

PICKEREL LAKE SANITARY DISTRICT

ORDINANCE NO. 9A (As Amended September 15, 2006)

AN ORDINANCE ESTABLISHING A CONSTRUCTION PERMIT FOR THE INSTALLATION, MODIFICATION, AND/OR ALTERATION OF A PRIVATE OR PUBLIC WASTEWATER TREATMENT SYSTEM WITHIN THE DISTRICT BOUNDARIES; ESTABLISHING THE PROCEDURE FOR OBTAINING SUCH PERMIT; AND ESTABLISHING PROVISIONS FOR CONNECTING TO AND DISCONNECTING FROM THE DISTRICT WASTEWATER COLLECTION SYSTEM, WHEN AVAILABLE, OPERATED BY THE PICKEREL LAKE SANITARY DISTRICT, DAY COUNTY, SOUTH DAKOTA, HEREIN DESIGNATED AS PLSD.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PICKEREL LAKE SANITARY DISTRICT, HEREINAFTER DESIGNATED AS BOARD.

SECTION I

PURPOSE

The purpose of this ordinance shall be to establish a construction permit for the purpose of regulating the installation, modification, and/or alteration of private and/or public wastewater treatment facilities located within PLSD to assure compliance with Federal Guidelines and South Dakota Code. To establish a procedure for obtaining such construction permit for the installation, modification, and/or alteration of private and/or public waste water treatment facilities and provide for the connection to the wastewater collection system provided by PLSD, when available.

SECTION II

USE OF PUBLIC COLLECTION SYSTEM REQUIRED

- A. 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 PLSD, or in any area under the jurisdiction of said PLSD, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the PLSD, or in any area under the jurisdiction of said PLSD, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy Vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within PLSD is hereby required at the owner's expense to install suitable toilet and sanitation facilities therein, and to connect such facilities directly with the proper wastewater treatment facility in accordance with the provisions of this Ordinance within sixty (60) days after the date of official notice to do so.

SECTION III

PRIVATE WASTEWATER DISPOSAL

- A. Where a public wastewater collection system is not available under the provisions of Section II, D., the building sewer shall be connected to a private wastewater treatment system complying with the provisions of this Ordinance.
- B. Before commencement of construction of a private wastewater treatment system, the owner shall first obtain a written permit signed by the Manager. The application for such permit shall be made on a form furnished by PLSD which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Manager. A permit and inspection fee of \$250.00 shall be paid to the PLSD at the time the application is filed.
- C. A permit for a private wastewater treatment system shall not become effective until the installation is completed to the satisfaction of the Manager. The Manager, or his designated representative, shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Manager.
- D. The type, capacities, location, and layout of a private wastewater treatment system shall comply with all recommendations of the Department of Health or Water and Natural Resources Department of the State of South Dakota and be in compliance with ARSD 74:03:01 as amended. No permit shall be issued for any private wastewater system employing subsurface soil absorption facilities (drain field) where the area of the lot is less than 20,000 square feet and/or there exists less than four (4) feet of soil between an absorption bed, trench, or seepage pit, the lowest construction joint on a septic tank, or any other component of a subsurface absorption system and the seasonal high groundwater table, groundwater table, rock formations or impervious soil strata. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public collection system shall become available to a property served by a private wastewater treatment system, as provided in Section II, a direct connection shall be made to the public collection system within sixty (60) days in compliance with this Ordinance.
- F. The owner shall operate and maintain the private wastewater treatment facility in a sanitary manner at all times, at no expense to PLSD.
- G. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the Public Health Officer, South Dakota Department of Water and Natural Resources, South Dakota Codified Law, or Federal Clean Water Guidelines, and the most restrictive shall apply.

SECTION IV

SANITARY SYSTEMS, BUILDING SYSTEMS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public wastewater treatment facility or appurtenance thereof without first obtaining a written permit from the Manager.
- B. There shall be two (2) classes of construction permits for residential and commercial services. In either case, the owner or his agent shall make application on a special form furnished by PLSD. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit and inspection fee of \$250.00 for a residential, religious, or commercial facility construction permit shall be paid to the PLSD at the time the application is filed.
- C. All initial installation and connection to the public collection system and all costs and expense incidental to the installation and connection of a private treatment system shall be borne by the property owner. The owner shall indemnify the PLSD from any loss or damage that may directly or indirectly be occasioned by the installation of the private treatment system.
- D. A separate and independent treatment system shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private treatment system is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. To qualify as a single service connection, the portion of the rear structure nearest the PLSD collection line must be a distance greater than the furthestmost portion of the front structure unless the front structure is located directly between the PLSD collection line and the rear structure. In qualifying situations, the wastewater treatment facility from the front building may be extended to the rear building and the whole considered as one wastewater treatment system, but the PLSD does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- E. Existing wastewater treatment systems may be used in connection with new buildings only when they are found, on examination and test by the Manager or his delegated agent, to meet all requirements of this Ordinance.
- F. The size, slope, alignment, materials of construction of all wastewater treatment systems and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the PLSD or the laws and regulations of the State of South Dakota.
- G. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to the private wastewater treatment system which is connected to the public collection system unless such connection is regulated by the the provisions of PLSD Ordinance No. 13 and is approved by means of a permit issued by the Manager.

- H. The connection of private wastewater treatment facilities into the public collection system shall conform to the requirements of the building and plumbing code of other applicable rules and regulations of the PLSD, or the laws and regulations of the State of South Dakota. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager or his designated representative before installation.
- I. The applicant for the wastewater treatment system construction permit shall notify the Manager when the wastewater treatment system installation is ready for inspection and connection to the public connection system. The connection and testing shall be made under the supervision of the Manager or a duly appointed representative.
- J. All excavations for private wastewater treatment system installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks parkways, pathways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to PLSD.
- K. All excavations required for the installation of a private wastewater treatment system shall be by open trench or commonly accepted construction practices. No backfill shall be placed until the work has been observed by the Manager or a duly appointed agent. Backfill shall be compacted to a density at least equal to that of the adjacent subgrade.
- L. All private wastewater treatment facilities including collection systems within the PLSD, and the design and construction thereof, shall first be approved by PLSD before construction thereof shall be commenced.

