

2024 South Dakota Legislature

House Bill 1149**AMENDMENT 1149A
FOR THE INTRODUCED BILL**

1 **An Act to allow for a vacation home establishment and provide for municipal and**
2 **county regulation thereof.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 9-19:**

5 A municipality may not adopt or enforce an ordinance or other regulation that
6 expressly or effectively prohibits the use of a property as a vacation home establishment
7 as defined under § 34-18-1.

8 A municipality may adopt or enforce an ordinance or other regulation that
9 specifically regulates property used as a vacation home establishment only if the
10 regulations provide requirements regarding:

11 (1) Fire and building codes;

12 (2) Health and sanitation;

13 (3) Traffic control;

14 (4) Solid or hazardous waste and pollution control; or

15 (5) The designation of an emergency contact for the property.

16 Any ordinance or other regulation must be at least as stringent as those adopted
17 by the Department of Health under §§ 34-18-22 and 34-18-22.3.

18 **Section 2. That a NEW SECTION be added to chapter 7-18A:**

19 A county may not adopt or enforce an ordinance or other regulation that expressly
20 or effectively prohibits the use of a property as a vacation home establishment as defined
21 under § 34-18-1.

22 A county may adopt or enforce an ordinance or other regulation that specifically
23 regulates property used as a vacation home establishment only if the regulations provide
24 requirements regarding:

25 (1) Fire and building codes;

- 1 (2) Health and sanitation;
- 2 (3) Traffic control;
- 3 (4) Solid or hazardous waste and pollution control; or
- 4 (5) The designation of an emergency contact for the property.
- 5 Any ordinance or other regulation must be at least as stringent as those adopted
- 6 by the Department of Health under §§ 34-18-22 and 34-18-22.3.

AMENDED