

**FIRST REVISION  
TO THE  
CUSTER COUNTY ORDINANCE NUMBER 2**

**EFFECTIVE: August 27<sup>th</sup>, 2019**

This First Revision ("First Revision") to the Custer County Ordinance Number 2, ("Ordinance 2") is approved by the Custer County Commission on this 7<sup>th</sup> day of August, 2019.

Ordinance 2 shall be amended as follows:

ARTICLE II – DEFINITIONS: The definitions of "PLAT" and "SUBDIVISION" in Ordinance 2 are deleted and replaced as follows:

PLAT: A map or representation on paper, of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, all drawn to scale. (SDCL 11-3-1.1(5))

SUBDIVISION: The division of any tract or parcel of land into two (2) or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development. The term includes re-subdivision. (SDCL 11-2-1(8))

ARTICLE III – PROCEDURE FOR THE SUBDIVISION OF LAND: The STATEMENT OF INTENT is deleted and replaced as follows:

It is the intent of the Board that all subdivision of land within Custer County (and not within the boundaries of a municipality or unincorporated town) shall be reviewed, either by Access Map Review or by Plat Review, to ensure that the provisions of Ordinance 2, especially the regulations concerning public access and road construction to County Specifications, are uniformly applied to all lands proposed for subdivision.

ARTICLE III – PROCEDURE FOR THE SUBDIVISION OF LAND  
SECTION 5 – CONTENT OF PRELIMINARY PLATS:

1. TITLE is deleted and replaced as follows:

1. TITLE

Plat titles are to be broken into two parts, a primary title and a secondary title. The primary title shall be the plat name and shall comply with Article 4, Section 6 of this Ordinance. The secondary title shall state the names or numbers of the newly created lots, parcels, or tracts of the plat and the plat

name, state the legal parcel(s) from which these lots, parcels, or tracts are taken, and describe the location of the lots, parcels, or tracts being created. If reference is made to an existing plat of record, the book and page number of the plat is to be cited in a note on the plat.

ARTICLE VI – SECTION-LINE-HIGHWAYS is deleted and replaced as follows:

ARTICLE VI – SECTION-LINE HIGHWAYS – DEVELOPMENT, IMPROVEMENT,  
OR RELOCATION

Any resident or landowner within Custer County desiring to have a section-line highway (SDCL 31-18-1) developed, improved, or relocated must petition to the Board to that end (SDCL31-18-3 & 31-3-6). Petitions filed under this ordinance shall contain the following:

1. The petition shall include the number of signatures of voters equal to or greater than one percent (1%) of the ballots cast for the last gubernatorial election in Custer County (SDCL 31-3-6).
2. The petition shall set forth a description of the exact location of the section-line-highway within Custer County, including the beginning course and termination of the section line highway proposed to be located, changed, or improved.
3. The petition shall include the names of the owners of the land through which the section line highway may pass. (SDCL 31-3-6).
4. A statement describing the requested maintenance, improvement or construction the petitioner desires the County to undertake. This statement is to be of sufficient detail to enable the County Highway Department and the Board to reasonably determine the likely cost of the proposed action.
5. A statement providing an indication of the proposed allocation of costs between the County and the residents or landowners affected by the action.
6. If developing, improving, or relocating a section-line highway, a statement by the petitioner(s) indicating whether or not they will post a performance bond, or, in the alternative, what other assurance of adequate performance they can give the Board.
7. A scale drawing sufficiently detailed to provide necessary information to assist the Board in the formulation of their response to the petition.
8. All section-line highway improvements shall be constructed to County Road Specifications.

9. The Planning Department shall review the petition and schedule the petition to be reviewed at a Planning Commission meeting prior to action by the Commission.
10. Notice of the petition and public hearing dates and times will be published twice as a legal notice in the appointed legal newspaper.
11. The Commission may improve, change or re-locate the section-line highway if the public interest will be better served by the proposed improving, changing or relocating of the section-line highway.

#### ARTICLE VI – SECTION-LINE HIGHWAYS – VACATION

Any resident or landowner within Custer County desiring to have a section-line highway (SDCL 31-18-1) vacated must petition to the Board to that end (SDCL 31-18-3 & 31-3-6). Petitions filed under this ordinance shall contain the following:

1. The petition shall include the number of signatures of voters equal to or greater than one percent (1%) of the ballots cast for the last gubernatorial election in Custer County (SDCL 31-3-6).
2. The petition shall set forth a description of the exact location of the section-line-highway within Custer County, including the beginning course and termination of the section line highway proposed to be vacated.
3. The petition shall include the names of the owners of the land through which the section line highway may pass. (SDCL 31-3-6).
4. A statement providing an indication of the proposed allocation of costs between the County and the residents or landowners affected by the action.
5. A scale drawing sufficiently detailed to provide necessary information to assist the Board in the formulation of their response to the petition.
6. The Planning Department shall review the petition and schedule the petition to be reviewed at a Planning Commission meeting prior to action by the Commission.
7. Notice of the petition and public hearing dates and times will be published twice as a legal notice in the appointed legal newspaper.
8. The Commission may vacate the section-line highway if the public interest will be better served by the proposed vacation of the section-line highway.

Except as specifically amended, modified, or changed by this First Revision, Ordinance 2 is, and will continue to be, in full force and effect. This First Revision will not operate as a waiver of any provision of Ordinance 2.

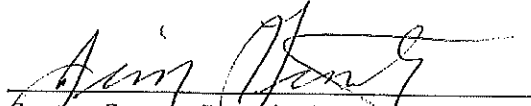
The foregoing First Revision to Ordinance 2 is hereby approved by the Custer County Planning Commission.

  
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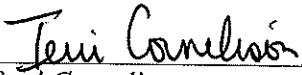
Custer County Planning Commission, Chairman

The foregoing First Revision to Ordinance 2 is hereby approved by the Custer County Board of Commissioners.

Dated this 7th day of August, 2019.

  
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Custer County Board of Commissioners  
Jim Lintz, Chairman

Attest:   
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Terri Cornelison  
Custer County Auditor

Notice Published: Custer Chronicle on July 24, 2019 and July 31, 2019.