

TITLE 1 – ADMINISTRATIVE CODE

Chapter 1-1	City Council Meetings
Chapter 1-2	Officers, Bonds, Salaries, and Compensation
Chapter 1-3	Law Enforcement
Chapter 1-4	Fire Department
Chapter 1-5	Ordinance and Resolution Regulations
Chapter 1-6	Elections
Chapter 1-7	Municipal Airport
Chapter 1-8	Municipal Civil Defense Council

Chapter 1-1 City Council Meetings

- 1-1-1 Regular Meetings. The regular monthly meeting of the City Council of the City of Faulkton shall be held on the first Monday of each month, at the City Council rooms in the City of Faulkton, at 7:30 p.m. In such case such day falls on a holiday, the said meeting shall be held on the following day at 7:30 p.m.
- 1-1-2 Special Meetings. Special meetings of the City Council may be held at any time on the call of the Mayor or the Municipal Finance Officer, in case of his/her absence or inability to act or refusal to act, by the majority of the Council Members.
- 1-1-3 Notice. In case of special meetings, it shall be the duty of the Mayor, or other official calling the same, to issue notice to each of the Council Members in due time before the holding of such meeting. The notice may be given by person, letter, or by telephone at least twenty-four (24) hours prior to such meeting.
- 1-1-4 Order of Business - Regular Meetings. At all regular meetings of the City Council after the same shall have been called to order, the business of the meeting shall be considered in the following order:
- A. Calling the roll or members;
 - B. Correcting and approval of the minutes of the last regular meeting and of any intervening special meeting or meetings;
 - C. Financial report;
 - D. Presentation of claims and communications;
 - E. Introduction and first reading of ordinances;
 - F. Introduction of resolutions;
 - G. Reports of standing and special committees;

- H. Second reading and final passage of ordinances;
- I. Reports of City officers;
- J. Unfinished business;
- K. Miscellaneous business;

provided, however, that this order of business may be temporarily suspended at any meeting by the affirmative vote of a majority of the City Council.

- 1-1-5 Order of Business - Special Meetings. Special meeting(s) of the City Council may consider only the matters for which the meeting was called, and the order of business provided for regular meetings in the preceding section shall not be observed.
- 1-1-6 Adjournment of Meetings. Any regular or special meeting may be adjourned to meet at a later date to be fixed at the time of adjournment.
- 1-1-7 Quorum, Majority Required for Action. A majority of the members of the Board shall constitute a quorum, but no act of the Board shall be effective unless assented to by a majority of the members. In the case of the City of Faulkton, a quorum may consist of three (3) City Council members and the Mayor or four (4) City Council members only.

Chapter 1-2 Officers, Bonds, Salaries, and Compensation

- 1-2-1 Elective Officers. The elective officers of the City shall be six (6) Council Members and one (1) Mayor elected by the City Council members. They shall constitute the City Council. Each shall be a legally qualified elector of the Town.
- 1-2-2 Appointive Officers, Others. In addition to the officers provided, there shall be appointed by the Mayor with the approval of the City Council, the following officers: Board of Health, Street Commissioner, Water and Sewer Commissioner, Finance Committee, Park and Dumpground Committee, Airport Board and Manager, Cemetery Board, and Building Inspector who shall all serve without compensation.
- 1-2-3 Term of Officers. Terms of the elective officers shall be for two (2) years and until their successors are elected or appointed and qualified.
- 1-2-4 Mode of Appointment. At the first regular meeting in May of each year, there shall be appointed by the Mayor, with the approval of the City Council, a Finance Officer; Assistant Finance Officer; City Attorney; Street, Water, and Sewer Supervisor; and Street Committee of the City Council; and such other officers as may be provided by Ordinance or as the Mayor and Council may from time to time deem necessary.
- 1-2-5 Term of Appointed Officers. Each appointed City officer shall enter upon the discharge of his/her duties as soon as each have duly qualified and shall hold office until the appointment and qualification of his/her successor. Each appointed officer shall hold his/her appointment for a one (1) year term, which may be extended each year thereafter.
- 1-2-6 Qualifications of Officers. The City Council shall qualify by filing the Constitutional Oath with the Finance Officer at the following City Council meeting, and furnish bond in the special sum required, and to account, pay over, and deliver all money or property coming into their hands by virtue of their office according to law, which bond shall be subject to the approval of the City Council.
- 1-2-7 Duties of Appointive Officers. The duties of the various appointive officers of the City shall be such as are ordinarily undertaken by such officers and as provided by statute and by the Ordinances of the City of Faulkton. Such officers shall perform such duties as may be assigned to them by the City Council, Mayor, or other person or board authorized to prescribe such duties.

- 1-2-8 Certificates of Appointment. All appointed officers, except the Finance Officer, shall be commissioned by warrant under the corporate seal, signed by the Mayor and Finance Officer. The Mayor shall issue a certificate of appointment under the seal of the municipality to the Finance Officer.
- 1-2-9 Vacancies, How Filled. In case of vacancy for any cause in the office of Finance Officer or Maintenance Personnel or any other appointive office, the vacancies shall be filled by the City Council. In case of a vacancy in the City Council, the same shall be filled by appointment by the remaining members at a special meeting of the board called for that purpose. Such appointee shall hold office until the next annual municipal election when such vacancy shall be filled by election for the balance of the unexpired term.
- 1-2-10 Removal of Appointed Officer. The City Council shall have the power to remove from office, any officers or employees appointed by the City Council whenever it shall be of the opinion that the interests of the City demands such removal. Such removal shall be by majority vote of the City Council.
- 1-2-11 Certain Officers Not to Hold Other Office. No Mayor, Municipal Finance Officer, or Council Member shall hold any other office under the municipality while an incumbent of any such office.
- 1-2-12 Public Records. The Municipal Finance Officer shall keep a record of the official acts and proceedings of this office; such record shall be open to public inspection upon request of the Finance Officer.
- 1-2-13 Compensation. The compensation of all officials and personnel will be set by the City Council and on file with the Finance Officer and published in the January minutes as required by law.
- 1-2-14 Vacation- Sick Leave. The vacation and sick leave policy for full-time appointive officers and employees is located in the Employee Personnel Policy, and is on file with the Finance Officer.
- 1-2-15 Holiday Time and Holidays Established. The official paid holidays, in the City of Faulkton, for full-time appointive officers and employees is located in the Employee Personnel Policy, and is on file with the Finance Officer.
- 1-2-16 Municipal Sales and Service Tax.
- Purpose. The purpose of this Section is to provide additional needed revenue for the City of Faulkton, Faulk County, South Dakota, by imposing a municipal retail sales and use tax pursuant

to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

Effective Date and Enactment of Tax. From and after the 1st day of January 2008, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business. A tax measured by two percent (2%) on the gross receipts of all persons engaged in business within the jurisdiction of the City of Faulkton, Faulk County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Use tax. In addition there is hereby imposed an excise tax on the privilege of use, storage, and consumption within the jurisdiction of the municipality of tangible personal property or services purchased from and after the 1st day of January, 2008, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46, and acts amendatory thereto.

Collection. Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Interpretation. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Use of Revenue. Any revenues received under Section 2 of this ordinance in excess of one percent (1%) will be used only for new or remodeled construction of buildings, land acquisitions, equipment, vehicles, street improvements, feasibility and research studies pertaining to future economic development, water improvements, sewer improvements, airport improvements, and any other unlisted capital improvements.

Penalty. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred (\$200) dollars or imprisoned in the county jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Separability. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Chapter 1-3 Law Enforcement

- 1-3-1 Provision for Law Enforcement. Law enforcement in the City of Faulkton shall be as provided by the Faulk County Sheriff Department or as otherwise agreed upon or arranged by the City Council, Faulkton, South Dakota.

Chapter 1-4 Fire Department

- 1-4-1 Provision for Fire Protection. Fire protection in the City of Faulkton shall be as provided by the Faulkton Fire District and Faulkton Volunteer Fire Department or as otherwise agreed upon or arranged by the City Council, Faulkton, South Dakota.
- 1-4-2 Duties of the Chief. The Chief of the Fire Department shall have direct supervision and control of all fire apparatus and equipment owned and maintained by the City of Faulkton for fire extinguishment or prevention, or for the public safety; and he/she shall have sole and absolute control over all persons connected with said Fire Department. It shall be the duty of the Chief of the Fire Department to properly care for and control all such apparatus and equipment, and to examine the same once in every three (3) months and report to the City Council any repairs or any new material which may be needed.
- 1-4-3 Destroying Buildings in Case of Fire. The Chief of the Fire Department or his immediate assistant may direct that any building or structure may be pulled or cut down, or removed, or such other steps as he/she may deem necessary to arrest the progress of any fire.
- 1-4-4 Resisting Officer at Fire. It shall be unlawful for any person to hinder or resist any officer or member of the Faulkton Volunteer Fire Department or any law enforcement officer in the discharge of his duties at any fire, or to conduct himself in a disorderly or noisy manner at any fire, or without reasonable excuse to refuse to obey any lawful order of the County Sheriff or Chief of the Faulkton Volunteer Fire Department in any matter relating to the extinguishing of any fire.
- 1-4-5 Taking Apparatus Without Permission. No fire apparatus or equipment shall at any time or upon any pretext be taken, used, or removed without the permission of the Chief of the Fire Department.
- 1-4-6 Injury to Apparatus. It shall be unlawful for any person without permission of the Chief of the Fire Department to drive any type of vehicle across any fire hose belonging to the City of Faulkton or the Faulkton Fire Department, or to destroy or otherwise damage any fire apparatus or equipment.
- 1-4-7 Removal from Office. Any officer of the Fire Department whether elected or appointed, either by the City of Faulkton or the Faulkton Volunteer Fire Department, may be removed from Office by the City Council for gross incompetence or inefficiency in office by the two-thirds (2/3) vote of the

members thereof.

1-4-8 Meddling with Hydrants. It shall be unlawful for any person to meddle or interfere in any manner with any fire hydrant except by permission of the Chief of the Fire Department, County Sheriff, or the Street Commissioner.

1-4-9 Fire Limits. The Fire Limits of the City of Faulkton shall consist of the following blocks, to-wit:

All of Block 15 except Lots 1, 2, 3, 4, 5, 19, 20, 21, 22, 23, and 24. All of Block 16 except Lots 1, 2, 3, 7, 8, 9, 10, 11, and 12. All of Blocks 21 and 22. All of Block 28 except Lots 6, 7, 8, 9, 10, 11, and 12.

Chapter 1-5 Ordinance and Resolution Regulations

1-5-1 Ordinance Control Authority. The City Council shall have authority to make, publish, ordain, amend, and repeal all such ordinances, bylaws, and police regulations not contrary to the Constitution of the United States and the laws of this State for the good government and commerce of the City of Faulkton as may be necessary to carry into effect the powers vested in the City Council or any officer of said City by this act. They may also force the observance of all rules, ordinances, bylaws, and policies and other regulations made in pursuance of this act by penalties not exceeding two hundred (\$200) dollars and imprisonment not exceeding thirty (30) days for any offense against the same.

1-5-2 Rules and Regulations Regarding Enactment of Ordinances and Resolutions.

- A. All ordinances of the City shall be passed pursuant to such rules and regulations as the City Council may prescribe provided that upon the passage of all ordinances the yeas and nays shall be entered upon the record of the City Council. A majority of the votes of all the members of said Board present shall be necessary to their passage, provided a majority of all the members elected shall constitute a quorum for the transaction of business.
- B. All ordinances of the City may be proven by the ordinance book or the certificate of the City of Faulkton under the seal of the Town, if there be such seal, and, when posted or published in a book or pamphlet form and purporting to be published or printed by authority of the City, shall be read and received in all courts and places without further proof.
- C. The style of all ordinances shall be as follows:
"An ordinance _____(inserting the title)" followed by: "Be it ordained by the City of Faulkton" followed by the substance of the ordinance.
- D. An ordinance must embrace but one subject, which shall be expressed in its title.
- E. All ordinances shall be read twice with at least five (5) days intervening between the first (1st) and second (2nd) reading, shall be signed by the Mayor or Acting Mayor, filed with the Finance Officer, and published once.

An ordinance incorporating and adopting comprehensive regulations or a code promulgated, approved, and published by a recognized and established national organization prescribing building, electrical, plumbing, safety, fire, health, or milk regulations need not be published in a newspaper, but upon adoption of such an ordinance, the Municipal Finance Officer shall publish a notice of the fact of adoption once a week for two (2) successive weeks in the official newspaper, and twenty (20) days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective.

F. Except such resolutions or ordinances as may be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, or which provide for an election, or for hearing on an improvement or assessment, or which call for bids, which take effect on the twentieth (20th) day after its publication unless suspended by operation of a referendum.

G. A resolution may be passed after one (1) reading. It shall be recorded at length in the minutes of the meeting at which it is passed with a statement of the number of votes for and against the same. It shall be published in full as part of the minutes.

1-5-3 Expansion of Powers Beyond Existing Ordinances. When by state law the power conferred upon the Mayor and Board to do and perform any act or things and the manner of exercising the same is not specially pointed out, the Mayor and Board may provide, by ordinance, the details necessary for the full exercise of such powers.

1-5-4 General Penalty Clause. When no penalty is prescribed for violation of the provisions of any title, chapter, or section of these ordinances, then any person or persons, firm or corporation violating any such provisions of these ordinances, or failing to comply with any of the provisions thereof shall, upon conviction thereof, where no penalty or punishment is prescribed in the section, title, or chapter containing such provision, be punished by a fine of not exceeding two hundred (\$200) dollars or by imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court; provided that in all cases where a fine is imposed, the court may, in the event the fine is not paid, commit the person or persons to the County Jail for a period of one (1) day for each twenty (\$20) dollars of such fine.

