

**ORDINANCE NO. 6001**

**AN ORDINANCE AMENDING PROVISIONS CONCERNING  
THE GENERAL PROVISIONS OF SUBDIVISIONS BY AMENDING  
CHAPTER 16.04.090 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the design, construction, and maintenance of public roads constitutes a considerable investment on the part of private developers and local government; and

WHEREAS, the health, safety and welfare of local citizens depends on the proper design, construction and maintenance of dedicated public roads; and

WHEREAS, scarce resources have caused the reduction of miles of dedicated roads that are maintained outside the City; and

WHEREAS, the coordination of zoning, platting, Capital Improvements Programming, Comprehensive Planning and Building Inspection are important to the orderly growth and development of Rapid City; and

WHEREAS, the International Building Code is at present not in force outside the City limits; and

WHEREAS, orderly growth and development requires sufficient building regulations and comprehensive planning; and

WHEREAS, the City of Rapid City has extended its platting jurisdiction into the three mile area surrounding the corporate limits of the City pursuant to state law; and

WHEREAS, appropriate inspection of subdivision improvements to determine if materials and design are in accordance with quality planning principles or standards is lacking outside the City limits; and

WHEREAS, private and public dollars may be wasted in the absence of proper inspection and maintenance; and

WHEREAS, on May 16, 1983, the City of Rapid City adopted a Resolution requiring that any area contiguous to Rapid City which the owner desires to have platted into tracts, lots or blocks shall be first annexed to Rapid City.

**NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that the Rapid City Municipal Code 16.04.090 is hereby amended to read as follows:**

**16.04.090 General Requirements.**

A. All Subdivision of property shall comply with this ordinance unless:

1. The division of land creates an easement, right-of-way, or site for the use of governmental agencies or public utilities possessing the power of condemnation;

2. Any division, parcel, or interest in land which creates cemetery lots shall follow South Dakota State Statutes;

3. Any division of land located within three miles of the corporate limits of Rapid City greater than forty acres pursuant to SDCL § 11-6-40 and Section 16.04.090 of this chapter;

4. Condominium ownership with no public right-of-way dedications, drainage or utility easements shall follow South Dakota State Statutes;

5. Any division of land by Judicial Survey per SDCL § 21-40-6 through 21-40-8; or

6. Any division of land by Determination of Adverse Claims per SDCL § 21-40-5.

B. Property contiguous to Rapid City. Whenever property within the subdivision which the owner desires to have platted into tracts, lots, or blocks is contiguous to Rapid City, the property shall be annexed to Rapid City prior to the submission of any plat application under this Title.

BC. Plats straddling municipal boundaries. Whenever access to the subdivision is required across land in another jurisdiction, the City may require proof of adequate access. Lot lines shall be laid out so as not to cross municipal boundary lines.

CD. Construction across Existing Lot Lines. Any construction across existing subdivision lot lines is in violation of this article unless the owner enters into a developmental lot agreement that meets the criteria established by the City.

DE. Approval stipulations. As part of the approval of any plat, the City may impose stipulations deemed necessary for the protection of the public health, safety and welfare, pursuant to City, County, State and Federal regulations. No plat shall be deemed approved, nor shall any plat be recorded, until the conditions imposed have been met in full or as otherwise provided for by agreement of the City.

EF. Public information. The Director shall make available to any interested person all information concerning plans for the orderly growth and development of the City and its services.

FG. Vacation of easements. A vacation of easements may be shown either on the final plat or on a separate vacation instrument.

HG. Property and Special Assessments Due. Prior to approval by the Director or City Council as applicable, all currently due property taxes and special assessments shall have been paid on the real property subject to subdivision or re-subdivision.

HI. Violation and Penalty. Whoever, being the owner or agent of the owner of any land located within the platting jurisdiction of the city, transfers or sells the land without having the land platted or replatted, as may be required by this Title and does so before the plat or replat has been approved by the Director or City Council, as applicable, and recorded in the office of

the Register of Deeds, shall forfeit and pay a penalty of \$500 for each portion of land so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties. The city may enjoin the transfer, sale or agreement by an action for injunction or may recover the aforesaid penalty by a civil action in any court of competent jurisdiction. Furthermore, The City will not issue building permits for construction on any lot so platted and shall file a building permit restriction against the deed to the property within the corporate limits of the City.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: