

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 14

INDIVIDUAL SEWAGE DISPOSAL SYSTEMS ORDINANCE

S.W.S.T. CODE
 Amendment
 New Adoption
Judicial Approved
02-06-82
Council Adopted
05-04-82

14-01-01 DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

14-01-02 Health Officer - shall mean the legally designated health authority of the Sisseton-Wahpeton Sioux Tribe or his authorized representative.

14-01-03 Individual Sewage Disposal System - shall mean a sewage disposal system, other than public or community system, which receives either human excreta or liquid waste, or both, from one premises. Included within the scope of this definition are septic tank - soil absorption systems, privies, and chemical type toilets, and such other types as may be prescribed in regulations by the health officers.

14-01-04 Permit - shall mean a written permit issued by the health officer, permitting the construction of an individual sewage disposal system under this Ordinance.

14-01-05 Person - shall mean any institution, public or private corporation, individual, partnership, or other entity.

14-02-01 REQUIREMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

14-02-02 The health officer of the Sisseton-Wahpeton Sioux Tribe, in order to protect the health and safety of the people of the Sisseton-Wahpeton Sioux Tribe, and of the general public, is authorized and directed, after public hearing, to promulgate and amend, from time to time, regulations establishing minimum standards governing the design, construction, installation, and operation of individual sewage disposal systems. Such regulations shall establish such minimum standards as, in the judgement of the health officer, will insure that the wastes discharged to various individual sewage disposal systems:

1. Do not contaminate any drinking water supply;
2. Are not accessible to insects, rodents, or other possible carriers of diseases which may come into contact with food and drinking water;
3. Do not pollute or contaminate the waters of any bathing beach, or stream used for public or domestic water supply purposes or for recreational purposes;

4. Are not a health hazard by being accessible to children;
5. Do not give rise to a nuisance due to odor or unsightly appearance; and
6. Will not violate any other laws or regulations governing water pollution or sewage disposal.

14-02-03 The health officer is authorized to promulgate such additional regulations as are necessary in his judgement to carry out the provisions of this Ordinance.

14-03-01 PERMITS

14-03-02 It shall be unlawful for any person to construct, alter, or extend individual sewage disposal systems within the Sisseton-Wahpeton Sioux Tribe unless he holds a valid permit issued by the health officer in the name of such person for the specific construction, alteration, or extension proposed.

14-03-03 All application for permits shall be made to the health officer, who shall issue a permit upon compliance by the applicant with provisions of this Ordinance, and any regulations adopted thereunder.

14-03-04 The health officer may refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewage systems are reasonably available.

14-03-05 Application for permits shall be in writing, shall be signed by the applicant, and shall include the following:

1. Name and address of the applicant, lot and block number of property on which construction, alteration, or extension is proposed;
2. Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of health officer; and
3. Such further information as may be required by the health officer to substantiate that the proposed construction, alteration, or extension complies with regulations promulgated by the health officer.

14-03-06 A complete plan for the purposes of obtaining a permit to be issued by the health officer shall include:

1. The number, location, and size of all sewage disposal facilities to be constructed, altered, or extended;

2. The location of water supplies, water supply piping, existing sewage disposal facilities, buildings are dwellings, and adjacent lot lines; and
3. Such further information as may be required by the health officer to substantiate that the proposed construction, alteration, or extension complies with regulations promulgated by the health officer.

14-03-07 A complete plan for the purpose of obtaining a permit to be issued by the health officer shall include:

1. The number, location, and size of all sewage disposal facilities to be constructed, altered, or extended;
2. The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings, and adjacent lot lines; and
3. Plans of the proposed sewage disposal facilities to be constructed, altered, or extended.

14-03-08 Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing, on the matter before the health officer within thirty (30) days after receipt of the request.

14-04-01 INSPECTIONS

14-04-02 The health officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations promulgated hereunder.

14-04-03 It shall be the duty of the owner or occupant of a property to give the health officer free access to the property at reasonable times for the purpose of making such inspection as are necessary to determine compliance with the requirements of this Ordinance and regulations promulgated hereunder.

14-05-01 PENALTIES

Any person who violates any provisions of this Ordinance, or any provisions of any regulations adopted by the health officer pursuant to authority granted by this Ordinance, shall upon conviction be punished by a fine of not less than _____ dollars (\$_____); nor more than _____ (_____) days imprisonment; and each days failure to comply shall constitute a separate violation.

14-06-01 CONFLICT OF ORDINANCES - EFFECT ON PARTIAL INVALIDITY

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Sisseton-Wahpeton Sioux Tribe, existing on the effective date of

this Ordinance, the provision which, in the judgement of the health officer, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code of the Tribe existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

14-07-01

SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

W.S.T. CODE

Amendment

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