

**THE 1995 REVISED ZONING ORDINANCE OF LINCOLN COUNTY, SOUTH DAKOTA LC-0-95-01**

**ARTICLE 11:  
ADDITIONAL REGULATIONS FOR BUILDINGS OR USES WITHIN THE DISTRICTS**

**Section 1104. Buildings & Uses to Comply with State Standards for Wastewater Systems.**

The regulations regarding the on-site wastewater system standards shall be as follows:

- (A). *Intent.* The regulations in this Section incorporate the law and regulations adopted by the State of South Dakota, and its agency, South Dakota Department of Environment and Natural Resources, for purposes of governing the installation, use and operation requirements applicable to "on-site wastewater systems" within the County and its districts. The intent is to protect the ground waters and surface waters of the County, and downstream users, from pollution or contamination.
- (B). *All buildings and uses within the County,* or any district established under this Ordinance, which will generate any wastewater, shall be used or conducted only in conjunction with (i) a central sewer system, or (ii) either a "small on-site wastewater system" or "individual on-site wastewater system", installed, used and operated in conformity with the requirements of applicable state law and regulations of the South Dakota Department of Environment and Natural Resources (revised through August 8, 1994), incorporated herein by this reference.
- (C). *All buildings and uses generating wastewaters* and not served by a central sewer system shall be served by an on-site wastewater system installed, used and operated in compliance with SDCL Chapter 34A-2, and ARSD 74:03:01:37, *et seq.*
- (D). *No on-site wastewater systems* required under this Section shall be installed within the County *except* by an installer certified to perform such work by the South Dakota Department of Environment and Natural Resources, in accordance with ARSD 74:03:0 1.0 1, *et seq.* (Revised through August 8, 1994).
- (E). *In addition to requirements of state law or regulation,* it is an express requirement of this Ordinance that the installer of any on-site wastewater system within the County shall certify to the Planning Director as to his or her state certification to perform such work, and upon completion of any such work, shall promptly certify to the Planning Director the following particulars:
  - (1). A statement of the size and capacity of any such on-site wastewater system, with a description of its design and intended function;
  - (2). A statement of the legal description where installed, and the legal description of, and the number of, the premises or buildings which will use the on-site wastewater system;
  - (3). A certification that the on-site wastewater system was installed in conformity with applicable state law and regulations, and the requirements of this Ordinance.
- (F) *Wastewater System Certification,* Certification shall be required prior to the installation or modification of any individual wastewater treatment system. The term modification shall include any repair, which requires the relocation or replacement of any drainfield or septic tank. The applicant shall:
  - 1. Engage a professional engineer licensed to practice in the State of South Dakota and capable in the field of on site wastewater disposal. Provide the engineer the following information: Name, address, phone number, contractor, general location of the property, legal description, number of bedrooms, garbage disposal, water softener, and any additional information requested by the engineer. For a commercial facility, the applicant shall provide the following information to the engineer: Name, address, phone number, contractor, general location of the property, legal description, type of facility, maximum number of employees, maximum capacity, number of hand washing sinks, toilets, urinals, showers and baths, washing machines, cafeterias, kitchens, service bays and any additional information as requested by the engineer.

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2. The applicant shall hire a state certified installer to install the system.
  3. The engineer and the installer, property owner and or the builder shall do an on-site evaluation to determine the best location for the septic tank and the drain field.
  4. Soil percolation tests in the proposed drain field area shall be done under the supervision of either the engineer, a licensed geotechnical engineer, or a state certified installer approved by the engineer. The engineer may require a soil profile. After the engineer has evaluated the percolation test data and/or soil profile, the engineer shall design the septic system. A copy of the plans and specifications, which shall be duly signed and sealed by the engineer, shall be filed with the contractor and the planning and zoning office prior to beginning construction of the system. The installer shall install the system per the engineer's design and specifications.
  5. Plans and specifications for all installations which receive human excreta, other than a conventional individual on-site wastewater system, must be submitted to the Department of Environmental and Natural Resources for review and approval prior to construction.
  6. When the installation of the system is complete, the installer shall contact the engineer no less than twenty four hours in advance for an on-site review of the system. The system shall not be covered or obscured until the review is completed.
  7. To determine conformance to the plans and specifications, the engineer shall supervise or perform an on-site review of the system. A signed and sealed statement by the engineer with photographs stating that the system has been constructed in general conformance to the plans and specifications shall be provided to the planning and zoning office for inclusion to applicant's building permit file.
  8. Certificates of compliance for materials used in the installation or modification of any individual wastewater treatment system will be reviewed by the engineer and provided to the Planning and Zoning office for inclusion to applicants' building permit file.
  9. A building permit for a residential dwelling or a commercial facility requiring a wastewater treatment system shall not be issued until a professional engineer has provided the required review and statement.

(G). *Subsequent Inspection.* The Planning and Zoning Director shall require, at landowner expense, subsequent inspection/inspections at any time of any wastewater treatment system to assure adequate and functional capacity and operation in accordance with the design of the system. In the event such inspection reveals inadequate capacity, improper operation, or is inadequate in any way, a South Dakota registered professional engineer shall examine, at land owners expense, the results of the inspection data including pumping and video information, and recommend modifications sufficient to meet minimum requirements of South Dakota law. Failure to correct such deficiencies will result in sanctions provided by law.