

**HERMOSA TOWN BOARD**  
**TUESDAY, APRIL 30, 2024**  
**SPECIAL MEETING/WORK SESSION @ 5:00 pm**

- 1) **ROLL CALL:**
  - A. BOT Roll Call: Ferguson, Henrichsen, Holsworth, Kramer, Koontz
  - B. Acknowledgement of other Attendees
  - C. Pledge of Allegiance to be led by Henrichsen
  
- 2) **CALL FOR CHANGES:**
  - A. Review of current agenda items
  - B. Motion to accept the agenda as presented/amended
  
- 3) **CONFLICT OF INTEREST DECLARATION**
  
- 4) **EXECUTIVE SESSION:**
  - A. Motion to enter Executive Session allowable by SDCL 1-25-2.1 – Legal/Personnel/Contract
  - B. Motion to exit out of Executive Session
  - C. Motions resulting from Executive Session
  
- 5) **WORK SESSION ITEMS:**
  - A. Town of Hermosa Water Issues  
Metering and Technology Solutions, Beacon Meters  
Ordinance Clarification Discussion
  - B. Conflict of Interest
  - C. Vendor Permit Fees
  - D. Garbage Ordinance
  - E. Update Permits
  
- 7) **ADJOURN:** Motion by \_\_\_\_\_; Second by \_\_\_\_\_ to adjourn the meeting at \_\_\_\_\_ PM.



**METERING AND  
TECHNOLOGY  
SOLUTIONS**

Metering And  
Technology Solutions  
12016 Riverwood Dr  
Burnsville MN 55337  
United States

3A  
**Estimate**

#EST1864  
2/2/2024

**Customer**

Chuck Ferguson  
City of Hermosa  
PO Box 298  
Hermosa SD 57744  
United States

**TOTAL**

**\$66,810.00**

Expires: 3/3/2024

**Expires**  
3/3/2024

**Sales Rep**  
Farrell Anderson

Quantity	Item	Rate	Amount
1	<b>BEACONENGAGMENT</b> BEACON Engagement Fee; Service1-500  Badger Meter Beacon fees billed directly to the utility: \$1.02 / Orion Cellular endpoint (each) / month  The utility will need to contact their Utility Billing Software vendor for the cost and availability to implement a Beacon interface.	\$11,700.00	\$11,700.00
1	<b>BeaconBillingIntegration</b> 66220-005 Beacon Billing Integration Fee 1-500	\$0.00	\$0.00
1	<b>CDTDBEACONAMA</b> Getting Started with Beacon AMA Onsite Training 69328-203 (Cellular)	\$0.00	\$0.00
90	<b>UG25GAL8DHRE25TT</b> M25 Gallon 8 Dial HRE with 25' Twist Tight Wire; Torx Screws	\$99.00	\$8,910.00
280	<b>UGORIONCELLENDM8TT</b> Orion LTE-M/C Cellular-M Endpoint **M**; 8" Twist Tight; 64394-031 Wall Mount	\$165.00	\$46,200.00

**Subtotal** \$66,810.00

**Tax Total (0%)** \$0.00

**Total** \$66,810.00

Name	Parcel #	Address	R/C/A	Water Tap	Sewer	Previously Billed	Notes
1 Barnier, Greg	004139	349 McDermand	R	Yes	Yes	Yes	Preble moved trailer service off 1/2023. Not billed now
2 Beckler, Loren	015404	No address	C	?	?	NO	Empty lot
3 Bell Investments	009233	225 Vilas	R	Yes	Yes	Yes	full bill until 2-2020 - Work session motion
4 BH Electric/Scott Lamers	015778	Pasture-by cemetery	A	Yes	NO	Yes	Always billed until 5/2022
5 Bishop, Alan	?	Pasture	A	Yes	No	Yes	seasonal
6 Cannon, Bill	009312	No address	R	?	?	NO	Empty lot
7 Cole, Chasen	009301	195 5th St.	R	?	?	NO	No history of property file found
8 Cook, Brandi	009195	365 Main St.	R	Yes but..	?	NO	Empty lot - water line was damaged when road work was done
9 D&D Properties	009166	150 Main St. - Bank Bldg	R	Yes	Yes	Yes	full bill until 2-2020 - Work session motion
10 D&D Properties	009159	30 N. 3rd St.	R	Yes	Yes	Yes	Last record of billing June 2007
11 D&D Properties	012055	No address	R	?	?	NO	Empty lot
12 D&D Properties	009176	No address	C	?	?	NO	Empty lot
13 D&D Properties	009178	No address	C	?	?	NO	Empty lot
14 Eyton, Tim	009164	No address	C	?	?	NO	Lot next to previous church
15 Eyton, Tim	009165	20 N. 2nd St.	C	Yes	Yes	Yes	Last billed 1/2013
16 Ferguson, Chuck	009322	221 3rd St.- new	R	?	?	NO	No history of property file found - new address last year.
17 G&G Development	015721	115 N. Wilder	R	Yes	Yes	Not yet	Empty lot
18 G&G Development	015722	125 N. Wilder	R	Yes	Yes	Not yet	Empty lot
19 G&G Development	015723	135 N. Wilder	R	Yes	Yes	Not yet	Empty lot
20 G&G Development	015724	145 N. Wilder	R	Yes	Yes	Not yet	Empty lot
21 G&G Development	014910	100 N. Wilder	R	Yes	Yes	Not yet	Empty lot
22 G&G Development	015327	No address	R	?	?	NO	Empty lot - North of mobile home.
23 G&G Development	014899	No address	R	?	?	NO	Empty lot - Lot north of Josie's home
24 Gabel, Tom	009177	4 2nd St.	C	Yes	Yes	Yes	Last billed 5/2019- Trailer was demolished and moved of lot on 5/14/19. Acct set to inactive

