### Section

#### 1.0101 Definition of Terms

#### Content

1. **"Refuse"** shall mean and include any waste product composed wholly or partly of such materials as garbage, trash, rubbish, litter, accumulated waste material, cans, containers, tires, junk, or other such substance which may become a nuisance.
2. **"Garbage"** shall mean every accumulation of animal, vegetable, or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, or wrappers wasted along with such materials.
3. **"Rubbish"** shall mean wood, leaves, trimmings from shrubs, dead trees, or branches thereof, shavings, sawdust, excelsiors, wooden ware, dodgers, printed matter, paper, paper board, posterboard, grass, rags, straw, boots, shoes, hats, and all other combustible material not included under the term "garbage".
4. **"Industrial waste"** shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
5. **"Person"** shall mean any individual firm, company, association, society, corporation, or group.
6. **"Sewer"** shall mean a type of conduit for carrying wastewater.
7. **"Storm drain"** or **"Storm Sewer"** shall mean a sewer which carries storm and surface water drainage, but excludes wastewater and industrial waste, other than undiluted cooling water.
8. **"Water course"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.
9. **"District"** shall mean that Pickerel Lake Sanitary District, Day County, South Dakota.
10. **"Superintendent"** shall mean the person appointed by the Board of Trustees and by said board appointed and designated as the Superintendent of wastewater works for the Pickerel Lake Sanitary District, or a duly appointed member of the Board of Trustees who is authorized to act in the place instead of such Superintendent.

11. "**Inspector**" shall mean any authorized deputy, agent or representative of the Superintendent or person appointed as such either by the Superintendent or by the Board of Trustees.

12. "**Shall**" is mandatory, "**May**" is permissive.

Terms not listed above may be defined in South Dakota's "Individual and Small On-Site Wastewater Systems" Regulations, as currently amended.

**CHAPTER 1.02**  
**GENERAL PROVISIONS**

Section Contents

Section

- 1.0201 Ordinance in force
- 1.0202 Approved method of treatment required
- 1.0203 Treatment systems allowed
- 1.0204 Approved flushed toilets required
- 1.0205 Notice to install approved toilets
- 1.0206 Duty imposed upon owners of property
- 1.0207 Certain acts, deeds and conduct deemed illegal
- 1.0208 Validity clause

Content

**1.0201** This Ordinance, entitled **SEWER and WASTEWATER TREATMENT**, shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

**1.0202** Approved method of treatment required. Every residence and building within the territorial limits of the Pickerel Lake Sanitary District, Day County, South Dakota, in which human beings reside, are employed or congregate, shall be provided with an approved method of wastewater treatment in a manner which does not cause pollution of ground or surface waters, or does not create a public health problem or odor as required by this Ordinance.

**1.0203** Treatment system allowed. Only the following methods of treatment shall be permitted within the limits of the District.

**1.0204** Approved toilets required. Every residence, building or area in which human beings reside, are employed or congregate shall be provided with approved toilets and the contents of said toilets shall be discharged into a wastewater treatment system and such private system to be constructed in accordance with rules and regulations approved by the Department of Water and Natural Resources of the State of South Dakota, and the applicable provisions of this Ordinance.

**1.0205** Notice to install approved toilets. The owner or occupant of any residence or building within the District not provided with water flushed or approved toilets and such residence or building being a place in which human beings reside, are employed or congregate, shall cause water flushed or approved toilets to be installed in

said residence or building and connected to an approved wastewater treatment system or holding tank, in the event a public sewer is not accessible, and shall do so within ninety (90) days after receipt of written notice from Pickerel Lake Sanitary District to provide sanitary approved toilets connected to an approved wastewater treatment system.

**1.0206** Duty imposed upon owners of property. It is hereby made the specific obligation and duty of the owner of any premises within the limits of the District where human beings reside, are employed or congregate, to provide approved toilets and a method of wastewater treatment to comply with the terms of this Ordinance.

**1.0207** Certain acts, deeds and conduct deemed illegal. The following acts, deeds and conduct are hereby deemed illegal. The following acts, deeds and conduct are hereby deemed illegal and unlawful:

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the district any human or animal excrement, garbage, rubbish or refuse.
- (2) It shall be unlawful to discharge into Pickerel Lake, or into any water course, any wastewater or other polluted waters.
- (3) Except as provided in this Ordinance, it shall be unlawful for any person to construct or maintain any privy, vault privy, septic tank, or other facility intended or to be used for the treatment of wastewater within the District.