1-5-5 Trial Provisions. Trial for violation of these ordinances shall be before a Judge or Magistrate empowered by the state law to try such violations, and such trial shall follow the procedure prescribed by law.

1-5-6 Conflicting Ordinances Repealed. If any provision of this article is declared unconstitutional or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the article and the applicability thereof to other persons or circumstances shall not be affected thereby.

Chapter 1-6 Elections

- 1-6-1 Date of Annual Municipal Election--Hours of Voting. In said municipality, an annual election for the election of officers shall be held on the second Tuesday of April of each year at the City Hall. The polls at such election shall be kept open continuously from 7 o'clock a.m. until 7 o'clock p.m. and no longer.
- 1-6-2 Regulations and Procedures. The City Council shall have power to regulate elections and to appoint the judges thereof. Voting shall be by ballot, and the judges of the election shall take the same oath and have the same penalties as judges of general elections under the state laws. The ballots shall be counted in the same manner provided by general law. The returns shall be delivered sealed to the Municipal Finance Officer within one (1) day after election, and the City Council shall within seven (7) days after election meet and canvass the vote and declare the result of the election. All persons elected or appointed to office shall qualify within ten (10) days thereafter, otherwise the office shall become vacant.
- 1-6-3 Notice to Persons Elected--Time Allowed for Qualifications. The Municipal Finance Officer, within two (2) days after the result of the election is declared, shall notify all persons elected to office of their election. Unless such person shall qualify in ten (10) days after such notice, the office shall become vacant.
- 1-6-4 Tie-Breaking Provisions. Whenever there shall fail to be an election of any officer voted for by the voters of said Town, in consequence of two (2) or more candidates receiving an equal number of votes for the same office, the judges of the election shall certify the same to the Mayor who shall determine the same by casting of lots in such manner as the Board may direct.
- 1-6-5 Election Not Held in Absence of Contest--Certificate of Election Issued to Unopposed Candidates. No election shall be held in said municipality wherein there is no question to be submitted to any elections or wherein there are no opposing candidates for any office; in case there are no opposing candidates, the Municipal Finance Officer shall issue certificates of election to the nominees, if any, in the same manner as to successful candidates after election.
- 1-6-6 Provision of Vacancy. In case the people shall fail to elect any of the officers herein required to be elected, the Mayor shall appoint and the City Council approve, an officer to fill the vacancy. Any vacancy shall be filled within two (2) weeks after occurring.

- 1-6-7 Qualifications of Voters at Municipal Elections. Every person/resident of this State who shall be of the age of eighteen (18) and upwards, not otherwise disqualified, who shall have complied with the provisions of law relating to the registration of voters shall be entitled to vote at any election in the City of Faulkton, South Dakota. Per SDCL 9-13-4.1, a person is qualified to vote in a municipality if such person has resided in the municipality for at least thirty (30) days each year.
- 1-6-8 Notice Published Prior to Time of Filing Nominating Petitions. Not less than thirty (30) days prior to the time of filing of nominating petitions for municipal officials, the Municipal Finance Officer of the City shall cause to be published in the official newspaper designated by the City Board, a notice setting forth the vacancies which will occur by termination of the terms of office of elective officers and which notice shall also state the time and place where nominating petitions may be filed for such offices. Such notice shall be published once each week for two (2) consecutive weeks.
- 1-6-9 Mayor Pro Tem Provision. When any vacancy shall happen in the office of Mayor by death, resignation, absence, or otherwise, the City Council shall, by the vote of a majority of all Board Members, elect from their number a Mayor Pro Tem, who shall exercise the office of Mayor until such vacancy is filled or such disability removed, or in case of temporary absence, until the Mayor shall return. During that time, he/she shall receive the same compensation that the Mayor would be entitled to, the same to be deducted from the salary of the Mayor.
- 1-6-10 Residence Requirement for Election or Appointment to Office--
Exceptions--Defaulters Ineligible. Except as otherwise provided, no person shall be eligible to any municipal office who has not attained the age of eighteen (18), who is not a qualified voter of the City of Faulkton, and who shall not have resided therein at least three (3) months next preceding his/her election or appointment, per SDCL 9-14-2. The City Attorney, Police Officers, Municipal Finance Officer need not be qualified electors of or residents of the Town. No person shall be eligible to any municipal office who is a defaulter to the City of Faulkton. If the Mayor moves from the Town, his/her office shall be vacated.
- 1-6-11 Certification of Officers. At the first meeting of the City Council after any general election for City officers, they shall cause to be made out and certified by their Finance Officer, a certificate of election of such officers, as are required to be elected by this act. A neglect of any such officer to qualify within ten (10) days after the delivery of the certificate to him/her

shall be deemed a refusal to accept the office to which he/she shall have been elected.

1-6-12 Grounds for Removal of Elected Officials From Office. All elected City officers may be charged, tried, and/or removed from office for misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetence, corruption, extortion, oppression, or gross partiality according to provisions of SDCL 3-17-6 through 3-17-11.

1-6-13 Removal From Office of Officer Appointed by Mayor--Report to Board. The Mayor shall have power except as otherwise provided to remove from office any officer appointed by him/her whenever he/she shall be of the opinion that the interests of the City demand such removal, but he/she shall report the reasons for his/her removal to the Board at its next regular meeting.

Bond. The Airport Board may also appoint and employ such officers and employees as may be deemed necessary, and shall by resolution prescribe and fix their duties and compensation, and may require a bond conditioned upon the faithful performances of their duties in such amount as shall be fixed, to be filed with the City Finance Officer.

1-7-11 Powers of Airport Board. The Board shall have the power to establish, improve, care for, regulate, and manage any municipal airport and erect buildings and structures thereon and, with the approval of the City Council, acquire and for airport purposes.

1-7-12 Powers Given by City Council. The control, management, and operation of the Faulkton Municipal Airport located in the Southeast part of Lot 5 in the Northeast Quarter of Section 15, Township 118 North, Range 69, Faulk County, South Dakota, is hereby placed with said Airport Board.

1-7-13 Appropriation--Tax Levy. The Airport Board, on or before the fifteenth day of July of each year, shall make an estimate of the monies necessary for maintaining, establishing, improving, caring for, regulating, managing such airport, and for necessary structures and buildings to be placed thereon for the ensuing fiscal year. Such estimate shall specify the amount required therefore, and the same to be certified by the Secretary of the Board to the City Finance Officer on or before the first day of August of each year. The City Council at the time of making the tax levy for the city and other purposes shall also levy the tax for airport purposes for the fiscal year next ensuing at whatever amount they may deem necessary as estimated by the Board, which tax shall not exceed in any fiscal year two (2) mills on the dollar of the assessed valuation of all real and personal property taxable within the City. Such levy shall be certified to the County Finance Officer at the same time and in the same manner as general city levies.

1-7-14 Tax Levy Kept in Special Fund--Disbursements From Fund. The City Finance Officer shall keep in a special fund all money derived from the tax levy for airport purposes and from any other source and shall pay the same upon requisition by the president and Secretary of the Board upon warrants drawn by the proper officer of the City Council.

1-7-15 Annual Report of Board--Special Reports. The Airport Board shall make an annual report to the City Council of its accounts and all the expenditures, and the City Council may require a report from such Board at any time, and the books, records, papers, and accounts of the Board

shall at all times be subject to inspection by the City Council or its officers or agents.

1-7-16 Recommendations to City Council by Airport Board. Any recommendation by the Airport Board to the City Council shall be by resolution.

1-7-17 Purpose of the following ordinance regarding airport use, practices and procedures: These regulations cover activities and services and are adopted for the purpose of attempting to make the Faulkton Municipal Airport a safer facility and to set standards for orderly and proper development at the Faulkton Municipal Airport.
Basic requirements are desirable for all types of operators, whether specialized or offering the full gamut of aeronautical services. Establishment of uniform requirements and their application is intended to encourage the orderly development of commercial aeronautical services at the Faulkton Municipal Airport.
As stated above, these regulations have been developed with the intent of creating a safer and more orderly developed airport for Faulkton, South Dakota.

1-7-18 Traffic Rules: That the following be, and the same hereby are, established as the rules governing all traffic upon the Airport situated within the limits of this city:

1. All FAA rules and regulations shall be observed.
2. All pilots shall conform to the rules as set forth in Title 14 CFR §§91.126 and 91.127, likewise, all aircraft shall take off and land on the runway into the wind as indicated by the windsock. This section shall not apply in emergency situations or practice landings and in such cases notice shall be given.
3. All traffic shall circle the field to the left while in flight and when approaching the field for a landing.
4. All aircraft taxiing on the active taxiway shall yield the right of way to landing and departing aircraft.
5. All pilots shall check for inbound traffic immediately before taking off.
6. a) Planes taking off with the intention of leaving traffic shall proceed straight ahead until over the end of the runway.
b) Planes taking off with the intention of staying in the traffic pattern shall proceed straight ahead until an altitude of 400 feet above the field is reached, planes shall then make a left turn of 90 degrees and climb to an altitude of 800 feet above the ground. No departing aircraft shall turn over the end of the runway.
c) Planes shall enter the established traffic pattern at 800 feet above the ground.
d) Pilots engaged in aerial application procedures shall adhere to the above, but shall be allowed to enter said pattern at 300 feet above the ground,

and once clear of the end of the runway may turn left or right to proceed to their work, otherwise all other rules stated herein apply.

e) Equipping commercial applicator aircraft with radios is strongly encouraged by the City of Faulkton, but radios are not required in all aircraft at this time.

7. All aircraft which are incapable of following the established air and ground pattern shall maintain an altitude and pattern in keeping with their limitations and in keeping with the safety of the traffic as established.

8. Planes engaged in practicing (except landings and practice instrument approaches) shall maintain a minimum of three (3) miles from the center of the airport.

9. All pilots shall be required to follow these rules except when it is necessary in the interests of safety of the plane or passengers to do otherwise.

10. No vehicle other than aircraft shall be allowed upon any taxiway or runway except for purposes of maintaining or repairing such taxiway or runway, except with the permission of the Airport Manager.

1-7-19 Taxi Rules:

1. No person shall taxi an aircraft until he/she has ascertained that there will be no danger of collision with any person or object in the immediate area.

2. All aircraft shall be taxied at a safe and reasonable speed with due regard for other aircraft, persons and property.

3. Aircraft awaiting take-off shall stop at least 200 feet from the center line (unless useable area does not permit) from the runway in use and in a position so as to have direct view of aircraft approaching for landing.

1-7-20 Ramp Rules:

1. All owners shall see that aircraft are responsibly tied down at all times. No aircraft shall be parked in the ramp tie-down area for over ten (10) days without being moved.

2. All aircraft in the ramp tie-down area shall be moved immediately after each snow to facilitate snow removal on the ramp. Failure to do so shall result in the Airport Manager moving said plane and a service charge assessed to the owner of the plane. Said service charge to be determined by the Airport Manager with the approval of the Faulkton City Council.

3. No aircraft other than licensed, flyable aircraft shall be allowed to park on the Faulkton Municipal Airport ramp area, unless approved by the Airport Manager.

1-7-21 Federal Aviation Administration Laws, Rules, and Regulations Govern: All laws, rules, and regulations applicable to or promulgated from time to time by the Federal Aviation Administration shall be in full force and effect at all times notwithstanding any provisions of the Chapter and Ordinance.

1-7-22 Agricultural Aerial Applicator Fees, Regulations and Guidelines: Any person, firm or corporation desiring to engage in aerial application operations must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137; comply with requirements of the State and political subdivisions thereof, and, in addition, provide the following:

1. Proof of liability insurance coverage when flying out of the Faulkton Municipal Airport, said proof to be provided to the City Finance Office.
2. Have paid the appropriate commercial fees as outlined below and have a valid Certificate prominently displayed informing the public as such.
 - a) Permanent Agricultural Applicators as defined in Section 9: \$500.00 commercial fee per year and \$100.00 parking space fee per year.
 - b) Seasonal Commercial Fee: \$1,000.00 per spraying season, being April through September.
 - c) Monthly Commercial Fee: \$250.00 per month (30 days), renewable upon review.
 - d) The City of Faulkton reserves the right to adjust these fees as necessary by resolution.
3. Any applicator operating on the Faulkton Municipal Airport without first obtaining a certificate as outlined above shall be required to immediately obtain said certificate and be assessed a late payment penalty fee in the amount of \$150.
4. Any and all ground support vehicles used to assist any Agricultural Applicator working under valid city permit shall be identified and adhere to the following:
 - a) All chemical shall be kept secured under lock and key for any time it remains on airport property.
 - b) No vehicles weighing over 12,000 pounds, gross vehicle weight, shall be allowed onto the ramp or taxi-ways of the Faulkton Municipal Airport.
 - c) Bulk chemical sales are prohibited from the Faulkton Municipal Airport.

1-7-23 Commercial Operators: Any person, firm or corporation desiring to engage in commercial operations of a non-agricultural or application nature at the Faulkton Municipal Airport shall be required to adhere to any and all rules and regulations as set forth by the FAA, as well as the rules and regulations as set forth in 1-7-24 of this ordinance.

1-7-24 Permanent Agricultural Applicator Defined: Any person, firm or corporation engaged in the practice of aerial application of agricultural chemical, fertilizer, etc., maintaining a hangar and office space at the Faulkton Municipal Airport shall be classified as a Permanent Agricultural Applicator. Said hangar and office space shall include land line telephone service, running water and sewer applications, and a permanently situated, licensed fixed-wing aircraft owned or leased by said Agricultural Applicator.

