

HERMOSA TOWN BOARD
WORK SESSION
Tuesday, October 25, 2022 – Following P&Z Meeting



- 1) **ROLL CALL:**
 - A) BOT Roll Call: Henrichsen, Holsworth, Kramer, Schumack & Thomason
 - B) P&Z Roll Call: Harris, Waltman, Irvine, Stockham & Klaski
 - C) Acknowledgement of other attendees

- 2) **CALL FOR CHANGES:**
 - A) Review current agenda items
 - B) Motion to accept the agenda as presented/amended

- 3) **NEW BUSINESS:**

- 4) **WORK SESSION ITEMS**
 - A) Black Hills Council of Local Government, Hazard Mitigation – Kailey Snyder
 - B) Annexation: Gumbo Lily, Fairgrounds Place, McDermand Street.
 - C) Chapter 52: Garbage and Refuse – Review fees for illegal dumping and proposed signage updates.
 - D) Update sign next to yard waste dumpsters

- 5) **ITEMS FROM CITIZENS:** No action will be taken (3-minute time limit per speaker)
Meetings of the Board of Trustees are open to the public. The audience may be allowed to comment on specific agenda items during the time allotted on the agenda for those items, according to established procedures of the Board. This is a time for members of the in-town municipal boundary citizens to express concerns or discuss issues having relevance to the town. Anyone wishing to address the Town Board during this time shall be asked to identify themselves. The number of presentations and time allotted to individuals may be limited by the board president and individuals shall refrain from discussing personalities. The president at his discretion, may recognize patrons at other times during the board meeting. No action will be taken by the board on any issue related without being first placed on a future agenda, by the board, to allow for proper notice.

- 6) **TRUSTEE INPUT:**

- 7) **EXECUTIVE SESSION:**
 - A. Motion to enter Executive Session allowable by SDCL 1-25-2.1 – Legal/Personnel/Contract
 - B. Motion to exit out of Executive Session
 - C. Motions resulting from Executive Session

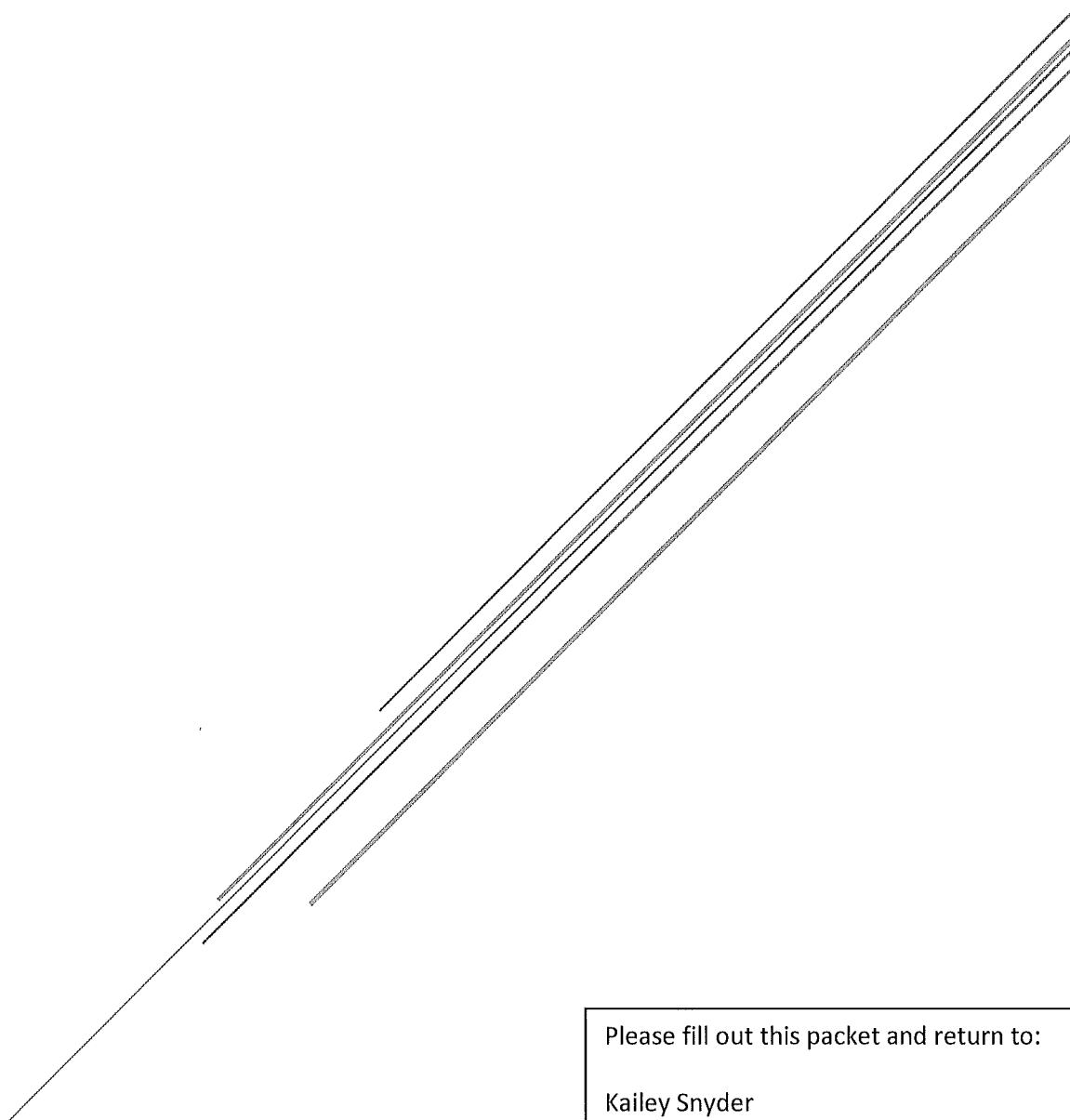
- 8) **ADJOURN:**
Motion by _____; second by _____ to adjourn the meeting at _____ pm.

