

TITLE 5           SUBDIVISION REGULATIONS

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## CHAPTER 5.01           GENERAL PROVISIONS

5.0101 Purpose. These regulations shall be for the purpose of implementing the Brown County Comprehensive Plan by shaping development patterns and providing for consistency in the quality of development.

5.0102 Jurisdiction. These regulations shall apply within the unincorporated areas of Brown County, South Dakota, including the incorporated municipalities of Claremont, Columbia and Stratford, yet excluding areas of joint jurisdiction with Aberdeen, Frederick, Groton, Hecla and Warner.  
(Ordinance 087 amendment)

5.0103 Extent of Regulations.

1. The provisions of these regulations shall apply to every addition to, or subdivision within, any city or town listed within subchapter 5.0102, provided that if the land or any part thereof included in any such addition or subdivision is within, adjoining or contiguous to the boundaries of any city or town, listed in 5.0102 the plat thereof, before being recorded, shall be submitted to the governing body thereof, which shall thereupon examine the same, and it shall appear that the system of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city or town, and that all taxes, if any, upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, such governing body shall approve the same, and the auditor or clerk shall endorse on such plat a certification of acceptance. No plat of any such addition or subdivision so situated shall be entitled to record or be recorded unless the same bears the acceptance certificate of the auditor or clerk.

2. Whenever any person wishes to plat any lands outside the boundaries of a municipality which are not included in 5.0103 (1), he shall be governed by and proceed in accordance with the provisions of these regulations, except that before recording his plat, he shall submit the same for review as outlined within these regulations.

5.0104 Definitions. For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural number and plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes the word structure.

ALLEY: A public right-of-way, which is used primarily as a secondary means of access to the abutting property.

**BOARD:** As used shall mean Board of County Commissioners of Brown County.

**BLOCK:** A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted land or a combination thereof.

**COMMISSION:** Planning and Zoning Commission of Brown County, South Dakota.

**CUL-DE-SAC:** A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

**COUNCIL:** Town or city council of a municipality in Brown County, South Dakota.

**LOT:** A portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.

**LOT OF RECORD:** A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Brown County, South Dakota.

**COMPREHENSIVE PLAN:** A long-range plan for the improvement and development of Brown County, South Dakota, as adopted by the Planning and Zoning Commission and Board of County Commissioners.

**IMPROVEMENTS:** Pavements, curbs, gutters, sidewalks, water main, sanitary sewers, storm sewers, grading, street signs, plantings, and other items for the welfare of the property owners and the public.

**PLAT:** A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

**STREET:** A thoroughfare, dedicated to public use, which affords a primary means of access to the abutting property.

**RIGHT-OF-WAY:** A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

**SUBDIVIDER:** A person, firm, co-partnership, association, or corporation who submits a proposed subdivision to the Planning Commission.

**SUBDIVISION:** Subdivision means:

1. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose of transferring ownership or for building development;
2. After the division of land each parcel, tract, or lot forty (40) acres or greater and used exclusively for agricultural purposes shall not be deemed a subdivision.

**WATER COURSE, DRAINAGE WAY, CHANNEL, OR STREAM:** A natural or man-made depression in which a current of surface runoff water flows following participation.

## CHAPTER 5.02 PROCEDURES

- 5.0201 Preapplication. Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, Title 4 Zoning, and compatibility with the Comprehensive Plan.
- 5.0202 Preliminary Application Fee. The subdivider shall pay to the Zoning Administrator, to be deposited in the county-general fund, a preliminary fee of ten (\$10) dollars before the application.
- 5.0203 Preliminary Application. The subdivider or his agent shall prepare and submit to the Planning Commission the following:

1. Six (6) copies of the preliminary plat, drawn to a scale of one (1) inch to two hundred (200) feet or larger. All preliminary submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:

- a. Receipt for preliminary fee.
- b. Proposed name of the subdivision, which shall not duplicate previously filed plat names
- c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
- d. Names and addresses of the subdivider, engineer, surveyor, or landscape architect responsible for the survey or design.
- e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
- f. Existing contours wherever five (5) feet of deviation occurs.
- g. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.
- h. Zoning classification and existing and proposed land use.
- i. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements.
- j. Written and signed statements by the appropriate officials, obtained by the subdivider, ascertaining the availability of gas, electricity, and water to the proposed subdivision.
- k. Layout, number, and approximate dimensions of lots and the number of each block.
- l. The owner of any parcel of land proposing to develop such land for residential or commercial purposes shall obtain written approval of the proposed access to an abutting highway or street from the appropriate highway or street authority. The approval shall be

obtained prior to filing of the plat in accordance with this chapter and may not replace the need for any permits required by law.

2. The preliminary plat must be submitted to the Zoning Administrator at least ten (10) days prior to action by the Planning Commission.
3. Before the preliminary plat is reviewed, the governmental entity (town or township) in which the proposed subdivision is located will be notified at least five (5) days in advance of the preliminary plat review date.
4. The Commission shall approve or disapprove the preliminary plat within sixty (60) days. Approval of the preliminary plat by the Commission shall be void at the end of one (1) year unless a final plat has been submitted.
5. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations and/or other such conditions as may increase the danger of health, life or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.
6. Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat. If disapproved, the subdivider may appeal the Board of County Commissioners to overturn the decision of the Planning Commission.