Name	Parcel #	Address	R/C/A	Water Tap	Sewer	Previously Billed	Notes	Need bi
25 Gomez, Miquel	009295	No address	R	?	?	NO	Empty lot	
26 Harris, Joan	009230	120 3rd St.	R	?	?	NO	No history of property file found	
27 Harris, Shanna	009225	No address	R	?	?	NO	Barn north of home	
28 Holsworth, Dan	09223	105 2nd St. - Firehall	C	?	?	NO	Never billed	
29 Holsworth, Dan & Deb	009263	No address	R	Yes?	Yes?	NO	Never billed-empty lot next to water towers	
30 Holsworth, Dan & Deb	009157	No address	C	?	?	NO	Never billed - empty lot	
31 Holsworth, Dan & Deb	009172	33 N. 1st St.	C	Yes	Yes	Yes	Was <b>not</b> made inactive 2/2020. History of payment until 6/2022. Turn on for a few months	
32 Holsworth, Dan & Deb	009174	40 2nd St	R	?	?	NO	Empty lot	
33 Holsworth, Dan & Deb	009174	No address	C	?	?	NO	Empty lot	
34 Holsworth, Dan & Deb	009245	111 Vilas St	R	Yes	Yes	Yes	Empty lot - Last billed 04/2003	
35 Holsworth, Dan & Deb	009243	No address	R	?	?	NO	Shop east of home	
36 Holsworth, Dan & Deb	009337	No address	R	?	?	NO	Garage south of home	
37 Johnson, Glen	09244	101 Vilas	C	Yes	Yes	Yes	full bill until 2-2020 - Work session motion	
38 Matheny, Steve	013043	248 McDermand	R	?	?	NO	Empty lot - no history no file	
39 Miller, Colleen	011727	No address	R	?	?	NO	<b>LOCATED IN THE FLOODPLAIN</b>	
40 Mills, Rick	009213	375 Vilas	R	Yes	Yes	NO*	No history of property file found	
41 Nelson, Craig	012061	300 E. Main 4R	C	Yes	Yes	Yes	full bill until 9-2021 - renter	
42 Nelson, Craig		300 E. Main #57	R	Yes	Yes	Yes	full bill until 9-2021 - renter	
43 Priem, Joshua	004143	56 Fairgrounds Pl.	R	Yes	Yes	Yes	full bill until 2-2020 - Work session motion	
44 Rice, Jack	015677	No address	R	?	?	NO	Empty lot	
45 Roy's Drive Inn	015169	810 Tenaya St.	C	Yes	NO	Yes	Billed...not billed.... Billed!!!!	
46 SH RV Park - 1st meter	004135	24549 SD Hwy 79	C	Yes	Yes	Yes	full bill until 2-2020 - Work session motion - 3/20 start back up	
47 SH RV Park - 2nd meter	004135	24549 SD Hwy 79	C	Yes	Yes	Yes	Installed 7/2022 - Inactive and not billed - off season	
48 Shorb, Bridget	009285	No address	R	?	?	NO	Never billed - empty lot	