1-7-25 Enforcement: This ordinance shall be enforced by the City of Faulkton, by and through the Airport Manager. Failure to comply with the rules as set forth herein may include, but shall not be limited to; notifying the FAA of unsafe practices and procedure; temporary suspension of City granted commercial operating certificates; permanent revocation of City granted commercial operating certificates; and any and all other remedies provided under the law, legal and administrative, as set forth by the United States of America, the FAA, the State of South Dakota, the SDDOT, and the City of Faulkton.

Chapter 1-8 Municipal Civil Defense Council

- 1-8-1 Civil Defense Director Appointment. The Mayor shall appoint a Civil Defense Director for a term of one (1) year, said appointment to be confirmed by the City Council.
- 1-8-2 Municipal Civil Defense Council--Duties. The Municipal Civil Defense Council shall be charged with the duty of coordinating all defense activities of the City. It shall:
- A. Coordinate the activities of the municipal and private agencies cooperating in the defense program;
 - B. Keep in contact with the office of Civil Defense to the end that all requests and suggestions from the office shall receive prompt and efficient response;
 - C. Conduct studies regarding defense problems of the City of Faulkton to the end that municipal government of the City will at all times be abreast of the problems of defense, and information desired by federal agencies will be readily available;
 - D. Survey existing facilities, proffers of facilities, services, and ideas originating within the city, and make appropriate disposition of same;
 - E. Act as a clearinghouse of municipal civil defense information for all governmental and private agencies cooperating in the defense program;
 - F. Direct information regarding the defense program to all municipal departments or agencies which are, or may be, affected thereby;
 - G. Make recommendations from time to time for improvements in the handling of defense problems affecting the City of Faulkton;
 - H. Perform such other advisory functions as may be requested by agencies or departments of the federal Government in connection with the national program for civil defense known as the Federal Emergency Management Agency;
 - I. Do whatever is necessary and proper to carry out the intent and purpose of this Ordinance tending to protect life and property.

TITLE 2 -- LOCATION AND BOUNDARIES

Chapter 2-1	Boundaries
Chapter 2-2	Annexation
Chapter 2-3	Wards
Chapter 2-4	Voting Precincts

Chapter 2-1 Boundaries

2-1-1 Corporate Limits. The Corporate Limits of the City of Faulkton are hereby declared to be such as have heretofore been legally established by law and ordinances of the City of Faulkton as shown on the map designated as Map “A” and on file in the office of the City Finance Officer, which said map is incorporated in this Ordinance by reference and adopted as the official map showing the boundaries and limits of the City of Faulkton.

Chapter 2-2 Annexation

- 2-2-1 Penal Sum Required. At the time of annexation, the owners petitioning for such annexation shall file written undertaking signed by sureties satisfactory to the City Council in such penal sum as they may require, but in no case in excess of the estimated cost of all necessary storm sewers, sanitary sewers, curbs, gutters, sidewalks, and owner's share of cost of dust proofing, which undertaking shall provide that all of said improvements shall be made as ordered by the City Council, otherwise the penal sum mentioned in the bond shall be forfeited to the Town; or in lieu of furnishing such a bond, the owners, prior to the annexation, may install all of said improvements, and the petitioners for annexation shall show that such improvements have been previously installed before petitioning for such annexation.
- 2-2-2 Grades and Specifications--Sewers, Curbs, Gutters, Sidewalks. All such septic tanks, storm sewers, curbs, gutters, and sidewalks shall be designed and constructed in accordance with the grades and specifications established by the City Engineer and approved by the Mayor and City Council. All engineering work necessary for the establishment of grade lines to comply with the grades and specifications of the City shall be done by the owner at the owner's expense, but shall be, prior to any construction, approved by the City Engineer.
- 2-2-3 City to Install Water Mains. The City will install water mains including pipe, labor, hydrants, and fittings; and the City will be responsible for the cost of any other related services which may be for any reason installed by the Town; and the City shall, at its own expense, do or furnish grading of streets or provide a dust proofing program then in effect in the Town.

Chapter 2-3 Wards

2-3-1 Wards. The City of Faulkton is divided into three (3) wards as follows:

First Ward. All that part of the City lying north of the center line of Main Street.

Second Ward. All that part of the City lying south of the center line of Main Street and west of the center line of Eleventh Avenue.

Third Ward. All that part of the City lying south of the center line of Main Street and east of the center line of Eleventh Avenue.

Chapter 2-4 Voting Precincts.

2-4-1 Precincts. The First, Second, and Third Wards as herein defined and bounded shall each constitute and be a separate voting precinct.

2-4-2 Voting Places in Precincts. The place of voting in the three (3) wards shall be that which has been established by resolution of the City Council.

TITLE 3 -- BUILDING CODE

Chapter 3-1	Building Code
Chapter 3-2	Moving Buildings
Chapter 3-3	Building Inspector

Chapter 3-1 Building Code

- 3-1-1 Adoption of Building Code. There is hereby adopted by the City of Faulkton, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Uniform Building Code, 1991 Edition thereof, and any amendments thereto, and the whole thereof, save and except such portions are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Finance Officer of the City of Faulkton, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Faulkton.
- 3-1-2 Definitions.
- A. Whenever the word "municipality" is used in the Building Code, it shall be held to mean the City of Faulkton.
 - B. Whenever the term "corporation counsel" is used in the Building Code, it shall be held to mean the City Attorney for the City of Faulkton.
- 3-1-3 Building Permit Required. No wall, structure, building, or part of building shall be constructed or added to, or any permanent fixture, including heat producing appliances, heating, ventilating, air conditioning, blower, exhaust systems, or conversion units thereof, attached to such building, the value or cost of which shall exceed the sum of five hundred (\$500.00) dollars and no building shall hereafter be enlarged or any permanent fixture, including heat producing appliances, heating, ventilating, air conditioning, blower, exhaust systems, or conversion units thereof, attached to such building, the cost of which shall exceed five hundred (\$500.00) dollars until a plan or proposed work statement of the material to be used, the proposed site of such structure and the name of the owner

of the property to be improved shall be submitted to the building inspector of the City of Faulkton, by the contractor, builder, or owner; which shall also state the value or cost of such improvement. If the building inspector is satisfied that said proposed improvement complies with the law and city Ordinance, and will not exceed in value or cost the sum of one thousand (\$1000.00) dollars he/she may authorize issuing of a permit for such work, construction, or improvement. All permits shall recite therein the conditions and requirements under which the same are issued, one of which shall be that sidewalks, streets, alleys, and highways shall not be blocked, or partially blocked, unless permission is granted in the permit, and also that all debris shall be removed and not permitted to accumulate on the sidewalks, streets, alleys, or highways, and shall contain an agreement on part of the applicant not to engage in any construction except in accordance with the permit and provisions of this Ordinance. If the value or cost of the improvement for which a permit has been issued shall exceed the cost or value of the amount stated in the application for permit and the permit granted, the contractor, or builder, shall furnish the City Finance Officer an additional statement of the cost or value of such improvement.

It shall be the duty of the City Finance Officer to keep a file of all plans, specifications, and work statements upon which building permits are granted, with an appropriate index for same.

No owner or contractor or builder shall attempt to proceed with any work or improvement of any kind for which a permit is herein required without first having obtained a permit therefor.

Any person, owner, firm or corporation violating any of the provisions of this Section shall upon conviction thereof be punished by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment in the County Jail for a period of not exceeding thirty (30) days, or by both such fine and imprisonment.

3-1-4 Appeal. In case any difference should arise between the building inspector and the owner of any building, or any persons engaged in or desirous of doing any construction, repair, alteration, moving, or demolition of buildings, regarding the interpretation of any of the provisions of this Chapter, or the enforcement of the same, appeal may be made to the City Council, whose decision thereon shall be final.

3-1-5 Building Permit Fee. Permit fees shall be set by the City of Faulkton, and shall be on file at the office of the City Finance Officer. It is the owner's responsibility to obtain a permit prior to construction on the property.

3-1-6 Guarantee Fund. Any person, persons, firm or corporation desiring to demolish a building or move a building from or into the City limits shall deposit with the Finance Officer, a minimum sum set by the City Council and on file at the office of the Finance Officer. Such deposit shall protect the City against loss or damage to crossing, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by such removal. The deposit shall be returned to the person depositing an official report of the condition of the streets, sidewalks, crossings, or other public or private property after such removal made by the Building Committee of a duly authorized representative thereof.

3-1-7 Building Regulations--Fire Zone. It shall be unlawful for any person, persons, or corporations to erect or place or enlarge or repair any buildings on any part of blocks referred to in this Chapter unless the walls be built of brick, stone, cement, or other fireproof material. All interior and divisional walls of buildings in the above blocks covered in this Chapter shall have interior or divisional walls of sufficient thickness to support safely the load to be carried, and the roofs of all buildings within the said blocks mentioned in the foregoing section shall be made of gravel unless some other fireproof material is used by special recommendation of the building inspector and by approval of the City Council of the City of Faulkton and which shall meet the conformity with the qualifications of the Underwriters' Laboratories established and maintained by the National Board of Fire Underwriters, which qualifications shall govern the construction of roofs on buildings within the fire limits and area adjacent thereto within the City of Faulkton.

3-1-8 Building Regulations--Residential. It shall be unlawful for any building or structure to be moved on or erected on any lot in the residential zone, closer than five (5) feet to the right or left extremities of the lot boundary lines. The street, being the front of the lot and the alley being the rear of the lot. If a building or structure is to occupy more than one lot, the right and left extremities of the outer most lots occupied by the building or structure are to prevail as boundary lines. This will assure a ten (10) foot distance between residential buildings or structures, including mobile homes.

More than one mobile home erected on one lot or group of lots under the ownership of one person shall constitute a trailer court.

No permit or license will be granted to build or operate a trailer court without the following:

A. The court will be sufficient in size and so plotted to facilitate the

entering and leaving of the homes from lot.

- B. The land will be plotted in lots sufficient in size to qualify under this Chapter, for the homes, which are to occupy the lots.
- C. Lots will have individual hook-ups for electricity, water, sewer, and gas to facilitate each trailer home.
- D. Plots for trailer courts must be approved by the City Council.

3-1-9 Payment to City Before Move. In the event any such building is to be moved outside the City limits, the person so moving the same shall first pay his/her prorated share of the balance of general obligation debt based on the ratio of the last assessed value said building bears to the total assessed value of said City or any other outstanding taxes and payments to the Town. All general obligation debt, social assessments, and miscellaneous outstanding payments shall be figured by and paid to the City Finance Officer. All real estate taxes shall be figured by and paid to the County Treasurer.

3-1-10 Moving a Building to Outside the City Limits--Non-refundable Fee. In addition to complying with the other City Ordinances, any owner or owners of an affixed building that has been used during the preceding ten (10) years, shall pay to the City a one-time, non-refundable fee up to but not exceeding ten (10%) percent of their assessed valuation as recorded in the Office of Director of Equalization if such building is to be moved to a location outside the City Limits of the City of Faulkton, South Dakota.

This fee shall not exceed the sum of five thousand (\$5,000.00) dollars. The aforementioned fee may, at the discretion of the City Council, be refunded to said owner when replacement within one (1) year retains or exceeds the original assessed base.

The owner or owners of any buildings that will be or are removed from the assessment roll; must clean up, restore, and fill in basements/crawl ways in the remaining lot or lots.

A deposit for this restoration will be determined by the City Council prior to the removal of the building.

3-1-11 Permissible Wooden Structures in Fire Limits. No frame or wooden structure shall hereafter be built within the fire limits as defined herein, or as they may be hereafter established, except the following:

- A. Temporary one (1) story frame buildings for use of builders.

B. Structures built by a retail lumberman upon his/her premises and which building must be removed from the premises within three (3) days after completion.

Chapter 3-2 Moving Buildings

3-2-1 Moving Buildings. It is unlawful for any person or persons to move into, along, or over any of the streets, alleys or avenues of the City; any building, without a permit having first been obtained.

Written application for a moving permit shall be made to the Faulkton Finance Officer and shall include, but not limited to, the following:

- 1) the proposed location to which such building or part thereof may be moved;
- 2) the present location of the building to be moved;
- 3) at least two photographs of the building concerned, taken from different angles;
- 4) dimensions of the building, width, length, height, and type of construction, frame, masonry, steel, etc.
- 5) the moving route;
- 6) signature of the applicant, date of application, and name of the bonded mover; and
- 7) a statement of the willingness of the applicant to furnish a performance bond executed to the City prior to granting of the moving permit and necessary building permits. Bond requirement may be waived in lieu of copy of bona fide contract to cause moved building to conform to City and County building, plumbing, and electrical codes and in compatibility with other buildings in the proposed move-in area. Completion date of conformity to codes and area shall be no more than one hundred eighty (180) days from date of issuance of the permits whether covered by or contract.

However, if such building is to be moved to any location within the City, no permit shall be granted until after a hearing on such application, which the hearing will be at a regular meeting of the governing body and after five (5) days notice of such hearing has been given by posting of not less than one sign containing notice of the hearing, in a conspicuous place on or near the property to which the application is made to move such building.

3-2-2 Bond for Movers. Before issuing such permit, the City Finance Officer shall require the person, firm, or corporation who is to move the building to file in the office of the City Finance Officer a written application for such permit which shall describe such building, state the location from which it is to be moved, the streets and alleys over and along which the same is to be moved, and the location to which it is proposed to move said building and shall also require a bond to be executed to the City with good

and sufficient surety and conditioned for the payment of any damage that said City may be liable in consequence of the use of any street, alley or avenue for the removal of such building, and for any damage which may occur to any street, alley or avenue on account of the removal of such building, and the payment of any penalty that may be incurred by such person, firm or corporation, his/her, their, or its agents, for the violation of any of the provisions of this chapter.

Any person, firm, or corporation in the business of moving buildings may file their bond for one year covering all buildings moved by them, subject to the provisions of this chapter.

