

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ANIMALS

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DOGS

§ 90.01 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. To be off the premises of the owner and not under the control of the owner or a member of his or her immediate family over 16 years of age, either by leash or otherwise: but a dog within an automobile of its owner shall be deemed upon its owner's property.

LEASH. A cord, thong or chain, not more than ten feet in length, by which a dog is controlled by the person accompanying it.

OWNER. Includes any person harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog within the meaning of this subchapter.

VICIOUS. Any dog which has a propensity to attack or bite human beings or animals, which propensity is known or reasonably ought to be known by its owner.

(Prior Code, § 6:6:1) (Ord. 2052, passed 11-2-1992)

§ 90.02 DOGS LICENSED.

Every owner of a dog in the city shall before May 1 in each year, pay to the City Finance Officer a tax of \$2 for each dog owned by him or her, and shall place upon the neck of every dog a durable collar upon which shall be firmly attached a metal plate to be furnished by the City Finance Officer showing the year for which the tax is paid and the dog's tax number. The City Finance Officer shall also furnish to the owner of every dog upon which tax is paid, a duplicate receipt bearing the same number as appears on the metal plate, the name and sex of the dog, the name and address of the owner and the year for which the tax is paid. The City Finance Officer shall keep the original receipts in his or her records. It shall be unlawful for any person to affix or allow the metal plates required by this chapter to remain on any dog's collar unless the tax is paid.

(Prior Code, § 6:6:2) (Ord. 2052, passed 11-2-1992)

§ 90.03 DOGS AT LARGE.

It is unlawful for any owner to permit his or her dog to be at large.

(Ord. 2013, passed 2-6-1989; Ord. 2052, passed 11-2-1992) Penalty, see § 10.99

§ 90.04 IMPOUNDING AND DESTROYING OF DOGS.

(A) *Generally.* All dogs or other animals found at large in violation of any provision of this chapter shall be seized by the city law enforcement authorities or other designated person and impounded in the City Animal Shelter, and there be confined in a humane manner for a period of not less than three days nor more than 12 days, except as otherwise provided in division (C) below; provided however

that when a dog is found at large, and the owner thereof is known to city law enforcement authorities, the dog need not be impounded, but city law enforcement authorities may, at their discretion, cite the owner of the dog to appear in court to answer charges of violation of this chapter without need of immediate seizure or impoundment.

(B) *Impounding an animal.* When impounding an animal, city law enforcement authorities shall make a reasonable effort to notify the owner of the animal and inform him or her of the procedure and conditions whereby he or she may regain possession of the animal. If a dog wearing a license tag is impounded, city law enforcement authorities shall, within a reasonable time after impounding the dog, and before the same is destroyed or otherwise disposed of, attempt to ascertain the name of the owner from city records and inform the owner of the procedure and conditions whereby the owner may regain possession of the dog.

(C) *Redemption of impounded animal.* The owner may within three days, redeem the dog by procuring a license and paying the Finance Officer or other designated person \$35 for the first impoundment, \$50 for the second and \$50 for all subsequent impoundments plus the cost of \$5 per day for the cost of keeping the animal. Failure to redeem the animal does not relieve the owner of the costs imposed by this section and destruction of the animal by the city to the actual cost of the destruction. (Prior Code, § 6:6:4) (Ord. 2013, passed 2-6-1989; Ord. 2052, passed 11-2-1992)

§ 90.05 VICIOUS DOGS.

A vicious dog is:

(A) Any dog which, when unprovoked, in a vicious or terrorizing manner approached in apparent attitude of attack or bites, inflicts injury, assaults or otherwise attacks a human being upon the streets, sidewalks or any public grounds or places; or

(B) Any dog which, on private property, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites and inflicts injury or otherwise attacks a mail carrier, meter reader, serviceman, journeyman, delivery man or other employed person who is on private property by reason of permission of the owner or occupant of the property or who is on private property by reason of a course of dealing with the owner of the private

property.

(Prior Code, § 6:6:5) (Ord. 2052, passed 11-2-1992)

§ 90.06 DOGS INFECTED WITH RABIES.

(A) Any person who suspects that any dog in the city is infected with rabies or hydrophobia, shall report that suspicion to city law enforcement authorities or other designated person, describing the dog and giving the name of the owner, if known. If, upon examination, the dog proves to be infected with the disease, the dog may be destroyed.

(B) If a dog found in the city is infected with rabies or hydrophobia, the Mayor may, upon written advice from health authorities that the public safety and general welfare require it, order by proclamation that all dogs be muzzled when off the premises of the owner, and that all unmuzzled dogs when found off the premises of the owner be immediately seized and impounded, to be redeemed in the same manner as unlicensed dogs.

(C) No person shall knowingly harbor or keep a dog infected with rabies or hydrophobia or any dog known to have been bitten by a dog known to have been infected with rabies or hydrophobia.

(D) The City Council may require that all dogs be vaccinated against rabies prior to licensing. (Prior Code, § 6:6:6) (Ord. 2052, passed 11-2-1992) Penalty, see § 10.99

§ 90.07 REMOVING COLLAR.

It is unlawful for any person to destroy the tag or remove the dog collar to which it is attached, on any regularly licensed dog; nor shall any person wrongfully kill, maim, entice or carry away any dog licensed and collared under this subchapter. (Prior Code, § 6:6:7) (Ord. 2052, passed 11-2-1992) Penalty, see § 10.99

§ 90.08 BARKING DOGS.

It is unlawful to allow a barking dog to create a public disturbance. The city law enforcement authorities or other designated person is authorized to impound barking dogs in accordance with the provisions of this subchapter. Anyone allowing a dog to bark and create a public disturbance shall be subject to the penalties in this code of ordinances.