ATTEST:

Gail Boddicker
Finance Officer

Dan Holsworth
Town Board President

HAZARD MITIGATION PACKET



Please fill out this packet and return to:

Kailey Snyder
ksnyder@wrbc.com
605-394-2681 ex. 1244

Please call or email with any questions!!

Part 1: Planning Documents and Studies

1. If a participant in NFIP (National Flood Insurance Program) who is your floodplain administrator and contact information?

Document Type	Yes	No	Year Adopted/Completed
Comprehensive Plan			
Growth Management Plan			
Flood Damage Prevention Ordinance			
Floodplain Management Plan			
Flood Insurance Studies			
Hazard Vulnerability Analysis			
Emergency Operations Plan			
Zoning Ordinances			
Building Code			
Drainage Ordinance			
Critical Facilities Map			
Structures Map			
WUI (Wildland Urban Interface) Map			
Existing Land Use Map			
Elevation Certifications			
State Hazard Mitigation Plan			
County 5-year Highway Improvements Plan			
Drainage Study			
Transportation Plan			
Subdivision Ordinance			
Engineering Reports (Landslides)			
Engineering Reports (Flooding/Drainage/Storm sewer)			
Fire Prevention Ordinance (Burn Bans)			
City Flood Maps			

Please list any additional studies/engineering/ or plans that the County/City has done not listed above:

Part 2: Hazard Identification

Identify Hazards that affect your County/City...

Hazard	Yes	No	Hazard Event Description (briefly describe the event; date; injuries; costs and types of damages)
Dam Failure			
Drought			
Earthquake			
Expansive Soils			
Extreme Heat			
Flood			
Hailstorm			
High Winds			
Land Subsidence			
Landslide			
Lightening			
Severe Winter Storms			
Tornado			
Wildfire			
Other			

Part 2: Inventory Assets

Determine total number and value of structures in your County/City. ((County Assessor can assist in these values))

Type of Structure	Number of Total Structures	Value of Total Structures
Residential		
Commercial		
Industrial		
Agricultural		
Religious		
Government		
Education		
Utilities		
Total		

Determine the number of structures located in a hazard zone per hazard. (ex. Flooding, Landslide, Wildfire)

Hazard 1: _____

Type of Structure	Number of Total Structures	Value of Total Structures
Residential		
Commercial		
Industrial		
Agricultural		
Religious		
Government		
Education		
Utilities		
Total		

Hazard 2: _____

Type of Structure	Number of Total Structures	Value of Total Structures
Residential		
Commercial		
Industrial		
Agricultural		
Religious		
Government		
Education		
Utilities		
Total		