Name	Parcel #	Address	R/C/A	Water Tap	Sewer	Previously Billed	Notes	Need
49 Shorb, Bridget	015347	5 N. 5th	R	?	?	NO	Never billed - empty lot	
50 Shorb, Bridget	009289	No address	R	?	?	NO	Never billed - empty lot	
51 Shorb, Mike	009160	241 Folsom	R	Yes	Yes	Yes	Trailer moved off 10/2021. Not billed now	
52 Southport Church	009186	5 2nd St	Exempt	Yes	Yes	OK	Pays year round	
53 Town of Hermosa	012052	200 McDermand A	Exempt	?	?	NO	LOCATED IN THE FLOODPLAIN	
54 Town of Hermosa	012053	200 McDermand B	Exempt	?	?	NO	LOCATED IN THE FLOODPLAIN	
55 Triple JK Properties	009258	220 Folsom	R	Yes	?	Yes	Always billed \$6.50	
56 Triple JK Properties	009258	240 Folsom	R	Yes	Yes	OK	Main house	
57 Triple JK Properties	009258	260 Folsom	R	Yes	?		Never billed	
58 Triple JK Properties	013913	440 Main St.	C	Yes #s	Yes #s	?	Never billed - no property file found	
59 Upton, Alma	009312	No address	R	?	?	NO	Empty lot	
60 Youngberg, Shad	0093000	2 West Ct.	R	Yes	Yes	Yes	Empty lot - last billed 10/2009	
61 Our Saviors Lutheran	012480	No address	Exempt	?	?	NO	Empty lot	
62 Tres Ag Services	010748	215 Ferguson Unit B	R	?	?	?	Empty lot	
63 Schwinger, Rob	009190	2 N. 3rd St.	R	?	?	?	Empty lot	
64 Holsworth, Dan & Deb	014689	No address	C	?	?	?	Empty lot	
65 D&D Properties	012055	No address	R	?	?	?	Empty lot	
66 Dowell, Michael	009257	No address	R	?	?	?	Empty lot	
67 Holsworth, Dan	009238	114 2nd St.	R	?	?	?	Empty lot	
68 Holsworth, Dan	009329	No address	R	?	?	?	Empty lot	
69 Holsworth, Dan & Deb	009329	No address	R	?	?	?	Empty lot	
70 Heifort, Michael	014905	150 N. Wilder	R	Assumed	Assumed	NO	Empty lot	

# POLICY #1 CODE OF CONDUCT

## Policy 1.1 (revised) Trustee & Board Conduct and Obligations

All Trustees, and Board Members, whether elected or appointed, have a responsibility to at all times conduct themselves in a manner befitting the position. Each Trustee must remember their first priority is to act in the best interest of the Town of Hermosa and to not let personal prejudice, history or bias effect decisions made as a Trustee.

### 1. POLICY STATEMENT

(a) This Code of Conduct is a public declaration of the principles of good conduct and standards of behavior that Elected and Appointed Members of the City of Hermosa are committed to demonstrate in the performance of their responsibilities as community representatives


(b) The principles and standards in the Code of Conduct are in addition to the requirements of any other relevant Regulation/s.

### 2. PRINCIPLES

- 1) Trustees and Board Members will seek to achieve a team approach when dealing with one another and they will seek to achieve an environment of mutual respect and trust. They shall establish a working relationship with fellow Members recognizing and respecting the diversity of opinion and seeks to achieve the best possible outcomes for the community.
- 2) Trustees and Board members will treat Town Staff with respect and tolerance of their different roles in achieving the Board Objectives. They will ensure their behaviors are not and cannot be interpreted to constitute bullying and/or harassment.
- 3) In all things, Trustees and Board Members must act with honesty and integrity and conduct themselves in a way generating community trust and confidence in them as individuals, and which enhances the role and image of the Board and local Government generally.
- 4) Trustees and Board Members will be fair, reasonable, just, non-discriminatory and honest in their dealings with individuals and organizations and behave in a manner facilitating constructive communication between the Board and the community.
- 5) Trustees and Board Members will not make improper use of information acquired or make improper use of their position as a Member of the Board.
- 6) Trustees and Board Members are expected to show commitment by completing the specified training courses, and updating as needed. Trustees and Board

members will discharge their duties conscientiously and to the best of their abilities, in a fair, honest and respectable manner according to the law.

- 7) Information provided to or obtained by a Trustees or Board Member in the course of his or her duties is to be respected for its confidentiality and used in a careful and prudent manner consistent with the nature of said information.

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- 8) Trustees and Board Members must have due regard to the laws dealing with conflict of interest in relation to all their duties and behaviors and exercise the highest level of integrity expected of people holding public office.