(Prior Code, § 6:6:8) (Ord. 2052, passed 11-2-1992)
Penalty, see § 10.99

(Prior Code, § 7:1:5) Penalty, see § 10.99

REGULATIONS CONCERNING ANIMALS

§ 90.20 CRUELTY TO ANIMALS.

(A) No person shall cruelly or immoderately beat, torture or injure any domestic animal, nor overload any working animal.

(B) Any police officer, finding any animal mistreated, neglected or abused shall cause the same to be taken care of and the charges thereof shall be a lien upon the animal to be collected thereon as upon a pledge. The costs may be assessed as a fine upon the owner by court order.

(Prior Code, § 7:1:1) Penalty, see § 10.99

§ 90.21 ANIMALS RUNNING AT LARGE.

No person shall allow any horse, cattle, mule, swine, sheep or goat to run at large within the city.
(Prior Code, § 7:1:2) Penalty, see § 10.99

§ 90.22 FOWL IN CITY.

No person shall allow any ducks, geese, chickens or other domestic fowl to run at large, nor shall any person keep any geese, ducks, chickens or other domestic fowl in any house, pen, coop or enclosure situated within the distance of 50 feet from any dwelling house or store or other building used or occupied as the residence of any person, or within 50 feet of any church, school or other public building.
(Prior Code, § 7:1:3) Penalty, see § 10.99

§ 90.23 INDECENT SERVICE OF ANIMALS.

No person shall indecently exhibit or let to service any stallion, jack or bull within the city.
(Prior Code, § 7:1:4) Penalty, see § 10.99

§ 90.24 FIGHTS BETWEEN ANIMALS.

No person shall allow any fight between any animals, birds or fowls, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals, birds or fowls.

§ 90.25 POISONING ANIMALS.

No person shall expose any poison so that it may be eaten by any domestic animal.

(Prior Code, § 7:1:6) Penalty, see § 10.99

CHAPTER 91: FIREARMS, FIREWORKS AND EXPLOSIVES

Section

- 91.01 Definition
- 91.02 Sale and use limited
- 91.03 Discharging firearms prohibited
- 91.04 Transporting explosive substances
- 91.05 Minors carrying firearms prohibited

§ 91.01 DEFINITION.

For the purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. Includes those items enumerated in SDCL § 34-37-5, but shall not include nor apply to ammunition for firearms nor to dynamite and devices for exploding the same used in any industry.
(Prior Code, § 7:2:1)

§ 91.02 SALE AND USE LIMITED.

It shall be unlawful to use any fireworks within the corporate limits of the city.
(Prior Code, § 7:2:2) (Ord. 2101, passed 6-20-2002)
Penalty, see § 10.99

§ 91.03 DISCHARGING FIREARMS PROHIBITED.

It shall be unlawful for any person to discharge any gun, pistol, air gun or other firearm, or use for any purpose any sling shot or other device for throwing or forcing through the air missiles or projectiles of any character whatever, within the limits of the city, or in any public park belonging to the city, provided, that this section shall not apply to any regularly authorized shooting gallery in the city, nor shall this section apply to Sheriffs, their deputies or police officers of the city.
(Prior Code, § 7:2:3) Penalty, see § 10.99

§ 91.04 TRANSPORTING EXPLOSIVE SUBSTANCES.

No person shall transport on the streets or in public places any quantity of explosive substances or blasting powder so as to endanger the safety of the public.
(Prior Code, § 7:2:4) Penalty, see § 10.99

§ 91.05 MINORS CARRYING FIREARMS PROHIBITED.

(A) It shall be unlawful for any person under the age of 15 years to have any loaded firearm within the corporate limits of the city.

(B) It shall be unlawful for any parent or guardian having legal charge or control of a person under age 15 to permit the minor to have or use, while loaded, any firearm within the corporate limits of the city.
(Prior Code, § 7:2:5) Penalty, see § 10.99

Firearms, Fireworks and Explosives

CHAPTER 92: PUBLIC WAYS, PLACES AND IMPROVEMENTS

Section

Names, Grades and Widths of Streets

(Prior Code, § 9:1:1)

- 92.001 Names of streets and avenues
- 92.002 Street grades
- 92.003 Alley grades
- 92.004 Roadway widths
- 92.005 Curb and gutter construction

§ 92.002 STREET GRADES.

The grades of the streets in the city previously established are designated as the grades of the streets of the city.

(Prior Code, § 9:1:2)

Excavations in Public Places

- 92.020 Permit required
- 92.021 Application and bonds
- 92.022 Supervision of excavations
- 92.023 Guarding excavations
- 92.024 Re-filling excavations
- 92.025 Cutting pavements
- 92.026 Excavations near streets
- 92.027 Openings in sidewalks
- 92.028 Excavations under sidewalks

§ 92.003 ALLEY GRADES.

The grades of alleys in the city previously are designated as the grades of the alleys of the city.

(Prior Code, § 9:1:3)

Sidewalk Construction

- 92.040 Supervision of sidewalk construction
- 92.041 Permit required

§ 92.004 ROADWAY WIDTHS.

The width of the roadways between curb lines for vehicular traffic on the various streets in the city previously established are hereby fixed and established as the official width of roadways in the city according to the following illustration: See next page.

