

CHAPTER 17.04. GENERAL PROVISIONS

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17.4.1 Title and Application. These regulations shall be referred to as the “2020 Revised North Sioux City Zoning Ordinance”, or herein, as “this Ordinance”.

17.4.2 Jurisdiction. The provisions of this Ordinance shall apply to all territory within the municipal boundaries of the City of North Sioux City, South Dakota, as established on the Official Zoning Map of the City of North Sioux City.

17.4.3 Purpose. This Ordinance has been based upon the North Sioux City Comprehensive Plan 2035 adopted and in conformance with Chapter 11-4 and 11-6 of South Dakota Codified Laws (SDCL). It is designed to carry out the goals, objectives, and policies of the Comprehensive Plan.

The Zoning Ordinance is intended to:

- * lessen congestion in the streets;
- * secure safety from fire, panic, and other dangers;
- * promote health and the general welfare;
- * provide adequate light and air;
- * prevent overcrowding of land;
- * avoid undue concentrations of population; and
- * facilitate the adequate provision of transportation, water, sewers, school, parks, and other public necessities.

17.4.4 Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this Ordinance either internally conflict or conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

- 17.4.5 Private Agreements.** The City shall not be responsible for monitoring or enforcing private easements, covenants, deed restrictions, or homeowner associations and their documents, although it may inquire as to whether a lot or lots are subject to any of the aforementioned private agreements during the review of any application submitted pursuant to this Ordinance.
- 17.4.6 Separability Clause.** Should any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part other than the part so declared to be unconstitutional or invalid.
- 17.4.7 Repeal of Conflicting Ordinances.** All prior ordinances or parts of prior ordinances in conflict with this Ordinance are hereby declared repealed. This expressly includes all of Title 17 Land Use & Development of the City of North Sioux City’s Municipal Ordinance Code 2009, referred herein to as “City Code”, with the exception of the existing Chapter 17.04.070: Subdivision Regulation; Chapter 17.88: Subdivision Approval Procedure; Chapter 17.92: Subdivision Design Standards; Chapter 17.96: Subdivision Improvements Required Prior to Final Plat Approval; and Chapter 17.100.060: Subdivision Regulation Enforcement. It is the intent of the City Council that these provisions remain effective but are renumbered to accommodate this Ordinance as established in Table 1 below.

TABLE 1: Renumbering of Existing Provisions

<u>Existing Chapter</u>	<u>Renumbered Chapter</u>
Chapter 17.04.070	Chapter 17.108
Chapter 17.84.050	Chapter 17.112
Chapter 17.88	Chapter 17.116
Chapter 17.92	Chapter 17.120
Chapter 17.96	Chapter 17.124
Chapter 17.100.060	Chapter 17.128

- 17.4.8 Savings Clause.** This Ordinance shall in no manner affect pending actions, either civil or criminal, founded on, or growing out of any regulations hereby repealed. It shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulations repealed.
- 17.4.9 Relationship to City Code.** The use of buildings and land within the City of North Sioux City shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Ordinance, whether or not those other provisions of the City Code are specifically cross-referenced in this Ordinance. Any cross-references to other provisions of the City Code found in this Ordinance are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that the City Code does not apply.

17.4.10 Relationship to Comprehensive Plan. This Ordinance is intended to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made hereto shall conform to adopted planning policies, the City proclaims its intent that neither this Ordinance nor any amendment hereto may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

17.4.11 Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall fully state the causes and basis thereof and be filed with the Authorized Official. He or she shall record such complaint, investigate, and take any reasonable actions thereon as provided herein. See Chapter 17.80.

17.4.12 Violations. The owner or agent of a building or lot in or upon which a violation of any provision of this Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire lot in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part, or assists in any violation or who maintains any building or lot in or upon which such violation shall exist, shall be guilty of a Class 2 misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00), thirty (30) days in jail, or both. Each day that such violation continues may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or lot is used in violation of this Ordinance, the appropriate representatives of the City, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or lot.

17.4.13 Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, publication, and effective date as provided by South Dakota law.