The dollar amount of the bond that is required by the City of Faulkton will be on file in the office of the Finance Officer.

- 3-2-3 Refund. In the event that a cash deposit is made for the purposes provided in the preceding section, any amount of such deposit in excess of the cost of repairing such damage to sidewalks or streets, together with compensation for removal of wires shall be returned to the applicant.
- 3-2-4 Removing Telephone Wires, Etc. and Planking Streets. Any person, firm, or corporation to whom a permit for moving buildings is granted shall see that all telephone or electric wires or poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same and necessary trimming of any trees or branches en-route shall be done or supervised by the City, who shall be notified by the mover of such need, and such person, firm, or corporation engaged in moving buildings shall plank all streets, alleys and avenues which are paved in such ways as to fully protect such paving or pavement from damage, and any damage to any sidewalk, pole or other City property, including the City roadways, caused by any person, firm, or corporation moving the building, shall be repaired by the Town, or his/her, their sureties, shall be liable for the same.
- 3-2-5 Buildings Not to Remain on Streets. It is unlawful for any person, firm, or corporation to allow any building for which a removal permit shall be obtained, to remain upon, occupy, or stand upon any streets, avenues, alley, or sidewalk for more than twenty-four (24) consecutive hours. Warning lights shall be displayed at night on buildings being moved while standing upon the streets or alleys or avenues of the City.
- 3-2-6 City May Move Buildings. Whenever the person, firm, or corporation moving a building upon or along any street, avenue, or alley shall willfully or negligently permit such building, while in transit, to remain upon the street, avenue, alley, or sidewalk, the City shall have the authority and is authorized to move said building to any point or place in the City where

the same shall not obstruct traffic or inconvenience the public, and the City shall keep an account of the expenses of such removal, and said person, firm, or corporation and the sureties on the bond filed, as required by the provisions of this chapter, shall be liable to the City for such expenses and the same shall be collected in any court having jurisdiction.

- 3-2-7 Conforming to Codes. All moved buildings to be located within or relocated within the City shall be brought into compliance with the building, plumbing, and electrical codes in existence at the time the building or buildings are located or relocated, the foundation and/or basement on which the moved or relocated building will rest shall be complete and ready to accept the building prior to moving said building from the present location to the proposed location. A maximum of one hundred eighty (180) days from the date of issue of the moving permit, and other permits issued at the time of the moving permit, shall be allowed for complete compliance with this chapter.
- 3-2-8 Sewer is Required to be Capped. After the moving or tearing down of any building or structure within the City of Faulkton the water/sewer system is required to be capped off or plugged to prevent underground water seepage. It shall be capped off using a four (4") inch cap, or other device first approved by the City Council.
- 3-2-9 Violations and Penalties. Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person is punishable by a fine of not more than two hundred (\$200) dollars or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Chapter 3-3 Building Inspector

- 3-3-1 Establishment of Office of Building Inspector. The office of the Building Inspector is hereby created and the executive official shall be designated as the Building Inspector. The Building Inspector shall be appointed by the City Council. His/her appointment shall continue at the will of the City Council.
- 3-3-2 Disability of Building Inspector. During temporary absence or disability of the Building Inspector, the City Council shall designate an acting Building Inspector.
- 3-3-3 Duties of Building Inspector. It shall be the duty of the Building Inspector to enforce all laws relating to the construction, alteration, removal, and demolition of buildings and structures.

TITLE 4 -- FIRE CODE

Chapter 4-1 Fire Code

Chapter 4-1 Fire Code

- 4-1-1 Adoption of National Code. There is hereby adopted by the City of Faulkton for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1991 Edition, thereof any updates or amendments thereto, and the whole thereof save and except such portions as are hereinafter deleted, modified, or amended by the Faulkton City Council. The same is hereby adopted and incorporated as fully as if set out at length herein, and from this date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Faulkton.
- 4-1-2 Definitions. Wherever the word "municipality" is used in the Code hereby adopted, it shall be held to mean the City of Faulkton.
- 4-1-3 Enforcement. The rules and regulations hereby adopted shall be enforced by the Chief of the Faulkton Fire Department.
- 4-1-4 Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Gasses is to be Restricted. The limits referred to in this Code hereby adopted regarding storage of liquefied petroleum gases or storage of any other flammable liquids in outside aboveground tanks are hereby modified to the extent that no quantities of the said flammable liquids greater than a total amount in all of five-hundred (500) gallons shall be stored in above ground tanks and the limits referred to in this Chapter in which bulk storage of liquefied petroleum is restricted, are hereby established as follows:

Liquid petroleum gases within the jurisdiction of the City shall be handled, transported, and stored in a safe manner.

Liquid gases.

Section 1. The term "Liquefied Petroleum Gas" as used in this ordinance shall mean and include any material which is composed predominately of any of the following: hydrocarbons, or mixtures

of the same; propane, propylene, butane (normal butane of insobutance), and butylenes.

Section 2. That on tanks or containers for the storage or use of liquefied gases in excess of five hundred (500 gal) gallons water capa-town that such tanks or containers shall be located on property owned by or under the conclusive control of the user and located at a distance of not less than twenty (20) feet from the building or buildings of adjoining property owners.

Section 3. That no tank or container for liquefied gases in excess of one thousand five hundred (1,500) gallons water capa-town shall be installed on any property in the City of Faulkton.

Section 4. That if no portable containers are used for such liquefied gases as above described no more than four (4) 100 pound portable containers may be used, adjoining the buildings served by such containers; that if portable containers are used in excess of (4) 100 pound containers and not to exceed a total of two hundred (200) gallon water capa-town such containers shall be installed and used at a distance of not less than twenty (20) feet from the building or buildings of adjoining properties.

Section 5. Before any tanks or containers including portable containers as above described are installed or used, written application for permission for such installation and use be made to the Faulkton City Council; which application must state the capa-town of the tanks or containers to be installed and the manner of installation proposed including the foundation upon which said container shall be supported. Such installation shall be in accordance with the rules and regulations as promulgated by the State Fire Marshall under the authority of Chapter 98 of the Session Laws of 1947 and such application must be approved by the Chief of the City Fire Department and duly approved by resolution of the City Council.

Section 6. No plant for the charging of liquefied petroleum cylinders or tanks of any kind shall be installed or located or used within the City limits of the City of Faulkton except on such site as may be approved once by the City Council, and during its normal inspections by the State Fire Marshall.

Section 7. Where portable containers are used for such liquefied gases as permitted by this ordinance such containers shall be removed from the premises immediately upon being emptied.

Section 8. Any persons or person or corporation using or installing any tanks or containers containing liquefied petroleum gases as defined in this ordinance without first having his written application therefore duly approved by the Chief of the Fire Department and the City Council as herein provided shall be guilty of a misdemeanor; and such tanks, containers and installation may be removed upon order of the City Council by resolution therefore within five (5) days after service of a copy of such order or resolution upon the owner or user of such container or upon the owner of such property on which they are located. And in event of the failure of such owners, users, or property owners to remove the same they may be removed by proper officers of the City and such officers shall have the right to enter upon any real premises in the City of Faulkton for the purposes of such removal.

- 4-1-5 Permit Required. A building permit will still need to be required from the Faulkton Planning and Zoning Commission for section 4-1-4, after the City Council passes a resolution to allow the above-ground tank/bulk storage.
- 4-1-6 Modifications. The Chief of the Fire Department shall have power to modify any of the provisions of this Code hereby adopted upon application in writing by the owner of lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Faulkton Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.
- 4-1-7 Appeals. Whenever the Faulkton City Council shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Faulkton Fire Department to the City Council within thirty (30) days from the date of the decision of the appeal.
- 4-1-8 Burning of Buildings or Other Property. No property owner or occupant shall destroy a building or other such property by fire unless he shall first notify and receive permission from the Fire Chief and have obtained the appropriate permits immediately prior to burning the said building or property.

4-1-9

Fires. In case of fire, the Chief of the Fire Department shall have the full management and control for the time being of all mains, gates, and fire hydrants, and it shall be the duty of the Supervisor of the Water, Sewer, and Streets to carry out any lawful order of the Fire Department in relation to the waterworks.

TITLE 5 -- HEALTH CODE

Chapter 5-1	Sanitation
Chapter 5-2	Solid Waste Disposal
Chapter 5-3	Miscellaneous Nuisances
Chapter 5-4	Property Maintenance

Chapter 5-1 Sanitation

- 5-1-1 Sanitary Regulations. It shall be the duty of the City Council of the City of Faulkton to make such regulations from time to time, as it may deem necessary and expedient for the welfare and health of the people of Faulkton. Such regulations shall be published in the official newspaper of Faulkton for at least two (2) successive publications.
- 5-1-2 Garbage Defined. The word garbage as used herein shall mean kitchen and table refuse and every accumulation of waste, animal, and vegetable matter that attends the preparation, cooking, and eating of food or the storage, handling, sale of decaying of food, or any other substances that is in the process of decay which gives off an odor offensive to the senses.
- 5-1-3 Rubbish Defined. The word rubbish as used herein shall mean broken crockery, destroyed bottles, tin cans, paste board boxes, wooden boxes, paper, straw leaves, ashes and all other waste substances of every kind, including barnyard manure.
- 5-1-4 Garbage Disposal. The City Council of the City of Faulkton may, by resolution, authorize the collection of garbage and other refuse and, to that extent, may employ garbage collectors on contract to collect and dispose of garbage from the rubble site.
- 5-1-5 Unauthorized Disposal Prohibited. It shall be unlawful for any person, firm or corporation to dispose of any garbage, rubbish or waste material, except for trees and leaves inside or outside of the City Restricted Use Site or on any and all access routes leading to these grounds or on any property within the City of Faulkton or any property under the control of the City of Faulkton.
- 5-1-6 Isolation of Persons Suffering with Contagious Diseases. The Board of Health or the Health Officer shall have power within the limits of the City of Faulkton to isolate all persons suffering with contagious diseases, and to make, demand, and require of the County Board of Health, to immediately remove and care for all cases as are not proper charges on said City; and

said Board of Health shall have power to make rules and regulations covering the subject of all contagious diseases and other matters concerning the public health.

5-1-7 Powers of Board and Health Officer. The Board of Health, or the Health Officer, shall have power and authority to enter any premises in the City in search of contagious diseases or of nuisances, and shall have power and authority to quarantine any premises within the City, where is located any person suffering with an infectious or contagious disease, and may remove any person therefrom who is found to be suffering from, suspected to be suffering from, or has been exposed to any infectious or contagious disease, and said Board may placard of such design and color as shall be determined by the Board of Health and which shall warn all other persons within said premises not to leave the same, and all other persons whomsoever not to enter said premises without the written consent of a member of the Board of Health; and every physician practicing in the corporate limits of the City of Faulkton shall immediately report by telephone, or otherwise, to the Health Officer every case of contagious disease arising in his practice, and shall also report every case he/she suspects to be contagious, and said physician shall within twenty-four (24) hours thereafter make a written report of such case, and the disease, and the source of contagion, if known, and said physician shall also make a written report to the Health Officer upon the termination of said disease, and any person violating the order of the Board of Health or Health Officer, shall upon conviction thereof be punished by a fine not exceeding two hundred (\$200.00) dollars or imprisonment in the County Jail for a period of not more than thirty (30) days, or by both fine and imprisonment in the discretion of the Court.

5-1-8 Dead Animals, Filth, Manure, Etc. Any person or persons who shall cast or have expose in any street or highway, alley, lot, public ground, or water course within the City of Faulkton the carcass of any dead animal or meal, fish, offal, filth, manure, ashes, garbage or rubbish, or other substance prejudicial to the health, comfort, and convenience of the citizens of this City, or shall permit the same to be done with his/her consent or make use or permit in his/her dwelling house, shop, store, factory, cellar, yard, or lot or in any other place in said City any noxious or offensive liquid or substance prejudicial to the health, comfort, or convenience of the citizens of this city shall be guilty of committing a nuisance and upon conviction be subject to a fine and shall be subject to a like penalty for every day the same is permitted to remain in such place after such person has been notified by the County Sheriff to remove the same or shall have been convicted of committing the same.

- 5-1-9 Dumping of Refuse and Rubbish. No person, partnership, or corporation shall have places or be allowed to place upon any street, alley, lot, or public grounds other than a place designated by the City Council as a dumping ground, any accumulation of refuse, offal, rubbish, or manure. No slops, garbage, earth, ashes, straw, hay, or other rubbish shall be deposited or placed by any person on any improved street or alley.
- 5-1-10 Burning Garbage and Rubbish. No garbage or rubbish shall be burned in the City Limits of the City of Faulkton except in the City Dump.
- 5-1-11 Unauthorized Entering of Dump. No person shall be allowed to enter the dumping grounds for any reason unless authorized by the City of Faulkton. Any person violating this will be subject to a fine of which said amount will be on file with the City Finance Officer.
- 5-1-12 Sanitary Inspections. The Health Officer shall make frequent inspections of the city and its environs. In all cases where he/she shall discover anything which might prove dangerous to health, he/she shall take appropriate action. Between the 1st and 15th day of April and September of each year the Water, Street, and Sewer Supervisor 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 filth, manure, straw, or rubbish is permitted to remain upon any street or alley abutting upon such property to remove the same within twenty-four (24) hours after receiving such notice. If such owner or occupant shall fail to comply with such notice, he/she shall be subject to the penalty prescribed in this Chapter.
- 5-1-13 Selection and Use of Dumping Grounds. The City Council shall select and establish as dumping grounds suitable lots or parcels of land, and until otherwise ordered, all straw, manure, leaves, ashes, and other rubbish which may be removed from public or private premises shall be drawn to and deposited upon the dumping ground so established; provided however, that no dead carcass, carrion, filth from any privy box or vault, or from any cesspool or offensive garbage shall be deposited on such dumping ground; and provided further, that nothing in this Section shall be deemed to prohibit the deposit of ordinary stable manure on any private lot or parcel of land for fertilizing purposes only, and it shall be unlawful for any person, firm, or corporation to remove to and deposit upon any lot or parcel of land other than the dumping ground, which may be established in the manner aforesaid, any straw, manure, leaves, ashes, or other rubbish, contrary to the provisions of this chapter. The Street Commissioner and County Sheriff's office may take such measures as to the spreading, burning, and covering of the rubbish deposited as above provided, as may be necessary, and the Health Officer may advise, permit the city dumping grounds to be used for the purpose of burying dead carcasses; carrion; filth

from privy vaults, boxes, cesspools, and other offensive garbage, under the direction of the Health Officer, provided, that, the person or corporation shall first procure from the City Finance Officer a written permit therefore, as hereinafter described.