### 3. DEFINITIONS

**Harassment** is unlawful. Harassment is usually based on a real or perceived difference such as race, sex or disability. Harassment may lead to the person who is being harassed feeling offended, humiliated intimidated or being disadvantaged. Harassment consists of unwelcome, offensive, abusive, belittling or threatening behavior directed at another person.

**Bullying** is a form of harassment and is not acceptable. Bullying results from treating another person in a less favorable way by intimidatory, offensive, degrading or humiliating behavior. Bullying may be an offence under the Occupational Health Safety and Welfare Act (1986) and may result in serious penalties.

### 4. PROCEDURES

- A. Meetings are to be conducted in accordance with Robert's Rules of Order. Although our town is small and informal, order must be maintained to ensure all actions will be supported by law. Outbursts, inflammatory comments, and personal attacks will not be tolerated by anyone in attendance at any meeting including trustees, staff and/or citizens.
- B. Meetings shall begin promptly at the specified hour.
- C. Many actions taken by a governing body require not just a majority vote of the quorum but a majority vote of *all* the elected officials. Not having the appropriate number of Trustees in attendance at any meeting affects the efficient functioning of the entire community.
- D. Any Board member or Trustee not in attendance within ten minutes of the beginning or end of any meeting shall not be paid for said meeting unless by action of the other Trustees (Board Members) in attendance. Trustees shall be paid at the first meeting of each month for meetings attended during the prior month. P&Z Board Members shall be paid quarterly
- E. Trustees and Board members shall complete W-4 and I-9 forms prior to receiving the first paycheck.
- F. Committee appointments ensure all areas of the Town's business receive proper

# DEFINING A CONFLICT OF INTEREST AND HOW A PUBLIC BOARD MEMBER CAN RESPOND

JACK HIEB | RICHARDSON, WYLY, WISE, SAUCK, & HIEB, LLP

## WHAT IS A CONFLICT OF INTEREST?

A conflict of interest is defined as a real or seeming incompatibility between one's private interests and one's public duty. While the specter of "conflict of interest" has always hung around public board proceedings, the issue came to the forefront in 2005 when the South Dakota Supreme Court issued its decision in *Hanig v. City of Winner*. *Hanig* involved a decision by the City of Winner which declined to renew a liquor license on a unanimous vote.

On appeal, the court decided that one council member had an "indirect

pecuniary interest" in the decision because she was a part-time waitress at a different Winner restaurant and her boss sent her a letter voicing opposition to the license request in advance of the hearing. Because having another bar in town might affect her tip-based income, the court determined she had an "indirect pecuniary interest" that should have disqualified her from participating in the decision to deny the permit. The court then went on to invalidate the vote and require a new hearing on the application.

Apparently feeling the need to provide a framework for these types of situations, the legislature acted quickly in response to that decision and adopted legislation. Shortly after the *Hanig* decision was handed down, the legislature passed SDCL 6-1-17 which states:

No county, municipal, or school official may participate in discussing or vote on any issue in which the official has a

conflict of interest. Each official shall decide if any potential conflict of interest requires such official to be disqualified from participating in discussion or voting. However, no such official may participate in discussing or vote on an issue if the following circumstances apply:

- (1) The official has a direct pecuniary interest in the matter before the governing body; or
- (2) At least two-thirds of the governing body votes that an official has an identifiable conflict of interest that should prohibit such official from voting on a specific matter. If an official with a direct pecuniary interest participates in discussion or votes on a matter before the governing body, the legal sole remedy is to invalidate that official's vote.

## TWO MANDATORY GROUNDS FOR DISQUALIFICATION

Since the passage of this statute, the Supreme Court has interpreted the statute to provide for two "mandatory grounds for disqualification." See *Holborn v. Deuel Cty. Bd. Of Adjustment*, 2021 SD 6, ¶ 31. They are:

1. Situations where an official has a direct pecuniary interest;
2. Situations where at least two-thirds of the governing body votes that an official has an identifiable conflict of interest that prohibits them from voting on a matter.

