

HANSON COUNTY
ORDINANCE NO. 59

An Amendment Ordinance of the Hanson County Regulation of Certain Activities within the Highway Rights-of-Way Ordinance in Hanson County, SD

BE IT ORDAINED by the Board of Commissioners of Hanson County, SD that:

1. Violation. It shall be unlawful for any person to farm, plant, plow or cultivate in any way within thirty-three feet (33') on either side of the centerline of the right-of-way of any township highway, minimum maintenance road, or county highway located in Hanson County, SD or to permit any lessee, agent, operator, or employee to do so except for raising perennial grasses.
In the event the county has acquired a right-of-way greater than thirty-three feet (33') from the centerline by recorded easement, deed, or other instrument on file with the Hanson County Register of Deeds, the restrictions set forth herein shall apply to the full extent of such acquired right-of-way.
2. Time Period. Each 24-hour period or part thereof, commencing at midnight of each day, that such activity occurs shall be considered a separate violation.
3. Penalty. A violation of this ordinance is a class 2 misdemeanor. Any person violating the provisions of this ordinance may be punished by being fined in an amount not to exceed Five Hundred (\$500.00) Dollars or incarcerated in jail for a period not to exceed thirty (30) days, or both such fine and imprisonment.
4. Civil Liability. Any person violating any provisions of this ordinance shall be liable to Hanson County, or to the township with maintenance responsibility for the road, for any damage to the slope, road, or any other part of the right of way and for any other damage caused by the violation.
5. Remedies Not Exclusive. The provisions and remedies provided in this ordinance shall be cumulative, and not exclusive. Nothing in this ordinance shall abrogate any other prohibition against activities affecting the right of way or case of action arising from such violation.
6. Severability Provision. If any provision of this ordinance is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and applicability thereof to other persons and circumstances shall not be affected thereby.

Votes For: 5 Votes Against: 0

Motion carried.

First Reading: April 28, 2026

Second Reading: May 12, 2026

Published: May 21, 2026

Effective 20 days after publication.