

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

834J0246

## HOUSE BILL NO. 1134

Introduced by: Representatives Murschel, Elliott, and Solum and Senators Brown, Ham-Burr, and Reedy

1 FOR AN ACT ENTITLED, An Act to revise the provisions for annexing property to  
2 municipalities.

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

4 Section 1. That § 9-4-1 be amended to read as follows:

5 9-4-1. The governing body of a municipality, upon receipt of a written petition describing  
6 the boundaries of any territory contiguous to that municipality sought to be annexed to that  
7 municipality, may by resolution include such territory or any part ~~thereof within such~~ of the  
8 territory within the municipality if the petition is signed ~~by not less than three-fourths of the~~  
9 ~~registered voters and~~ by the owners of not less than three-fourths of the value of the territory  
10 sought to be annexed to the municipality.

11 For purposes of this section, the term, "contiguous", includes territory separated from the  
12 municipality by reason of intervening ownership of land used as a golf course or any land owned  
13 by the State of South Dakota or any its political subdivisions ~~thereof~~.

14 Section 2. That § 11-4-1 be amended to read as follows:

15 11-4-1. For the purpose of promoting health, safety, or the general welfare of the community



1 the governing body of any municipality may regulate and restrict the height, number of stories,  
2 and size of buildings and other structures; the percentage of lot that may be occupied; the size  
3 of the yards, courts, and other open spaces; the density of population; and the location and use  
4 of buildings, structures, and land for trade, industry, residence, flood plain, or other purposes.  
5 A municipality may enter into an agreement with any landowner specifying the conditions under  
6 which the landowner's property may be developed.

7 Section 3. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 A municipality may enter an agreement with any landowner specifying the conditions under  
10 which the landowner's property may be annexed or developed.