If either applies, the official has no choice. They are disqualified from participating in discussion or voting on the matter. However, if neither exists, the issue isn't settled but the decision of whether an official can be fair and unbiased is left to the "conscience and anticipated good judgment of each official in carrying out his or her duties." This interpretation of the statute was recently reaffirmed by the court in *Love's Travel Stops & Country Stores, Inc. v. City of Wall*, 2023 SD 68.



istock.com/gorodenkoff

# Town of Hermosa

50

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: town@hermosasd.com

## TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE \_\_\_\_\_

Receipt # _____	Cash _____	Check # _____	Amount _____
-----------------	------------	---------------	--------------

Transient Vendor & Peddler Information \_\_\_\_\_

Company Name \_\_\_\_\_

Owner/President \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

Description of Items to Be Sold \_\_\_\_\_

Location of Temporary Business \_\_\_\_\_

Times When the Sales Will Be Conducted \_\_\_\_\_

South Dakota Vendor License \_\_\_\_\_

South Dakota Sales Tax License # \_\_\_\_\_

**Fees: 1 day - \$50.00    7days - \$200 .00    Monthly - \$800.00    + 5%**

The Above Information Is True and Correct

Vendor Signature	Date
------------------	------

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

- \* Name, address and phone number of the person, partnership, partner, corporation, or similar business entity;
- \* A description of the nature of the sales to be conducted and type of business that will conduct sales;
- \* Description of the location where the sales will be conducted within the town;
- \* The times when the sales will be conducted within the town;
- \* License or permits with the county and/or the state;
- \* If electrical access, open fires, or use of propane: certificate from Fire Marshal's office showing that all codes are met;
- \* All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
- \* All current governmental registrations and licenses must be displayed at the sale.

License #
Office Use

### PLANNING COMMISSION

Approved     Denied

### HERMOSA BOARD OF TRUSTEES

Approved     Denied

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Old

5D

Garbage and Refuse

23

(B) Residents of the town are responsible for picking up trash and garbage from tipped containers.

(C) If a collection container becomes unusable due to damages resulting from causes other than the collection truck, the resident shall be responsible for purchasing a new container from the service provider.

(Ord. passed 6-19-2018)

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to persons who have garbage service with the town. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

§ 52.04 COLLECTION CHARGES.

(A) The town shall make a charge for each month for the collection of refuse from each family domestic unit. The charge shall be billed on the monthly water bill to each family domestic unit and shall be immediately due and payable upon the billing date. It shall be payable with, and in addition to, the water bill.

(B) In the event refuse collection is provided by the town under the provisions of this chapter to a family domestic unit within the garbage service district not independently served by the town water service and billed therefor, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same rate that the water users are billed. The refuse collection charge shall be forthwith payable to the town by either the owner or occupant of the dwelling unit.

(C) Bills shall be payable at the Town Finance Office or at the authorized bank depository by automatic withdrawal upon enrollment.

(D) The rates for any and all charges the town shall make under this provision shall be prescribed by resolution of the Common Council.

(E) In addition to the foregoing methods of billing and collecting the charges for refuse collection, the Finance Officer, with the approval of the Board of Trustees, may from time to time adopt, use, and enforce such other methods of billing and collection of the charges as may be reasonably efficient, feasible, and appropriate, to the end that in every case all collection charges provided by this section shall be paid.

(Ord. passed 6-19-2018)

**New**

**AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.**

**BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:**

CHAPTER 52: GARBAGE AND REFUSE

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to residents who live within municipal town limits. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 20th day of December 2022

BOARD OF TRUSTEES:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Finance Officer

First Reading: 12/06/2022  
Second Reading: 12/20/2022  
Publication: 12/28/2022  
Effective Date: 01/17/2023

# Proposed

AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.

BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:

## CHAPTER 52: GARBAGE AND REFUSE

### § 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to those customers (lots/homes) paying for garbage service through the Town of Hermosa's Garbage and Refuse contract. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 23rd day of January 2024

BOARD OF TRUSTEES:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Finance Officer

First Reading:  
Second Reading:  
Publication:  
Effective Date:

# Town of Hermosa

5E

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: [town@hermosasd.com](mailto:town@hermosasd.com)

## Residential Building Permit

Any person desiring to build or to add on to an existing building in the town limits will obtain a building permit from the Town office. Building permit applications are available in the Town Office or online at: <http://www.hermosasd.com/>

### Filing of Application and Submittal Requirements:

Your first step is to complete a Building Permit Application form and submit it to the Hermosa Town Office together with the site plans. You may prepare the drawings or have a contractor prepare the drawings. See Page 5 for the site plan requirements.

To submit a permit, provide the following items:

- Completed building permit.
- Application Fee

Allow 2-4 weeks for approval:

The application will be reviewed by the Hermosa Board of Trustees

Board of Trustees meet on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month at 6:00 PM

The Finance Officer can provide you with the specific dates for your application.

### Important Details:

Each contractor listed on your building permit application is required to have a current contractor license on file with the Hermosa Town Office. No building permits will be issued without current contractor information on file and the contractor's fee paid.

