

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0756

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1276** - 02/14/2001

Introduced by: Representatives Kooistra, Brown (Richard), Duenwald, Duniphan, Flowers, Fryslie, Holbeck, Jaspers, McCaulley, Slaughter, Teupel, and Van Gerpen and Senators Olson (Ed), Albers, de Hueck, Moore, Sutton (Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to require historical or educational municipal corporations
2 to maintain their property.

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

4 Section 1. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A municipality incorporated pursuant to § 9-3-22 shall exist so long as the corporation
7 maintains all lands, buildings, fences, fixtures, billboards, signs, and other improvements in good
8 condition and repair, and is actively operating for the purposes for which it is incorporated, or
9 until the corporation is dissolved in accordance with law. The municipality shall possess and
10 maintain its historical or educational integrity of design, materials, and workmanship of the sites,
11 buildings, structures, and objects that are located within the platted municipal corporation,
12 including advertising and promotional signs. The municipality shall lose its historical or
13 educational municipality designation if more than one-fourth of such properties possess any of

1 the following conditions:

- 2 (1) Loss or disintegration of the roof or roofing materials;
- 3 (2) Loss of windows;
- 4 (3) Deterioration or missing siding material;
- 5 (4) Unstable foundations;
- 6 (5) Leaning severely from plumb; and
- 7 (6) Billboards or signs identifying, promoting, or advertising the municipality no longer
- 8 conform to the requirements of chapter 31-29.

9 However, for the purposes of subdivision (6), the twelve continuous months required for
10 determining a sign is abandoned does not apply.

11 Section 2. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The South Dakota Department of Transportation or the county in which the historic or
14 educational municipality is located may take action, pursuant to section 1 of this Act, to dissolve
15 the municipal corporation pursuant to the provisions of chapter 1-26.