

Pursuant to SDCL 31- 12A-22, the Board of Trustees has the power to pass all necessary ordinances, resolutions, orders, rules, and regulations for the proper management and conduct of business of the road district and based on the need to regulate traffic, protect and maintain the roads with the limited tax base available to the District, there is hereby adopted the following: Ordinance Regulating Access to Deer Mountain Road District Roads and certain activities within Road Right of Ways.

Regulation 22-01: No person may construct any access, **which includes a private driveway or any public right of way**, providing direct vehicle movement between any road of the Deer Mountain Subdivision Road District and any property adjoining said road without an access permit issued by the Deer Mountain Road District. The property owner shall remove and pay for removal of an access point installed without a valid permit. Access permits shall be issued in compliance with these Regulations and any other applicable law or regulation. The Board of Trustees (Board) for Deer Mountain Subdivision Road District has complete discretion over permitting access.

Any application based on concerns of safety, traffic volumes, costs associated with increased use of District roads, condition of District roads or other grounds the Board deems relevant to the public welfare. The Board shall advise an applicant of the status of the application within 60 days of receipt of a complete application. Any access application not acted upon the Board within 90 days shall be deemed denied unless the Board and the applicant have agreed to an extension of the Board's review time.

No access shall be permitted to connect roads within the Deer Mountain Subdivision Road District to other roads or easements located outside the boundaries of the Deer Mountain Subdivision Road District even if such roads or easements are accessible through property within or adjoining the Deer Mountain Road District. If access to roads outside of the Deer Mountain Road District are established after an access is permitted, the Board of Trustees has the authority to terminate the permit for access and landowner shall pay to have the access removed.

The Board may reject any application based on concerns of safety, traffic volumes, costs associated with increased use of District roads, condition of District roads or other grounds the Board deems relevant to the public welfare. The Board shall advise an applicant of the status of the application within 60 days of receipt of a complete application. Any access application not acted upon the Board within 90 days shall be deemed denied unless the Board and the applicant have agreed to an extension of the Board's review time.

Construction of the access may not proceed until the access permit is issued. The access shall be completed in an expeditious and safe manner and shall be finished within the time stated in the permit. A permit is expired if the access is not under construction within the time limit approved by the Board or before the expiration of any authorized extension. The permittee may request up to a one-year extension from the Board if the permittee is unable to commence construction within the time limit approved by the Board after the permit issue date. Any request for an extension must be in writing and submitted to the Board before the permit expires. The request shall state the reasons why the extension is necessary and when construction is anticipated. The request shall include a copy of the access permit. Any extension approval shall be in writing. Any person wishing to seek approval for the reestablishment of an access permit that has expired shall submit a new permit application.

Regulation 22-02 No signage is permitted in the road right of way of any roads with the Deer Mountain Road Subdivision District other than traffic control signage, fire prevention signage and address signage.