

AN ACT

ENTITLED, An Act to revise the process by which courts consider appeals of decisions regarding conditional use requests.

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

Section 1. That chapter 11-2 be amended by adding a NEW SECTION to read:

Any appeal of a decision relating to the grant or denial of a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority's ordinances.

Section 2. That chapter 11-4 be amended by adding a NEW SECTION to read:

Any appeal of a decision relating to the grant or denial of a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority's ordinances.

Section 3. That § 7-8-30 be amended to read:

7-8-30. An appeal and transcript, if a transcript exists, shall be filed by the auditor as soon as practicable and shall stand for trial as soon as possible.

Each appeal taken to the circuit court shall be docketed as other causes pending in circuit court. Each cause shall be heard and determined de novo, except any appeal relating to a conditional use permit determination. An appeal relating to a conditional use permit determination shall be heard and determined pursuant to section 1 of this Act.

Section 4. That chapter 9-1 be amended by adding a NEW SECTION to read:

An appeal and transcript, if a transcript exists, shall be filed by the finance officer as soon as practicable and shall stand for trial as soon as possible.

Each appeal taken to the circuit court shall be docketed as other causes pending in circuit court. An appeal relating to a conditional use permit determination shall be heard and determined pursuant to section 2 of this Act.

An Act to revise the process by which courts consider appeals of decisions regarding conditional use requests.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1292

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1292
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State