Part 4: Hazard Probability

Identify Hazards Probability

Hazard Type	Probability		Frequency: Times in Last...			Population Impact			Property Impact		
	Yes	No	1 yrs	5 yrs	10 yrs +	High	Med	Low	High	Med	Low
Aircraft Accident											
Communication (Disruption)											
Dam Failure											
Drought											
Earthquake											
Extreme Cold											
Extreme Heat											
Flood											
Flood (rapid snow melt)											
Flood (Ice Jam)											
Flood (Heavy Rain)											
Hail											
Landslide											
Lightening											
Utility Interruption											
Subsidence											
Thunderstorm											
Tornado											
Wildfire											
Winter storm											

4c

CHAPTER 52: GARBAGE AND REFUSE

See page 3 for REVISIONS

Section

- 52.01 Definitions
- 52.02 Family domestic units collection and containers
- 52.03 Yard waste collection
- 52.04 Collection charges
- 52.05 Unlawful deposits
- 52.06 Scavenging
- 52.07 Burning
- 52.99 Penalty

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FAMILY DOMESTIC UNIT. Any single independent family unit, irrespective of the number of persons constituting the family, but shall not include a situation where more than one family lives together in any single residence or abode, but in such situation, each of the independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in a multiple dwelling residence, apartment house, or any type of residence (including mobile homes other than mobile homes in a licensed mobile home court) shall each be deemed a FAMILY DOMESTIC UNIT for the purposes of this chapter. A rooming house that supplies lodging only for hire and which does not serve meals to any lodgers and does not permit cooking and eating on the premises shall be deemed a FAMILY DOMESTIC UNIT for the purposes of this chapter.

GARBAGE. Solid and semisolid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving or consuming of food, or of material intended for use as food, and all offal, excluding useful industrial byproducts, from all public and private establishments and from all residences.

MULTI-FAMILY UNIT. A residential duplex to four-plex unit for the purpose of town garbage collection.

REFUSE. Putrescible and non-putrescible wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes, and sewage treatment wastes in dry or semisolid form.

RUBBISH. Non-putrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, trees or portions of trees, or other litter with similar properties.

SCAVENGING. The unauthorized removal of an item(s) from a town-owned garbage can, recycling can, roll-off container, or solid waste property, including the landfill and material recovery facility.

YARD WASTE. Natural, non-putrescible solid vegetation waste produced by commercial or private residential landscaping activities. The waste shall include lawn cuttings, lawn rakings, branches, trees, garden waste, and other similar waste vegetative material, all free of other debris or rubbish.

(Ord. passed 6-19-2018)

§ 52.02 FAMILY DOMESTIC UNITS COLLECTION AND CONTAINERS.

The town shall contract for all residential garbage and trash collection within the town including single-family or multi-family, up to and including 4-plex units; residents receiving garbage service are required to utilize the contracted service provider through the municipality. All residents of single family residences and multi-family units within the town receiving town garbage service shall pay the charges and fees specified in resolution and shall comply with the following rules and regulations pertaining to the collection of trash and garbage.

(A) Residents of the town, subject to this chapter, shall comply with collection approved by the town in the manner which follows:

(1) All residents of the town and each family unit (single through 4-plex) who are subject to this chapter shall be issued one collection container by the contracted service provider.

(2) Each family unit (single through 4-plex) shall have one collection container for garbage unless a request is submitted at town hall.

(3) Only garbage service provided collection containers shall be allowed for use.

(4) All requirements of the garbage service provider shall be followed.

(5) If the container is stored outside, it shall be kept so as to protect the container and its content from animals. Garbage placed in the containers shall be bagged and tied to prevent blowing during collection. Loose garbage placed in the container is prohibited.

(6) Residents should place the collection containers in a location suitable and readily accessible for collection by the collection truck no later than 6:00 a.m. on the scheduled collection day. Containers shall be removed from the curb within 24 hours of being emptied.

(B) Residents of the town are responsible for picking up trash and garbage from tipped containers.

(C) If a collection container becomes unusable due to damages resulting from causes other than the collection truck, the resident shall be responsible for purchasing a new container from the service provider.

(Ord. passed 6-19-2018)

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to residents who live within municipal town limits. ~~persons who have garbage service with the town.~~ Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

§ 52.04 COLLECTION CHARGES.