**1.0208** Validity clause. The invalidity of any section, subsection, 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 invalid part or parts.



## CHAPTER 1.03

### PRIVATE WASTEWATER TREATMENT

#### Section Contents

##### Section

- 1.0301 When Authorized
- 1.0302 Permit requirement
- 1.0303 Requirements of a disposal system
- 1.0304 Separate system for each building; exception
- 1.0305 Excavation safeguard
- 1.0306 Maintained in a sanitary manner
- 1.0307 Costs and expenses of installation and maintenance
- 1.0308 Certification of Installers

#### Contents

**1.0301** Each building sewer shall be connected to a wastewater treatment system complying with the provisions of this chapter and South Dakota's "Individual and Small On-Site Wastewater Systems" Regulations, as currently amended.

**1.0302** Permit requirement. A written permit is required from the District before commencing the construction of a wastewater treatment system and subject to the following provisions:

- (1) The permit for construction of a wastewater treatment system is hereby designated as a "Class A Sewer Permit".
- (2) Before commencing the construction of a wastewater treatment system, the owner or his agent shall first obtain a written permit, issued pursuant to application on the proper form as elsewhere provided for in this Ordinance, signed by the District; and,
- (3) A permit and inspection fee of \$20.00 shall be paid to the District at the same time such application is filed with the District and before such application may be acted upon or any permit issued therefore.
- (4) The issuance of the permit shall authorize the applicant to proceed with the construction of the system but does not authorize any connection with or to the building sewer until the installation of the wastewater treatment has been completed to the satisfaction of the District.
- (5) The District shall be allowed to inspect all phases of the work at any stage of construction and, in any

event, the applicant for the permit shall notify the District when the work is ready for final inspection and before any underground portions are covered. The inspection by the District shall be made within twenty-four (24) hours after receipt of the notice by him and shall include an inspection of the underground portions, septic tank or tanks, distribution box, absorption field, and all other parts and phase of the system.

(6) No permit shall be issued for any wastewater treatment system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. The requirements of this section do not apply where wastewater is emptied into a holding tank as approved by the District.

**1.0303** Requirements of a private wastewater treatment system. The following provisions for the location, construction, installation and materials of a wastewater treatment system shall be applicable:

- (1) The type, capacities, location and layout of a wastewater treatment system shall comply with all the rules and regulations as currently approved by the Department of Environment and Natural Resources of the State of South Dakota, and the applicable provisions of this Ordinance.
- (2) The size, slope, alignment, materials for construction of the wastewater treatment system, the methods to be used in excavating, the placing of the pipe and the joining and testing and the size thereof, and the backfilling of the trenches, shall all conform to the provisions and procedures set forth in this Ordinance.

**1.0304** Separate system for each building; exception. A separate and independent wastewater system shall be provided for every building, provided, however, that where a building stands at the rear of another or on an interior lot and is so located that no wastewater treatment system used for the front building may be extended to the rear building and the whole may be considered as one wastewater treatment system. If such a combined system is to be constructed, plans and specifications must be approved by the District.

**1.0305** Excavation safeguards. All excavations for any wastewater treatment system installation shall be adequately guarded with barricades and lights so as to protect the public from any hazards thereof; and, any streets, sidewalks, parkways, or other public property, disturbed in the course of work shall be restored in a manner satisfactory to the public authority having the supervision and control thereof.

**1.0306** Maintained in a sanitary manner. The owner of each wastewater treatment system shall operate and maintain the same and its facilities in a sanitary manner at all times and at no expense to the District.

**1.0307** Costs and expenses of installation and maintenance. All costs and expenses incident or necessary to and for the installation and maintenance and repair of wastewater treatment systems shall be borne by the owner; and, the owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by such installation, maintenance or repair of such wastewater treatment system.

**1.0308** Certification of Installers. No person or firm shall engage in the business of installation or repair of wastewater treatment systems without first obtaining a certificate to conduct such activities from the Department of Environment and Natural Resources.



