Resolution No. 2026-1

A RESOLUTION OF THE SPRING CREEK/COW CREEK SANITARY DISTRICT ALLOWING PRIVATE USE VARIANCES.

WHEREAS, the Spring Creek/Cow Creek Sanitary District (hereinafter "the District") is authorized to require all dwellings and structures within the district to be connected to the District's sanitary sewer system; and

WHEREAS, the District may not approve any competing Public water systems or competing wastewater collection and treatment systems within its boundaries;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Spring Creek/Cow Creek Sanitary District:

1. The District Board of Trustees (hereinafter "the Board") may, upon application or upon its own motion, grant a private-use variance to private property owners within the District.

2. Such private-use variances may require the private owner to connect to the Sanitary District's sewer main and water main when such sewer main and water main are located within 400 feet of the private property boundary.

3. Any private wastewater collection and treatment system authorized by way of a variance shall be designed, constructed, and maintained to meet all requirements of ARSD 74:53:01. Private wastewater systems shall be designed by an engineer licensed in the state of South Dakota and be installed by a certified installer licensed under the South Dakota Plumbing Commission.

4. Private wastewater collection and treatment systems shall submit an application in accordance with the prevailing Ordinances of the District.

5. The Board may not approve a variance for any system constituting a "Public water system" as defined in SDCL 34A-3A-2 or for any wastewater collection and treatment system servicing more than an individual property or premises.

6. The Board may, in its discretion, grant a private-use variance contemplated by this Resolution to any private system existing or installed prior to the date of this Resolution upon application submitted by a private property owner within the District and after a satisfactory inspection by the Board or its designee.

7. Except as modified by this resolution, Resolution No. 2024-5 remains in full force and effect.

8. This Resolution shall take effect on passage.

9. This Resolution is authorized by South Dakota Codified Laws including, but not limited to, SDCL 34A-5-29 and 35 as well as the Ordinances of the District.

If any one or more of the provisions above shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

PASSED AND ADOPTED by the Board of Trustees of the Spring Creek/Cow Creek Sanitary District on the ___ day of June 2026.

Kathleen Schuh
President, Board of Trustees

ATTEST:

JJ Linn
District Clerk