5-1-14 Permits Issued, Fees. The City Finance Officer shall issue a permit to any person or corporation applying therefore, upon payment to him/her of the fees of the following:

- A. To bury the carcass of any horse, cow, mule, or other large animal to include game;
- B. To bury the carcass of any sheep, hog, calf, or other small animal.
- C. To bury a single load of filth or other offensive garbage.

The work of burying the garbage and other matter for which permits have been issued as herein provided shall be done only by the applicant or his agent. The amount of said fees shall be on file with the Finance Officer. The burying of the above animals will not take place at the restricted use site.

5-1-15 Buried Depth of Three (3) Feet. That all dead carcasses; carrion; filth from privy vaults, boxes, cesspools, or other offensive garbage shall be buried at least three (3) feet below the surface of the ground, under the direction of the Health Officer, Street Commissioner, or County Sheriff's Department.

5-1-16 Prohibiting of Car Bodies. It shall be unlawful for any person to deposit or place in the City Dump any junked automobiles, tractors, farm equipment, or large household items; such items shall be deposited in a place to be set by resolution of the City Council.

5-1-17 Recycling. The City having reviewed and documented that the cost of recycling of glass, plastic, aluminum, or steel containers will cost more than the true and total cost of unsubsidized landfilling of glass, plastic, aluminum, or steel containers and having followed the designated opt out procedure will be opting out of .the waste reduction target scheduled to go into effect on July 1, 1997. The City of Faulkton will review its determination for this specific waste reduction target at least once every two years.

5-1-18 Penalty. Any person, firm, or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be fined, of which said amount shall be on file with the Finance Officer.

Chapter 5-2 Solid Waste Disposal

- 5-2-1 Restricted Use. Under South Dakota law, local ordinances may further restrict some of the items listed below. The City of Faulkton has the right in the future to deem what is authorized and unauthorized for disposal at the Restricted Use Site.
- 5-2-2 Authorized Wastes. Listed below is the list of authorized wastes that may be disposed of at the City of Faulkton Restricted Use Site. All items must be placed in the correct spot within the site. Persons who abuse the site by placing disposal items in the incorrect place and/or dispose of unauthorized materials may be banned from further use of the site.
- A. Construction and Demolition Debris (non-burnable). Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, and similar wastes, excluding cardboard, plastic, Styrofoam, foam rubber, other packaging material, containerized paints, sealants, adhesives and similar wastes. *
 - B. Construction and Demolition (C&D) Debris (burnable). Scrap lumber, untreated wood, trees and tree branches.
 - C. Treated Wood**
 - D. Miscellaneous wastes. Furniture, box springs, and similar wastes.
 - E. White Goods. Refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals, excluding fuel tanks.
 - F. Ash.
 - G. Yard Waste. Leaves, grass clippings, and similar vegetation.
- * Cardboard, plastic, Styrofoam, foam rubber, packaging materials, containerized paints, sealants, and adhesives may not be accepted at a restricted use site. These wastes must go to a municipal solid waste landfill.
- ** Wood treated with copper chromium arsenate (also known as CCA or “green treated”), pentachlorophenol (PCP or “brown

treated”) wood must go to a permitted municipal solid waste landfill. These wastes may not be open burned.

5-2-3 Handling Procedures/Requirements for Authorized Wastes. Listed below is the correct and proper way to dispose of authorized wastes for the City of Faulkton Restricted Use Solid Waste Disposal Site. The authorized waste is respectively listed in 5-2-2 above.

- A. Burial of these materials must be in a trench completely separate from any other wood debris. These wastes may not be open burned. Concrete, brick, stonework, asphaltic concrete, and concrete block may be temporarily stored for subsequent recycling and reuse.
- B. These wastes may be burned or buried. Waste to be burned must be isolated in a separate area of the site. Contact the local fire department prior to open burning.
- C. Old creosol or creosote treated wood products may be buried with non-burnable C&D debris.
- D. White goods may be accepted for temporary storage only. White goods containing refrigerants (Freon) must have Freon drained by a properly certified technician prior to recycling.
- E. Ash wood burning stoves and authorized on-site open burning may be accepted for burial
- F. These wastes must be composted by:
 - 1. Placing the wastes in piles or windrows;
 - 2. Aerating the piles or windrows as necessary to control odor; and
 - 3. Maintaining moisture levels in the piles or windrows to promote decomposition and to prevent windblown debris. Yard waste may not be open burned. Reuse of compost shall be in compliance with applicable federal, state, and local laws.

5-2-4 Unauthorized Wastes. The following wastes are not allowed to be accepted at a restricted use site. If these substances are detected at the site, proper specific handling procedures and requirements are stated here for operator use.

- A. Hazardous Waste, including Conditionally Exempt Small Quantity Generator (CESQG) Waste. Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
- B. Pesticide Containers. Isolate waste. Waste must be taken to a properly permitted solid waste facility or contact Department of Agriculture for recycling options.
- C. Petroleum Contaminated Soil. Contaminated soil shall include soil contaminated with pesticides, fertilizer, diesel fuel, fuel oil, kerosene, jet fuel, gasoline, waste oil, grease, solvents, etc. Isolate waste and contact DENR within one business day. Waste must be taken to properly permitted solid waste facility.
- D. Regulated Asbestos Containing Materials. Isolate waste and contact DENR within one business day. Waste must be taken to properly permitted solid waste facility.
- E. Lead-acid Batteries. Isolate waste. Waste should be taken to a recycler that accepts car batteries.
- F. Putrescible Wastes. Isolate waste. Waste must be taken to a properly permitted solid waste facility.
- G. Ash. Ash other than from wood burning stoves is not acceptable at the site. Isolate waste and contact DENR within one business day.
- H. Scrap Tires. Isolate waste. Waste must be taken to a properly permitted solid waste facility.
- I. Liquid Waste. To include petroleum products, sludges, tar, contaminated water, containerized paints, sealants, adhesives, and other liquid wastes. Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted facility.
- J. Animal Carcasses. Isolate waste and contact DENR within one business day. Contact the Animal Industry Board to determine proper handling and disposal.

5-2-5

Dumping of Garbage, Trash, and Other Substances.

- A. It shall be unlawful for any person to trespass upon or in any way use or place trash, garbage, or any other material or substance upon the property owned or used by the City of Faulkton as a rubble site.

- B. It shall be unlawful for any person to use the rubble site of the City of Faulkton to dispose of dead animals, except that cats or dogs may be disposed of provided they are buried to a depth of at least three (3) foot below the surface of the ground.

5-2-6 Regulation of Solid Waste Businesses.

- A. Licenses. All solid waste businesses operating within the City of Faulkton, South Dakota shall be licensed by the City of Faulkton, at a rate, which shall be on file with the Finance Officer. Licenses shall be valid for one year and are not automatically renewable. All initial licenses are subject to an initial six (6) month probationary period during which time the license may be revoked by the City Council for any reason.
- B. Routes and Pickup. Garbage, commercial solid waste, and household waste shall be picked up at least once per week or more frequently if required. The dates of pickup shall be at the discretion of the individual solid waste businesses.
- C. Garbage Fees. Each solid waste business shall furnish a list to the City of Faulkton, South Dakota, of those persons and businesses with whom the solid waste business has contracted. The maximum fee allowed to be charged by a solid waste business to a residence or business shall be set from time to time by resolution by the City of Faulkton, South Dakota. All solid waste fees charged persons and businesses are subject to regulation by the City Council, which may set solid waste fees from time to time by resolution.

Solid waste fees for the removal of garbage, commercial solid waste, and household waste shall be between the solid waste business and the person or business for whom the service is provided and collection of such is the sole responsibility of the solid waste business.

- D. Routes. Each solid waste business shall have full discretion as to whether to pick up the garbage, commercial solid waste or household waste at the curb side or alley side.
- E. Rubble. Bulky Items. Trees and White Goods Each solid waste business shall be required to transport rubble, bulky items, trees and parts thereof weighing less than 40 pounds, and white goods on a regular basis for all contracted customers. The regular basis shall be no less than semi-annually. The fee for hauling and disposal of rubble, bulky items, trees or white goods, is not included in the

regular monthly fee for hauling garbage, commercial solid waste, or household waste and collection of such is the sole responsibility of the solid waste business.

5-2-7

Cost of Large Deposits. All residential or commercial structures deposited into the rubble site will be charged a fee according to square footage. All structures under 1,500 square-feet will be charged \$500.00. All structures over 1,500 square feet will be charged \$1,000.00.

Chapter 5-3 Miscellaneous Nuisances

5-3-1 Nuisances Defined and Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein.

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.

- A. Impure Food. Selling or offering for sale within the City of Faulkton any spoiled, diseased, or rotten meat or provision of any kind.
- B. Offensive Substance. Permitting any dead carcass, carrion, or other offensive, nauseous, or unwholesome substance to be in any building or remain upon the surface of any lot in the City for any period exceeding twenty-four (24) hours.
- C. Offensive Sewage. Suffering or permitting any house, barn cellar, vault, private draft, cesspool, privy, or sewer upon any premises within the limits of the City of Faulkton to become nauseous or offensive or injurious to public health.
- D. Dead Animals. For the owner of any animal which shall have died to permit the same to lie on any public street, alley, public ground, or private lot or place within the City of Faulkton for longer than twenty-four (24) hours.
- E. Disposal of Dead Animals or Decayed Matter. Dumping or leaving any animal or any vegetables of decayed matter, or any slops or filth whatever, solid or fluid, in or by any pool, creek, lake, river, or pond of water in the City of Faulkton.
- F. Slaughter Houses. For any person, firm, or corporation to carry on the business of slaughtering animals or rendering any animal matter, or manufacturing the same into fertilizing material by the use of heat or otherwise, at any place within the City of Faulkton, except by permit of any ordinance passed by the City Council.
- G. Depositing Offensive Matter. Throwing of or depositing in any of the streets, avenues, alleys, or public grounds of the City of Faulkton any offal (parts of animals), dead, or decaying animals, fruit or vegetable matter, or materials offensive to the public or liable to cause injury to

persons or vehicles in the lawful use of such streets, avenues, alleys, or public grounds.

- H. Burial. For any person, firm, or corporation having dead chickens, dogs, cats, or animals of any description on or about his/her, or their premises to dispose of the same in any manner or form other than burial. It shall be unlawful for any person, firm, or corporation to remove any such dead chickens, dogs, cats, or animals from the place where the same may be found dead other than for the purpose of destruction by burial.

- I. Litter of Streets. Dumping or depositing or causing the same to be done on any street, alley, lot, or parcel of land within the City of Faulkton, any paper, litter, or other substances capable of being carried by the wind.

- J. Rodents. Accumulation of junk, old iron, automobiles, cement slabs, or parts thereof, or anything in which rodents may live or breed or accumulate.

- K. Ice Boxes, Refrigerators, or Airtight Containers. Keeping, leaving, or permitting to remain outside of any dwelling, building, or other structures or premises, in a place accessible to children, any discarded ice box, refrigerator, or other container which has an air-tight door, lid, snap lock, or other locking device which may not be released from the inside, without first removing said door, lid, snap lock, or other locking device from said ice box, refrigerator, or container. Such a condition will result in a Class 2 Misdemeanor.

- L. Breeding Place for Flies. The accumulation of manure, garbage, or anything in which flies breed.

- M. 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, time cans, offal or excrement, any decaying fruit, vegetables, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance.

- N. Garbage Handling Improperly. Throwing or letting fall on or permitting to remain on any sidewalk, street, alley, public ground or highway within one (1) mile of the City Limits any manure, garbage, rubbish, filth, fuel, wood, or paper while engaged in handling or removing any such substances.

- O. 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.
- P. 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.
- Q. Stagnant Water. Any excavation in which stagnant water is permitted to collect.
- R. Privies or Cesspools. Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools, the plans of which are approved by the State Health Department.
- S. Manure. The accumulation of manure, unless it is in a properly constructed, fly-proof pit, bins, or box.
- T. Weeds. Permitting weeds to grow to maturity on any private property, including vacant lots.
- U. Poison Ivy. Permitting poison ivy to be or to grow upon any private property nearer than fifteen (15) feet from the sidewalk of any public street.
- V. Bonfires in Public Places. Burning, causing or permitting to be burned in any street, alley, or public ground any dirt, filth, manure, garbage, sweeping leaves, ashes, paper, rubbish, or material of any kind.
- W. Offensive Premises. Permitting any grocery store, shop, factory, warehouse, stable, barn, or other place to become nauseous or offensive.
- X. Dangerous Agencies. Anything that is dangerous to human health or which renders the ground, the water, the air or food a hazard or injury to the public health.
- Y. Smokestacks and Smoke Nuisances. The construction, use, or maintenance of any smokestack or chimney, which emits sparks, cinders, or dense smoke, which is dangerous to the health, comfort, or property of persons or the value of property.

Chapter 5 -4 Property Maintenance

5-4-1 Purpose. The purpose and intent herein are as follows:

- A. To define as public nuisances and violations of this code those conditions which constitute visual blight and which could result in conditions which are harmful or deleterious to public health, safety and welfare;
- B. To develop regulations that will promote the sound maintenance of property and the enhancement of the livability, community appearance, and the social, economic, and environmental conditions of the community; and
- C. To establish guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners.

5-4-2 Property Maintenance--Prohibited Conditions. It is unlawful for any person owning, leasing, occupying, or having charge or possession of any property in the the City of Faulkton, South Dakota, to maintain such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by Ordinances.

- A. Building exteriors, walls, fences, driveways, sidewalks, walkways and parking areas which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciation of the values of surrounding property or is materially detrimental to nearby properties and improvements;
- B. The accumulation or storage of junk including tires, lumber, household appliances or parts thereof, inoperable vehicles, of parts thereof, furniture, sinks, toilets, cabinets, or other household fixtures, equipment or parts thereof, rubbish, garbage, debris, or salvage materials, which constitute a fire hazard and/or are stored or accumulated in such a manner as to be visible from a public street, alley, or adjoining property;
- C. Heavy commercial vehicles, construction equipment, or machinery of any type or description parked or stored without a permit on property where it is readily visible to the general public, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or on adjoining property;

- D. Attractive nuisances dangerous to children including abandoned, broken or neglected equipment and machinery, hazardous pools, ponds and excavations;
- E. Improperly maintained signs on property relating to uses no longer conducted or products no longer sold on the property;
- F. Any property maintained in such a manner as to result in substantial pooled-oil accumulation, oil flowing onto public rights-of-way, or excessive accumulations of grease or oil on paved surfaces, buildings, walls or fences;
- G. Any setback areas, which lack appropriate turf or plant material so as to cause excessive dust, the accumulation of debris, or depreciated values of adjacent properties and neighborhood;
- H. Maintenance of use of premises which, by reason of vibrations, noise, dust, odor or other effects caused by the use of said premises, diminish the livability, enjoyment, use and property values of neighboring properties;
- I. Maintenance of property so out of harmony or conformity with the maintenance standard of adjacent property as to cause substantial diminution of the enjoyment, use of property values of such adjacent properties;
- J. Maintenance of property in such condition as to be detrimental to the public health, safety or general welfare, or in such manner as to constitute a public nuisance as defined by South Dakota Codified Laws 21-10-3;
- K. Any condition existing on property, which in the opinion of the Property Maintenance Officer constitutes visual blight;
- L. Causing, maintaining or permitting graffiti to remain on exterior walls or facades of buildings, fences, or other structures of whatsoever nature;
- M. The failure or neglect of merchants owning or occupying places of business within the city to maintain the sidewalks and surrounding areas free of litter and trash.

5-4-3

Owner Defined. The term "owner" and "property owner", as used herein, and unless otherwise required by the context, shall be deemed to include

any person owning, leasing, occupying or having charge or possession of any property in the city.

5-4-4 Notification of Nuisance by Property Maintenance Officer. Whenever the Property Maintenance Officer, Chief of Fire Department, or such other city official as may be designated by the Mayor determines that any property within the city is being maintained contrary to one or more of the provision of section 5-4-2, he or she shall give ten days written notice to the owner of said property stating the sections being violated. Such notice shall set forth a ten day time period for correcting the violation(s) and may also set forth reasonable methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of section 5-4-5 covering service in person or by mail.

5-4-5 Service of Notice. Notice shall be given by delivering a written notice personally to the owner(s) of the property upon which the nuisance is located, or by depositing such notice in the United States Mail, postage prepaid, and addressed to the owner(s) thereof at his last known address as the same appears on the last equalized assessment roll of the county. In the event a notice to remove is also given to the person(s) in possession or control of the property, such notice shall be given in either manner specified in this section and may be addressed to "occupant" to "whom it may concern", if the name of such person(s) is not known.

The person giving such notice shall file a copy thereof in the office of the Finance Officer, together with an affidavit or certificate stating the time and manner in which such notice was given. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken under this chapter.

5-4-6 Appeal Procedure--Action by City Council--Appeal on Nuisance Hearing.

A. Any person entitled to service under this section may appeal from the action and of the Property Maintenance Officer's decision by filing in the office of the Finance Officer within seven days from the date of service of the notice, a written, dated appeal containing:

1. A specific identification property which is the subject of the abatement proceeding;
2. A caption reading: "Appeal of _____", giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and

order;

4. A statement in ordinary and concise language of the specific order or action protested, together with any material facts supporting the contentions of the appellant;
 5. The signatures of all parties named as appellants and their official mailing addresses;
 6. The verification of at least one appellant as to the truth of the matters stated in the appeal.
- B. As soon as practicable after receiving the written appeal, the Finance Officer shall set a date for hearing of the appeal by the city council, which date shall be not less than seven days nor more than thirty days from the date the appeal was filed. Written notice of the time and the place of the hearing shall be given at least five days prior to the date of the hearing to each appellant by the Finance Officer, either by causing a copy of such notice to be delivered to appellant personally or by mailing a copy thereof, postage prepaid, addressed, to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the City Council on request of the owner for good cause shown, or on the City Council's own motion.
- C. Upon the conclusion of the hearing, the City Council shall by resolution either:
1. Terminate the proceeding;
 2. Confirm the action and decision of the Property Maintenance Officer; or
 3. Modify such decision based upon evidence adduced at said hearing.

In the case of alternatives 2 or 3 of this subsection, the resolution shall declare such property to be a public nuisance and order the abatement of the same within thirty days by having such property, buildings, or structures rehabilitated, repaired, or demolished in the manner and means specifically set forth in said resolution.

5-4-7 Service of Order to Abate. A copy of the resolution of the City Council ordering the abatement of said nuisance shall be served upon the owners of said property in accordance with the provisions of section 5-4-5 and shall

contain a detailed list of needed corrections and abatement methods. Any property owners shall have the right to have any such property rehabilitated or to have such buildings or structures demolished or repaired in accordance with said resolution and at his/her own expense provided the same is commenced prior to the expiration of said thirty day abatement period and thereafter diligently and continuously prosecuted at completion. Upon such abatement in full by the owner, then proceedings hereunder shall terminate.

5-4-8 Referral to City Attorney. In the event an owner shall fail, neglect, or refuse to comply with the Resolution of the City Council to correct a violation, the Property Maintenance Officer may refer the violation to the City Attorney for legal action, including the institution of a civil or criminal proceeding to achieve compliance.

5-4-9 City Abatement. If such nuisance is not completely abated as directed by the City within said abatement period, then the Mayor or his/her duly authorized representative is expressly authorized to enter upon said property for such purposes.

5-4-10 Cost Accounting--Notification. The City Finance Officer shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot or parcel of land where the work is done by the City and shall render an itemized report in writing to the City Council by showing the cost of abatement and the rehabilitation, demolishing or repairing of said property, buildings or structures, including any salvage value relating thereto; provided, that before said report is submitted to the City Council, a copy of the same shall be posted for at least five days prior to submitting the same to the City Council. Proof of said posting and service shall be made by affidavit filed in the City Finance Office. The term "incidental expense" shall include, but not be limited to, the actual expenses and costs of the City in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder.

5-4-11 Assessment Lien. The total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, shall constitute a lien on property for the amount of such assessment.

The notice of lien shall be turned over to the County Treasurer of Faulk County, whereupon it shall be the duty of said County Treasurer to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of

delinquency as provided for ordinary municipal taxes; or after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law. Such notice of lien for recordation shall be located at the office of the City Finance Officer.

- 5-4-12 Summary Abatement of Immediate Dangers. Whenever any condition on or use of property causes or constitutes, or reasonably appears to cause or constitute, an imminent immediate danger to, the health and safety of the public, or a significant portion thereof, the Property Maintenance Officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a lien on the property and be collectible as provided in this chapter.
- 5-4-13 Alternative Actions Available. Nothing in this chapter shall be deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings set forth in this chapter.
- 5-4-14 Duty of Owner to Abate Public Nuisance. Nothing contained herein shall be deemed to impose any duty or liability upon the City, its officers or employees for failure to abate a public nuisance, nor to relieve the owner or any private property of the duty to keep his/her property free from those conditions constituting a public nuisance or to abate said conditions upon notice by the city.
- 5-4-15 Violations. No person shall remove any notice or order posted as required in this chapter. No person shall obstruct, impede or interfere with any representative of the city department or with any person who owns or holds any estate or interest in the building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed or with any person to whom such building has been lawfully sold pursuant to the provisions of this code whenever any such representative of the city, purchaser, or person having any interest or estate in such building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this chapter or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto.

TITLE 6 -- LICENSES

Chapter 6-1	General Provisions
Chapter 6-2	License Fees and Restrictions
Chapter 6-3	Alcoholic Beverages
Chapter 6-4	Dogs
Chapter 6-5	Junk Dealers
Chapter 6-6	Gambling
Chapter 6-7	Peddlers, Solicitors, Canvassers
Chapter 6-8	Bicycles
Chapter 6-9	Carnivals and Circuses

Chapter 6-1 General Provisions

- 6-1-1 License Expiration. All annual licenses granted under the provisions of this chapter shall expire on the 31st day of December next following the granting thereof, except as in this chapter otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.
- 6-1-2 Revocation. The City Council shall have power at any time to suspend or revoke any license granted under the provisions of this ordinance whenever said Council shall be satisfied upon written complaint that any such calling, vocation, or kind of business for which said license has been issued has been made or conducted in an indecent, indecorous, improper or illegal manner, or for failure of the licensee to comply with any ordinance or regulation of the City or State law respecting such license or the manner of exercise thereof or for other good cause, after hearing upon notice to the licensee.
- 6-1-3 License – How Obtained.
- A. Payment of License Fee. Except as otherwise provided, an applicant for a license shall first pay the amount of the license to the Finance Officer taking his/her receipt therefore showing the kind of license for was paid and the amount paid.
- B. Application for License. Except as otherwise provided, an applicant for license shall make and file an application in writing with the Finance Officer on the form prescribed. Such application shall contain such information as required by the licensing authority or as provided by ordinance and must show that is eligible for the license for which the application is made. If required, the applicant shall verify the

application.

C. Form of Application. Unless otherwise provided, an application for license shall state:

1. Name and address of applicant.
2. Trade name, if any, under which license is to be exercised.
3. If a partnership, the name and address of each partner.
4. If a corporation, the names and addresses of the officers.
5. Place of business or location where the license is to be exercised.
6. Description of the activity to be carried on under the license and length of time for which said license is wanted.
7. Such information as required by ordinance as may be necessary for determination of the amount of the license fee.
8. Such information as required by ordinance or licensing authority showing the applicant is entitled to the license and that he/she is a proper person and the place is a proper place for the exercise thereof.

6-1-4 Licensing Authority. Except as otherwise provided, the term "licensing authority" means the City Council.

A. Issuance of License. The licensing authority shall consider the application upon presentation of the same by the Finance Officer, and if satisfied that applicant has met all requirements and is a suitable and proper person to be granted such license, shall cause the Finance Officer to issue the same. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the Official Seal of the City.

B. Rejection of Application. If the licensing authority is not satisfied that applicant has met all requirements or is not a suitable and proper person to be granted such license, the application shall be refused and proper notation made thereon; such refusal shall be endorsed upon the receipt by the Finance Officer, and shall refund said money so paid by said applicant and take up said receipt, which receipt when taken up shall be the Finance Officer's voucher for the money so refunded.

- 6-1-5 Approval of Bonus. Any bond, liability insurance, or deposit required shall be subject to the approval of the licensing authority, and in case such licensing authority deems the security inadequate, new or additional security may be required; the license may be suspended pending the furnishing of such new or additional security, and if not furnished, the license may be revoked.
- 6-1-6 Finance Officer to Keep Record. The City Finance Officer shall keep a record of all licenses issued by the City Council, stating when and to whom issued, for what purpose and for what length of time issued, the amount of money paid for said license, and the place where said business is to be carried on.
- 6-1-7 License Posted and Exhibited. Every person to whom a license is issued shall display or post the same as required by ordinance and shall exhibit the same to any person in authority when requested to do so.
- 6-1-8 Penalty. Any person, persons, firm, or corporation who shall violate any of the provisions of this Title, or who shall engage in any of the callings, vocations, or kinds of business mentioned in this Title without first having received a license therefore, as specified in this Chapter, shall upon conviction thereof be fined two hundred (\$200.00) dollars, or be imprisoned in the County Jail for a period of not more than thirty (30) days, or be punished by both such fine and imprisonment.
- 6-1-9 Cancellation. The City Council shall have power to cancel any license issued by the City for failure of the licensee to comply with any ordinance or regulation of the City or State law respecting such license of the manner of exercise thereof for other good cause, after hearing upon notice to the licensee.

Chapter 6-2 License Fees and Restrictions

- 6-2-1 General Provisions. The license fee for any person, persons, firm, or corporation who engages in any trade, business, or occupation within the cooperative limits of the City of Faulkton shall be on file with the Municipal Finance Officer.
- 6-2-2 Unlawful to Conduct Defined Businesses Without Licenses. It shall be unlawful for any person, persons, firm, or corporation to engage in any trade, business, or without first procuring a license to do so from the City Council of said City as provided by this ordinance.

