

**DRAINAGE PERMIT ORDINANCE #10-1**

**MCPHERSON COUNTY**

**SOUTH DAKOTA**

**EFFECTIVE DATE: JULY 20, 2010**

**BOARD OF COUNTY COMMISSIONERS:**

Jeffery Neuharth—Chairman

Rick Beilke—Commissioner

Delmar Metzger—Commissioner

Michael Rath—Commissioner

Dennis Wolf—Commissioner

**COUNTY AUDITOR:**

Steve Serr

**DRAINAGE COMMISSION:**

Jeffery Neuharth—Chairman

Rick Beilke

Delmar Metzger

Michael Rath

Dennis Wolf

*This Drainage Permit Ordinance is dedicated to Michael Rath for serving 28 years on the McPherson County Board of Commissioners and helping implement this Ordinance.*

The Drain Permit Ordinance #01-1 was prepared by Richard G. Kolb with the assistance of Susan Hoffman and Sharon Guthmiller under the direction of the McPherson County Board of County Commissioners and the McPherson County States Attorney, Donald W. Kallenberger.

Implement and enforcement of the Drainage Permit Ordinance #10-1 is the responsibility of McPherson County.

# TITLE 1

## Drainage Permit Ordinance #10-1

### McPherson County, South Dakota

Section 1.01	Purpose	Page 1
Section 1.02	Definitions	Page 2
Section 1.03	Administration and Enforcement	Page 3
Section 1.04	Permits Required	Page 4
Section 1.05	Exceptions to Permits Required	Page 5
Section 1.06	Filing Application	Page 6
Section 1.07	Draining Commission Established	Page 7
Section 1.08	Hearing Required	Page 8
Section 1.09	Emergency Drainage	Page 9
Section 1.10	Notice of Hearing, Content	Page 10
Section 1.11	Time for Determination	Page 11
Section 1.12	Applications of Statewide or Inter-County Significance	Page 12
Section 1.13	Referral of Applications	Page 13
Section 1.14	Considerations	Page 14
Section 1.15	Board Action	Page 15
Section 1.16	Penalty for Failure to Secure Permit for Drainage Work	Page 16
Section 1.17	Drainage Complaints and Disputes	Page 17
Section 1.18	Contents of Notice in Contested Cases	Page 18
Section 1.19	Rights of the Parties at Hearings on Contested Cases	Page 19
Section 1.20	Rules of Evidence in Contested Cases	Page 20
Section 1.21	Transcript in Contested Cases-Minutes in Lieu of Transcript	Page 21
Section 1.22	Experts	Page 22
Appendix	Application for Drainage Permit	Page 23

## **RESOLUTION 10-14**

RESOLUTION ESTABLISHING DRAINAGE REGULATIONS FOR MCPHERSON COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PURSUANT TO SDCL 46A-10A, 1985 AND AMENDMENTS THEREOF.

WHEREAS the McPherson County, South Dakota Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the county to enact drainage regulations and to provide for its administration, and

WHEREAS the Board of County Commissioners, has appointed a County Drainage Commission, hereinafter referred to as the McPherson County Drainage Commission or Drainage Commission, to recommend appropriate regulations to be enforced therein, and

WHEREAS the McPherson County Drainage Commission has prepared regulations in accordance with the purpose to monitor by regulation, the drainage activity or obstruction of drainage within McPherson County and to provide an impartial forum for the resolution of landowner drainage disputes. And

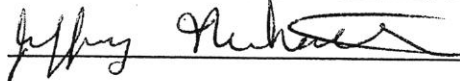
WHEREAS the McPherson County Drainage Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and

WHEREAS the Board of County Commissioners has given due public notice of the hearings relating to drainage regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of SDCL 46A-10A, 1985, with regard to the preparation of this regulation and subsequent action of the Board of County Commissioners has been met;

THEREFORE BE IT RESOLVED that the Drainage Permit Ordinance #10-1 of McPherson County, South Dakota is hereby adopted by the Board of County Commissioners, McPherson County, South Dakota.

Adopted the 6 day of Dec., 2010.



Jeffrey Neuharth, Chairman

McPherson County Board of Commissioners

ATTEST: Steve Serr

Steve Serr

McPherson County Auditor