Removal of Snow from Sidewalks

- 92.055 Remove snow
- 92.056 Notice

Rights-of-Way

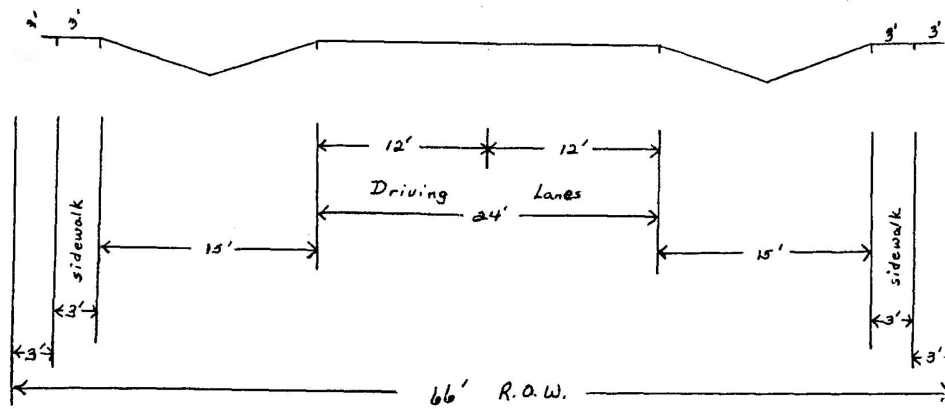
- 92.070 Rights-of-way along all streets
- 92.071 Rights-of-way along Fifth Street, South Kennedy Avenue or the I-90 Loop
- 92.072 Mailboxes

NAMES, GRADES AND WIDTHS OF STREETS

§ 92.001 NAMES OF STREETS AND AVENUES.

The names of streets and avenues in the city heretofore designated are hereby fixed and adopted in accordance with and as shown by the map of the city which is hereby designated and adopted as the official map of the city.

Firearms, Fireworks and Explosives



§ 92.005 CURB AND GUTTER CONSTRUCTION.

(A) The construction of all curbing shall be done in accordance with the specifications established by agents of the city or the City Engineer.

(1) Concrete curb and gutter shall be constructed in conformity with the types, dimensions, lines of elevation and grade shown on the plans, or as ordered by the Engineer.

(2) A cushion of crushed or screened gravel having a maximum size of one and one-half inches. The cushion shall be sufficiently packed in place.

(3) The concrete forms used shall be well built, substantial and unyielding. They shall be securely staked,

(9) Finishing of the edges of the gutter, and the top face edges of the curb shall be done with an approved finishing tool having a radius as shown on the plans or as ordered by the Engineer.

(10) No greater length of curb and gutter pouring shall be started than can be completed in one continuous operation with horizontal joints.

(11) The vertical face forms for the curb shall be removed after initial setting has occurred within 24 hours after pouring, and the face and top surface of the curb shall be finished smoothly and evenly by brush, with strokes lateral to the curb.

(12) All of the conditions set forth above shall be in conformance with the following schematic.

(Prior Code, § 9:1:4)

braced and tied to the required line and grade, and shall be tight enough to prevent the leakage of mortar.

(4) Concrete shall not be poured until placement of the forms and the condition of the foundation have been checked and approved by the Engineer.

(5) The concrete shall be spaded sufficiently to eliminate all voids, after which the exposed surfaces shall be finished smooth and even by means of a wooden float.

(6) A curb and gutter machine of an approved type may be permitted.

(7) When steel reinforcement is specified, it shall be properly spaced and held in correct position during the placing of the concrete.

(8) Premolded bituminous expansion joints, as required on the plans, shall be accurately placed as indicated and shall be trimmed neatly to the cross section of the curb and gutter with no greater variation therefrom in any plane one-quarter inch. All concrete overlapping any joints shall be neatly cleaned away before final set occurs.

One-half inch preformed expansion joint fillers shall be placed, transversely in the curb and gutter as follows:

- (1) At each junction of the radius return curb and gutter and the curb and gutter which is parallel to the project centerline;
- (2) At each junction with existing concrete curb or concrete curb and gutter;
- (3) At each junction with existing concrete sidewalk to the depth of the sidewalk;
- (5) When the curb and gutter is not adjacent to concrete pavement, joints shall be spaced at intervals of approximately 20 feet.

One-half-inch preformed expansion joint fillers shall be placed, longitudinally along the back face of the curb to the depth of the concrete sidewalk, where the back face of curb is adjacent to an existing concrete sidewalk.

- (4) When the curb and gutter is adjacent to concrete pavement, transverse joints in the curb and gutter shall be, insofar as is feasible, an extension of joint in the pavement; and

(B) (1) The city will set by resolution the maximum it will pay per linear foot for the surveying and staking of curb and gutter on privately financed projects. Any additional surveying must have prior Council approval, the surveyor to be designated the city.

(2) The city will be responsible for payment on construction of fillets through alleys where both adjoining property owners have installed curb and gutter in a maximum of 20 feet.

(3) The city will be responsible for payment on construction of fillets across streets where it has been determined they are necessary.

(4) The city will be responsible for reconstruction of the street adjacent in to curb and gutter only where the street has been disturbed for the installation of the same. This area will be in a straight line cut six inches from the curb forms on all streets. On asphalt streets, the property owner will be responsible for the cost of the asphalt to be replaced.

(5) All curb and gutter projects will be considered on an individual basis for feasibility.

(6) A completed building permit must be on file at the city office prior to any surveying or the property owner will be held responsible for that cost. The curb and gutter contractor will be in contact with the city before any survey or construction is started.

(7) Building permit Council approval is mandatory prior to any construction and the city will pay the cost of survey at the amount set by resolution of the Council per linear foot if the permit is denied.