Chapter 6-3 Alcoholic Beverages

- 6-3-1 License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend, or otherwise concoct, or transport within the City, or within one (1) mile of its territorial limits, any alcoholic beverages or malt beverages as defined by statute, without having a license therefore as required by South Dakota Codified Laws, or as amended.
- 6-3-2 Classification--Fees Per. The following classifications and fees are established for on-sale dealers (the sale of any alcoholic beverage for consumption only upon the premises where sold) and package dealers (sells or keeps for sale, any alcoholic beverage for consumption off the premises where sold other than distiller, manufacturer, or wholesaler) and malt beverage dealers.
- | | |
|---|------------|
| Package (being off sale only) Malt Beverage | \$150.00 |
| Retail (being both on & off sale) Malt Beverage | \$250.00 |
| Package (off sale) Liquor | \$350.00 |
| Retail (on sale) Liquor | \$1,200.00 |
- 6-3-3 Fee for License. The license shall be at a rate per Section 6-3-2 and payable quarterly. The term of the license shall be no more than one (1) year without renewal, nor for any longer term than the first Monday of the January next following the date of its issue.
- 6-3-4 Restrictions. Licenses for the sale of alcoholic beverages or malt beverages in the City of Faulkton shall be submitted as prescribed by South Dakota Codified Laws, as amended and also on file at the office of the City Finance Officer. The number of licenses approved by the City Council will not exceed the limits set by South Dakota Codified Law, as amended.
- 6-3-5 Temporary Permit. Upon application duly made to the Council, a temporary permit may be issued by the board for a specific time and public place when and where possession of an unsealed can, bottle, glass, pitcher, container, or package containing alcoholic or malt beverages may be temporarily permitted as the special occurrence may require. Such application and permit shall be in writing and in such form as the City Council may establish.
- 6-3-6 Alcohol Beyond Premises. It shall be unlawful for any licensee who is authorized by law to sell alcoholic beverages within the City of Faulkton to allow any person to take beyond the enclosed premises so licensed any

unsealed can, bottle, glass, pitcher, container, or package of any kind containing alcoholic beverages.

6-3-7 Sale or Gift to Minors. No person shall sell or give any alcoholic beverages to any person under the age of twenty-one (21) years.

6-3-8 Hours of Alcoholic Beverages and Malt Beverages. No person, firm, association, or corporation authorized by law to sell alcoholic beverages within the City of Faulkton shall sell, serve, or allow to be consumed on the premises any alcoholic beverages between the hours of 2:00 am and 7:00 am or on Sunday after 2:00 am or on Memorial Day after 1:00 am, or at any time on Christmas Day, for on-sale licensee's. No off-sale licensee shall sell, or allow to be sold, alcoholic beverages between the hours of 12:00 p.m. and 7:00 am of the following day, or on Sunday, Memorial Day, or Christmas. (See SDCL 35-4-81 and 35-4-81.2)

Notwithstanding SDCL 35-4-81, the governing body of any municipality may in its discretion, provide in any on-sale license the right to sell, serve or allow to be consumed alcoholic beverages between the hours of eleven o'clock am and twelve o'clock midnight on Sunday with the serving of food where said licensee has facilities for the serving of prepared meals from a fixed restaurant with the simultaneous seating capacity of at least twenty-five (25) patrons in the third class municipalities.

6-3-9 Establishment of Municipal Liquor Store. The governing body of the City of Faulkton is empowered to establish a municipal liquor store at local option under the guidelines set forth in Title 35, Chapter 3, of the South Dakota Codified Laws of 1967.

6-3-10 Package with Broken Seal. It shall be unlawful for any person to have in their possession in a public place within the City any intoxicating liquor, except that contained in its sealed original package with United States Government and State of South Dakota stamp tax unbroken; provided however, that this shall not apply to an on-sale dealer, hospital, or sanitarium.

6-3-11 Consumption of Intoxicating Liquor and Non-intoxicating Beer or Wine by Minors. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase, or to consume wine or intoxicating liquor, or to misrepresent his or her age for the purpose of purchasing or attempting to purchase wine or intoxicating liquor from any licensee.

Chapter 6-4 Dogs

- 6-4-1 License. It shall be unlawful for any person or persons within the City of Faulkton to keep, maintain, or have in their custody or under their control, any dog, or animals of the dog kind, without first having obtained a license to do so from the Finance Officer as hereinafter provided and without having paid the license fee therefore.
- 6-4-2 Application. Any person or persons desiring to keep, maintain, or have in his/her custody or control by himself/herself or agent within the said City of Faulkton, any dog shall at the time specified by the City Council apply to the Finance Officer for a license to keep such dog. All applications shall be made in writing and must specify the name, sex, color and other distinguishing characteristics of said animal, the name of the owner thereof, and that the animal has no vicious propensities so far as is known to the applicant. In addition, the applicant shall exhibit to the Finance Officer a certificate by a registered veterinarian showing that such dog has been inoculated against rabies and distemper and that said inoculation(s) will be effective during the period for which the dog is licensed.
- 6-4-3 Fee, Tags.
- A. The applicant shall, at the time of making such application, pay to the Municipal Finance Officer as a license fee, which will be set by the City Council and on file at the office of the Finance Officer; and it shall be the duty of the Municipal Finance Officer at the time of the issuance of the license herein provided for, to furnish and deliver said applicant a metallic dog tag for each dog for which such license is issued, upon which tag shall be stamped or engraved the registered number and it shall then be the duty of the owner of the dog to place a collar around the neck of such dog so owned or kept by him/her, on which collar shall be securely fastened a metallic tag so furnished by the Municipal Finance Officer; provided, that in case of the loss of any tag so issued, the said Municipal Finance Officer is authorized to issue a duplicate thereof upon payment to him/her of the actual cost of same upon application being made thereof, and upon satisfactory proof that such tag has been lost.
- B. That in addition to the payment of the license fee as herein set forth, applicant shall exhibit to the Municipal Finance Officer a certificate by a registered veterinarian showing that such dog has been inoculated against rabies and that said inoculation will be effective during the period for which the dog is licensed.

6-4-5 Running at Large.

- A. It shall be unlawful for any person or persons to permit or suffer to run at large within the limits of the City of Faulkton any dog or animal of the domestic variety, whether licensed or unlicensed, and any police officer or person of proper authority is hereby authorized and empowered to impound any such dog or animal found running at large.
- B. Any dog shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner or on a leash in the hands of some attendant, or unless such animal, if loose, is accompanied by its owner or attendant.
- C. No person owning any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Upon signed complaint to the City Council or its designated representative that any person is keeping or harboring any dog which disturbs the peace as herein set forth, the owner of said dog shall be notified in writing of said complaint, and after such owner has been given twenty-four (24) hours notice of such habit, any police officer or person of proper authority is hereby authorized and empowered to go upon the premises and impound any such dog or animal so disturbing the peace.

The owner of such said animal will be fined \$25.00 for the 1st offense, \$50.00 for the 2nd offense, and the dog will be impounded plus \$100.00 fine for the 3rd offense.

In addition to the impounding of such animal or other penalties prescribed, the owner thereof shall be subject to the penalties described in this ordinance.

- 6-4-6 Vicious Animals Defined. Vicious animals shall be defined as animals that displays a ferocious, vicious, or dangerous habit of barking at or in any manner annoying any person that is passing along the streets or sidewalks of the City of Faulkton or that shall be in the habit of biting, worrying, or injuring any other animal or human being. Dogs that are classified as vicious in the City of Faulkton include Rottweilers, Bull Dogs, dogs bred with wolves, and any other dog known to be violent and vicious.

6-4-7 Vicious Animals. It is unlawful for any person to harbor or keep a vicious animal within the City of Faulkton. Any vicious animal shall be deemed a public nuisance, and may be seized by any law enforcement officer and upon appropriate complaint and order of the Municipal Court or any court of competent jurisdiction and may be humanely destroyed or otherwise disposed of, as the Court may determine in the abatement of the nuisance and the protection of the public safety. It shall be an affirmative defense to prosecution under this Section:

A. If the animal is a dog, the dog is under the control of a law enforcement agency or is a trained guard dog, which is kept for the protection of property, and restrained by cage, fence or other adequate means from contact with the general public or with any person who enters the premises with the actual or implied permission of the owner or occupant, provided that the premises are posted in a manner sufficient to give reasonable notice to the public and visitors of the presence of the guard dog. Nothing in this Section shall be construed to prevent the immediate killing of a vicious animal if, under the circumstances, such action is required to protect the public safety.

B. The animal is provoked by a person or attack (actual or threatened) by a domestic or wild animal if the actions of any person or animal provoke the animal to such an extent that an animal of normal temperament would react viciously.

6-4-8 Owner Notification of Vicious Animals. If any dog or other animal is of a vicious disposition or has dangerous habits, the City Council or its designated representative shall notify in writing the owner of or possessor of such dog or other animal and if thereafter such owner or possessor fails to comply with such notice, the County Sheriff or other authorized person is authorized, empowered, and directed to kill or cause to be killed such dog or other animal, forthwith, and without impounding the said dog or other animal.

6-4-9 Impounding: Destruction of Dogs Running at Large. All dogs captured and conveyed to the dog pound, as established by the City, shall be kept for a period of at least forty-eight (48) hours, unless sooner reclaimed by the owner or keeper thereof. When the owner or claimant of any dog so impounded shall desire to redeem such dog from the dog pound, such dog may be released upon the payment to the person in charge of such dog pound, of an amount set by the City Council and on file at the office of the Finance Officer, and costs of keeping, and shall exhibit a license for such dog issued in the manner herein provided, and the person in charge of such dog pound shall thereupon release such dog to such owner or claimant. At the expiration of forty-eight (48) hours from the date of impounding the

dog, if the same shall fail or refuse to comply with the provisions of this ordinance for the releasing the same, it shall be the duty of the person in charge of such dog pound to dispose of such dog; provided that the owner of licensed dogs shall have an additional twenty-four (24) hours notice in writing. Disposal of such dog shall include selling or giving away with payment of proper license fees, destroying such animal, or any other authorized manner of disposition. If such dog is destroyed the owner, if known, is required to pay for the destruction and disposal of said animal to the entity performing the extermination.

6-4-10 Ignorance Does Not Excuse the Offense. In any proceeding for violation of the provisions of this chapter relating to dogs, the use herein, “permit or suffer” such dog to disturb the peace, shall not be construed as making ignorance of the offense an excuse for violation, and the knowledge of the person or persons committing the act or violation this chapter shall be considered immaterial.

6-4-11 Dogs Muzzled. The Mayor of the City, by proclamation or otherwise, may at any time when in his/her judgement it is necessary for the health, welfare, and safety of the City of Faulkton order that any or all dogs in the City be muzzled in such a manner as to make it impossible for said dog or dogs to bite any person, dog, or other animal. Such notice or proclamation shall be effective when made and shall be published in the first issue of the official paper thereafter.

Chapter 6-5 Junk Dealers

- 6-5-1 Definition. The terms “junk dealer” as used in this chapter shall mean any person, firm or corporation engaged in business as a junk dealer or trader in junk, old metals, rags, waste paper, green hides, old automobiles, or other articles which from their worn condition are rendered useless for the purpose for which made.
- 6-5-2 License Required. No person shall engage in business as a junk dealer as defined in this chapter without first having secured a license to do so.
- 6-5-3 Application for License. Any person desiring a license to engage in business as a junk dealer shall make a written application to the City Council, which shall state the following:
- A. The character of the business, described in detail, in which it is desired to engage and kind of materials it is desired to collect, buy, sell, or otherwise deal in.
 - B. The length of time the applicant or applicants has or have resided in the City of Faulkton, his/her or their places of previous employment, whether married or single, whether he/she or they or any of them have been convicted of a felony or misdemeanor, and if so, what offense, when, and in what court.
 - C. The premises where the business is to be located or carried on. Such description to be given by street in case of a building, and in case such business is carried on wholly or in part on a vacant lot or lots, the lot and block number shall be given together with the exact dimensions of the space to be occupied in any manner in the conduct of such business.
 - D. Such other information as may be required by the City Council.
 - E. That such application shall contain the consent and agreement by the applicant that any license granted such applicant may be revoked by the City Council at any time without notice or hearing upon violation by the holder of said license of any provisions of this Chapter or any other ordinance of the City of Faulkton or statute of the State of South Dakota.
- 6-5-5 Granting of License. Upon filing of the application together with the necessary license fee, the City Council may grant a junk dealer’s license by majority vote if they deem such applicant a fit and proper person to engage

in such business. The Finance Officer will then issue the license. If such licenses is refused, applicant shall not make further attempt until a period of twelve (12) months has elapsed unless applicant can provide that the reason for rejection no longer exists.

6-5-6 Revocation of License. The City Council may, at any time for such cause if it upon investigation deems sufficient, revoke any license granted under the provision of this Chapter without any hearing or notice to the holder of such license and whenever such license shall be revoked, no refund of any unearned portion of the license fee shall be served by the City Council upon the person(s), firm, association, or corporation named in the application either by personal service or by mailing the same to the address given in the application and filing a copy of such with the City Finance Officer.

6-5-7 Reports to be Made. Every junk dealer upon being served with written notice to do so, shall report in writing to the Chief of Police or his/her designated representative all goods, articles and things purchased or received by him/her in the course of his/her business as a junk dealer during such time period as specified in the notice. Such written report shall state the amount paid for each item and the name, residence and a general description of the person from whom such goods, articles, or other things were received.

6-5-8 Reports to Sheriff's Office. Every junk dealer, upon being served with written notice to do so by a member of the Sheriff's office, shall report to the County Sheriff a description of all goods, articles, or things purchased or received by him/her in the course of business of a junk dealer at such time and during such period of time specified in the notice, stating the amount paid for and the name, residence, and general description of the person from whom such goods articles, or things were received.

6-5-9 Restrictions on Operations. Additional restrictions on junk dealer operations are as follows:

A. No junk dealer shall carry on the business at any other place than the premises designated and described on the application and license. All junk of any kind shall be kept wholly within the boundaries of such premises.

