

## Chapter 17.100

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

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- 17.100.010 Duties of administrative official, planning commission, city council and courts on matters of appeal.**

It is the intent of this title that all questions of interpretation and enforcement of the zoning ordinance

shall be first presented to the city planning commission. The planning commission has authority to issue or withhold building permits in accordance with the ordinances of the city, the statutes of the state of South Dakota and such lawful regulations as they may adopt to carry out the purposes of the planning commission.

The granting or denial of any permit may be appealed to the common council of the city following a final decision by the planning commission. Only the common council may amend or repeal this ordinance and establish a schedule of fees and charges as stated below. (Ord. 386 § 1801, 2002)

#### **17.100.020 Administration and enforcement.**

The planning commission is responsible for the administration and enforcement of this title. The planning commission may delegate such ministerial duties as they see fit.

If the planning commission shall find that any of the provisions of this title are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violation of its provisions. (Ord. 386 § 1802, 2002)

**17.100.030 Expiration of building permit.**

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, the permit shall expire. It shall be cancelled and written notice thereof given to the persons affected by the planning commission.

Upon good cause shown, the planning commission may extend a building permit for additional periods, not to exceed thirty (30) days in length at any one time. Any extension of a building permit must be in writing and signed by the official designated by the planning commission. (Ord. 386 § 1803, 2002)

**17.100.040 Construction and use to be as**

**provided in applications, plans, permits and certificates of zoning compliance.**

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the planning commission authorize only the use, arrangement and construction set forth in such approved land and applications, and no other use, arrangement or construction. Use arrangement or construction at variance with that authorized shall be deemed a violation of this title, and punishable as provided by Section 17.100.100. (Ord. 386 § 1804, 2002)

**17.100.050 Schedule of fees, charges and expenses.**

The city council shall establish a schedule of fees, charges and expenses and collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this title. The schedule of fees shall be posted in the office of the city finance officer, and may be altered or amended only by the city council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. (Ord. 386 § 1805, 2002)

**17.100.060 Subdivision regulation enforcement.**

No plat or plan of a subdivision of land located within the jurisdiction of this title shall be admitted to the records of the county or received or recorded by the county register of deeds until such plat has received final approval in writing by the city council. (Ord. 386 § 1806, 2002)

**17.100.070 Improvements in unapproved streets.**

The city or other public authority shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city unless such street shall have been accepted or open as or shall have otherwise received the legal status of a public street prior to the adoption of the comprehensive plan, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city council or on a street plat made by and

adopted by the city planning commission; provided, however, that the city council in the case of street within the city may locate and construct or may accept any other street if the ordinance for such location and construction or for such acceptance be first submitted to the city planning commission for its approval; and if disapproved by not less than two-thirds of the entire membership of the city council; and a street approval by the city planning commission upon such submission or constructed or accepted by such two-thirds vote after disapproval by the city planning commission, shall have the status of an approved street as fully as though it has been originally shown adopted by the city planning commission. (Ord. 386 § 1807, 2002)

**17.100.080 New buildings on unapproved streets.**

No building permit shall be issued for, or no building shall be erected on any lot within the jurisdiction of this title, unless the street giving access to the lot upon which such building is proposed to be placed shall be accepted as opened as, or shall have otherwise received the legal status of, public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city council or on a street plat made and adopted by the city planning commission or with a street located or accepted by the city council after submission to the city planning commission, and in case of the city planning commission's disapproval, by the favorable vote

required in Section 17.100.070. Any building erected in violation of this section shall be deemed an unlawful structure and the city may bring action to enjoin such erection or cause it to be acted or removed. (Ord. 386 § 1808, 2002)

**17.100.090 Complaints regarding violations.**

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the land use administrator. He or she shall record properly such complaint, immediately investigate and take action thereon as provided by this title. (Ord. 386 § 2101, 2002)

**17.100.100 Violations--Penalties.**

The owner or agent of a building or premises in or upon which a violation of any provisions of this title has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) for any one offense recoverable with costs, together with judgment. Each and every day that such violation continues after notification shall constitute a separate offense.

Any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Whoever being the owner or

agent of the owner of the land located within the jurisdiction of this title knowingly, with intent to defraud, transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of subdivision of such land before such plat has been approved by the city council and recorded in the office of the registrar of deeds, shall forfeit and pay a penalty of not more than Five Hundred Dollars (\$500.00) for each lot so transferred or sold or agreed or negotiated to be sold and the description by metes and bounds in the instrument or transfer, sale or other disposition or lease by action for injunction brought in any court of record. The city may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action. (Ord. 386 § 2102, 2002) (Amended 2007)

**17.100.110 Remedies.**

**In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of this title the appropriate authorities of the city may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. 386 § 2103, 2002)**