Permit application fees are due upon submittal and are non-refundable. Final fees are based upon building calculations and are due and payable when the permit has been approved. Please be advised all permits are reviewed by the town engineer; those expenses will be included with the permit fees and applicant will be responsible for those expenses.

If you are requesting water and sewer taps, it is important for you to know that no new connection to town services will be made without the supervision of the Town of Hermosa Public Works Department. You or the plumbing contractor must call the Town Office to schedule an inspection and connection. Failure to do so will result in a penalty under state statute and town ordinance.

If you have any questions, please call the Town Office at the above referenced number.

Town of Hermosa

# RESIDENTIAL BUILDING PERMIT APPLICATION

(This Building Permit is Valid for One Year – Please See Page 3 for Exceptions)

DATE \_\_\_\_\_

PERMIT # \_\_\_\_\_

Receipt # \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_ Amount \_\_\_\_\_ (\$75.00)

\*\* PLEASE INCLUDE TO-SCALE DRAWINGS \*\*

Is Property in the Flood Plain?  Yes  No Zoning District \_\_\_\_\_

\*\*\*IF YES – YOU NEED A FLOODPLAIN DEVELOPMENT PERMIT\*\*\*

### APPLICATION SUBMITTED BY:

Property Owner Name(s) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Phone # Home \_\_\_\_\_ Cell \_\_\_\_\_ Work \_\_\_\_\_

### LEGAL DESCRIPTION

Subdivision name: \_\_\_\_\_ Lot# \_\_\_\_\_ Block \_\_\_\_\_ Lot Size \_\_\_\_\_

Zoning District \_\_\_\_\_ Is this property in the Flood Plain? Yes  No

Building address: \_\_\_\_\_

### CLASS OF WORK TO BE DONE

New structure  Demolition  Remodel  Addition

Residential: Single Family  Accessory  Multi-Family

Proposed Use Building: \_\_\_\_\_

Building Area (Sq. Ft.): \_\_\_\_\_ Height: \_\_\_\_\_ # of Units \_\_\_\_\_

No. of Stories: \_\_\_\_\_ No. of Bathrooms: \_\_\_\_\_ Deck: \_\_\_\_\_ Deck Area (Sq. Ft.): \_\_\_\_\_

### SETBACK FROM LOT LINES:

#### FEET

#### CITY MINIMUM

\*Applicable Zoning District

Front \_\_\_\_\_

(20'/25')

Rear \_\_\_\_\_

(5'/8'/15')

Sides \_\_\_\_\_

(8'/10'/25')

**It is the Owner & Contractor's responsibility to ensure required setbacks are met.**

Setbacks			
Primary	Front	Sides	Rear
*RS	20ft	10ft	15ft
*R1	20ft	10ft	15ft
*R2	20ft	10ft	15ft

Accessory Buildings			
Primary	Front	Sides	Rear
RS	**	8ft	5ft
R1	**	8ft	5ft
R2	**	8ft	5ft

Mobile Home Park		
Front	Sides	Rear
20ft	8ft	15ft

\*\*IN NO CASE SHALL AN ACCESSORY BUILDING BE LOCATED TO EXTEND IN FRONT YARD.

Parcel #

OFFICE USE ONLY

**TYPE OF CONSTRUCTION**

Wood \_\_\_\_\_ Concrete \_\_\_\_\_ Block \_\_\_\_\_ Brick \_\_\_\_\_ Modular \_\_\_\_\_ Other \_\_\_\_\_

**FOUNDATION**

Thickness of Foundation \_\_\_\_\_ Thickness of footings \_\_\_\_\_ Width of Footings \_\_\_\_\_ Depth \_\_\_\_\_  
 Pier Foundation System: \_\_\_\_\_ Diameter of pier \_\_\_\_\_ Spacing of piers \_\_\_\_\_

**CONTRACTOR INFORMATION**

**Contractors must all be registered with the Town of Hermosa**

Contractors	Company Name	Phone #
General		
Structural		
Electrical		
Plumbing		
Heat/Mechanical		
Framing		
Drywall		
Siding		
Roofing		
Concrete		
Excavation		

**\*Appropriate drainage must be maintained.**

Are there any of the following on site: Hazardous materials Yes \_\_\_\_\_ No \_\_\_\_\_  
 Lead paint Yes \_\_\_\_\_ No \_\_\_\_\_  
 Asbestos Yes \_\_\_\_\_ No \_\_\_\_\_

