



Davison County
Planning & Zoning-Drainage-Emergency Management
200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615
Fax (605) 995-8642



February 19, 2014

Glen Lowrie
PO Box 68
Mitchell, SD 57301

Mr. Lowrie,

On June 18, 2013 the Davison County Drainage Commission considered your application to remove excess surface water using 4", 6", 8" and 10" perforated tile. The location to drain is the W 1/2 of the NE 1/4 of Section 9, T 101 N, R 60 W, which was designed to outlet into 12 Mile Creek; using solid tile to get from your land to the creek.

The Commission approved the application, with two stipulations. 1) You were required to receive written approval from Doug Miller to place a drain pipe across his land to get to 12 mile creek. 2) You were required to receive written permission from the Rome Township Chairman on how you will place pipe under 263rd St. You did not complete either of these, but have drain tiled the field; with the outlet into the road ditch. Section 2:06 of the 2013 Revised Drainage Ordinance of Davison County, as stated below, authorizes the Drainage Commission to attach conditions to a permit.

SECTION 2:06. CONDITIONS ATTACHED TO PERMITS. Conditions may be attached to a drainage permit by the Planning and Zoning Administrator or the Drainage Commission to ensure that the proposed drainage is accomplished in accordance with the purposes of this ordinance.

The Davison County Drainage Commission met on February 19, 2014 at 9:00 A.M., in the Commissioners Chambers of the Davison County Courthouse. The Commission found the drainage was not installed as designed or approved, and the decision was made to require you to install a gate in the outlet prior to April 1, 2014; which will attempt to stop water from entering the Township road ditch. The Davison County Drainage Administrator will monitor the area until you present a long term plan for the drainage system. Section 6:03 of the 2013 Revised Drainage Ordinance of Davison County, as stated below, authorizes the Drainage Commission to prevent the unlawful construction or use of any drainage work.

SECTION 6:03. STOP ORDER AND INJUNCTION. Whenever any work is being done contrary to the provisions of this ordinance, the Planning and Zoning Administrator may order the work stopped by notice in writing served on any persons engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Planning and Zoning Administrator to proceed. In the event of a violation or threatened violation of this ordinance, the Drainage Commission

may institute injunction or other appropriate action or proceedings, in addition to other remedies, to prevent the unlawful construction or use of any drainage work.

Section 6:04 of the 2013 Revised Drainage Ordinance of Davison County, as stated below, explains the possible penalty for violating the provisions of the 2013 Revised Drainage Ordinance of Davison County.

SECTION 6:04. VIOLATION AND PENALTY. Any person and/or persons including but not limited to landowner, tenant and/or contractor draining or altering the flow of water in any way without a permit is guilty of a Class 1 misdemeanor and may be subject, in addition to any criminal penalty, a civil penalty not to exceed \$1,000 per day of violation. Any person violating any other provisions of this ordinance is guilty of a Class 2 misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day the violation continues may constitute a separate offense.

If you have any questions regarding this matter you can reach the Drainage Administration Office at 605-995-8615, email at jeffb@davisoncounty.org, or stop in the office located on the first floor of the Davison County Courthouse.

Sincerely,



Jeff Bathke
Director of Planning & Zoning and Emergency Management
Davison County
jeffb@davisoncounty.org
605-995-8615
605-999-2863

cc: James D. Taylor, P.C., Deputy State's Attorney
Jerry Weber, Rome Township Chairman