(8) If the property owner has the surveying done and the curb and gutter is not constructed within one year for any reason other than Council denial of the building permit, the property owner is obligated to repay the city the cost of surveying.

(9) This division (B) allows any previously approved company to install curb and gutter on city property providing it is properly staked, financed and the city has been contacted concerning the project and proof of appropriate liability insurance is provided.

(10) At a time that the cost of city participation in curb and gutter installation reaches the amount budgeted for that purpose in any fiscal year, the city will hold building permits until the following fiscal year.
(Prior Code, § 9:1:5) (Res. passed 9-8-1987; Res. passed 7-18-1988)

EXCAVATIONS IN PUBLIC PLACES

§ 92.020 PERMIT REQUIRED.

No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley or public ground or remove any earth, soil, paving, gravel or material therefrom without first having obtained permission from the City Council.
(Prior Code, § 9:2:1) Penalty, see § 10.99

§ 92.021 APPLICATION AND BONDS.

(A) Any person shall, before receiving permission to make excavations or remove any soil, earth, paving, gravel or material from any street, parking, alley, sidewalk or public ground, first deposit with the City Finance Officer a sum as deemed necessary by the Council.

(B) Before permission is issued, the person requiring it shall make application to the Council which states where the excavation is to be made, the extent thereof, and whether or not the person has a bond on file with the Finance Officer for making the excavation. If the applicant has not filed a deposit or a bond, then before permission is granted, the applicant shall deposit or furnish a bond as a guarantee for the proper refilling of and guarding of trenches and excavations which in the course of excavating or refilling and the maintaining of the same in good condition for one year thereafter.
(Prior Code, § 9:2:2) Penalty, see § 10.99

§ 92.022 SUPERVISION OF EXCAVATIONS.

The Water and Street Superintendent shall supervise all excavations made for any purpose in the streets, alleys or public grounds, and he or she shall require that all excavations be backfilled.
(Prior Code, § 9:2:3)

§ 92.023 GUARDING EXCAVATIONS.

(A) Any person receiving permission to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both by day and night, suitable guards, fences, lanterns and signals so as to prevent injury to persons, animals or vehicles on account of the excavations.

(B) Lanterns shall be kept lighted from sundown until sunrise.
(Prior Code, § 9:2:4) Penalty, see § 10.99

§ 92.024 RE-FILLING EXCAVATIONS.

Any person making an excavation shall promptly and without delay refill the same.
(Prior Code, § 9:2:5) Penalty, see § 10.99

§ 92.025 CUTTING PAVEMENTS.

Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the City Finance Officer before the permit is issued an amount equal to current cost plus labor and equipment for each square yard of pavement removed. The deposit shall be credited to the Paving and Improvement Fund and be used by the Department of Streets in replacing pavements.
(Prior Code, § 9:2:6)

§ 92.026 EXCAVATIONS NEAR STREETS.

It shall be unlawful for any person, owner or occupant of any lot to make or cause to be made any excavation on any lot adjacent to any street, alley, public ground, traveled road or roadway, except the same be securely guarded so as to prevent the injury of any person or animal passing upon or along the same.
(Prior Code, § 9:2:7) Penalty, see § 10.99

§ 92.027 OPENINGS IN SIDEWALKS.

The owner or occupant of any building who shall have made or caused to be made any opening in any sidewalk for the purpose of letting in light into any basement or cellar or for ventilating the same,

shall guard the same with a substantial railing of iron not less than three feet high or with a substantial iron grating or other strong and substantial cover. The grate shall not be more than one inch apart. No railing or grate shall occupy more than two feet of the sidewalk measuring from the inner side thereof.
(Prior Code, § 9:2:8)

§ 92.028 EXCAVATIONS UNDER SIDEWALKS.

Excavations under sidewalks are prohibited.
(Prior Code, § 9:2:9) Penalty, see § 10.99

SIDEWALK CONSTRUCTION

§ 92.040 SUPERVISION OF SIDEWALK CONSTRUCTION.

The building and construction of all sidewalks within the streets shall be done under the direct supervision of the City Council or their designee.
(Prior Code, § 9:3:1)

§ 92.041 PERMIT REQUIRED.

Before any sidewalk is constructed within the streets by any contractor or person for the owners of abutting property, the contractor or person must first secure a permit therefor from the Council in the same manner as other building permits. The construction of all sidewalks shall be according to lines and grades furnished by the Engineer. After construction, the owner shall be responsible for maintaining the sidewalk.
(Prior Code, § 9:3:2)

REMOVAL OF SNOW FROM SIDEWALKS

§ 92.055 REMOVE SNOW.

It shall be the duty of the owner or person in possession of any lot abutting on any sidewalk without notice from the city to keep the sidewalk free from snow and to remove, within 48 hours after any fall of snow, the snow from the sidewalk which adjoins the premises owned or occupied by him or her.
(Prior Code, § 9:4:1) Penalty, see § 10.99

§ 92.056 NOTICE.

It shall be the duty of the Department to notify all owners or persons in possession of property abutting on sidewalks to keep the sidewalks free from snow and to remove the same within 12 hours after every fall of snow. The notice need not be given personally but may be given generally through the official newspaper. The notice shall provide that each owner is required to keep the sidewalk adjoining his or her premises free and clear from snow, and shall further provide that if the owner or person in possession fails to remove the snow within 12 hours, that the city will cause the snow to be removed and charge the costs thereof to the abutting property.
(Prior Code, § 9:4:2) Penalty, see § 10.99

RIGHTS-OF-WAY

§ 92.070 RIGHTS-OF-WAY ALONG ALL STREETS.

