

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

664C0575

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1164** - 2/19/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Wetz, Klaudt, McNenny, and Young and Senators Brown (Arnold), Benson, and Bogue

1 FOR AN ACT ENTITLED, An Act to provide certain injunctive relief against unwarranted
2 emergency zoning ordinances, zoning maps, and other official controls.

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

4 Section 1. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is aggrieved by the adoption of an emergency temporary zoning ordinance
7 pursuant to § 11-2-10 or any other emergency ordinance, zoning map, or other official control
8 authorized pursuant to this chapter may seek an injunction against it in any court of appropriate
9 jurisdiction based on the grounds that the emergency temporary zoning ordinance or other
10 emergency ordinance, zoning map, or official control authorized pursuant to this chapter is not
11 necessary to protect the public health, safety, and public welfare. If the court finds that the
12 emergency temporary zoning ordinance or other emergency ordinance, zoning map, or official
13 control authorized pursuant to this chapter is not necessary to protect the public health, safety,
14 and general welfare, the court shall declare the ordinance or other emergency ordinance, zoning
15 map, or official control authorized pursuant to this chapter null and void.

1 **BILL HISTORY**

2 1/26/99 First read in House and referred to Local Government. H.J. 191

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/9/99 Scheduled for Committee hearing on this date.

5 2/9/99 Local Government Tabled, AYES 9, NAYS 3. H.J. 430

6 2/16/99 Local Government Removed from Table, AYES 9, NAYS 4.

7 2/18/99 Local Government Hog Housed.

8 2/18/99 Scheduled for Committee hearing on this date.

9 2/18/99 Local Government Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 599