

PUBLIC NOTICE
McCOOK COUNTY
NOTICE OF
PUBLIC HEARING

Notice is hereby given that the McCook County Commission will hold a public hearing on Tuesday, August 11, 2026, regarding adoption of the 2026 Revised Drainage Ordinance of McCook County.

A copy of the proposed 2026 Revised Drainage Ordinance for McCook County is available for public review at the McCook County Courthouse in the office of the County Auditor during regular business hours.

The County Commission public hearing will be held at the following time, date, and location:

9:30 A.M.
Tuesday, August 11, 2026
McCook County
Courthouse
(130 West Essex Ave)

The purpose of this hearing is to explain the proposed changes to the drainage ordinance to interested persons, to answer questions regarding this item, and to hear public comment on this item. The County Commission invites all interested persons to attend and offer their comments. Those interested persons not able to attend are invited and encouraged to send written comments, prior to the hearing, to the McCook County Auditor, PO Box 190, Salem, SD 57058.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the McCook County Auditor at 605-425-2791. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the County to make reasonable arrangements to ensure accessibility to this hearing.

Geralyn Sherman
McCook County Auditor
Published twice at the total approximate cost of \$43.36 and may be viewed free of charge at www.sdpublicnotices.com.

7-30,8-6
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Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)
COUNTY OF HANSON)

TROY SCHWANS of said McCook County and South Dakota, being first duly sworn on his oath, says THE SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said Counties of McCook and Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed

McCook County
Notice of Public Hearing
Drainage Hearing

a printed copy of which is hereto attached, was printed and published in the newspaper for 2 weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

7/30, 2026

the second publication on

8/6, 2026

the third publication on

20

the fourth publication on

20

the fifth publication on

20

the sixth publication on

20

and the last publication on

20

that \$ 43.36 being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this

day of

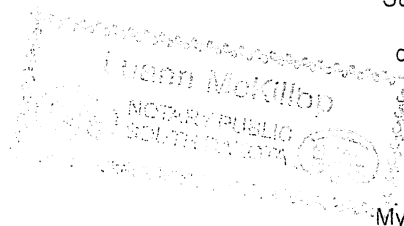
Sept

2026

Notary Public,

My commission expires

1-23-30



ORDINANCE NO. 2026-02

AN ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA, AMENDING THE 2011 REVISED DRAINAGE ORDINANCE OF MCCOOK COUNTY

BE IT ORDAINED BY MCCOOK COUNTY, SOUTH DAKOTA, THAT THE 2011 REVISED DRAINAGE ORDINANCE SHALL BE AMENDED AS FOLLOWS:

I. SECTION 108. "DEFINITIONS" shall be amended to read as follows:

"Section 108. Definitions

For the purposes of this ordinance, certain terms and words are hereby defined. Unless otherwise noted, all terms contained in this ordinance are defined by their plain meaning.

1. ADMINISTRATIVE OFFICIAL. The person, officer or official and his authorized representative duly appointed by the Board who is responsible for the administration and enforcement of this ordinance.
2. BENEFITTED AREA. The area within a drainage district or coordinated drainage area that receives the direct benefit from the drainage projects which have been constructed, or are to be constructed, within the district or drainage area.
3. BOARD. The Board of McCook County Commissioners.
4. CONTRACTOR. Any individual, firm or corporation who performs excavation, grading, construction or installation work involving a drainage project.
5. COORDINATED DRAINAGE AREA. A defined geographic area containing one or more parcels of real property and more than one land owner which is established via a public election to provide a planned network or method of natural or man-made drainage and funded through an assessment on the benefited properties.
6. DOMINANT ESTATE. Any parcel of real property, usually at a higher elevation, which holds a common law or statutory right to drain water onto other real property.
7. DRAIN. A means of draining either surface or subsurface water through a system of ditches, pipes or tiles, either natural, man-made or natural with man-made improvements including:

- a. CLOSED DRAIN. A man-made drain or drainage scheme utilizing pipes, tiles or other materials and constructed in such a way that the flow of water is not visible.
 - b. LATERAL DRAIN. A drain constructed after the establishment and construction of the original drain or drainage system and which flows into such original drain or drainage system.
 - c. NATURAL DRAIN. A drainage system on the surface of the ground which operates as part of a natural water course.
 - d. SURFACE DRAIN. A man-made drain on the surface of the ground.
8. DRAINAGE DISTRICT. A drainage area with multiple owners that was established under state law prior to July 1, 1985 in which all planning, construction and maintenance of the drainage system conform with a master plan for the district and are funded through an assessment on the benefited acres within the district.
 9. DRAINAGE PROJECT. Any man-made improvements constructed or installed with the intent to drain water.
 10. HYDRIC SOIL. Soil types which are formed under saturated conditions.
 11. HYDROPHITIC VEGETATION. Vegetative types typically adapted for life in saturated soil conditions.
 12. LANDOWNER OR OWNER. Any individual, firm or corporation, public or private, or public agency, which has title to real property as shown by the records of the Register of Deeds. If the real property is sold under a contract for deed and the contract is of record in the office of the Register of Deeds, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.
 13. MEANDERED LAKE. Any pond, slough, or lake which has had its boundaries established by metes and bounds in the documents of record or in the survey of public lands by the government of the United States.
 14. PARCEL. A separately designated area of land delineated by identifiable legally recorded boundary lines.
 15. PERSON. An individual, firm, partnership, association, corporation, contractor

or any other type of private legal relationship, and any governmental organization, which includes, but is not limited to, any agency of the United States, a state agency, and any political subdivision of the state.