(A) *Right-of-way.* The right-of-way (ROW) along all city streets (excluding those that already have regulations outlining the use of the right-of-way) is 33 feet from centerline along both sides of the roadway. Along this right-of-way (ROW), there will be nothing allowed to be built or placed there unless they apply in the following exceptions:

(1) *Fence.*

(a) Only allowed in the area between 28 to 33 feet of the ROW;

(b) Height of fence only allowed to be four feet;

(c) Fence cannot be solid or a sight obstruction; and

(d) Can only be placed if prior approval is granted by the City Council in the form of a building permit.

(2) *Plants, flowers and trees.*

(a) Only low growing, no higher than 18 inches;

(b) Only allowed in the 28 to 33 feet of the ROW; and

(c) Small flowers may be placed

along curb but must be maintained by the property owner in a proper manner for the season.

(3) *Signs.*

- (a) None allowed in the ROW; and
- (b) No overhang on any sign allowed in the ROW.

(4) *Other items.*

(a) Decorative flags are only allowed in the 28 to 33 feet of ROW;

(b) Temporary parking for special events allowed in 33-foot ROW as follows:

Under 12 hours	No prior approval by City Council
Over 12 hours	Requires prior approval by City Council

(c) Items for the purpose of community enhancement (benches and the like) only on prior approval by the City Council will it be allowed in 33-foot ROW.

(B) *Grandfather clause.*

(1) What is currently in the 33-foot ROW will be allowed to stay. If it is changed in any way other than routine maintenance, it must be completely removed and comply with above requirements.

(2) If item is placed in ROW without compliance with this section, the owner shall be given notification of removal. If the item is not removed in the time limit placed in the notification, the city may remove the item and owner will be billed for the removal.

(Ord. 2108, passed 6-4-2003)

§ 92.071 RIGHTS-OF-WAY ALONG FIFTH STREET, SOUTH KENNEDY AVENUE OR THE I-90 LOOP.

(A) *Right-of-way.* The right-of-way (ROW) along Fifth Street, South Kennedy Avenue or the I-90 Loop is 50 feet from centerline along both sides of the roadway. Along this right-of-way (ROW), there will be nothing allowed to be built or placed there unless they apply in the following exceptions:

(1) *Fence.*

(a) Only allowed in the area between 45 to 50 feet of the ROW;

(b) Height of fence only allowed to be three feet;

(c) Fence can only be for decorative purposes. It cannot be solid or a sight obstruction; and

(d) The fence can only be placed if prior approval is granted by the City Council in the form of a building permit.

(2) *Plants and flowers.*

(a) Only low growing, no higher than 18 inches;

(b) Only allowed in the 45 to 50 feet of the ROW; and

(c) Small flowers may be placed along curb but must be maintained by the property owner in a proper manner for the season.

(3) *Signs.*

- (a) None allowed in the ROW; and
- (b) No overhang on any sign allowed in the ROW.

(4) *Other items.*

(a) Decorative flags are only allowed in the 45 to 50 feet of ROW;

(b) Temporary parking for special events allowed in 50-foot ROW as follows:

Under 12 hours	No prior approval by City Council
Over 12 hours	Requires prior approval by City Council

(c) Items for the purpose of community enhancement (benches and the like) only on prior approval by the City Council will it be allowed in 50-foot ROW.

(B) *Grandfather clause.*

(1) What is currently in the 50-foot ROW will be allowed to stay. If it is changed in any way other than routine maintenance, it must be completely removed and comply with above requirements.

(2) If the item is placed in ROW without compliance with this section, the owner shall be given notification of removal. If the item is not removed in the time limit placed in the notification, the city will remove the item and owner will be billed for the removal.

(Ord. 2099, passed 8-5-2002)

§ 92.072 MAILBOXES.

(A) A building permit must be obtained and approved by the individual wanting to place a mailbox.

(B) Mailboxes can only be placed as authorized by the U.S. Postal Service.

(C) Mailbox height shall be as per postal regulations.

(Ord. 2133, passed 11-6-2006)

CHAPTER 93: STREETS AND SIDEWALKS

Section

- 93.01 Obstructions in street or parking
- 93.02 Rubbish on sidewalk
- 93.03 Crowds obstructing streets
- 93.04 Vehicles on sidewalks
- 93.05 Projections above sidewalks
- 93.06 Waste materials in public places;
handbills and samples
- 93.07 Signs

§ 93.01 OBSTRUCTIONS IN STREET OR PARKING.

No person shall build, construct or maintain in or upon any parking or street or other public ground any fence.

(Prior Code, § 7:7:1) Penalty, see § 10.99

§ 93.02 RUBBISH ON SIDEWALK.

The owner or occupant of any lot or private ground abutting upon any public sidewalk shall not allow rubbish, debris or obstruction of any kind to be or remain on the sidewalk along abutting property.

(Prior Code, § 7:7:2) Penalty, see § 10.99

§ 93.03 CROWDS OBSTRUCTING STREETS.

(A) It shall be unlawful for persons to gather in crowds or groups or for any person to stand on any public street or sidewalk in a manner as to obstruct free passage thereon, or to annoy other persons passing along the same without Council approval such as street dances, parades and the like.

(B) Any police officer is authorized to disperse any crowd or group or to cause the removal of any person violating the provisions of this section and to summarily arrest any person in case of refusal to obey any reasonable direction given by the officer for the purpose of clearing the way or preventing annoyance to any passersby on any public sidewalk or street.

(Prior Code, § 7:7:5) Penalty, see § 10.99

§ 93.04 VEHICLES ON SIDEWALKS.

