

CHAPTER 16-1 GENERAL PROVISIONS

16-1-1

TITLE

These regulations shall be referred to as the 2013 Revised Subdivision Ordinance for the City of Brandon.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9

16-1-2

PURPOSE

It is the purpose of these regulations to govern the subdivision of land to provide for coordination of streets in other subdivisions and transportation plans; to set aside adequate areas for public uses, water and sewer facilities, drainage and flood control; to foster efficient and orderly growth compatible with the natural environment; to protect and provide for the public health, safety, and general welfare; and to conform with other plans and regulations.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9

16-1-3

JURISDICTION

These subdivision regulations shall apply to all subdivisions of land located within the City and within the unincorporated area identified by the Major Street Plan in accordance with platting jurisdiction statute of SDCL 11-6-26.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9

16-1-4

INTERPRETATION

These regulations are the minimum requirements for the promotion of public safety, health, and general welfare. It is not the intent of these regulations to repeal, abrogate or impair any existing easement, covenant, or deed restriction, where these provisions conflict or overlap. Whichever imposes the more stringent restrictions shall prevail.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9

16-1-5

AMENDMENTS

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified or repealed by the City Council according to law; however, such amendments, supplements, changes or modifications shall not become effective until after study and recommendation by the Planning & Zoning Commission and final approval by the City Council as follows:

Proposed change(s) in Subdivision Regulations drafted and sent to City Attorney for review;

Letter received from City Attorney confirming legality of proposed change(s);

Planning & Zoning Commission holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least ten days prior to the scheduled date of the public hearing;

Planning & Zoning Commission recommends adoption of the proposed change(s) to the City Council;

City Council holds a public hearing on the proposed change(s) with notice to be published in the City's official newspaper at least ten days prior to the scheduled date of the public hearing;

First reading of ordinance changing the regulations held;

Second reading and adoption of the ordinance changing the regulations held;

Notice of adoption published; and

Revised Subdivision Regulations become effective twenty days after publishing the notice of adoption, unless the referendum is invoked.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9

16-1-6

ENFORCEMENT, VIOLATIONS AND PENALTIES

- A. The Authorized Official and City Engineer are hereby authorized and directed to enforce all the provisions of these regulations and establish rules for its administration. For such purposes, the Authorized Official shall have the powers of a law enforcement officer.
- B. No owner, or developer of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved in accordance with the provisions of the regulations and filed with the Minnehaha County Register of Deeds unless provisions of plat exemptions apply as within (Section 204) Subdivision Plan Exemptions - Minor Plat and (Section 205) Plat Exemptions.
- C. Any person violating any provisions of these regulations shall be punishable by a fine not to exceed the fine established by SDCL 22-6-2(2), by imprisonment not exceeding thirty days, or by both fine and imprisonment. Each day in which a violation of these regulations continues shall constitute a separate offense.
- D. Whenever any work is done contrary to the provisions of these regulations, the Authorized Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such persons shall forthwith stop such work until authorized by the Authorized Official to proceed with work.
- E. The Authorized Official and City Engineer shall together have the authority to

make interpretations of these regulations and enforce rules and supplemental regulations in order to clarify the application of its provisions.

- F. No permit shall be issued for the demolition or construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations.

Legislative History:
Ordinance #503, 4/23/13

Authority:
SDCL § Ch. 9