

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

831B0556

HOUSE ENGROSSED NO. **HB1165** - 2/3/98

Introduced by: Representatives Pummel, Barker, Duniphan, and Schaunaman and Senators
Vitter, Hutmacher, and Olson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Uniform Building
2 Code.

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

4 Section 1. That § 11-10-5 be amended to read as follows:

5 11-10-5. If the governing body of any local unit of government adopts any ordinance
6 prescribing standards for new construction, such ordinances shall comply with the 1994 or 1997
7 Edition of the Uniform Building Code as published by the International Conference of Building
8 Officials. The governing body may amend, modify, or delete any portion of the Uniform Building
9 Code before enacting such an ordinance. The ordinance may not apply to mobile or
10 manufactured homes as defined in chapter 32-7A which are constructed in compliance with the
11 applicable prevailing standards of the United States Department of Housing and Urban
12 Development at the time of construction.

13 Section 2. That § 7-8-20 be amended to read as follows:

14 7-8-20. In addition to others specified by law, the board of county commissioners shall have
15 power:

- 1 (1) To institute and prosecute civil actions in the name of the county, for and on behalf
2 of the county;
- 3 (2) To make orders respecting the care and preservation of all property belonging to the
4 county and to sell any real property of the county when authorized by law so to do;
- 5 (3) To levy a tax not exceeding the amount authorized by law, and to liquidate
6 indebtedness;
- 7 (4) To audit the accounts of all officers having the care, management, collection or
8 disbursement of any money belonging to the county or appropriated for its benefit;
- 9 (5) To construct and repair bridges; to open, lay out, vacate, and change highways; to
10 purchase or acquire grounds for courthouse, jail or other building sites, locate or
11 relocate the courthouse on such sites; to establish election precincts in its county and
12 appoint the judges of election; and, as a board of equalization, to equalize the
13 assessment roll of its county in the manner provided by law;
- 14 (6) To furnish necessary blank books, blanks, and stationery for the county auditor,
15 register of deeds, county treasurer, state's attorney, sheriff, and other elected or
16 appointed county officers, to be paid out of the county treasury; also a fireproof safe
17 or vaults, when in its judgment the same shall be advisable, in which to keep all the
18 books, records, vouchers, and papers pertaining to the business of the board;
- 19 (7) To superintend the fiscal concerns of the county and secure their management in the
20 best possible manner;
- 21 (8) To regulate the transaction of business in alcoholic beverages, the use and
22 consumption thereof, to establish the number of on-sale licenses which may be issued,
23 provide for reasonable classification of on-sale licenses and to fix the fees to be
24 charged for the various classifications which shall be uniform within each class, all
25 consistent with the provisions of Title 35. The secretary of revenue shall be promptly

1 furnished certified copies of all ordinances and resolutions or amendments thereto
2 adopted relating to the exercise of these powers;

3 (9) To make ordinances prohibiting the sale or exhibition of any obscene matter;
4 however, no county resolution shall be effective in any incorporated area within said
5 county;

6 (10) To do and perform such other duties and acts as it is or may hereafter be required to
7 do and perform;

8 (11) To provide additional compensation to the county treasurer, county auditor, county
9 register of deeds, state's attorney, and sheriff. This compensation shall be in addition
10 to the salaries prescribed in §§ 7-7-9.1, 7-7-12, and 7-12-15;

11 (12) To provide office space, in addition to that provided in the county courthouse, for
12 state's attorneys, appointed officials of the county and other employees;

13 (13) To receive and administer grants, loans and assistance and to enter into agreements
14 for cooperative action, with or on behalf of any public agency or nonprofit
15 organization, to establish, promote and support community development;

16 (14) To enact ordinances to regulate and prevent the placing of ashes, dirt, garbage or any
17 offensive matter in any highway or public ground or in any body or stream of water
18 within the county, but outside of an incorporated municipality or outside of the one
19 mile limits of any incorporated municipality;

20 (15) To enact ordinances to regulate and compel the cleansing, abatement or removal of
21 any sewer, cesspool or any unwholesome or nauseous thing or place;

22 (16) To license and regulate transient merchants, hawkers, solicitors, peddlers, itinerant
23 vendors, and every person retailing tangible personal property or services, unless such
24 business is carried on exclusively within the boundaries of a municipality or is carried
25 on through home solicitation or from a fixed permanent location and place of business

1 in this state where such goods and services are offered on a continuing basis;

2 (17) To enact by ordinance, for any portion of the county which is zoned, the 1994 or

3 1997 Edition of the Uniform Building Code as published by the International

4 Conference of Building Officials and to amend, modify, or delete any portion of the

5 Uniform Building Code before enacting such an ordinance. Such ordinance may not

6 apply to mobile or manufactured homes as defined in chapter 32-7A which are

7 constructed in compliance with the applicable prevailing standards of the United

8 States Department of Housing and Urban Development at the time of construction.

9 The ordinance and any further amendments, modifications, or deletions shall be filed

10 with the county auditor and shall become effective upon such filing.

1 **BILL HISTORY**

2 1/20/98 First read in House and referred to Commerce. H.J. 128

3 1/29/98 Scheduled for Committee hearing on this date.

4 1/29/98 Commerce Do Pass, Passed, AYES 13, NAYS 0. H.J. 295

5 1/29/98 Commerce Place on Consent Calendar.

6 1/30/98 Second reading of consent calendar items.

7 2/2/98 Motion to Amend, Passed. H.J. 342

8 2/2/98 House of Representatives Do Pass Amended, Passed, AYES 55, NAYS 10. H.J. 343

9 2/2/98 House of Representatives Title Amended. H.J. 343