(A) The town shall make a charge for each month for the collection of refuse from each family domestic unit. The charge shall be billed on the monthly water bill to each family domestic unit and shall be immediately due and payable upon the billing date. It shall be payable with, and in addition to, the water bill.

(B) In the event refuse collection is provided by the town under the provisions of this chapter to a family domestic unit within the garbage service district not independently served by the town water service and billed therefor, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same rate that the water users are billed. The refuse collection charge shall be forthwith payable to the town by either the owner or occupant of the dwelling unit.

(C) Bills shall be payable at the Town Finance Office or at the authorized bank depository by automatic withdrawal upon enrollment.

(D) The rates for any and all charges the town shall make under this provision shall be prescribed by resolution of the Common Council.

(E) In addition to the foregoing methods of billing and collecting the charges for refuse collection, the Finance Officer, with the approval of the Board of Trustees, may from time to time adopt, use, and enforce such other methods of billing and collection of the charges as may be reasonably efficient, feasible, and appropriate, to the end that in every case all collection charges provided by this section shall be paid.

(Ord. passed 6-19-2018)

§ 52.05 UNLAWFUL DEPOSITS.

No person shall deposit, place, or throw any refuse in or upon any street, alley, or other public place. No person shall place any refuse upon any private property, whether owned by the person or not, unless the garbage shall be enclosed in a collection container meeting the requirements of this chapter.

(Ord. passed 6-19-2018)

§ 52.06 SCAVENGING.

It is unlawful for any person to scavenge or salvage any trash or recyclables at the curb, alley, or right-of-way from containers. Materials so placed shall be removed only by the service provider.

(Ord. passed 6-19-2018)

§ 52.07 BURNING.

No garbage, tires, creosote, or other matter from which dense smoke or offensive odors emanate during combustion shall be burned outside of any building, or inside any building in a fireplace, wood stove, or other wood-fired appliance.

(Ord. passed 6-19-2018)

§ 52.99 PENALTY.

(A) Any person violating this chapter shall be subject to the general penalty provision of § 10.99.

(B) Further, any person violating this chapter shall be subject to a civil action for the recovery of any damages occurring as a result of the violation(s).

(Ord. passed 6-19-2018)

HERMOSA PLANNING & ZONING BOARD
REGULAR MEETING
October 11, 2022 @ 6:00pm



AD

ROLL CALL: Harris called the meeting to order at 6:00pm with the following members present; Harris, Waltman, Irvine, Stockham and Klaski, Liaison Holsworth. Pledge of Allegiance led by Harris.

CALL FOR CHANGES: Motion made; seconded to move 6a up on the agenda for Oath of Office for Bobbie Klaski; vote; all aye; motion carried.

Oath of Office from Bobbie Klaski. - The P&Z board welcomes and appreciates having Bobbie back on the board.

CONSENT CALENDAR: Motion made; seconded to approve the September 27, 2022, meeting minutes; vote; all aye; motion carried.

OLD BUSINESS:

NEW BUSINESS:

Permit 2022-18 - Moving/Informational Permit – Custer County Fairgrounds – Move 20’x 20’ building from 194 Fairgrounds Pl. – Previous plans for a 20’x 40’ concession building with storage and bathrooms located by the ballpark was approved at the May 24th P&Z and June 7th BOT meetings. Custer County acquired the 20’x 20’ building for no cost and a timeline request for it to be moved as a replacement for proposed new building. Building was moved onto site September 29, 2022. Discussion included questions on the foundation and how will the building be anchored and secured. Building is not located in the floodplain. Motion made; seconded; to approve Moving Permit with the stipulation a new site plan with foundation and anchoring details be provided. vote; all aye; motion carried. Board also made a second motion to waive the fee for the Moving Permit; vote; all aye; motion carried.

Permit 2022-36 – Informational Permit – 2 4th St. 160 square foot prebuilt storage shed. – Motion made and seconded to approve permit; vote; all aye; motion carried.

Permit 2022-37 – Informational Permit – 300 E. Main St. #5 – Install solar panel on rooftop – Motion made and seconded to approve permit; vote; all aye; motion carried.