## CHAPTER 1.04

### SUPERINTENDENT AND INSPECTORS

#### Section Contents

1.0401 Appointment of a Superintendent

1.0402 Appointment of Inspectors

1.0403 Powers and duties

#### Content

**1.0401** Appointment of a Superintendent. The Board may appoint and designate a person to act as and be known as the "Sanitary Superintendent" of the District, upon such qualifications, for such time and salary as the Board may determine from time to time; and, provided further, such person may be a member of the Board.

**1.0402** Appointment of Inspectors. The Board may appoint and hire such number of Inspectors and upon such qualifications, term and pay that may be directed by the Board.

**1.0403** Power and duties. The Superintendent and his Inspectors shall have the powers and perform the duties as follows:

- (1) To perform all of the acts and duties necessarily required to be performed or done by them as required by a provision of this Ordinance.
- (2) The Superintendent and Inspectors, bearing proper credentials and identification, and giving notification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, and testing in accordance with the provisions of this Ordinance.

**CHAPTER 1.05**  
**PERMIT SYSTEM AND FORMS**

Section Contents

Section

1.0501 Class of Application and Permit

1.0502 Class A Sewer Permit Application and Form

Content

**1.0501** Class of application and permit. The District does hereby provide for the following class of application and permit:

(1) An application and permit for the installation and connection of a wastewater treatment system and to be designated as a "Class A Sewer Application and Permit".

**1.0502** Class A sewer permit application and form. The following is the suggested form and content, but not limited to the same, for a Class A Sewer Application and Permit:

**CLASS A SEWER APPLICATION AND PERMIT**

**TO**

**PICKEREL LAKE SANITARY DISTRICT**

The undersigned, being the \_\_\_\_\_ (owner) \_\_\_\_\_ (owner's agent) of the property located at \_\_\_\_\_ does hereby request a permit to install a wastewater treatment system and facilities to serve a \_\_\_\_\_ (residential building) \_\_\_\_\_ (commercial building) at said location and do hereby furnish the following information in reference to the same:

1. The proposed system and facilities will include the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

and to be constructed in complete accordance with the plans and specifications hereunto attached as Exhibit "A".

2. The area of the property lot to be served and on which building locates is \_\_\_\_\_ square feet.

3. The name and address of the person or firm who will perform the work is: \_\_\_\_\_

\_\_\_\_\_

4. The maximum number of persons to be ordinarily served by the proposed system and facility is \_\_\_\_\_

**CHAPTER 1.06**  
**RULES AND REGULATIONS**

Section Contents

1.0601 Authority

1.0602 Procedure

Content

**1.0601** Authority. The Board of Trustees of Pickerel Lake Sanitary District may from time to time adopt by Resolution such reasonable rules and regulations as deemed necessary and not inconsistent with any of the provisions of this Ordinance for the administration and enforcement of the provisions of this Ordinance relating to **SEWER AND WASTEWATER TREATMENT**.

**1.0602** Procedure. The procedure by Resolution, as herein above provided for, shall be that as set forth by the laws of the State of South Dakota relating to Municipalities.

**CHAPTER 1.07**  
**PENAL PROVISIONS**

Section Contents

Section

- 1.0701 Procedure
- 1.0702 Punishment
- 1.0703 Civil Redress

Content

**1.0701 Procedure.** Any person found to be violating any provisions of this Ordinance shall be served by the District with written notice stating the nature of the violation and provided a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such Notice, permanently cease such violation or violations.

**1.0702 Punishment.** Any person who shall continue any violation beyond the time limit provided for in 1.0701 above, shall be guilty of a Class II Misdemeanor. Each day in which such violation continues shall be deemed a separate offense.

**1.0703 Civil Redress.** Any person violating any of the provisions of this Ordinance shall be subject to any civil redress or remedy that might be available to the District under applicable laws of the State of South Dakota.

## CHAPTER 1.08

### VARIANCES

#### Section Contents

#### Section

#### 1.0801 Exceptional Conditions

- (1) General. Only the Department of Environment and Natural Resources can grant variances to South Dakota Regulations. The District may grant variances from specific provisions of this Ordinance, but only after determining that:
  - (a) There are unique circumstances or conditions affecting the property.
  - (b) The variance is necessary for the reasonable and acceptable development of the property in question.
  - (c) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
  - (d) The variance will not permit or encourage uses contrary to this Ordinance.
- (2) Conditions. In approving variances, the District or Department of Environment and Natural Resources may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
- (3) Procedures. A petition for any such variance shall be submitted in writing for the consideration of the District. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.