5.0204 Final Plat Application.

1. The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be twenty-five (\$25) dollars plus one (\$1) dollar per acre for all parcels or lots larger than one (1) acre in size, rounded to the next highest whole number.
2. Exemption (also see Chapter 5.06) whenever the preliminary application is waived, final plats must be submitted to the Zoning Administrator at least five (5) working days prior to its review by the Planning Commission.

5.0205 Final Plat Requirements and Approval. The subdivider shall prepare and submit to the Planning Commission the following, prepared by land surveyor registered in the State of South Dakota:

1. Six (6) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches. All final plat submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:
  - a. The name of the subdivision, location by section, township, range, county, and state.
  - b. Name(s) of the subdivider, engineer, surveyor or landscape architect responsible for the survey or design.

- c. A scale, north point and key map, showing the general location of the proposed subdivision in relation to the surrounding development and in relation to the section in which it is located.
- d. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
- e. Location and description of all monuments.
- f. Descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
- g. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivider consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
- h. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
- i. One (1) copy of any private restriction or covenants affecting the subdivision or any part thereof.
- j. The following format shall be used for the required signatures:
  - 1.Owner's Certificate;
  - 2.Surveyor's Certificate;
  - 3.Treasurer's Certificate;
  - 4.Planning/Zoning Commission Certificate;
  - 5.Governing Body Certificate;
  - 6.Director of Equalization Certificate; and
  - 7.Register of Deeds Certificate.

**CHAPTER 5.03            DESIGN STANDARDS**

5.0301 General Standards. Land within the proposed subdivision which the Planning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

5.0302 Streets and Alleys.

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets shall be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turnaround having a curb line diameter of not less than eighty (80) feet. This also applies to private roadways.
3. Centerline offsets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavement widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

MINIMUM TYPE	DRIVING WIDTH	ROW
Major Arterial Streets (County)	28	100
Secondary Streets (Townships)	28	66
Local Streets	24, if off-street parking 44, if on-street parking	50

9. The horizontal alignment on all streets where the centerline deflects two (2) degrees or more shall be as follows:

RADIOI OF HORIZONTAL CURVES	
Major Streets	700' minimum
Minor Streets	100' minimum

10. New Subdivisions - The acceptance of a plat by the Brown County Commission does not obligate the County to maintain the roads of a rural subdivision. Until the County accepts the subdivision roads for maintenance and designates those roads as part of the Brown County Secondary Road System, the County is not responsible for maintenance. It is the policy of Brown County not to designate roads as secondary roads and accept them for maintenance in any additional rural subdivisions. To protect the safety and welfare of the citizens, roads shall be constructed in conformance to the standards as stated in Brown County Ordinance Title 5.

11. All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads.

## **12. MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS**

### **Arrangement and Design.**

- A) Roads shall provide public convenience and safety and shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.
- B) All new subdivision roads (including private roads) shall be properly integrated with the existing system of roads; there should be a road connecting adjacent subdivisions where topographical and land use considerations permit. Roads shall be completed prior to the issuance of building permits per plan and specifications provided for.
- C) To insure consistent signage throughout the County, developer or owner shall install road signs at all road intersections, both public and private, and along roads within the new subdivision, at such places, manner and in accord with specifications as approved by the County Highway Superintendent. Signs shall be installed prior to the issuance of any building permits.
- D) All section line roads shall be extended to the boundary lines of the tract to be subdivided on the side the subdivision is accessed, unless prevented by topography or other physical conditions.
- E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.
- F) All subdivision roads shall be permanently dedicated as public rights-of-way and accepted by the Brown County Commission, or shown as private roadways.
- G) Dead end roads or streets are prohibited except that where the Comprehensive Plan indicates a road is to continue past the developer's property, a temporary dead end with a turnaround may be allowed until such time as the road is continued.
- H) Half road or streets are prohibited, except that they may be required to complete the remaining half of the highway already dedicated or where the Comprehensive Plan indicates that the alignment of the road will center on the property line.

## **13. Minimum Road Right-of-Way.**

- A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A right-of-way of 100 feet may be required on any roads built on section lines or designated as arterial or collector. The owner shall dedicate 17 feet of added right-of-way on the side of any section line r-o-w wherever the owner's land abuts the section line r-o-w.

## **14. Section Line Road Standards.**

- A) A Developer subdividing off a Section Line Road, will be required to work in partnership with the governing body whether Township or County, to assure that the



design criteria for section line roads to said development shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 24 feet, plus two-foot shoulders. The inslope of the road shall be a minimum depth of 3 feet wide with a maximum slope of 4:1, ditch bottoms of 10 feet wide, and minimum backslopes will vary. The minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the South Dakota Department of Transportation (SDDOT). Asphalt surfaces shall, at a minimum, is a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24” and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18”.

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

I) The sub divider upon completion of all the improvements shall request in writing a final inspection by the County Highway Superintendent or Township official.

J) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the County Highway Superintendent or Township official. Maintenance shall be guaranteed by cash deposited with the County Commission or Township Board by the posting of a maintenance bond in favor of the County Commission or Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the county or township, whichever is applicable, may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

K) The County Commission or Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the County Highway

Superintendent or Township official and the posting of a maintenance guarantee by the sub divider.

#### 15. Subdivision Road Standards.

A) Design Criteria for subdivision roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 20 feet, plus two-foot shoulders. The minimum slopes shall be 3:1 and the minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the SDDOT. Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

I) Streets with curb and gutter shall meet the requirements in the attached cross section for a curb and gutter street.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

J) The sub divider upon completion of all the improvements shall request in writing a final inspection by the Township official.

K) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the Township official. Maintenance shall be guaranteed by cash deposited with the Township Board by the posting of a maintenance bond in favor of the Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the township may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program, which may require special assessments from the individual property owners.

L) The Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the Township official and the posting of a maintenance guarantee by the sub divider or by individuals/homeowner association. Homeowner association incorporation papers and letters of assurance with the Township are filed with plat of properties.

**16. Private Roadways.**

- A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
- B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- C) Any plat presented for County Commission approval, which shows a private roadway as a means of access shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.
- D) All road standards specified in Section 5.03 shall also apply to private roadways.
- E) The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association. Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

**17. Intersections and Approaches.**

- A) Acute angles at road intersections are to be avoided in so far as possible, but in no case with an angle of less than 80 degrees be permitted.
- B) Not more than two roads shall intersect at one point unless specifically approved.
- C) Intersection offsets of less than 300 feet shall not be permitted
- D) Two approaches may be permitted on each side of each half-mile segment of county primary highways. Where possible, the approaches on the opposite side of the highway shall be at the same location.
- E) No approach shall be constructed in private subdivisions without first obtaining an approach permit from the Brown County Highway Superintendent. The landowner shall be responsible for constructing the approach in conformance with specifications relating to location, width, in-slope, safety, culvert size, drainage, and other factors as determined by the Brown County Highway Superintendent. Approaches shall be in compliance with the South Dakota Department of Transportation's Road Design Manual.

18. No building permits shall be issued until all required road improvements have been completed per plan and specifications provided for.

5.0303 Lots.

- 1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- 2. Every lot shall abut and have access to a public street.
- 3. Double frontage lots shall be avoided except where they back upon a major street.

5.0304 Easements.

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

5.0305 Flood Designated Areas. When located within flood prone areas as designated on the Flood Insurance Rate Map (FIRM), all subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage and shall not put additional burden on adjacent land owners; and
4. Shall provide base flood elevation data for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

## CHAPTER 5.04 IMPROVEMENTS

5.0401 Improvements. It shall be the responsibility of the subdivider to install in accordance with plans, specifications, and data certain required improvements as follows:

1. Staking -- The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Streets -- All streets shall have a gravel surface as specified by Chapter 5.03 Design Standards. All streets shall be installed prior to the sale of lots adjoining that street.
3. Sanitary Sewer -- Where a municipal sanitary sewer is accessible by gravity flow within two hundred (200) feet of the final plat, the subdivider shall submit to the Town or City Council his plans for connection with a trunk line to the existing system. The Town or City Council shall then inform the subdivider of the trunk line size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within the two hundred (200) feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within two hundred (200) feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
4. Water Mains -- Where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof.

**CHAPTER 5.05            COVENANTS AND GUARANTEES**

5.0501 Restrictive Covenants. The subdivider may, at his own expense, restrict the use of such premises as contained in a subdivision plat by means of restrictive covenants which are reviewed by the Planning Commission and approved by the County Commissioners. Any such covenants shall be included as deed restrictions on the final plat.

**CHAPTER 5.06            PRELIMINARY PLAT EXEMPTION**

5.0601 Exemption from Preliminary Platting Process. For a proposed subdivision that would contain or less parcels, tracts or lots, and the building of no new streets, the preliminary process is waived.

**CHAPTER 5.07            ENFORCEMENT**

5.0701 Enforcement. No plat of any subdivision within the application of Title 5 shall be entitled to be filed or recorded in the Office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Title.

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes individually, as a part of, or in conformity with any plat, plan, or replat of any subdivision within the area subject to application of this Title unless said plan, plat, or replat shall have been approved as prescribed by this Title and filed and recorded in the Office of the Register of Deeds.



**CHAPTER 5.08 VIOLATIONS AND PENALTIES**

5.0801 Violation of Title 5. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Title. Violation thereof shall be a misdemeanor and may be punishable by a fine of up to one hundred (\$100) dollars for each and every day that any violator fails to comply with the provisions of this Title. All fines for violations shall be paid to the County and shall be credited to the general revenue fund.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

**CHAPTER 5.09 SEVERABILITY CLAUSE**

5.0901 Severability Clause. Should any section or provision of these regulations be declared by courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**CHAPTER 5.10           LEGAL STATUS PROVISIONS**

5.1001 Conflict with Other Regulations. No final plat of land within the force and effect of Title 4 shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimension noted herein and those contained in Title 4, the building code, or other official regulations or ordinances, the most restrictive shall apply.