

Appendix A

Mobile Home Standards

The following standards for mobile home tiedowns have taken into account possibilities and practicalities of providing protection from high winds for mobile homes. The standards may be used in conjunction with the ideas and concepts presented in TR-75, Protecting Mobile Homes from High Winds, prepared by the Defense Civil Preparedness Agency, Washington, D.C.

Mobile homes require two types of anchorage: (1) over-the-top tiedowns to restrict overturning and (2) frame ties to prevent the mobile home from being pushed from its piers. The standards apply to single mobile homes up to 14 feet in width. "Double wides" do not require over-the-top ties, but they require the same number of frame ties.

Mobile Home Piers and Footings. All mobile homes shall meet the following minimum requirements for mobile home piers and footings:

1. The ground on which the mobile home is placed will support a minimum of 2,500 pounds per square foot.
2. All piers shall be placed on footings of solid concrete with minimum dimensions of 16" x 16" x 4".
3. Piers shall be constructed of standard 8" x 8" x 16" hollow concrete blocks.
4. Piers shall be topped with solid concrete caps 8" x 16".
5. Treated or cedar wood shims shall be driven tight between the cap and the main frame to provide uniform bearing.
6. Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved. Jacks or heavy metal adjustable columns, anchored to both frame and foundation, may be used.
7. Piers shall be centered under each main frame (or chassis) member, with a maximum spacing of 10 feet on centers. The end piers shall be no farther than five (5) feet in from the ends of the mobile homes.

The mobile home tie-downs will also have to meet the following criteria:

1. Over-the-top tiedowns shall be positioned at stud and rafter locations near each end of the mobile home. Others, if needed, may be positioned between them
2. Either steel cable or steel strapping can be used for ties. All ties shall be fastened to ground anchors, as described in Section 3 below, and drawn tight with galvanized turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be forged, or ended with jaws. Turnbuckles with hook ends will not be permitted.
3. All cable ends shall be secured with at least two U-bolt-type cable clamps or other fastening devices as approved by the enforcing officials.
4. Cables used for tiedowns shall be either galvanized steel or stainless steel having a breaking strength greater than 4,800 pounds. Cable shall be either 7/32" diameter or greater (7x19) aircraft cable.
5. When flat steel straps are used for tiedowns, they must be in accordance with Federal Specification QQ-S-781. That is 1 1/4" x .035", type 1, Class B, Grade 1, with a breaking strength of at least 4,750 pounds.
6. Steel straps used for ties must terminate with D-rings, bolts, or other fastening devices which will not cause distortion of the band or reduce its breaking strength.
7. Sharp edges of the mobile home that would tend to cut the cable or strap must be protected by a suitable device to prevent cutting when the mobile home is buffeted by

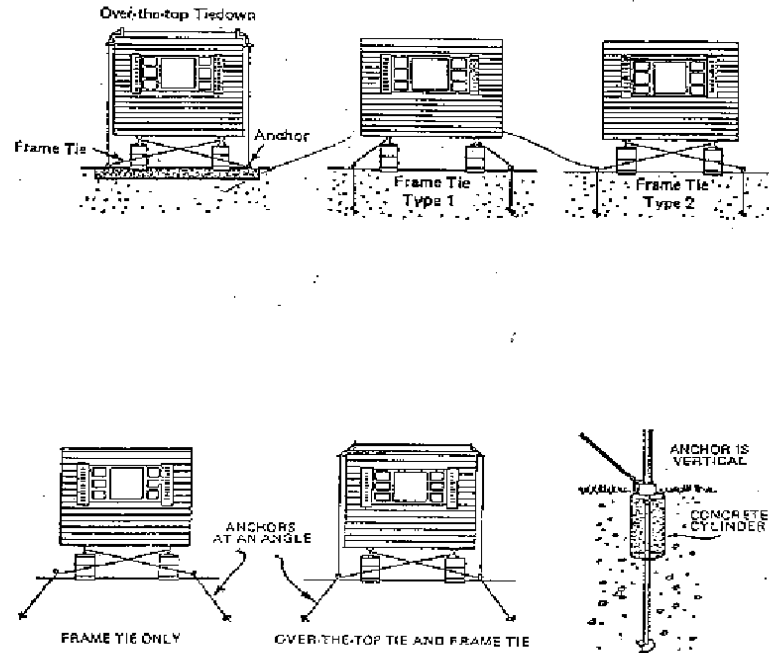
the wind. Likewise, special adapters must be installed to prevent the cable or strap from knifing through the mobile home.

