ORDINANCE NO. 2026-006

AN ORDINANCE OF THE CITY OF MONTROSE, SD, AMENDING THE MONTROSE ZONING REGULATIONS, BY AMENDING TITLE 12, BUILDING PERMIT AND FEES.

BE IT ORDAINED BY THE CITY OF MONTROSE, SD:

Section 1. That Title 12 of the Montrose Zoning Regulations is hereby amended to read as follows:

12

BUILDING PERMIT AND FEES

12.01 Building Permits

No new development, change of use, moving in/moving out of structures, demolition, or other action which may be regulated by the provisions of this ordinance including use, height, number of occupants, lot area, off-street parking or yard requirements, shall occur without a Building Permit issued by the Authorized Official of the City of Montrose. A Building Permit shall not be required for those actions described in Chapter 12.04 of these ordinances.

A. An application for a Building Permit, available form the Authorized Official of the City of Montrose, shall be completed by the landowner requesting the Building Permit. Completed applications shall be returned to the Authorized Official of the City of Montrose for review. To be considered complete, the application form shall be accompanied by the following additional items:

   1. Any required attachments and City fees;
   2. Two copies of plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.
   3. Any additional information, as requested by the Authorized Official of the City of Montrose, as lawfully may be required to determine conformance with and provide for the enforcement of this ordinance.

B. A temporary Building Permit may be issued by the Authorized Official of the City of Montrose for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. The Authorized Official of the City of Montrose may attach conditions and safeguards to said temporary permit to protect the safety of the occupants and the public.

C. One copy of the plans shall be returned to the applicant, after the Authorized Official of the City of Montrose has marked such copy as either approved or disapproved, and attested to the same by signing said copy of the plans. One copy of the plans, similarly marked, shall be retained by the Authorized Official of the City of Montrose for City records.

D. If the Authorized Official of the City of Montrose determines the proposed action would not be in compliance with the provisions of these regulations, a Building Permit may not be

issued, except upon completion of one of the following processes established in these regulations, as may be applicable to such proposed action. The Authorized Official of the City of Montrose shall inform the applicant when one of the following processes may be applicable:

1. Variance
2. Amendment
3. Conditional Use

E. Issuance of a Building Permit shall indicate that, in the opinion of the Authorized Official of the City of Montrose, the proposed use and/or alterations of existing use are in compliance with the requirements of these Zoning Regulations. Issuance of a Building Permit shall not be construed as waiving any provisions of these regulations. Proposed uses and/or alterations of existing uses which are not in compliance with the requirements of these Zoning Regulations shall not be issued a Building Permit.

12.02 Fees

A schedule of fees, charges, and expenses for permits, change of zone, appeals, and other matters pertaining to this Zoning Ordinance shall be established by resolution of the City Council. The current fee schedule shall be available from the Authorized Official of the City of Montrose. All fees shall be property of the City and shall be paid over to the Authorized Official of the City of Montrose for credit to the General Fund of the City which under no condition shall be refunded. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

12.03 Expiration of Building Permit

If the activities described in any permit have not begun within ninety (90) days from the date of issuance, the permit shall be canceled by the City Finance Officer and written notice given to the persons affected.

If the activities described in any permit have not been completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the City Finance Officer and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new permit has been obtained. The City Finance Officer may grant a ninety (90) day extension if deemed necessary for an activity state in the permit.

12.04 Building Permit Not Required for Certain Actions

Building permits shall not be required for the repair or substantially similar replacement of any of the following existing exterior parts of a detached single-family owner-occupied residential structure (SDCL 11-10-15):

1. Door, if the dimensions remain the same;
2. Downspout;
3. Fascia;
4. Fencing panel or post;
5. Gutter;

6. Siding, if nonstructural;
7. Soffit; and
8. Window, if the dimensions remain the same.

Nothing in this section relieves a property owner from compliance with any other applicable building code or ordinance.

A building permit may be required for repairs pursuant to this section or substantially similar replacements for exterior parts of any designated historical property as authorized under SDCL 1-19B.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 13th day of October, 2026.

Susan Painter
Mayor

ATTEST:

Nicole M Lee
Finance Officer

Seal

First Reading: 9-8-26
Second Reading & Adoption: 10-13-26
Published: 10-22-26
Effective Date: 11-10-26

Published once at the approximate cost of $79.32.

PUBLIC NOTICE
CITY OF MONTROSE
ORDINANCE NO. 2026-006

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D. If the Authorized Official of the City of Montrose determines the proposed action would not be in compliance with the provisions of these regulations, a Building Permit may not be issued, except upon completion of one of the following processes established in these regulations, as may be applicable to such proposed action. The Authorized Official of the City of Montrose shall inform the applicant when one of the following processes may be applicable:

1. Variance
2. Amendment
3. Conditional Use

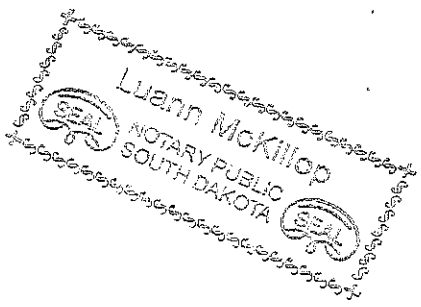
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Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF McCOOK)
COUNTY OF HANSON)

TROY SCHWANS of said McCook County and South Dakota, being first duly sworn on his oath, says THE SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said Counties of McCook and Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed.....
City of Montrose
Ordinance No. 2026-006
.....

a printed copy of which is hereto attached, was printed and published in the newspaper for. 1 . . . weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on
..... 10/22 ,20 26

the second publication on. . . . . ,20 . . . .

the third publication on. . . . . ,20 . . . .

the fourth publication on. . . . . ,20 . . . .

the fifth publication on. . . . . ,20 . . . .

the sixth publication on. . . . . ,20 . . . .

and the last publication on. . . . . ,20 . . . .

that $ 79.32 being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

.....

Subscribed and sworn to before me this. . . . . 4th . . . . . .

day of. . . . . November . . . . . ,20 26 . .

Luann McKillop

Notary Public,. . . . . McCook . . County

My commission expires. . . 1-23-30 . . . . . .