REVIEW BOT MINUTES: October 4, 2022

ORDINANCE REVIEW & WORK ITEMS:

Chapter 52: Garbage and Refuse – Request from BOT to review fees for illegal dumping – Discussion by board included monetary amount of fines imposed for violations. §52.99 Penalty (A) Any person violating this chapter shall be subject to the general penalty provision of §10.99 General Penalty – The town is authorized to provide for the punishment of each violation of ordinance, resolution or regulation with a fine not to exceed \$500, or by imprisonment not exceeding 30 days, or by both the fine and imprisonment. Conversation included if fines need to be modified or created for illegal dumping. Fines are currently specified on the sign next to the yard waste collection dumpsters. The State of South Dakota allows maximum penalty up to \$500.00. The Board decided to allow penalty fines to be determined by the BOT for each individual occurrence depending on severity. Board would like to review phrasing on current sign posted at the site and make necessary changes to reflect current regulations and penalties. Board agreed to adjust language on §52.03 to Yard waste collection is limited to residents who live within municipal town limits. Motion made and seconded to approve change to language on §52.03 and recommended updating sign posted by yard waste collection dumpsters to include the general penalty provision of §10.99; vote; all aye; motion carried.

Chapter 153: Mobile Homes; Parks – Request from BOT to review – P&Z Board approved at July 26, 2022 meeting to replace wording on §153.01 (D) Permit required. No mobile home may be placed or replaced on a lot or moved out of town without a moving/building permit, approved by both the P&Z board and the BOT and issued by the Finance Officer. BOT requested additional review of ordinance before their approval. Discussion included the rule regarding no mobile home shall be placed within the town limits that was manufactured more than 20 years before the date of the application. A variance may be issued upon approval of the BOT. Harris voiced concern about allowing citizens to have the ability or option to have their case reviewed regarding a waiver or

There may be a quorum of Board of Trustees present at Planning & Zoning Meetings

variance. Holsworth discussed not wanting to set a precedence by allowing any mobile homes over 20 years old into town limits and would recommend removing the option to apply for a variance. Motion made and seconded to change language for §153.01 (D) Permit required. No mobile home may be placed or replaced on a lot or moved out of town without a moving/building permit and remove from §153.01 (C) (2) A variance may be issued upon approval of the Board of Trustees. vote; all aye; motion carried.

Permit 2022-32 – Floodplain Development Permit, Town of Hermosa; Pending

Annexation Study; Pending;

Review of 2018 Comprehensive Plan; Pending

TRUSTEE INPUT:

CITIZEN INPUT:

ADJOURN: Motion made, seconded to adjourn the meeting at 7:25pm; Vote; all aye; motion carried.

Joan Harris, Planning & Zoning Board President

Jill Dybvig, Administrative Assistant

Hours of Operation:
Monday – Friday 8:00—5:00

IN TOWN RESIDENTS ONLY!!

YARD WASTE ONLY!!

NO

- ✓ NO PLASTIC OR PAPER BAGS
- ✓ APPLIANCES
- ✓ LIQUIDS OR CHEMICALS
- ✓ TIRES
- ✓ DRUMS OR CONTAINERS

PLACING UNAUTHORIZED MATERIALS IN THIS CONTAINER COULD RESULT IN A FINE UP TO **\$500.00** (\$10.99 GENERAL PENALTY) **PLUS** ADMINISTRATIVE FEE OF **\$50.00**. IF CONTAMINATED YOU WILL ALSO BE CHARGED DUMPSTER REMOVAL FEE. THIS DUMPSTER MAY NOT BE USED BY PROFESSIONAL TREE REMOVAL COMPANIES.

IF DEBRIS FALLS ON THE GROUND-PLEASE CLEAN IT UP!!

