

An Ordinance Amending Ordinance 2, Chapter 2.3 Private Wastewater Disposal

BE IT ORDAINED by the Board of Trustees of Enemy Swim Sanitation District, Day County, South Dakota, to amend Ordinance 2, Chapter 2.3 Private Wastewater Disposal.

Be it ordained Ordinance 2, Chapter 2.3 Penalties is hereby amended as follows:

2.301 Private System Authorized. Where a public wastewater collection system is not available under the provisions of Section 2.201, the building sewer shall be connected to a private wastewater treatment system complying with the provisions of this article.

2.302 Permit for Private System. Before commencement of construction or alteration of a private wastewater treatment system, the owner, or an on-site wastewater system installer certified by the South Dakota Department of Agriculture and Natural Resources on the owner's behalf, shall first obtain a written permit signed by the Superintendent. A written permit will only be issued to an on-site wastewater system installer certified by the South Dakota Department of Agriculture and Natural Resources. The application for such permit shall be made on a form furnished by the Enemy Swim Sanitation District, which the applicant shall supplement with any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$40.00 shall be paid to the Enemy Swim Sanitation District at the time the application is filed. The issuance of the permit shall authorize the applicant to proceed with construction of the system but does not authorize any connection with or to the building sewer until the installation of the private wastewater disposal system has been completed to the satisfaction of the inspecting authorities.

2.303 Inspection. The Superintendent 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 Superintendent 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 Superintendent, and shall include an inspection of the underground portions, septic tank or tanks, distribution box, absorption field, and all other parts and phases of the system.

2.304. Penalties. Violation of any of the provisions of Sections 2.302 and 2.303 of this ordinance by any owner, applicant, or installer, in addition to those penalties set forth in Chapter 2.10 herein, may be subject to civil penalties of up to \$3,000.00 per violation plus actual costs, attorney's fees, expert witness fees, court costs, sheriff's fees and expense per violation by civil action.

2.305 Connection to Public System. At such time as a public collection system becomes available to a property served by a private wastewater treatment system, as provided in Section 2.201, a direct connection shall be made to the public collection system within sixty (60) days in compliance with this ordinance.

2.306 Owner's Obligation. The owner shall operate and maintain the private wastewater treatment facility in a sanitary manner at all times, at no expense to the Enemy Swim Sanitation District.

2.307 Operations and Maintenance Requirements. All private wastewater disposal systems within the Enemy Swim Sanitation District shall be pumped and inspected at least once every three (3) years, for compliance with District Ordinances, on a rotational basis until a public collection system is made available within the District. Enemy Swim Sanitation District will send notice by first class mail to the owner of record that the owner's system is due for inspection. Upon notification, the owner of the private wastewater disposal system shall coordinate with the District to have the system pumped and inspected by the District within ninety (90) days. If the owner fails to comply with the pumping and inspection requirements, the Enemy Swim Sanitation District may proceed to have the tank pumped and inspected, and may assess any costs incurred by the District due to the owner's failure to the owner.

2.308 Other Requirements. No statement contained in this article 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.

Gary Petersen, Chair

ATTEST:

Paul Moxness, Trustee/Treasurer

Placed upon its first reading August 25, 2023

Placed upon its second reading September 15, 2023

Approved this 15th day of September 2023

Published this _____ day of _____ 2023