Does the building have a Historical Designation: Yes \_\_\_\_\_ No \_\_\_\_\_

Current utilities on site: Gas \_\_\_\_\_ Water \_\_\_\_\_ Electricity \_\_\_\_\_ Municipal Sewer \_\_\_\_\_ Septic \_\_\_\_\_

Proposed utilities: \_\_\_\_\_

Describe Work: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**Drainage on property must not affect neighboring lots and/or town right-of-way.**

- ✓ TOTAL COST ESTIMATE OF IMPROVEMENTS: \$ \_\_\_\_\_
- ✓ TOTAL LOT AREA (length x width): \_\_\_\_\_ sq. ft.
- ✓ TOTAL LOT COVERAGE (Structures): \_\_\_\_\_ sq. ft.
- ✓ % OF LOT COVERAGE: \_\_\_\_\_%

# Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744  
Phone (605) 255-4291 • Fax (605) 255-4094  
Email: town@hermosasd.com

Every permit issued by the Planning Department under the provisions of this code shall expire by limitation and become null and void if the building or the work authorized by such permit is not commenced within 12 months from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one year. If so, before such work can be re-started, an extension of the permit shall be first obtained to do so, and a service charge of \$35.00 shall be required, provided no changes have been made or will be made in the original plans and specifications for such work.

In filing this application, I hereby grant to the Hermosa Town Board, and their designee(s), permission to inspect any and all structures and land involved in my application for the purpose of ascertaining compliance with the ordinance of the Town of Hermosa and the State of South Dakota which permission shall continue so long as the application or an appeal there-on is pending. It is my responsibility to ensure the presence of the Town Maintenance Supervisor during water and sewer connections.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

I understand Permit application fees are due upon submittal and are **non-refundable**. I understand **incomplete plans will be returned to applicant for resubmission**. Final fees are based upon building calculations and are due and payable when the permit has been approved. Permits are reviewed by the town engineer; those expenses will be included with the permit fees and applicant will be responsible for those expenses.

### A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE OCCUPYING THE STRUCTURE.

X \_\_\_\_\_  
Signature(s) of Owner(s) (If Owner Builder) \_\_\_\_\_ Date

X \_\_\_\_\_  
Signature(s) of Contractor/Authorized Agent \_\_\_\_\_ Date

### ALL APPLICATIONS MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMISSION AND THE HERMOSA BOARD OF TRUSTEES PRIOR TO COMMENCEMENT

PLANNING COMMISSION	HERMOSA BOARD OF TRUSTEES
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
SIGNATURE: _____	SIGNATURE: _____
DATE: _____	DATE: _____
APPLICATION FEE: <b>\$75.00</b> DATE PAID: _____	DATE PERMIT ISSUED: _____

