

ORDINANCE #472

ESTABLISHING A JOINT JURISDICTIONAL ZONING AND SUBDIVISION AREA  
FOR THE CITY OF SALEM AND MCCOOK COUNTY

BE IT ORDAINED BY SALEM, SOUTH DAKOTA:

**ARTICLE 1 – TITLE AND APPLICATION**

Section 101 – Title. This ordinance shall be known and referred to as the “City of Salem and McCook County Joint Jurisdictional Area Zoning and Subdivision Regulations.”

Section 102 – Purpose. These regulations are based upon the City and County Comprehensive Plans and establish a relationship between the City and County to carry out the goals and objectives of the Joint Jurisdictional Area. The regulations shall be enacted and enforced in conformance with SDCJ. 11-2, 11-4, and 11-6.

**ARTICLE 2 – BOUNDARIES AND OFFICIAL MAP**

Section 201 – Jurisdiction. The provisions of this ordinance shall apply to the following territory, consisting of the extraterritorial area included in the 1996 City Comprehensive Plan, and not within the corporate limits of the City:

Township 103N, Range 55W: E ½ of Sec. 10, Sec. 11, Sec. 12, E ½ of Sec. 13, W ½ of Sec. 14,  
E ½ of Sec. 15, E ½ of Sec. 22, Sec. 23, Sec. 24

Township 103N, Range 54W: W ½ of Sec. 7, W ½ of Sec. 18, W ½ of Sec. 19

Should any of the above-described territory subsequently be annexed into City limits, the provisions of this ordinance shall no longer apply to that territory.

Section 202 – Official Joint Jurisdictional Area Zoning Map. The Official Zoning Map for the City and County shall be incorporated as part of the Official County shall be incorporated as part of the Official County Zoning Map.

**ARTICLE 3 – ADMINISTRATIVE PROCEDURES**

Section 301 – Zoning and Subdivision Regulations. All zoning and subdivision matters shall be considered and approved by both the City and County. The City and County shall cooperate in applying the provisions of their respective ordinances to all such matters.

Section 302 – Enforcement. It shall be the duty of the County and City Zoning Administrators to enforce the provisions of this ordinance. The Zoning Administrators shall adopt procedures, which facilitate the resolution of all matters and questions hereunder.

Section 303 – Applications. Applications for zoning permits, special exceptions, variances, and amendments shall be obtained from and returned to the County Zoning Administrator, along with the required fee. The Administrator shall provide a copy to the City for review and approval. The Zoning Administrators shall examine all permit applications, and the County Zoning Administrator shall issue permits in accordance with the requirements of the zoning regulations.

Section 304 – Special Exceptions and Variances. Permits applications requiring a special exception or variance shall be issued only upon approval by the City and County Boards of Adjustment.

Section 305 – Amendments. The County and City Planning Commissions shall meet jointly to review and make recommendations regarding all amendments. Upon receipt of recommendations, the County Commission and City Council shall meet jointly to consider such amendments. No amendment shall become effective unless approved by separate vote of each governing body.

Section 306 – Plats. No plat of a subdivision of land shall be filed or recorded until it has been submitted to and approved by the County and City according to their subdivision regulations.

Section 307 – Streets and Utilities. The City and County shall not lay out, open or improve any street or lay or authorize the laying of water, sewer, or other utilities in any street unless such street has been accepted, or unless such street corresponds in its location and lines with a street shown on an approved plat.

Section 308 – Unlawful Construction. No permit shall be issued and no building erected on any lot unless the street providing access to the lot shall be accepted or unless such street corresponds in its location and lines with a street shown on an approved plat.

Any building erected or being erected in violation of this section shall be deemed an unlawful structure and the County or City Zoning Administrator may enjoin such erection or cause it to be vacated or removed.

Section 309 – Construction and Building Practices. All new construction or remodeling or modification to existing structures must conform to all requirements of the district in which they occur, including any City – or Countywide regulations.

Section 310 – Other Regulations. The enforcement of this ordinance shall not prevent the City of County from enforcing other regulations related to the construction of buildings and other structures, including but not limited to building codes and floodplain management regulations.

Section 311 – Record Keeping. The Zoning Administrators each shall keep a record of the findings and determinations made by both Planning Commissions, Boards of Adjustment, and Governing Bodies on matters relating to the joint jurisdictional areas.

#### **ARTICLE 4 – DEFINITIONS**

Section 401 – Definitions. For the purpose of this ordinance, the following definitions shall apply, unless otherwise provided:

Board of Adjustment. Appointed official body of the City or County, which makes decisions regarding conditional uses or special exceptions and variances to the zoning regulations and hears appeals of Zoning Administrator decisions.

City. The City of Salem, South Dakota.

City Council. The governing body of the City.

Comprehensive Plan. A document guiding future development of land in a given area. Established as an official land use control in South Dakota Codified Law, Title 11.

County. McCook County, South Dakota.

County Commission. The governing body of the County.

Planning Commission. Appointed official body of the City or County, which recommends to the City Council or County Commission regarding planning, zoning, and subdivision issues.

Structure. See “Building”.

Subdivision. Any land, vacant or improved, divided into two or more lots, tracts, or parcels for the purpose of sale or development, whether immediate or future.

Zoning Administrator. The appointed City or County official charged with administering zoning and subdivision regulations.

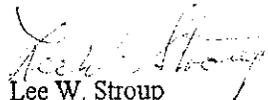
**ARTICLE 5 – GENERAL PROVISIONS**

Section 501 – Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable according to applicable provisions of city, county, or state law.

Section 502 – Separability. Should any section or provision of this ordinance be declared by a court of proper jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder thereby.

Section 503 – Conflicting Ordinances Repealed. All prior ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 504 – Adoption and Effective Date. This ordinance shall be in full force and effect from and after its adoption and publication by the City and County as provided by law.

  
Lee W. Stroup  
Mayor

ATTEST:   
Donna Schmitt  
Finance Officer

First Reading: July 9, 1998  
Second Reading: August 5, 1998  
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