SMILE FOR THE CAMERA



RESIDENTS

**IN TOWN RESIDENCE ONLY!!
YARD WASTE ONLY**

NO PLASTIC OR PAPER BAGS

NO

APPLIANCES

BATTERIES

LIQUIDS OR CHEMICALS

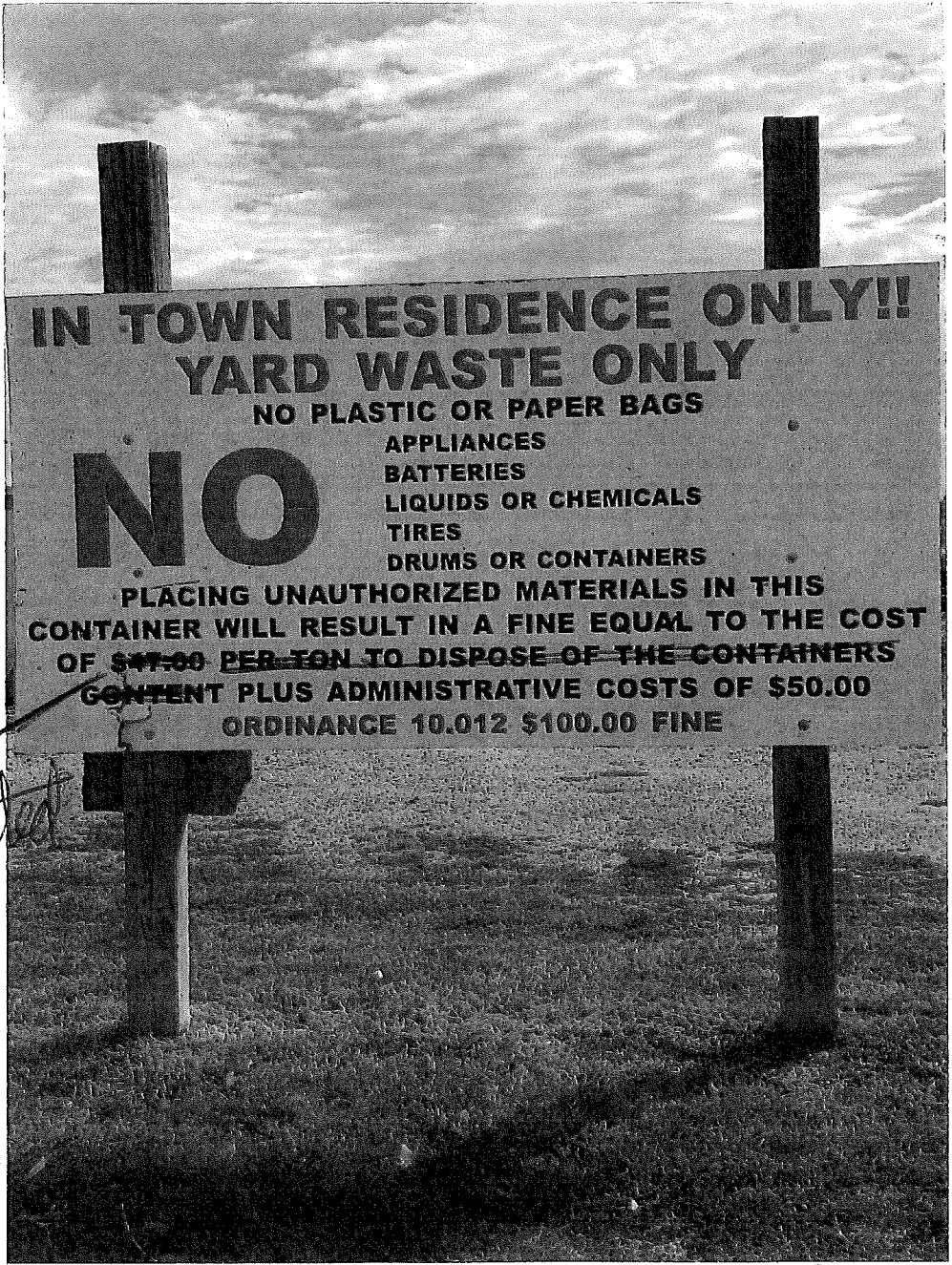
TIRES

DRUMS OR CONTAINERS

*up to
\$500*

**PLACING UNAUTHORIZED MATERIALS IN THIS
CONTAINER WILL RESULT IN A FINE EQUAL TO THE COST
OF \$47.00 PER TON TO DISPOSE OF THE CONTAINERS
CONTENT PLUS ADMINISTRATIVE COSTS OF \$50.00**

ORDINANCE 10.012 \$100.00 FINE



500.00
If contaminated
you will
also be
charged
to dump
dumpster
PS. smile
for the camera

Homeowner
Cutting down
trees
should it be
allowed in
dumpster

~~no commercial use~~
If you have a professional
company cut down a tree they haul
not to our dumpster. ~~for~~
Clean up

(2) In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

The town is authorized to provide for the punishment of each violation of an ordinance, resolution or regulation with a fine not to exceed \$500, or by imprisonment not exceeding 30 days, or by both the fine and imprisonment.

Statutory reference:

Maximum penalty, see SDCL §§ 9-19-3 and 22-6-2(2)