SECTION V

USE OF WASTEWATER TREATMENT SYSTEMS

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any wastewater treatment facility or collection system except as authorized by a Sump Pump Permit provided for in Ordinance No. 13. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the PLSD collection system by special permission of the Manager.
- B. No person shall discharge or cause to be discharged any of the following described water or wastes to any private wastewater treatment system or the PLSD collection system.
- (1) Any gasoline, benzene, naphtha, fuel oil, petroleum products, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the private wastewater treatment system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment facility.

- (3) Any waters or wastes having a pH lower than 5.5, or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the public wastewater treatment collection system.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the wastewater treatment process, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics (including shopping bags), wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits as established in compliance with applicable state and federal regulations.

C. If any waters or wastes are discharged, or are proposed to be discharged to the wastewater treatment facilities of the

PLSD Collection System, which waters contain the substances or possess the characteristics enumerated in Part B of this Section, and which in the judgment of the Manager, may have a deleterious effect upon the wastewater treatment facilities, processes, equipment, or receiving waters; or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the wastewater treatment facility and/or the PLSD collection system,
- (3) Require control over the quantities and rates of discharge,
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and/or wastewater system user charges under the provision of Section 5-E

D. Grease, oil, and sand interceptors shall be required when, in the opinion of the Manager, they are necessary for the

proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the Manager. Any removal and hauling of the collected materials not performed by the owner or his personnel must be performed by currently licensed waste disposal firms.

E. The Manager may require a user of wastewater treatment facilities to provide information needed to determine compliance with this Ordinance. These requirements may include but not be limited to:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.

- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to wastewater treatment control,
 - (5) A plot plan of lines on the user's property showing wastewater and pretreatment facility location,
 - (6) Details of waste water pretreatment facilities and techniques.
- F. All measurements, tests, and analyses of the characteristics of waters and wastes to which references are made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Manager.
- G. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the PLSD and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the PLSD for disposal.

SECTION VI

PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct and/or willful destruction of property.

SECTION VII

POWERS AND AUTHORITY OF INSPECTORS

- A. The Manager and other duly authorized agents of the PLSD bearing proper identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to wastewater discharge to the PLSD system in accordance with the provisions of this Ordinance.
- B. The Manager and other duly authorized agents of the PLSD bearing proper identification shall be permitted to enter all private properties through which the PLSD holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION VIII

HEARING BOARD

The PLSD Board of Trustees shall act as a Hearing Board as needed for arbitration of differences between the Manager and system users on matters concerning interpretation and execution of the provisions of this Ordinance by the Manager.

SECTION IX

DISCONNECTION FROM SERVICE

- A. Disconnection from service and from the PLSD wastewater collection system by any person shall be permitted only upon inspection by and approval of the Manager of PLSD.
- B. Any person desiring to disconnect from the service of PLSD shall notify the PLSD Manager at least seventy-two (72) hours in advance of the intended disconnection.
- C. Any damage incurred by the PLSD to its property in the process of disconnection shall be reimbursed to the PLSD by the person causing said damage.
- D. If reinstatement to service or reconnection to the wastewater collection system of the PLSD is desired by the owner or any person, a reconnection fee in the amount of \$500.00 shall be paid by the property owner or other person to the PLSD. Upon reconnection, the Debt Service Account Balance shall be reinstated in the original amount of \$6,414.00, with payment to be selected from the Debt Service Repayment Options in existence at the time of reconnection. Reinstatement or reconnection shall be made only upon application to PLSD and approval by the Manager and/or Trustees.

SECTION X

PENALTIES

- A. Any person found to be in violation of any provision of this Ordinance, except Section VI, shall be served by the PLSD with written notice stating the nature of the violation and providing a reasonable time limit not to exceed sixty (60) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently correct and cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section X-A shall be guilty of a Class 2 misdemeanor for each violation.
- C. Any person violating any of the provisions of this Ordinance shall become liable to PLSD for any expense, loss, damage occasioned the PLSD by reason of such violation.

SECTION XI

VALIDITY

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. 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 invalid part or parts.

SECTION XII

ORDINANCE IN FORCE

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

B. Passed and adopted by the Board of Trustees of the Pickercel Lake Sanitary District, Day County, State of South Dakota on the 21st day of September, 1996, by the following vote:

FIRST READING: Date: August 10, 1996

Ayes: 3 Namely: Monzel, Porter, & Svare

Nays: 0 Namely: None

SECOND READING: Date: September 21, 1996

Ayes: 2 Namely: Porter and Svare (Monzel absent)

Nays: 0 Namely: None

Published: September 30, 1996

Approved this 21st day of September, 1996

By: s\James Porter
James Porter, President

CORPORATE

SEAL

ATTEST

s\Duane H. Podoll
Duane H. Podoll, Clerk

SECTION XIII

ORDINANCE (AS AMENDED) IN FORCE

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

C. Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County, State of South Dakota, on the _____ day of September, 2006, by the following vote:

FIRST READING: Date: August 11, 2006

Ayes: _____ Namely: _____

Nays: _____ Namely: _____

SECOND READING: Date: September 15, 2006

Ayes: _____ Namely: _____

Nays: _____ Namely: _____

Published: _____

Approved this 15th day of September 2006

By: _____
Richard D. Sprenger, President

ATTEST:

Joan M. Weismantel, Clerk