8. Connection of the cable frame tie to the I-beam (or other shape) main structural-frame member should be by a 5/8" drop-forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, should be used so that the beam is sufficiently reinforced around the hole. If steel-strap ties are used, care should be exercised to ensure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.
9. Frame ties should connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the mobile home. Frame ties CANNOT BE CONNECTED to any of the steel outrigger beams which fasten to and intersect the main I-beams at right angles. The outriggers do not have adequate strength to resist the frame tie loadings during high winds.

Mobile home ground anchors shall meet the following requirements:

1. Ground anchors should be aligned with centers of piers. Also, they should be situated immediately below the outer wall to accommodate over-the-top as well as frame ties.
2. Auger-type anchors shall have a minimum diameter of 6 inches (arrowheads 81') and be sunk to their full depth (at least four inches). Steel rods shall be at least 5/8" in diameter, have a forged or welded eye at top, or have a yoke-type fastening and tensioning device or a threaded connector and tensioning device.
3. Anchors shall be capable of withstanding 5,700 pounds of pull (in a vertical or diagonal direction) without failure. This loading can be achieved by many anchors in most kinds of soils.
4. Deadman anchors shall be sunk to a depth of five feet, have a minimum length of two feet, and have a diameter of at least six inches. Hollow concrete blocks are not approved. Steel rods shall be at least 5/8" in diameter, with a bottom hooked into the concrete deadman.
5. Anchors to reinforced concrete slabs must be of strength comparable to that presented above.

Age requirements: Any mobile home brought into the county or relocated within the county requires a building permit/MOBILE HOME MOVING PERMIT. For a building permit/MOBILE HOME MOVING PERMIT to be issued the owner must provide the title for the mobile home. Any mobile home that is older than 15 years from the manufacture date will need to apply for a variance/MOBILE HOME SPECIAL EXCEPTION. Pictures of the mobile home inside and out will be required in the variance/MOBILE HOME SPECIAL EXCEPTION process. Once a building permit/MOBILE HOME SPECIAL EXCEPTION has been issued for moving in a mobile home the building permit/MOBILE HOME MOVING PERMIT will expire within 6 months of the issued date and can only be renewed one time after expiration of building permit/MOBILE HOME MOVING PERMIT.



Age requirements: Any mobile home brought into the county or relocated within the county requires a **building permit/MOBILE HOME MOVING PERMIT**. For a **building permit/MOBILE HOME MOVING PERMIT** to be issued the owner must provide the title for the mobile home. Any mobile home that is older than 15 years from the manufacture date will need to apply for a **variance/MOBILE HOME SPECIAL EXCEPTION**. Pictures of the mobile home inside and out will be required in the **variance/MOBILE HOME SPECIAL EXCEPTION** process. Once a **building permit/MOBILE HOME SPECIAL EXCEPTION** has been issued for moving in a mobile home the **building permit/MOBILE HOME MOVING PERMIT** will expire within 6 months of the issued date and can only be renewed one time after expiration of **building permit/MOBILE HOME MOVING PERMIT**.

Appendix B

Industrial Performance Standards

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street
2. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, and welding gases when handled in accordance with other county ordinances.
3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period each one-half (1/2) hour. Light-colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particular matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour at which time it may equal but not exceed six-tenths (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of

- air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious, and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
 7. Gases. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
 8. Vibration. All machines, including punch presses and stamping machines, shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.
 9. Glare and Heat. All glares, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property lines. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

APPENDIX C

MINIMUM SHELTERBELT AND FARMSTEAD WINDBREAK SETBACK REQUIREMENTS

SHELTERBELTS/FARMSTEAD WINDBREAKS

Setback Requirements.

Shelterbelts in all districts consisting of one or more rows when parallel to the right-of way (measured from the center of the road) shall be set back a minimum distance as follows:

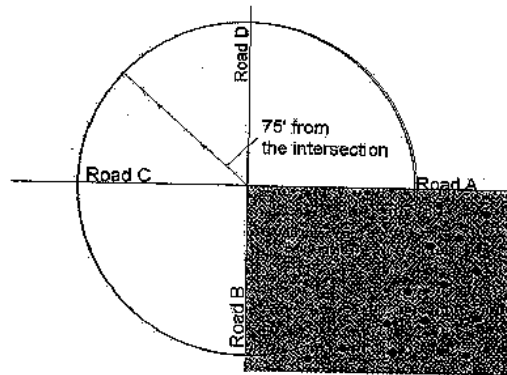
1. For roads with a 150 foot right-of-way, shelterbelts must be planted 30 feet beyond the right-of-way;
2. Roads with a 100 foot right-of-way require shelterbelts to be planted 40 feet beyond the right-of-way line; and
3. On roads with a 66 foot right-of-way, shelterbelts are required to be planted 50 feet from the right-of-way line.