## RESIDENTIAL SITE PLAN REQUIREMENTS

**THIS CHECKLIST MUST BE COMPLETED AND RETURNED WITH THIS APPLICATION.**

**\*\*REQUIRED\*\* - PLEASE NOTE: Incomplete plans will be returned to applicant for resubmission.**

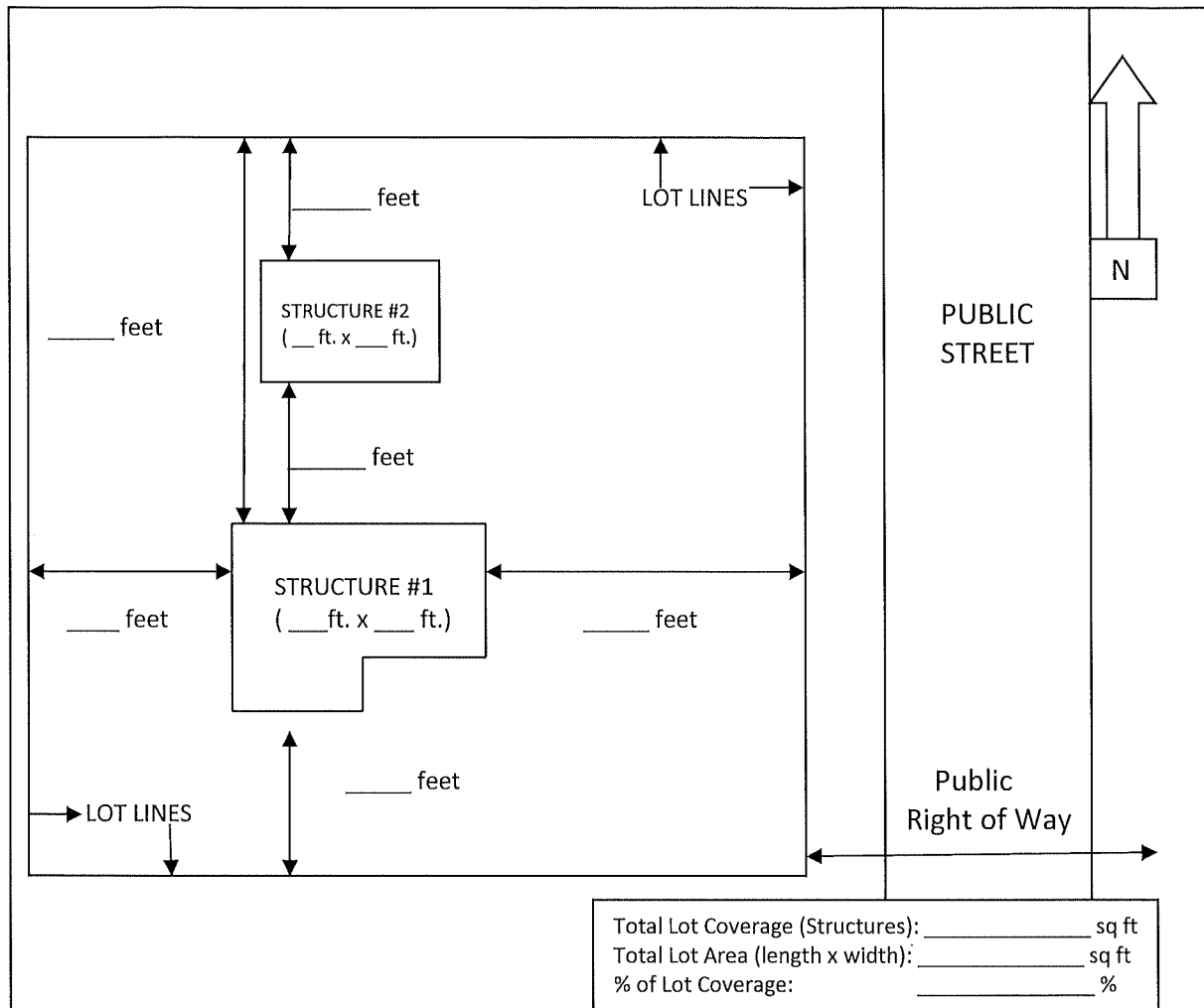
As per zoning ordinance do not cover more **than 40% of lot.**  
General Site plan drawn to scale (1" = 20" preferred)

- 1. Show scale
- 2. Show North arrow
- 3. Lot dimensions, property lines
- 4. All existing structure and their distances to property lines
- 5. All new structures and distances to **property lines (VERIFY SETBACKS). THIS INCLUDES ALL DECKS!!!!**
- 6. Additions to existing structure and distances to property lines (VERIFY SETBACKS)
- 7. Building dimensions
- 8. Adjacent roads
- 9. Driveways – Indicate Curb & Gutter or **CULVERT INFORMATION IS A REQUIREMENT!**
- 10. Parking spaces – if applicable
- 11. Show location of all utilities
  - 1. Electric
  - 2. Water
  - 3. Sewer
- 12. Show exact location of Curb Stop and Sewer Clean Out (measurement from property lines)
- 13. Well location – if applicable
- 14. Septic location – if applicable
- 15. Footing Detail and Foundation Plan – **MUST BE INCLUDED!**
- 16. Drainage \_\_\_\_\_
- 17. Other \_\_\_\_\_

Additional information that may be required

- B. Complete Mechanical Floor Plan
- C. Wall Section and Full Sections
- D. Open water areas, (streams, creeks, and natural drainage ways)
- E. Are you in the Flood Plain?

**SAMPLE LOT SKETCH (RESIDENTIAL):** Show similar sketch of proposed and/or current structures on the following page. Include ALL distances between structures, lot lines, structure dimensions, etc.



All plans are required to comply with applicable codes as adopted by the governing entity.

Numbers you should know:

- |                    |                            |              |
|--------------------|----------------------------|--------------|
| Chuck Ferguson     | Town of Hermosa            | 605-255-4291 |
| Chuck Ferguson     | Public Works               | 605-390-0045 |
| Anthony Theodorou  | Building Inspections       | 605-390-0045 |
| Elmer Claycomb, PE | Town Engineer              | 605-569-3646 |
|                    | Floodplain Administrator   | 605-673-3939 |
|                    | State Electrical Inspector | 605-773-3573 |
|                    | State Plumbing Inspector   | 605-773-3429 |
- (All interior plumbing is required to be inspected by the state)