No person shall drive any vehicle upon the sidewalks or permit any vehicle to be driven or remain on any sidewalk.

(Prior Code, § 7:7:6) Penalty, see § 10.99

§ 93.05 PROJECTIONS ABOVE SIDEWALKS.

No person shall erect or maintain any structure which projects above the surface of any public sidewalk except with a building permit.

(Prior Code, § 7:7:7) Penalty, see § 10.99

§ 93.06 WASTE MATERIALS IN PUBLIC PLACES; HANDBILLS AND SAMPLES.

(A) *Waste materials in public places.* No person shall throw or deposit or cause to be thrown or deposited upon the streets, sidewalks or public grounds any waste paper, sweepings or other waste material.

(B) *Handbills and samples.* No handbills or other advertising matter or any samples shall be deposited in or on any vehicle or in or near any

building or upon the grounds, walks or porches of any dwelling or other building except with the consent of the owner or occupant thereof.
(Prior Code, § 7:7:8) Penalty, see § 10.99

§ 93.07 SIGNS.

No person shall nail, paste, paint or otherwise affix in any manner any lithograph, sign, advertisement, picture or design whatever upon any sidewalk, crosswalk, curb, street, telephone, telegraph, electric light or fire alarm pole or post.
(Prior Code, § 7:7:9) Penalty, see § 10.99

CHAPTER 94: MUNICIPAL AIRPORT

Section

- 94.01 Airport created
- 94.02 Fixed base operator defined
- 94.03 Intermittent commercial user defined
- 94.04 Fee required of intermittent commercial user
- 94.05 Intermittent commercial user assessed clean-up costs
- 94.06 Airport manager empowered to enforce

§ 94.01 AIRPORT CREATED.

There is hereby created the Murdo Municipal Airport. The City Council is empowered to make rules and regulations as are necessary for the operation of the airport including the hiring of an airport manager to be compensated at a rate set by the City Council.
(Prior Code, § 9:5:1)

§ 94.02 FIXED BASE OPERATOR DEFINED.

A **FIXED BASE OPERATOR** is a commercial user of the airport for regular non-passenger landings and take-offs who is so designated by the City Council upon application for recognition as a fixed base operator and payment of a fee of \$500.
(Prior Code, § 9:5:2)

§ 94.03 INTERMITTENT COMMERCIAL USER DEFINED.

An **INTERMITTENT COMMERCIAL USER** of the Municipal Airport is any commercial operator, not a Municipal Airport fixed-base operator, who uses the airport for regular non-passenger landings and take-offs.
(Prior Code, § 9:5:3)

§ 94.04 FEE REQUIRED OF INTERMITTENT COMMERCIAL USER.

(A) An annual fee of \$500 payable to the city shall be assessed any intermittent commercial user. The fee is payable prior to commencement of operations.

(B) Two hundred dollars may be refunded to the intermittent commercial user upon cessation of activities, provided no clean-up operations are required in the area formerly occupied by the user.
(Prior Code, § 9:5:4)

§ 94.05 INTERMITTENT COMMERCIAL USER ASSESSED CLEAN-UP COSTS.

Any clean-up costs in excess of \$200 incurred in an intermittent commercial user's area of operation at the airport will be assessed against the user and must be paid prior to further operation at the airport.
(Prior Code, § 9:5:5)

§ 94.06 AIRPORT MANAGER EMPOWERED TO ENFORCE.

The airport manager is empowered to enforce this chapter and all rules and regulations regarding the operation of the Municipal Airport.
(Prior Code, § 9:5:6)

CHAPTER 95: NUISANCES

Section

Nuisances Generally

- 95.01 Nuisance defined and prohibited
- 95.02 Smoke nuisance
- 95.03 Abatement; notice to abate nuisances
- 95.04 Cleaning up premises
- 95.05 Hogs and other livestock
- 95.06 Livestock operations

Public Nuisances

- 95.20 Defined; remedy

Tall Weeds and Grasses

- 95.35 Definitions
- 95.36 Tall weeds and grasses

Abandoned Vehicles

- 95.50 Definitions
- 95.51 Prohibitions
- 95.99 Penalty

NUISANCES GENERALLY

§ 95.01 NUISANCE DEFINED AND PROHIBITED.

(A) No person shall create, commit, maintain or permit to be created, committed or maintained any nuisance as defined herein.

(B) Whatever is dangerous to human health, whatever renders the ground, the water, the air or food a hazard or an injury to human health and the following specific acts, conditions and things are, each and all of them, hereby declared to constitute nuisances:

(1) *Imperfect plumbing.* Any imperfect, leaking, unclean or filthy sink, water closet, urinal or other plumbing fixture in any building used or occupied by human beings;

(2) *Garbage and refuse.* Depositing, maintaining or permitting to be maintained or to accumulate upon any public or private property any household waste water, sewage, garbage, tin cans, offal or excrement; any decaying fruit, vegetables, fish, meat or bones, any oyster or clam shells or any foul, putrid or obnoxious liquid or substance;

(3) *Rubbish on street.* The piling or depositing of any shavings, sawdust, leaves, ashes, manure, straw or rubbish of any kind upon any street, alley or public ground;

(4) *Impure water.* Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted;

(5) *Undressed hides.* Undressed hides kept longer than 24 hours, except at the place where they are to be manufactured, or in a storeroom or basement approved by the City Council;

(6) *Manure.* The accumulation of manure unless it be in a properly constructed fly-proof pit, bin or box, the location and construction of which is approved by the City Council;

(7) *Breeding places for flies.* The accumulation of manure, garbage or anything whatever in which flies breed;