Replacement

Replacement trees in existing shelterbelts are exempt from minimum shelterbelt requirements as long as its nonconformance is not increased.

Visibility

On a corner lot in any agricultural district, trees shall not be planted or allowed to grow in the area formed by the radius of seventy-five (75) feet from the intersection at the road's edge.



APPENDIX D

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) REGULATIONS

Definitions

Animal Manure: Poultry, livestock, or other animal excreta or mixture of excreta with feed, bedding, or other materials.

Applicant: An individual, a corporation, a group of individuals, partnership, joint venture, owners, or any other business entity having charge or control of one or more concentrated animal feeding operations.

Concentrated Animal Feeding Operation (CAFO): A lot or facility that stables or confines and feeds or maintains animals for a total of 45 days or more in any 12-month period and where crops, vegetation, forage growth, or post harvest residues are not sustained over any portion of the lot or facility, and meets the criteria for class sizes as found in Table 1.1.1.

Letter of Assurances. A list of conditions signed by the applicant for a permit acknowledging agreement to follow the conditions of the permit

Permit: A permit required by these regulations unless stated otherwise.

Residence: A home must be occupied six (6) months out of the year and have utility hook ups.

Setback: The distance required for an operation to be measured from a particular entity. Setbacks are measured from the outermost point of the feedlot and the lagoon to the structure/use as identified on Table 1.1.3.

Shall: *Shall* means that the condition is an enforceable requirement of this permit.

Should: *Should* means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

General Requirements.

An adequate supply of healthy livestock, poultry and other animals is essential to the well-being of county citizens and the State of South Dakota. This section applies to any concentrated animal feeding operation (CAFO) constructed or used after the effective date of October 31st 2017. Any facility shall be sufficiently separated from other land uses so as not to unreasonably interfere with or burden the enjoyment of other neighboring lands, consistent with the policy established under this Ordinance. All concentrated animal feeding operations shall comply with the regulations as outlined herein.

If a Class A or B concentrated animal feeding operation, which has a previously issued county permit, changes ownership; the state will transfer the permit. The county will update the permit after the applicant provides proof of state approval. If a Class C concentrated animal feeding operation, which was a previously issued county permit, changes ownership; the new owner will notify the county so that the permit may be updated. The new owner will be required to abide by the permit requirements and letter

of assurances that were issued under the permit application. If the county is not notified of the transfer within sixty (60) days, there will be a \$200 penalty fee.

Classes of Concentrated Animal Feeding Operations:

Concentrated animal feeding operations are hereby classified as Class A, B, C or D concentrated animal feeding operations and are defined by the number of animal as listed in Table 1.1.1.

Number of Animals to Define Classes of Concentrated Animal Feeding Operations
Table 1.1.1

TYPE OF ANIMAL FEEDING OPERATION	Class A: ANIMAL NUMBERS EQUAL TO	Class B: ANIMAL NUMBERS EQUAL TO	Class C: ANIMAL NUMBERS EQUAL TO	Class D: ANIMAL NUMBERS EQUAL TO
Dairy Cows (mature-milked or dry) & Buffalo	3,501 to 7,000	701 to 3,500	200 to 700	199 or less
Cattle other than mature dairy cows or veal calves*	5,001 to 10,000	1,001 to 5,000	300 to 1,000	299 or less
Swine (weighing more than 55 pounds)	12,501 to 25,000	2,501 to 12,500	750 to 2,500	749 or less
Swine (weighing less than 55 pounds)	50,001 to 100,000	10,001 to 50,000	3,000 to 10,000	2,999 or less
Sheep, Lambs, or Goats	50,001 to 100,000	10,001 to 50,000	3,000 to 10,000	2,999 or less
Turkeys	280,001 to 550,000	55,001 to 280,000	17,000 to 55,000	16,999 or less
Laying hens or broilers, and Pheasants**	150,001 to 300,000	30,001 to 150,000	9,000 to 30,000	8,999 or less
Chickens, other than laying hens***	625,001 to 1,250,000	125,001 to 625,000	38,000 to 125,000	37,999 or less
Laying hens ***	410,001 to 820,000	80,001 to 410,000	25,000 to 80,000	24,999 or less
Ducks **	25,001 to 50,000	5,001 to 25,000	1,500 to 5,000	1,499 or less
Ducks ***	150,001 to 300,000	30,001 to 150,000	9,000 to 30,000	8,999 or less
Geese	150,001 to 300,000	30,001 to 150,000	9,000 to 30,000	8,999 or less
Horses	2,501 to 5,000	501 to 2,500	150 to 500	149 or less

If applying for a larger number of head than Class A allows, the applicant must first obtain a Variance from the Board of Adjustments. Subject to approval of the variance, for every 1 Animal Unit (AU) over Class A, 1ft will be added to the setback distance.