**PICKEREL LAKE SANITARY DISTRICT**

**ORDINANCE NO. 1.0801**

**AS AMENDED**

AN ORDINANCE in and for Pickerel Lake Sanitary District, Day County, South Dakota, amending Ordinance 1, Chapter 1.08, Section 1.0801 establishing variances for exceptional conditions for regulating the use of sewers, drains, and disposal system; regulating the construction, maintenance and use of wastewater treatment systems and facilities, regulating the installation and connection of building sewers, providing a permit system and forms therefore, providing for rules and regulations in reference to the foregoing, providing penalties for violations and providing for variance.

BE IT ORDAINED AND ENACTED by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota, as follows:

**SECTION I.**

That Chapter 1.0801, Ordinance 1, be repealed and re-enacted as follows:

**SECTION II.**

**EXCEPTIONAL CONDITIONS**

- (1) General. Only the Department of Environment and Natural resources can grant variances to SD Regulations. The District may grant variances from specific provisions of the Ordinance, but only after determining that:
  - (a) There are unique circumstances or conditions affecting the property.
  - (b) The variance is necessary for the reasonable and acceptable development of the property in question.
  - (c) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
  - (d) The variance will not permit or encourage uses contrary to this Ordinance.

- (e) The property requesting the variance must be owned by the state of South Dakota and intended for only public use.
- (2) Conditions: In approving variances, the District or DENR may require such conditions as will, in its judgment, secure substantially the objectives of the standards for requirements of this Ordinance.
- (3) Procedures. A petition for any such variance shall be submitted in writing for the consideration of the District. The petition shall fully state the grounds for the application and all the facts relied upon by the petitioner.
- (4) Fee. A permit fee of \$250.00 will be assessed by the District for each location for which a variance has been granted.

## ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Board of Trustees of Pickerel Lake  
Sanitary District, Day County, South Dakota, on the 9 day of September  
2014, by the following vote:

AYES \_\_\_\_\_ NAMELY: Bprenger, Button, Smith

NAYS NAMELY:

Passed First Reading: Richard Springer

AYES 3 NAMELY: Spencer, Button, Smith

NAYS 0 NAMELY: \_\_\_\_\_

Passed Second Reading: Sept 9, 2014

Published: Sept 18, 2014

ATTEST:

SEAL

**BY:** \_\_\_\_\_

TEST: May Jo Burton SEAL

Mary Jo Button, Clerk



CHAPTER 1.09

EFFECTIVE DATE

Section Contents

Section

1.0901 Effective Date

Content

**1.0901** Effective date. This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, South Dakota, on the 13th day of May, 1993, by the following vote:

AYES: 2      Namely: Porter, Monzel

NAYS: 0      Namely: None

Passed First Reading: AYES: Porter, Slinden, Monzel

NAYS: None

Passed Second Reading: AYES: Porter, Monzel

NAYS: None

Published: Reporter & Farmer, Webster, SD    May 17, 1993

BY:    s/Peter John Monzel, President  
Peter John Monzel, President

ATTEST:

s/ Lucy Parker, Clerk  
Lucy Parker, Clerk

5. The locations and nature of all sources of private or public water supply within one hundred fifty (150) feet of any boundary line of said property lot are as shown on the plat hereunto attached as Exhibit "B".

In consideration of the granting of this Permit, the undersigned does hereby further agree as follows:]

- (a) To furnish any additional information relating to the proposed work that shall be requested by the District.
- (b) To accept and abide by all applicable provisions of the Ordinance on **SEWER AND WASTEWATER TREATMENT** of Pickerel Lake Sanitary District of Day County, South Dakota, and all other pertinent and applicable rules, regulations and specifications.
- (c) To operate and maintain the wastewater treatment facilities covered by this application in a sanitary manner at all times and at no expense to the District.
- (d) To notify the District not less than twenty-four (24) hours prior to commencement of the work proposed; and, again to notify the Superintendent when the system is ready for final inspection before connection with any building sewer and before any portion of the work is covered.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_.

\_\_\_\_\_  
(owner)

\_\_\_\_\_  
(owner's agent)

Address of applicant is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fee of \$20.00 paid \_\_\_\_\_.

Application approved and permit is hereby granted on this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_.

\_\_\_\_\_  
PICKEREL LAKE SANTARY DISTRICT