

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

664C0574

## HOUSE BILL NO. 1165

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

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

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 may seek an injunction against it in any court of appropriate jurisdiction  
8 based on the grounds that the emergency temporary zoning ordinance is not necessary to protect  
9 the public health, safety, and public welfare. If the court finds that the emergency temporary  
10 zoning ordinance is not necessary to protect the public health, safety, and general welfare, the  
11 court shall declare the ordinance null and void and shall award the plaintiff reasonable attorney  
12 fees and costs.