Table 1.1.2 Animal Ratios to Calculate Class for Multiple Species Under Common Ownership

Cattle other than mature dairy cows or veal calves*	1
Dairy cows (mature – milked or dry & buffalo)	1.4
Swine (weighting more than 55 pounds)	0.4
Swine (weighting less than 55 pounds)	0.1
Sheep, Lambs, or Goats	0.1
Turkeys	0.018
Laying hens or broilers, and Pheasants**	0.033
Chickens, other than laying hens***	0.008
Laying hens***	0.0122
Ducks**	0.2
Ducks***	0.033
Geese	0.033
Horses	2

NOTES:

* **Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs.**

** **Animal feeding operation uses a liquid manure handling system.**

*** **Animal feeding operation uses other than a liquid manure handling system.**

Concentrated Animal Feeding Operation Permit Requirements

Two (2) or more concentrated animal feeding operations under common ownership are a single concentrated animal feeding operation if they adjoin each other (within one mile) or if they use a common area or system for disposal of manure. Required setbacks for the two (2) or more concentrated animal feeding operations treated as a single operation shall not be less than the minimum setback required for each operation if said operations were treated as individual operations. (See Table 1.1.2)

Any person who owns, operates, or proposes to own or operate a Class A, B, or C concentrated animal feeding operation as defined in these regulations, shall be required to apply for a conditional use permit pursuant to these regulations whenever any of the following occurs:

1. A new concentrated animal feeding operation is proposed where one does not exist.
2. An expansion of a concentrated animal feeding operation is proposed that exceeds the number of animal units allowed by an existing county-issued permit.

3. An expansion in the number of animal units of a concentrated animal feeding operation, without a county-issued permit, that existed prior to October 31st 2017 which would result in the creation of either a Class A, B or C concentrated animal feeding operation
4. A change in ownership of a Class C concentrated animal feeding operation which does not have a previously issued county-permit.
5. An existing concentrated animal feeding operation is to be restocked after being idle for five (5) or more years.
6. A signed complaint has been received and/or documented by the County Zoning Administrator or South Dakota Department of Environment and Natural Resources and after inspection reveals that the concentrated animal feeding operation is in violation of County or State regulations.

Concentrated Animal Feeding Operation Control Requirements:

1. Required Minimum Setbacks and Separation Distance for New Classes A, B, and C Concentrated Animal Feeding Operations and those Existing Concentrated Animal Feeding Operations without a County issued permit expanding into a Class A, B, and C Concentrated Animal Feeding Operations after (October 31, 2017). See Table 1.1.3.

Minimum Setbacks 1.1.3

	<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>	<u>CLASS D</u>
1. Established Residences not including owners/ operators	<u>2 miles</u>	3,960 feet	2,640 feet	
2. Churches, Businesses, & Commercially-zoned Areas	<u>2 miles</u>	5,280 feet	5,280 feet	
3. Incorporated Municipality	<u>3 miles</u>	<u>2.5 miles</u>	2 miles	
4. Federal, State, & County road ROW housed	300 feet	300 feet	300 feet	
5. Township road ROW	150 feet	150 feet	150 feet	

1. Additional Setback and Separation Distance Requirements for Classes A, B and C Concentrated Animal Feeding Operations.

a. Considerations to Increase Setbacks and/or Separation Distances

The facility shall be sited not closer than those distances indicated in Table 1.1.3. These setbacks are minimum standards that may be increased by the Board of Adjustment during the conditional use permit issuance process due to concerns of the size of the operation or circumstances unique to a specific concentrated animal feeding operation permit application. Setbacks shall be measured from the outermost point of the feedlot and the lagoon to the structure/use as identified on Table 1.1.3.

b. Considerations to Decrease Setbacks and/or Separation Distances

If an applicant wishes to place a concentrated animal feeding operation closer than the separation distances set forth in these regulations, the applicant shall obtain Waivers of Distance from all residential property owners within the separation distance. If the applicant obtains waivers from all residential owners of property within the separation distance, the Zoning Administrator will file the waivers with the Register of Deeds. If the applicant cannot obtain waivers from all residential owners of property within the separation distance, they may request a hearing from the Board of Adjustment. Some considerations for allowing decreased setbacks and/or separation distances includes, but is not limited to, the use of a vegetative buffer, deep pit manure management, or any additional recommendations for odor control from the county. Any authorized person, business, or governmental entity that is within the separation distance may waive the separation distance through a written instrument to be filed with the County Register of Deeds. This waiver will accompany the sale and/or transfer of the land.