16. ROAD AUTHORITY. Any McCook County township board, McCook County Highway Department, or South Dakota Department of Transportation that has control of public roads
17. ROUTINE MAINTENANCE. See definition found in Section 204(3), below.
18. SERVIENT ESTATE. Any parcel of real property, usually at a lower elevation, which is subject to a legal right allowing a dominant estate to drain water onto it.
19. STREAM. INTERMITTENT. A natural drainage channel indicated by a dot and dash blue line on the most recently published USGS 7.5 minute quadrangle maps.
20. STREAM. PERMANENT. A natural drainage channel indicated by a solid blue line on the most recently published USGS 7.5 minute quadrangle maps.
21. VESTED DRAINAGE RIGHT. A right to drain water from one property to another which has been established on the basis of SDCL 46A-10A or 46A-11 A. Any natural right acquired before July 1, 1985 is deemed vested. Drainage with man-made origins or improvements acquired prior to July 1, 1985 is deemed vested if recorded at the register of deeds office before July 1, 1992. Drainage districts are exempt from the recording requirements.
22. WATERSHED. The area of land which drains, either directly or indirectly, into a slough, pond, lake, stream or water course.
23. WETLAND. Those areas which have a predominance of hydric soil, are inundated or saturated by water for at least 15 days during a growing season, and under normal circumstances support hydrophitic vegetation.”

II. SECTION 201. “PERMITS REQUIRED” shall be amended to read as follows:

“Section 201. Permits Required

A drainage permit shall be required for and prior to commencing the construction or installation of the following drainage projects:

1. Any draining or filling, in whole or in part, of a pond, wetland, or lake.
2. Construction of any lateral drain.
3. Modification of any permitted drainage with the intent of deepening or widening

- any drainage channel, increasing the size of any drainage tile, or the extending or rerouting of any drainage work.
4. Construction or installation of a surface or closed drain.
 5. Repairing, replacing or improving any drain.

A drainage permit is required for any drainage projects for the following districts:

AG Agricultural
RR Rural Residential
LR Lake Residential
C Commercial
LI Light Industrial
HI Heavy Industrial
FC Flood Plain/Conservation
PD Planned Development”

III. SECTION 202. “APPLICATION FOR A DRAINAGE PERMIT” shall be amended to read as follows:

“Section 202. Application for a Drainage Permit

Any person required to obtain a drainage permit under this ordinance shall file an application on a form as provided by the County and the required filing fee with the Administrative Official.

The applicant shall provide a detailed site plan showing the location of the proposed construction. The site plan shall include a description of the type and size of the drain, and the location of the proposed outlet. Any application for a proposed drainage project which would empty into an existing drainage system shall include a description of the type and general location of the existing system. An application is required for each parcel within a drainage project. Drainage projects constructed as part of a drainage district or coordinated drainage area shall require one permit.

If the Administrative Official determines that the application is incomplete or if the information contained therein is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision. The Administrative Official may also require that the applicant provide a detailed survey prepared by a professional engineer or surveyor.

The applicant shall also provide copies of the complete application to other affected counties if the application is determined to be of statewide or inter-county significance.

The Administrative Official shall provide notice of the application by mail to all downstream property owners and road authorities for at least a ½ mile straight line below the point from where the water leaves the property of the proposed drainage project.”

IV. SECTION 203. “DRAINAGE APPLICATION FEE” shall be amended to read as follows:

“Section 203. Drainage Application Fee

A Drainage Application fee to this Drainage Ordinance shall be established by resolution of the County Commission. The current fee shall be available from the Drainage Administrator. All fees shall be the property of the County and shall be paid over to the County Treasurer for credit to the General Fund of the County, which under no condition shall be refunded. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. If any activity commences prior to the application, the application fee shall be double the regular fee.

Any newly approved drainage permit will become effective five working days after approval.”

Permits for Routine Maintenance are exempt from the Drainage Application fee and are effective upon approval.

V. SECTION 204. “AUTHORITY OF ADMINISTRATIVE OFFICIAL TO GRANT DRAINAGE PERMITS” shall be amended to read as follows:

“Section 204. Authority of Administrative Official to Grant Drainage Permits

The Administrative Official shall have the authority to grant or deny a drainage permit for the following projects: (All other drainage permit applications shall be addressed by the Board.)

1. A proposed drainage project which outlets directly into *Little Vermillion, East Vermillion, West Vermillion or Wolf Creek Streams*, as delineated on the most recently published USGS 7.5 minute topographic maps or other maps deemed appropriate by the Administrative Official or Board.
2. A proposed drainage project which does not outlet into the streams in subsection (1) provided all downstream landowners and road authorities for at least ½ mile straight line below from where the water leaves the property of the proposed drainage project have signed a waiver stating that they have no objection to the construction of the proposed drainage project.

3. Routine Maintenance. Drainage permits for routine maintenance are exempt from downstream landowner notification requirement set forth in Section 202. For purposes of this Ordinance, the term "Routine Maintenance" means:

- a. Repair or replacement of a closed or lateral drain which does not increase the size, capacity or length of the existing drain and the original location of the drain is not altered.
- b. Removal of sediment or vegetation from a surface drain if the maintenance does not exceed or alter the original depth and the original location of the drain is not altered
- c. Removal of sediment or vegetation from a natural drain if the maintenance does not exceed the original depth and capacity of the channel, or a depth of two feet, whichever is less, and the original location of the drain is not altered.

The Administrative Official shall not have the authority to grant a drainage permit for a proposed project which would have inter-county significance."

Adopted this 25th day of August 2026.



ATTEST:

Geraldyn Sherman
Auditor

Steve H. Gordon
Chairman
McCook County Board of Commissioners

First reading: August 11, 2026
Second reading & Adoption: August 25, 2026
Published: September 3, 2026
Effective: September 23, 2026