(8) *Stagnant water.* Any water or liquid in which mosquito larvae exist;

(9) *Weeds.* Permitting weeds to grow to maturity on any private property;

(10) *Poison ivy.* Permitting poison ivy to grow upon any private property within 15 feet of a sidewalk or public street;

(11) *Dead animals.* For the owner of a dead animal to permit it to remain undisposed of longer than 24 hours after its death;

(12) *Handling garbage improperly.*

Throwing or letting fall on or permitting to remain on any street, alley or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any substances;

(13) *Bonfires in public places.* Burning, causing or permitting to be burned in any street, alley or public ground any dirt, filth, manure, garbage, sweepings, leaves, ashes, paper or rubbish of any kind; and

(14) *Burning of garbage.* Burning upon any private or public property, except at the sanitary landfill any garbage, offal, excrement, fresh or decaying fruits, vegetables, fish, meat or bones or any foul, putrid or obnoxious liquid or substance.

(15) *Nuisance defined by state law.* Any object or practice defined by state law as a public nuisance is hereby defined as a nuisance subject to this chapter.

(Prior Code, § 5:3:1) Penalty, see § 95.99

§ 95.02 SMOKE NUISANCE.

(A) No person shall construct, maintain or use any smokestack or chimney unless the same is constructed and operated, so that sparks, cinders, coal, ashes, smoke or fumes shall not become injurious or dangerous to the health, comfort or to the property of individuals or the public, nor materially impair the comfort of persons or the value of property within the city. All smokestacks now or hereafter used and operated shall be constructed and arranged in a manner and of a material as to be safe from causing fires and shall be of a height from the ground so as not to cause a violation of this section.

(B) Whenever any smokestack or chimney is causing or in danger of causing a violation of this section, the owner or person responsible therefor shall at once cause the smokestack or chimney to be reconstructed or repaired of proper and safe material or raised to a height to be arranged within a reasonable time so that the smokestack or chimney will be in compliance with the provisions of this section. The City Council may, when any smokestack or chimney is dangerous to the health or safety of the inhabitants or injurious to a degree as to be a nuisance, order the same torn down or otherwise remedied so that it shall comply with this section. (Prior Code, § 5:3:2) Penalty, see § 95.99

§ 95.03 ABATEMENT; NOTICE TO ABATE NUISANCES.

(A) *Notice to abate nuisances.* It is hereby made the duty of the city, either on personal knowledge or upon receipt of notice of the existence of any nuisance within the city as defined by the terms of this subchapter, to forthwith give notice in writing to the person or persons keeping, maintaining or permitting the nuisances, or to the person or persons owning, occupying or having control or possession of the premises where the nuisance is kept, maintained or permitted, to at once abate the same, and if the nuisance is not abated within a reasonable length of time after the service of the notice, the person shall be deemed guilty of a misdemeanor. The city shall cause the nuisance to be abated or removed after the expiration of a reasonable length of time after serving notice, at the expense of the city. The city may recover expenses in a civil action instituted for that purpose.

(B) *Abatement without notice in certain cases.* Whenever any of the premises, lots, lands, buildings or places mentioned or referred to in this subchapter shall be unoccupied and the owner is a nonresident of the city, or cannot, after due diligence, be found, the Chief of Police may proceed as in the preceding division without giving the notice required under this section. Recovery of expenses and costs therefor may be had as in other cases of nuisance.

(Prior Code, § 5:3:3) Penalty, see § 95.99

§ 95.04 CLEANING UP PREMISES.

Between April 1 and September 1 of each year, the Police city shall make a thorough inspection of the streets, alleys and public grounds in the city and notify the owner or occupant of any property where any filth, manure, straw or rubbish is permitted to remain upon any street or alley abutting upon the property to remove the same.

(Prior Code, § 5:3:4)

§ 95.05 HOGS AND OTHER LIVESTOCK.

(A) *Prohibition.* No person owning, keeping or having in possession or control, any hogs, sheep, cows, poultry, horses or other animals at any place within the corporate limits of the city shall permit or suffer the premises around or the place in which the animal or animals are kept to be or remain offensive nor shall any person keep any animal or animals

within 50 feet of any dwelling house, and no person shall keep any hogs within 200 feet of any dwelling house kept within the limits of the city.

(B) *Animals may be impounded.* Whenever the city finds it necessary to remove from any place any hogs, cattle, mules, horses or other animals in the performance of its duties under this subchapter, the city may impound the same as in the case of impounded animals and the owner or person in charge shall not be entitled to the possession thereof until he or she pays to the city all costs, expenses and charges of taking and caring for the animals, together with the fees allowed in case of impounded animals. (Prior Code, § 5:3:5) Penalty, see § 95.99

§ 95.06 LIVESTOCK OPERATIONS.

(A) *Limitations.* Livestock operations are limited to three head per acre, excluding swine. No new swine operations will be permitted within the city.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTINUOUS OPERATION. The daily maintenance of swine on the premises.

LIVESTOCK. Domestic animals such as horses, donkeys, mules, cattle, sheep, swine, rabbits and poultry. The term does not include house pets such as dogs, cats, birds other than poultry, gerbils and similar species.

NEW SWINE OPERATIONS. Any swine operation that has not been continuously operated by the same owner since January 1, 1988. (Ord. 2068, passed 12-6-1993)

PUBLIC NUISANCES

§ 95.20 DEFINED; REMEDY.