3. Exemptions to Setback and/or Separation Distance Requirements

- a. All Concentrated Animal Feeding Operations (CAFO) in operation prior to October 31 2017, which do not comply with the minimum setback requirements, but continue to operate, and are not expanded in a manner which will result in one of the following examples are exempt from setback/separation distance requirements:

Example 1: Class D CAFO expands to a Class A, B, or C CAFO.

Example 2: Class C CAFO expands to a Class A or B CAFO.

Example 3: Class B CAFO expands to a Class A CAFO.

Example 4: Class A CAFO expands by 15% of the number of animal units

- b. A concentrated animal feeding operation which is expanded or constructed, if the title holder of the land benefiting from the distance separation requirement executes a written waiver with the title holder of the land where the CAFO is located, under such terms and conditions which the parties may negotiate. The written waiver becomes effective only upon the recording of the waiver in the office of the Register of Deeds in the county. The title holder of the land benefiting from the distance separation requirement land is the individual or individuals, business entity, governmental entity, bona-fide religious institution, or educational institution from which separation is required. The waiver shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.
- c. A concentrated animal feeding operation which is constructed or expanded closer than the required setback/separation distance from the corporate limits of a city, if the incorporated community approves a written waiver. The written waiver becomes effective only after it's recorded with the Register of Deeds.
- d. A concentrated animal feeding operation which existed prior to the creation of a residence, educational institution, commercial enterprise, bona-fide religious institution, incorporated community, if the residence, educational institution, commercial enterprise or bona-fide institution was constructed or expanded or the boundaries of the incorporated community were expanded, after the date that the animal feeding operation was established. The date that the concentrated animal feeding operation was established is the date on which concentrated animal feeding operation commenced operating. A change in ownership or expansion shall not change the date of operation.
- e. It is the intention of the Board of Adjustment in the enforcement of this ordinance that when an operator of an existing Concentrated Animal Feeding Operation applies for a permit to expand to another class level, the standards that apply to the expansion will not be applied to existing structures that were built in compliance with accepted industry standards in existence at the time of the construction of such facilities.

4. Standards for Conditional Use Permits

- a. The Board of Adjustment or the County Zoning Administrator may request information relating to concentrated animal feeding operations not contained in these regulations.
- b. The Board of Adjustment may impose, in addition to the standards and requirements set forth in these regulations, additional conditions which the Board of Adjustment considers necessary to protect the public health, safety and welfare.

- c. Conditional Use permits for concentrated Animal Feeding Operations shall be in effect only as long as other provisions of the permit are being adhered to.
- d. When considering an application, the Board of Adjustment will take into consideration current and past violations relating to concentrated animal feeding operations that the applicant has or had an interest in.
- e. A CAFO that adjoins between two counties will follow the regulations of the county that is most restrictive.
- f. Permit applicants will be required to file a letter of assurances as required by the Board of Adjustment. The letter of assurances will be prepared by the county and signed by both the applicant and the Chair of the Board of Adjustment. The permit for the concentrated animal feeding operation is based upon compliance with the regulations herein, and letter of assurances. Any violation of these regulations or non-compliance with the letter of assurances shall be cause for revoking a permit. If a violation of these regulations or non-compliance with the letter of assurance occurs, permit holders will be notified by registered mail and a hearing before the Board of Adjustment will be held concerning status of the permit. The Board of Adjustment shall either revoke the permit or set a time line for compliance. If compliance is not met, the permit shall be revoked and the permit holder ordered to cease operations.
- g. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of the concentrated animal feeding operation ordinances. Violation of this ordinance shall be a misdemeanor and may be punishable by a fine of up to two hundred (\$200) dollars for each and every day that any violator fails to comply with the provisions of this ordinance.
- h. The county will follow State regulations for time allowed to complete construction of a new CAFO.

5. Information Required for Class A, B, C and D Concentrated Animal Feeding Operation

- a. Owner's, manager's, management company's or similar entities name, address and telephone number.
- b. Legal descriptions of site.
- c. The number and type of animals to be housed by the proposed concentrated animal feeding operation.
- d. Concentrated Animal Feeding Operations shall obtain a State General Permit pertaining to the animal species of the Concentrated Animal Feeding Operation, if

required by the State of South Dakota. A County conditional use permit may be approved conditioned upon receiving a State General Permit.

- e. Information on ability to meet designated setback requirements, including maps showing measured distances and site plan.
- f. Notification / Road Agreement of whomever maintains the access road (township and county).

