

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

366R0426

HOUSE BILL NO. 1087

Introduced by: Representatives Verchio, Brunner, Jensen, Kopp, and Olson (Betty) and
Senators Howie, Maher, and Schmidt

1 FOR AN ACT ENTITLED, An Act to provide criteria for enacting ordinances or amendments
2 thereto that have a retrospective application and to repeal certain provisions related to the
3 enforcement of ordinances.

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

5 Section 1. That § 7-18A-2 be amended to read as follows:

6 7-18A-2. Each county may enact, amend, and repeal such ordinances and resolutions as may
7 be proper and necessary to carry into effect the powers granted to it the county by law ~~and~~
8 ~~provide for the enforcement of each violation of any ordinance by means of any or all of the~~
9 ~~following:~~

10 ~~—(1)— A fine not to exceed the fine established by subdivision 22-6-2(2) for each violation,~~
11 ~~or by imprisonment for a period not to exceed thirty days for each violation, or by~~
12 ~~both the fine and imprisonment; or~~

13 ~~—(2)— An action for civil injunctive relief, pursuant to chapter 21-8.~~

14 No ordinance or amendment thereto may have a retrospective application unless:

15 (1) There is clear and convincing evidence that the nonmunicipal residents of a county



1 are confronted with an imminent threat to either their health or safety, or both;

2 (2) The existence of an imminent threat as required by subdivision (1) is plainly

3 specified in the ordinance or amendment thereto; and

4 (3) At least two-thirds of the county commissioners elect vote in favor of the ordinance

5 or amendment thereto.