

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

714T0395

HOUSE BILL NO. 1162

Introduced by: Representatives Romkema, Fargen, Kirkeby, Schrempp, Turbiville, and Verchio and Senators Lederman, Bradford, Maher, Nelson (Tom), and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the platting and
2 annexation of subdivisions.

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

4 Section 1. That § 9-4-4.3 be amended to read as follows:

5 9-4-4.3. Prior to adoption, copies of the resolution of intent with a notice of time and place
6 of the public hearing shall, ~~not less than ten days prior to the date of the public hearing,~~ be
7 forwarded; by certified mail to the ~~county commissioners and the~~ affected landowners and the
8 county auditor, who shall then forward the resolution of intent and notice of public hearing
9 regarding the resolution of intent to the county commissioners. The notice shall be postmarked
10 not less than ten days and not more than twenty days before the date of the public hearing. The
11 resolution of intent ~~shall~~ may be adopted, pursuant to chapter 9-19, with or without amendments
12 after the public hearing. The governing body shall utilize and rely upon the records of the county
13 director of equalization for the purposes of determining the affected landowners.

14 Section 2. That § 9-4-4.4 be amended to read as follows:



1 9-4-4.4. The governing body shall hold a public hearing to consider extension of its
2 boundaries within sixty days of the adoption of the resolution of intent provided for in §§ 9-4-
3 4.2 and 9-4-4.11. Prior to adoption of the resolution of annexation, a copy of the adopted
4 resolution of intent and a notice of ~~public hearing giving~~ the time and place of the public hearing
5 on the resolution of annexation shall be forwarded by certified mail to the ~~county commissioners~~
6 ~~and the~~ affected landowners and the county auditor, who shall then forward the adopted
7 resolution of intent and notice of public hearing regarding the resolution of annexation to the
8 county commissioners. The notice shall be postmarked not less than ten days and not more than
9 twenty days before the date of the public hearing. The governing body shall utilize and rely upon
10 the records of the county director of equalization for the purposes of determining the affected
11 landowners. The governing body may adopt an annexation resolution, containing the description
12 and boundaries of the territory to be annexed, pursuant to chapter 9-19, within one hundred and
13 twenty days of the public hearing. The governing body shall consider any objections to the
14 resolution of annexation and the adopted resolution of intent, and may adopt the resolution of
15 annexation with or without amendments, and may also add to the resolution of annexation any
16 amendments to the resolution of intent. No amendment may be made affecting any property not
17 described in the original resolution.

18 Section 3. That § 11-6-18.2 be amended to read as follows:

19 11-6-18.2. A summary of the action of the city council shall be prepared by the city finance
20 officer, auditor, clerk, or planning commission, reviewed by the city attorney, and published
21 once in a legal newspaper of the municipality and take effect on the twentieth day after its
22 publication. Any summary published under the provisions of this chapter shall contain a
23 notification that the public may inspect the entire comprehensive plan or any part, adjunct,
24 amendment, or additions ~~thereto~~ to the comprehensive plan at the office of the city auditor or

1 clerk during regular business hours.

2 Section 4. That § 11-6-26 be amended to read as follows:

3 11-6-26. ~~After the city council of any municipality has adopted a comprehensive plan that~~
4 ~~includes at least a major street plan or has progressed in its comprehensive planning to the stage~~
5 ~~of making and adopting a major street plan, and has filed a certified copy of the major street~~
6 ~~plan in the office of the register of deeds of the county in which the municipality is located, no~~
7 ~~plat of a subdivision of land lying within the municipality, or of land within three miles of its~~
8 ~~corporate limits and not located in any other municipality, may be filed or recorded unless the~~
9 ~~plat has the recommendation of the city planning and zoning commission and the approval of~~
10 ~~the city council. As an alternative, the plat may be reviewed and approved in accordance with~~
11 ~~§ 11-3-6. This provision applies to land within three miles of the corporate limits of the~~
12 ~~municipality and not located in any other municipality only if the comprehensive plan or major~~
13 ~~street plan includes such land. However, if such extra municipal land lies within three miles of~~
14 ~~more than one municipality, the jurisdiction of each municipality terminates at a boundary line~~
15 ~~equidistant from the respective corporate limits of the municipalities, unless otherwise agreed~~
16 ~~to by a majority vote of the governing body of each such municipality. The plats shall, after~~
17 ~~report and recommendations of the commission are made and filed, be approved or disapproved~~
18 ~~by the city council or reviewed and approved in accordance with § 11-3-6. The commission~~
19 ~~shall make its recommendation to the council within sixty days of submission. The following~~
20 ~~provisions apply to all subdivisions of land that are not approved pursuant to § 11-3-6, and are~~
21 ~~located outside of municipal corporate limits:~~

22 (1) A municipality may elect to approve subdivision plats outside of but not exceeding
23 three miles from its corporate limits, and not located in any other municipality;

24 (2) A municipality shall adopt a comprehensive plan and a major street plan that

1 identifies the unincorporated area to be governed by municipal platting authority. A
2 major street plan is defined as a document that consists of a map or written narrative,
3 or both, of a municipality's future collector and arterial streets that are incorporated
4 as a part of a municipality's comprehensive plan or as a stand-alone document that
5 has been approved in accordance with the provisions of §§ 11-6-17 to 11-6-18.2,
6 inclusive;

7 (3) A copy of the adopted comprehensive plan and major street plan shall be forwarded
8 to the county commissioners through the office of the county auditor or clerk in
9 which the municipality is located;

10 (4) After the comprehensive plan and major street plan is adopted and before approving
11 plats outside municipal limits, the municipality shall adopt a subdivision ordinance
12 that will govern the area outside municipal limits. The ordinance shall be adopted
13 according to the provisions of § 11-6-27 and shall incorporate a platting jurisdiction
14 boundary map or text description of the area to be governed;

15 (5) Subdivision plats may not be filed or recorded unless the plat has the
16 recommendation of the city planning and zoning commission within sixty days of
17 submission, and the approval of the city council;

18 (6) For lands located outside of and within three miles of more than one municipality,
19 the jurisdiction of each municipality terminates at a boundary line equidistant from
20 the corporate limits of the municipalities unless otherwise agreed to by a majority
21 vote of the governing body of each such municipality.