APPENDIX E

SPINK COUNTY SUBDIVISION and MINOR PLAT and REPLAT REGULATIONS

An Ordinance establishing rules, regulations, and standards governing the subdivision of land within Spink County, South Dakota, and providing harmonious development of the county and its environs for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Now, therefore, be it enacted by Spink County, South Dakota.

ARTICLE I—GENERAL PROVISIONS

SECTION 101—Purpose

These regulations shall be for the purpose of promoting harmonious development through the implementation of the Spink County Comprehensive Plan.

SECTION 102—Extent of Regulation

The provisions of these regulations shall apply to every addition to or subdivision within Spink County, South Dakota, and their prescribed area of extra-territorial jurisdiction. No plat of a subdivision of land shall be filed or recorded until it has been submitted to the Planning and Zoning Board for their review and then approved by the Spink County Commissioners, except for minor plats or replats (See Article 9).

SECTION 103—Definitions

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

The words *used* or *occupied* included the words *intended*, *designed*, or *arranged* to be used or occupied.

The word *lot* includes the words *plot* or *parcel*.

The word *building* includes the word *structure*.

Alley: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Block: A track or parcel of land bounded by public streets or land, streams, railroads, unplatted lands or a combination thereof.

Comprehensive Plan: A long-range plan for the improvement and development of Spink County, South Dakota, as adopted by the Planning and Zoning Board and the County Commissioners.

Cul-de-sac: A street having one end connecting with a public street and being terminated as its other end by a vehicular turn-around.

Improvements: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading street signs, plantings, and other items for the welfare of the property owners and the public.

Lot: A portion of a subdivision or other parcel of plotted land, intended as a unit for transfer of ownership or for development.

Lot of record: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds office of Spink County, South Dakota.

Minor Plat: The minor plat document is used when there are minimal changes being proposed to the division of a lot, tract, or parcel of land. A minor plat is a plat containing no more than five lots fronting on an existing road, and does not include any major proposed infrastructure. The minor plat is recorded like a final plat and can be used for sale of property. A minor plat is a subdivision of property meeting the following requirements:

- The property must not create more than five lots, tracts, or parcels
- No public street or access easement is sought to be dedicated through (as opposed to adjacent to) the property
- Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat
- Does not conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or these regulations

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented, which they submit for approval, and which will be recorded in final form.

Replat: A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat.

Right-of-Way: A strip of land separating private property from the existing road, street, alley, or dedicated in public ownership.

Street: A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

Street (Major): Provides for the through traffic movement between areas and across the city and direct access to abutting property; subject to necessary control of entrances, exits, and curb use.

Street (Collector): Provides for traffic movement between major arterials and local streets, and direct access to abutting property.

Street (Local): Provides for direct access to abutting land, and for local traffic movements.

Subdivider: A natural person, firm, co-partnership, association, or corporation who submits a proposed subdivision to the Planning and Zoning Board; or Zoning Administrator if a minor plat or replat.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.

Water course, drainage way, or stream: A natural or man-made depression in which a current of surface run-off water flows following precipitation.

ARTICLE 2—PROCEDURES

SECTION 201— Preliminary Application

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Planning and Zoning Administrator the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, and the Comprehensive Plan.

Section 202—Plat Application Fee

The subdivider shall pay to the Zoning Administrator an application fee as stated in the approved fee schedule.

Section 203—Preliminary Application

The subdivider shall prepare and submit to the Planning and Zoning Board the following:

1. One (1) copy of the preliminary plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8 ½) inches by fourteen (14) inches. All preliminary submittals shall be in conformance with the design standards set forth in Article 3 of this Ordinance and shall include or be accompanied by the following information:
 - a. Receipt for platting fee application.
 - b. Proposed name of the subdivision, which shall not duplicate previously-filed plat names.
 - c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d. Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
 - g. Zoning classifications and existing and proposed land use.
 - h. Written and signed statements explaining how and when the subdivider proposes to provide and install and required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements, or in lieu of the completion of such work and installations previous to the final approval of a plat, the County Commissioners may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the County Commissioners and expressed in the bond, or in lieu of completion of such work and installations previous to the

- final approval of a plat for an assessment or other method whereby the municipality is put in an assured position to do said work and make aid installations at the cost of the owners of the property within the subdivision.
- i. Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water at the proposed subdivisions.
 - j. Layout, numbers, and approximate dimensions of lots and the number of each block.
 - k. Existing flood hazard areas
2. The Planning and Zoning Administrator shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City or County. The findings of the examinations shall be returned to the Commission on the next scheduled meeting.
 3. The Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Commission shall be void at the end of six (6) months unless a final plat has been submitted.
 4. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat.

Section 204—Final Plat Application

The subdivider shall prepare and submit to the Planning and Zoning Board the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Four (4) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article 3 of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:
 - a. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - b. Location and description of all monuments.
 - c. Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
 - d. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.

