

On-Site Wastewater Systems Ordinance Deer Mountain Sanitary District April 2022.

PURPOSE:

The Deer Mountain Sanitary District (DMSD) Board of Trustees adopts this Ordinance that states the procedures, standards and enforcement for the design, installation and inspection of on-site wastewater systems on any commercial and residential premises within the boundaries of the district to promote health, protect the environment and to prevent a nuisance.

2. AUTHORITY & JURISDICTION This Ordinance is enacted pursuant to the authority granted in SDCL 34A-5-35 specifically and in SDCL Chapter 34A-5 generally to protect the residents of DMSD. The Manager, DMSD, shall have jurisdiction to administer and enforce the provisions of this Ordinance.

3. WASTEWATER DISPOSAL It shall be unlawful to dispose of wastewater from an improperly operating on-site domestic or commercial wastewater disposal system or excavation, into surface waters, fractured bedrock, ground water table, or in any other manner that would endanger public health or the environment. If any permitted on-site domestic or commercial wastewater disposal system, or part thereof, fails to operate properly, the owner shall notify DMSD, immediately. Failure to do so will subject the owner to penalties set forth in these regulations.

4. STANDARDS APPLICABILITY The design, construction, installation, location, operation and maintenance of on-site domestic wastewater disposal systems shall comply with the minimum standards set forth in this Ordinance, **DMSD Design & Construction Regulations** and ARSD 74:53

5. APPLICATIONS

a. Any person desiring to install **a new** on-site domestic wastewater disposal system, or to make any replacements, alterations, repairs or extension of existing installations or parts thereof **or when the transfer of property by change of ownership** shall apply for and obtain approval of the desired installation, replacements, alterations, repairs or extensions from the South Dakota Department of Agriculture and Natural Resources, or the Lawrence County Planning and Zoning Office to the extent required by those entities.

b. If no other governmental entity requires an application, the person shall provide an application to DMSD. The application shall be accompanied by a site plan in sufficient detail and at a scale, which will permit proper evaluation of the desired action.

c. The DMSD applicant shall also submit plans and specifications of the proposed new system with the permit application. Plans and specifications for on-site domestic wastewater disposal systems shall be prepared by a registered professional civil engineer, a state-certified installer of individual and small on-site wastewater systems, or a licensed plumber (this is detailed in ARSD 74:53).

d. The applicant shall provide a copy of the County application or a DMSD application, site plan and all supporting documentation to DMSD, prior to beginning construction or modification.

6. SEWERAGE SYSTEM PERMITS **All new and repair or modification of existing** on-site domestic wastewater disposal systems **may be** required to obtain sewerage permits before being allowed to operate and maintain such systems. Permit terms and fees shall be as follows:

- Conventional and Alternative Systems that include septic tanks of 2,250 gallons or less: **6 years**

- Permit fees shall be:

- o New Systems \$25 to be paid at time of application

- o Repaired or Modified Systems \$20 to be paid at time of repair or modification

- No sewerage permit shall be issued without the applicant having first submitted such information as required by these regulations to DMSD, including but not limited to the standards applicability.

- No sewerage permit shall be issued for, and no person shall install or cause to be installed, an on-site wastewater disposal system, domestic or otherwise, in any area required by laws, rules, regulations, ordinances, conditions of plat approval, or other authorization to have other than on-site domestic wastewater disposal systems.

- DMSD, for new, altered, repaired, extended, or replaced systems will issue sewerage permits only upon approval of an application, payment of appropriate fees, and final system inspection.

- The owner of the permitted disposal system shall have the system inspected and/or pumped on a regular basis or at least once every 6 years.

- o Prior to inspection, a septic tank pumper (state does not certify) must pump the septic tank.

- o The pumper will perform the inspection immediately after pumping the tank.

- o DMSD, is to be provided proof (tank pumpers report) that the tank has been pumped and inspected.

- o It is the owner's responsibility to schedule said pumping with a septic tank pumper. If after the inspection it appears that the on-site wastewater system is in compliance with the provisions of this Ordinance no other action is required.

7. OPERATIONS AND MAINTENANCE REQUIREMENTS All owners of on-site domestic wastewater disposal systems, shall operate and maintain such systems in the manner stated in these regulations, including but not limited, to the following:

- All conventional and alternative systems shall be inspected, using the criteria within this Ordinance, when requested by DMSD.

- All systems that include septic tanks and are affected by this Ordinance must be pumped whenever:

- o The bottom of the scum layer is within 3 inches of the bottom of the outlet device; or

- o The sludge level is within 8 inches of the bottom of the outlet device.

- DMSD may require more frequent inspections or pumping if excessive operational problems occur.

- Written verification after each required pumping of a system shall be submitted to the DMSD within 10 working days of the pumping. DMSD will provide the appropriate forms to septic tank pumpers. If any on-site domestic wastewater disposal system, or part thereof, fails to operate properly or requires repair, replacement, modification or cleaning to operate properly, DMSD may issue a written order by certified

mail requiring the owner to make the necessary repairs, replacement, modifications and/or clean the system within 30 days of receipt of the order.

- If the failure of a system is deemed an imminent danger to public health or safety or to the environment, DMSD **may** suspend the owner's sewerage permit and order immediate shut down of the system until the owner makes necessary repairs.
- Failure of the owner to comply with an order as set forth in this subsection will be subject to penalties set forth in this ordinance.
- Any person aggrieved by a determination or order of DMSD, may appeal such determination or order within 10 days after such determination or order is imposed, by delivering to DMSD a written notice of appeal, setting forth the specific grounds for the appeal. Upon receipt of such notice of appeal, DMSD shall enter the appeal on the agenda of the next scheduled meeting of the DMSD Board of Trustees and notify the applicant in writing of the time and place of the hearing.

8. **WAIVER OF REGULATIONS** When strict interpretation of the regulations set forth in this Ordinance would result in extreme hardship, DMSD may waive such regulation or part thereof, provided that the waiver is consistent with the intent of these regulations, and that no imminent danger to public health or safety or to the environment exists. Any waiver granted must be in writing; include all the reasons for granting the waiver and the notarized signature of DMSD. A copy of the waiver shall be filed in the office of the Sanitary District.

9. **LIABILITY** This Ordinance shall not be construed as imposing upon the Sanitary District any liability or responsibility resulting from any defective portion of an on-site domestic wastewater disposal system, or the installation thereof. Nor shall the Sanitary District or their employees be held as assuming any liability or responsibility by reason of authorized inspection.

10. **CONFLICT** In any case where a provision of these regulations is in conflict with the provisions of any zoning, building, fire, safety, or health regulations, law, or ordinance effective within the jurisdictional boundaries of these regulations, the provisions that establish a higher standard or specification, or are more stringent in their requirements, shall control.

11. **PENALTIES** Any person who shall fail to comply with any of the provisions of this Ordinance, or who shall counsel, aid, and/or abet any such violation or failure to comply, shall be subject to disconnection of water service until such violation is resolved. Should resident fail to comply with this requirement a second letter will be sent to the resident requiring the pumping and inspection be completed within 21 calendar days and if not completed within that timeframe a \$250 fine will be assessed on the next water billing statement. Should the resident still fail to comply, disconnection of water services will be done and the water will not be reconnected until the septic system is pumped and inspected and the previous fine is paid in full.

12. **SEVERABILITY** If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, all valid portions which are severable from the invalid portion remain in effect.