A public nuisance affects at the same time any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. A public nuisance consists of unlawfully doing an act, or failure to perform a duty within the corporate limits of the city or in any public grounds or parks belonging to the city or within one mile of the corporate limits of the city not within another municipality, which act or omission either:

(A) Annoys, injures or endangers the comfort, repose, health or safety of others;

(B) Offends decency;

(C) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any lake or navigable river, bay, stream, canal or basin or any public park, square, street or highway; or

(D) In any way renders other persons insecure in life, or in the use of property. (Prior Code, § 7:9:1)

TALL WEEDS AND GRASSES

§ 95.35 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROUND COVER. Planted or cultivated plants which do not exceed 18 inches in height.

OVERGROWTH. The growth of any plants to an extent that generally exceeds 18 inches in height for ground cover, or blocks view from motor vehicles to a degree that seriously impairs necessary vision from passing motor vehicles or grows in a manner as to provide a haven for undesirable animals.

SHRUBBERY. Plants having a woody stem, growing in hedgerows or clumps not exceeding six feet in width used for privacy, decoration and wind shelter.

TREES. Plants having a single woody trunk, normally reaching heights in excess of ten feet.

UNDESIRABLE ANIMALS. Skunks, rats,

feral dogs and cats, snakes and porcupines.

WEED. Any plant with undesirable characteristics such as thorns or burrs, offensive odor, pollen which causes extreme discomfort, irritating or poisonous sap or components, parasitism or vining entangling growths or which compete with lawns and other beneficial vegetation to the detriment of vegetation, the beneficial aspects of which are minor in relations to the negative characteristics.
(Ord. 2038, passed 6-11-1991)

§ 95.36 TALL WEEDS AND GRASSES.

If any owner of any lot or tract of land within the city shall neglect or fail to maintain all weeds and grasses less than ten inches in height for the growing season, the weeds and grasses are hereby declared to be a nuisance.
(Ord. 2038, passed 6-11-1991)

ABANDONED VEHICLES

§ 95.50 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. Any motor vehicle which is left unattended on any public street, alley, public place or parking lot within the city for a longer period than 24 hours without notifying the city and making arrangements for the parking of the motor vehicle.

APPROPRIATE COVER. In residential areas, a properly built and maintained privacy fence, eight-foot in height and compliant with any city ordinances. In areas adjacent to Fifth Street (formerly known as Highway 248 or 16), Main Street, Kennedy Avenue or the I-90 business loop, it shall be a properly built and maintained privacy fence, ten-foot in height and compliant with any city ordinances. For any area in the city, a maintained storage building as built according to city ordinance and approved by a city building permit will also constitute an **APPROPRIATE COVER.**

BUSINESS ENTERPRISE. A car dealership or a business with a dealer's license, auto repair shop,

auto body shop, salvage business, wrecker business, antique car dealers or any other business in which the primary source of income is in the handling of motor vehicles, dismantled vehicles or vehicle parts.

CITY. The City of Murdo, South Dakota. This includes the city limits and a one-mile radius.

DISMANTLED MOTOR VEHICLE. Any motor vehicle from which principal parts or components have been removed, rendering the unit unable to move in a safe manner under its own power.

INOPERATIVE MOTOR VEHICLE. Any motor vehicle in which the primary power plant or motive force is non-functional.

JUNKED MOTOR VEHICLES. Any motor vehicles which do not have lawfully affixed thereto unexpired license plates or a current registration.

MOTOR VEHICLE. Any vehicle which is self propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motor scooters, motorcycles, trucks, tractors, go-carts, golf carts, campers and trailers.

OPERATING CONDITION. For a vehicle shall mean a vehicle with current license, inflated tires and an engine capable of being started by use of the vehicle's battery and starting mechanism and capable of being propelled by the vehicle's engine.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

WRECKED MOTOR VEHICLE. Any motor vehicle which has been rendered unsightly or hazardous by collision, fire or mechanical compression.
(Ord. 2119, passed 7-1-2004; Ord. 2136, passed 7-7-2008)

§ 95.51 PROHIBITIONS.

(A) The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle or parts thereof, on private or public property is hereby declared a public nuisance. This section shall not apply to any motor vehicle enclosed in an appropriate cover.

(B) Business enterprises will have 30 days to bring vehicles that enter their premises into operating condition. Any business maintaining a car dealer's license may have dealer's plates to constitute a current license plate. Also any motor vehicle that qualifies and has historical plates will be considered in compliance with current license plates. Any business that deals in automotive parts or antique parts or vehicles (25 years old or older) that may not be operative, are exempt from the 30-day condition, but no more than 90 days, provided that they keep their business in compliance with all other city ordinances and other parts of this subchapter. No junk or salvage yards may operate within 50 feet of a residence in the city.

(C) Any motor vehicle specifically adapted or designed for operation on drag strips or raceways must be in an appropriate cover to screen it from view. Also for the purposes of this section, vehicles that are considered antiques and are not in operating condition must be covered with an appropriate cover. (Ord. 2119, passed 7-1-2004; Ord. 2136, passed 7-7-2008) Penalty, see § 95.99

violation per day until the violation is corrected. (Ord. 2038, passed 6-11-1991; Ord. 2044, passed 1-6-1992; Ord. 2119, passed 7-1-2004; Ord. 2136, passed 7-7-2008)

§ 95.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Tall weeds and grasses.* Any person, club, firm, corporation, partnership or association, guilty of violating any of the provisions of §§ 95.35 and 95.36 of this chapter for which no other penalty is prescribed shall, upon conviction thereof, be fined in a sum not more than \$200 or by imprisonment for a period not exceeding 30 days or by both fine and imprisonment.

(C) *Abandoned vehicles.* Penalty for violation of §§ 95.50 and 95.51 is a fine of \$10 per vehicle in