- e. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - f. Certificate signed by the Director of Equalization approving the plat.
 - g. One copy of any private restriction or covenants affecting the subdivision or any part thereof.
2. Any subdivision of land containing six or more lots, no matter how described, must be submitted to the Planning and Zoning Board for approval. Any plat submitted for approval shall contain the name and address of a person to whom notice of hearing may be sent; and no plat except minor plats and replats shall be acted upon by the County Commissioners without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five days before the date fixed therefore. Also any plat submitted for approval shall require the signature of the Spink County Auditor.
 3. The plat shall be approved or disapproved within sixty (60) days after submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the County Commissioners on demand; provided, however, that the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the County Commissioners.
 4. The approval of a plat by the County Commissioners shall not be deemed to constitute or affect any acceptance by the municipality or public of the dedication of any street or other ground shown on the plat.
 5. When any map, plan, plat or re-plat is tendered for filing in the office of the Register of Deeds, it shall be the duty of any such officer to determine whether such proposed map, plan, plat or re-plat is or is not subject to the provisions of the Ordinance and whether the endorsements required by this Ordinance appear thereon, and no register of deeds or deputy shall accept for record, or record, any such map, plan, plat or re-plat unless and until the same shall have been approved by the County Commissioners.

Section 205 - Certificates Required

Owners Certificate

We, _____, (husband and wife, Joint tenants), Do hereby certify that we are the owners of (Legal description), Spink County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as, (Legal description) Spink County, South Dakota, and that development of this land shall conform to all existing applicable zoning subdivision and sediment control regulations.

Signed this _____ Day of _____, 20_____.

Owners:

Surveyor's Certificate

I, _____, a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before _____, survey that parcel of land described as _____ (Legal Description).

Dated this _____ day of _____, 20_____.

Registered Land Surveyor

County Planning Director's Certificate

I, Planning Director, of Spink County, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved

Approved this _____ day of _____, 20_____.

Planning Director Spink County, South Dakota

County Auditor Certificate

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ day of _____, 20_____.

County Auditor Spink County, South Dakota

Director of Equalization

I, Director of Equalization of Spink County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization
Spink County, South Dakota

County Treasurer's Certificate

I, _____ Treasurer of Spink County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this _____ day of _____, 20_____.

Treasurer
Spink County, South Dakota

Register of Deeds

Filed for record this _____ day of _____, 20_____, at _____ o'clock _____ .m., and recorded in Book _____ of Plats on page _____.

Register of Deeds
Spink County, South Dakota

Highway Authority Certificate
(if necessary, signed by township, state, or county authority)

The location of the inplace access road(s), is hereby approved. Any changes in the inplace access shall require additional approval.

Signed this _____ day of _____, 20_____.

Print Name and Title

Signature

City Resolution

I hereby certify that the following is a correct copy of the resolution duly passed by the board of trustees of (CITY), South Dakota, at the meeting held on the ____ Day of _____, 2014.

City official

“Be it resolved by the board of trustees of the town of _____, South Dakota, that the plat showing” (LOCATION), Spink County, South Dakota “Having been examined is hereby approved in accordance with the provisions of SDCL of 1967, chapter 11-3, and any amendments thereof.”

ARTICLE 3—DESIGN STANDARDS

Section 301—General Standards

Land within the proposed subdivision which the Planning and Zoning Board finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

Section 302—Streets and Alleys

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets should be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curb line diameter of not less than eighty (80) feet.
3. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in Commercial and Industrial districts except where other definite and assured provision is made for service access.

8. The right-of-way widths and pavements widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>TYPE</u>	<u>PAVEMENT WIDTH</u>	<u>R.O.W</u>
Major Arterial Streets	80'	66'
Local Streets	46'	66'
Alleys	16'	20'

Section 303—Lots

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
2. Every lot shall abut and have access to a public street.
3. Double frontage lots shall be avoided except where they back upon a major street.

Section 304—Easements

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

ARTICLE 4—IMPROVEMENTS

Section 401—Improvements

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the Director of Equalization certain required improvements as follows:

1. Staking - the external boundaries and corners of each block and lot shall be monument by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Street Grading - all full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the Director of Equalization.

3. Street Surfacing - the streets shall be paved in accordance with street improvement and paving standards and regulations approved by the County Commissioners of Spink County, South Dakota.
4. Sanitary Sewer - where a municipal sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall submit to the County Commissioners the plans for connection with a trunk line to the existing system. The County Commissioners shall then inform the subdivider of the trunk size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
5. Water Mains - where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County Code(s) requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system and proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health.

