



2024 South Dakota Legislature

House Bill 1127

Introduced by: **Representative** Cammack

1 **An Act to modify requirements for incorporating municipalities that are within three**
 2 **miles of another incorporated municipality.**

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

4 **Section 1. That § 9-3-1.1 be AMENDED:**

5 **9-3-1.1.** A municipality may not be incorporated if any part of ~~such~~ the proposed
 6 municipality lies within three miles of any point on the perimeter of the corporate limits of
 7 any incorporated municipality, unless ~~the~~ :

8 (1) The incorporated municipality refuses or fails to annex a territory ~~which~~ that is
 9 contiguous to ~~said~~ the incorporated municipality, and ~~said~~ the contiguous territory
 10 has properly petitioned ~~said~~ the municipality to be annexed thereto, as provided
 11 by § 9-4-1. ~~However, a proposed municipality may be incorporated that is within~~
 12 ~~three miles of an incorporated municipality if the;~~ or

13 (2) The territory to be incorporated ~~is~~ has a post office and:

14 (a) Is in a different county and has a post office prior to incorporation than the
 15 incorporated municipality; or

16 (b) The incorporated municipality has a population of less than five thousand.