ARTICLE 5—ENFORCEMENT

Section 501 – Enforcement

1. No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.
2. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or re-plat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or re-plat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Register of Deeds.

ARTICLE 6—PENALTY

Section 601—Penalty

It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Ordinance. Violation thereof shall be a Class 2 misdemeanor and may be punishable by a fine established by the County Commissioners for each and every day that any violator fails to comply with the provisions of this Ordinance.

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. Nothing herein contained shall prevent Spink County from taking such other lawful action as is necessary to prevent any violation.

ARTICLE 7—SEVERABILITY CLAUSE

Section 701—Severability Clause

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 8—LEGAL STATUS PROVISIONS

Section 801—Conflict with Other Regulations

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between standards or dimensions noted herein and those contained in the Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

ARTICLE 9- Subdivision Plan Exemptions- Minor Plat or Replat

Section 901-Minor Plat Procedures

The purpose of this section is to provide for a timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities. No concept plan, preliminary plan, or final plans are required. Minor plats and replats are administratively approved by the Planning Director and the Spink County Auditor must comply with all requirements of a plat in Article 3 (Design Standards).

Section 902 - Minor Plat Requirements

1. A minor plat is a plat containing not more than five lots fronting on an existing road and meet all of the following requirements:
 - Does not require the dedication of right-of-way or construction of new roads:
 - Does not require the creation of easements:
 - Does not create a lot or tract eligible for any public or private improvements other than sidewalks;
 - Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property
 - Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
 - Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - Does not conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or these regulations.
2. Replat. A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat.

Section 903—Minor Plat and Replat Application Fee

The subdivider shall pay to the Zoning Administrator an application fee before final application. The fee shall be as stated in the approved fee schedule.

Section 904 – Minor Plat and Replat Final Application

After receipt of the minor plat or replat application fee, the Planning and Zoning Administrator shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City or County

The subdivider shall prepare and submit to the Planning and Zoning Administrator the following, prepared by an engineer or land surveyor registered in the State of South Dakota:

1. Four (4) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches or eight and one-half (8-1/2) inches by fourteen (14) inches. All final plat submittals shall be in conformance with the design standards set forth in Article V of this Ordinance and shall include or be accompanied by the following information:
 - a. Proposed name of the subdivision, which shall not duplicate previously-filed plat names.
 - b. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - c. Names and addresses of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
 - d. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - e. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent property.
 - f. Zoning classifications and existing and proposed land use.
 - g. Layout, numbers, and approximate dimensions of lots and the number of each block.
 - h. Existing flood hazard areas
 - i. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - j. Location and description of all monuments.
 - k. Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
 - l. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.

Section 905- Minor plats and Replat Certificates Required

Owners Certificate

We, _____, (husband and wife, Joint tenants), Do hereby certify that we are the owners of (Legal description), Spink County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as, (Legal description) Spink County, South Dakota, and that development of this land shall conform to all existing applicable zoning subdivision and sediment control regulations.

Signed this _____ Day of _____, 20_____.

Owners:

Surveyor's Certificate

I, _____, a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before _____, survey that parcel of land described as _____ (Legal Description).

Dated this _____ day of _____, 20_____.

Registered Land

Surveyor

County Planning Director's Certificate

I, Planning Director, of Spink County, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved

Approved this _____ day of _____, 20_____.

Planning Director Spink County, South Dakota

County Auditor Certificate

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ day of _____, 20_____.

County Auditor Spink County, South Dakota

Director of Equalization

I, Director of Equalization of Spink County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization
Spink County, South Dakota

County Treasurer's Certificate

I, Treasurer of Spink County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records of my office, have been fully paid.

Dated this _____ day of _____, 20_____.

Treasurer
Spink County, South Dakota

Register of Deeds

Filed for record this _____ day of _____, 20_____, at _____
o'clock _____m., and recorded in Book _____ of Plats on page _____.

Register of Deeds
Spink County, South Dakota

Highway Authority Certificate

(If necessary, signed by township, state, or county authority)

The location of the in-place access road(s), is hereby approved. Any changes in the in-place access shall require additional approval.

Signed this _____ day of _____, 20_____.

Print Name and Title

Signature

City Resolution (If Incorporated)

I hereby certify that the following is a correct copy of the resolution duly passed by the board of trustees of (CITY), South Dakota, at the meeting held on the ____ Day of _____, 2014.

City official

“Be it resolved by the board of trustees of the town of _____, South Dakota, that the plat showing” (LOCATION), Spink County, South Dakota “Having been examined is hereby approved in accordance with the provisions of SDCL of 1967, chapter 11-3, and any amendments thereof.”