B. It shall be unlawful for any junk dealer to burn junk or refuse on the premises covered by said license or any other place in the City unless he/she first procure a permit from the Chief of the Fire Department, if permit is granted said person(s) will be subject to whatever restrictions are deemed necessary.

- C. If located outside the City limits and within one mile thereof, the entire business, including buying, selling, and storage must be conducted within a fence at least seven (7) feet high. Said business and fence must be located at least two hundred feet (200) from any public highway leading into the City.
- D. Wrecking and dismantling of old cars for the purpose of securing parts shall be done wholly inside the building occupied by said junk dealer or within the enclosure hereinafter provided and shall not in any event be done upon the highway or streets of the City or outside the premises described on the application and license.
- E. In all cases where the business of a junk dealer is to be conducted on a vacant lot(s) or in a partially enclosed structure, the City Council shall have the right to determine whether or not the appearance of the lot(s) distracts from the appearance of the area in which located. No license shall be granted until such lot(s) has been enclosed with a tight fence of at least ten (10) feet high or of a height sufficient to cut off public view. Such fence shall be suitably maintained and kept in good repair at all times. In no event shall any such license permit any advertising of any sort to be placed upon said fence, except that such license may use up to fifty (50) square feet for the purpose of advertising his/her business.
- F. The handling, storing, and keeping of old bones of any description whatsoever is hereby prohibited by an person within the City of Faulkton; and handling, storing, and keeping such bones is hereby declared to be a nuisance and the violation of this Section by the holder of any license granted under the provisions of this Ordinance shall be sufficient cause for the revocation of the license in addition to the penalties hereinafter prescribed to the terms of this Ordinance.

6-5-10

Purchasing Junk from a Minor. It shall be unlawful for any person or persons, firm, or corporation to purchase or receive from any person under the age of eighteen (18) years, any article, goods, or thing commonly known and classified as junk, any bottle, pipe or pipe fittings, lead, iron or brass, tools or implements, or any goods or wares of a second hand character, or any rubber overshoes, boots or rubber goods of any nature, either second hand or new without the written consent of such minor's parents or guardian, which writing shall be kept by such person or persons, firm, or corporation and be subject to the inspection of any law enforcement officer of the City of Faulkton.

6-5-11

Nuisance. The operation of a junkyard without having procured the license provided for in this Chapter is declared to be a nuisance and may be abated as provided by law.

Chapter 6-6 Gambling

- 6-6-1 Gambling Prohibited. No person shall, in the City, play roulette, chuck-luck, poker, or any other gambling game or game of chance upon which money or any article of value is staked, or to resort to, attend, or be present at any place where such gambling games or games of chance are carried on.
- 6-6-2 Maintaining Gambling Devices Prohibited. It shall be unlawful for any person to maintain, keep, or exhibit in the City any slot machine, wherein the gain by chance is involved, or any table, cards, dice used, or intended to be used in playing any game of cards, dice, or other gambling game of chance for money or other articles of value.
- 6-6-3 Gambling House Prohibited. No person shall within the City keep any building or part of any building to be used or occupied for gambling. An owner, agent, or superintendent of any such place shall knowingly let the same or allow it to be used for gambling.
- 6-6-4 Operators of Gambling Houses. No person shall within the City act as game keeper of or have charge of and manage any gambling game or games of chance upon which money or other articles of value are staked, or act as doorkeeper, solicitor, runner, agent, or abettor of or for any house wherein any gambling games or games of chance for money or other articles of value are practiced or allowed to be practiced or carried on.
- 6-6-5 Sale of Chance Prohibited. No person shall sell or vend or have in his or her possession what are commonly called lottery policies, punch boards, or any writing, card, paper, or documents in the nature of any bet, wager, or insurance upon the drawing or drawn numbers of any public or private lottery, or endorse any book or other document for the purpose of enabling others to sell or vend any lottery tickets or policies.
- 6-6-6 Gambling Apparatus Nuisance. Every article, apparatus, or device used, operated, or kept in violation of any of the provisions of this Chapter, shall be deemed a public nuisance, and may be seized by the officers at the time of the arrest of a person for violation of any provisions of this Chapter, having the same in his possession. Upon conviction of such person for such violation, said gambling apparatus or article may be destroyed under order of the court.

Chapter 6-7 Peddlers, Solicitors, Canvassers.

6-7-1 License Required. It shall be unlawful for any person to engage in the business of peddler, solicitor, or canvasser as defined in this Chapter within the corporate limits of the city of Faulkton without first obtaining a license therefor as provided herein.

Definitions.

- A. Person. The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, co-partnership or society, or any other organization.
- B. Peddler. The word "peddler" as used herein shall include any person, whether a resident of the City of Faulkton or not, traveling by foot, automobile, garden truck or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who without traveling from place to place, shall sell or offer the same for sale from an automobile, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter. The word "peddler" shall include the words "hawker " and "huckster".
- C. Solicitor, Canvasser. A canvasser or solicitor is defined as any individual, whether resident of the City of Faulkton or not, traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, taking subscriptions to periodicals, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he/she is collecting advance payments on such sales or not, provided that such definition shall include any person who for himself/herself or for another person, firm, or corporation, hires, leases, uses, or occupies any building structure, tent, hotel room, lodging house, apartment, shop, trailer, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

D. Exceptions. This Section shall not include any person retailing goods, wares, or merchandise which can be shown to be his/her manufacture or production, or farm produce raised within the State of South Dakota by such person.

If such person has a South Dakota sales tax licenses they will not be required to receive a Peddler's Permit when going from business to business. If such person decides to go to any residence they will be required to have a permit.

6-7-2 Issuance of License. After the payment of the requisite license fee to the City Finance Officer, any person desiring to obtain a license under the provisions of this Chapter, shall make and file also with the City Finance Officer a sworn application in writing (in duplicate) on a form furnished by the City Finance Officer, which shall give the following information:

- A. Name and description of applicant
- B. Address (legal and local)
- C. A brief description of the nature of the business and the goods to be sold; services to be rendered; if, wares, and merchandise are to be sold, whether of the seller's own manufacture; and in the case of products farm or orchard, whether grown or produced by the applicant.
- D. If employed, the name and address of the employer.
- E. The length of time for which the right to do business is desired.

6-7-3 Licensing Authority. The City Finance Officer of the City of Faulkton is the licensing authority, and shall have discretion whether or not to grant the license after considering the showing in applicant's behalf, and after making the investigation he/she deems necessary.

6-7-4 License Fees. The license fee shall consist of a basic fee, of which said amount will be on file with the City Finance Officer, per day to defray the cost to the City of processing the application and investigatory expense.

6-7-5 Renewal or Continuation. In event any licensee desires to continue the business authorized under the license after the expiration date of such license, a new application shall be filed and the same procedure followed as for the initial license.

6-7-6 Licensee Constitutes City Finance Officer His/Her Agent for Service of

Process. Before any license shall issue, there shall also be filed with the City Finance Officer, an instrument in writing, signed by the applicant under oath, nominating and appointing the said City Finance Officer his/her true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of said applicant, and service of summons in any action brought upon said bond shall be deemed made when served upon said City Finance Officer.

6-7-7 Use of Streets. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location upon the public streets, alleys, or public grounds of the City of Faulkton, nor shall he/she be permitted to operate in any congested area where his/her operations might impede or inconvenience the public. For the purpose of this Section, the judgement of a law enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

6-7-8 Exhibition of Licenses. Any person licensed under this Chapter is required to exhibit his license at the request of any citizen.

6-7-9 Duty of Law Enforcement Officer to Enforce. It shall be the duty of any law enforcement officer of the City of Faulkton to require any person seen peddling, soliciting, or canvassing, and who is not known by such officer to be duly licensed, to produce his/her peddler's license and to enforce the provisions of this Ordinance against any person found to be violating the same.

6-7-10 Records. The County Sheriff shall report to the City Finance Officer all convictions for violation of this Chapter and the City Finance Office shall maintain a record for each license issued and record the reports of violation thereon.

6-7-11 Revocation of License.

A. Licenses issued under the provisions of this Chapter may be revoked by the Mayor of the City of Faulkton after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for licenses.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his/her business under the licenses.
3. Any violation of this Chapter.

4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the business of peddling, soliciting, or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing.

6-7-12 Appeal. Any person aggrieved by the action of the City Finance Officer or the Mayor in the denial of an application for the permit or license, or in the decision with reference to the revocation of a license as provided in this Chapter, shall have the right to appeal to the City Council of the City of Faulkton; such appeal shall be taken by filing with the City Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Service of such appeal shall be made by the City Finance Officer. The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this Chapter for notice of on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

6-7-13 Suspension of License. Upon written complaint being made to the Mayor on any of the grounds for revocation set in this Chapter and upon his/her determination that the health, welfare, and safety of the citizens of the City Faulkton requires it, he/she may order immediate suspension of the license, and the licensee shall not engage in the business authorized unless upon hearing such license is not revoked.

6-7-14 Transfer. No license issued under the provisions of Chapter shall be used at any time by any person other the one to whom it was issued.

6-7-15 Loud Noises and Speaking Devices. No licensee, nor any person in his/her behalf shall shout, make any cry-out, blow horn, ring a bell, or use any sound device, including loud speaking radio or sound amplifying system upon any the streets, alleys, parks, or other public places of City of Faulkton or upon any private premises in the City where sound of sufficient volume is emitted or therefrom to be capable of being plainly

heard upon the streets, avenues, alleys, parks, or other public places, the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

6-7-16 Expiration of License. All annual licenses issued under the provisions of this Chapter shall expire on the 31st day of December in the year when issued, other than annual licenses, which shall expire on the date specified on such license.

6-7-17 Exclusion from Provisions. Public and charitable organizations are hereby excluded from the provisions of this Chapter.

Chapter 6-8 Bicycles

- 6-8-1 License Required. No person shall ride or propel a bicycle upon any street, roadway, alley, or boulevard in the City of Faulkton, or upon any part thereof, without first having secured and attached to such bicycle a proper license tag as provided hereinafter.
- 6-8-2 Licensing Authority. The Finance Officer shall be the licensing authority.
- 6-8-3 Procedure. Licensing procedure for a bicycle to be ridden or propelled upon any street, roadway, alley, or boulevard in the City shall be as follows:
- A. Application. Application for a bicycle license shall be made to the City Finance Officer. Such application shall contain the name of the manufacturer of the bicycle, manufacturer's number, and general description. Such application shall be accompanied by a fee one file in the office of the Finance Officer paid to the City Finance Officer upon the granting of a license. A written certificate will not be issued and the receipt shall be evidence of the fact of licensing.
 - B. Identification Tag. The Finance Officer shall provide the applicant with a suitable identification tag, upon which shall be marked or stamped a distinguishing number. The owner of the bicycle shall affix and keep affixed to the bicycle such tag issued at said time.
- 6-8-4 Conditions of License. Every license issued hereunder shall be deemed to be granted subject to the following conditions:
- A. The applicant will attach the license tag to the frame of the bicycle in a substantial manner and that such bicycle not be operated at any time without having such tag attached thereto.
 - B. The license and tag shall follow the individual. Tags may be transferred from one bicycle to another belonging to the same person and no person shall use or attach to any bicycle a tag not issued for his/her own use.
 - C. In the event of loss of the tag, and upon application and satisfactory evidence of such loss, a new tag shall be issued upon receipt of a fee set by the City Council and on file in the office of the Finance Officer.
 - D. No person shall ride or propel a bicycle upon a public street, alley, roadway, or boulevard in such a manner as to interfere with any

pedestrian thereon.

- E. No person shall ride or propel a bicycle on a street, alley, roadway, or boulevard with another person on the handlebars or in front of the operator.
- F. No person shall ride or propel a bicycle upon a public street, alley, roadway, or boulevard except in a careful and prudent manner and unless such person shall be capable of efficient control and operation of such bicycle, nor shall any person propel or operate a bicycle upon any public way, herein described, carrying or permitting to be carried any other person between thirty (30) minutes after sunset and thirty (30) minutes before sunrise of the following day.
- G. No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the sidewalks, streets, and other public roadways of the city. Persons riding or propelling any bicycle shall observe all traffic signs and stop at all stop signs.
- H. No bicycle shall be permitted on any street, alley, roadway, or boulevard of the City between thirty (30) minutes after sunset and thirty (30) minutes before sunrise without a headlight visible thereof for not less than two hundred (200') feet, indicating the approach or presence of the bicycle, which light shall be firmly attached to said bicycle and properly lighted; nor without a red taillight, or in lieu thereof, a reflector attached to and visible from the rear of such bicycle for a distance of not less than two hundred (200') feet.
- I. No person shall ride or propel a bicycle upon any street or other public way in the city abreast of or to the left of more than one (1) other person riding or propelling a bicycle, or upon any public sidewalk; nor shall any person ride or operate a bicycle by holding on or attaching said bicycle in any manner to any other vehicle on any public street, alley, roadway, or boulevard.
- J. Every person riding or propelling a bicycle upon any street or other public roadway in the City shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right hand side of the street or roadway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting.
- K. The County Sheriff shall instruct all applicants concerning the provisions of this Chapter before issuance of the license tag, and all

applicants must have this Chapter read to them or read it themselves before such tag is issued.

L. The County Sheriff shall instruct all applicants concerning the provisions of this Chapter before issuance of the license tag, and all applicants must have this Chapter read to them or read it to themselves before such tag is issued.

M. No person shall ride, propel, or park a bicycle upon the sidewalk at the Fire Zone as described in this Chapter.

6-8-5 Defacing License Number, Taking Bicycle without Permission. No person shall deface, mutilate, or remove a license tag placed upon any bicycle, nor shall any person take any bicycle for the purpose of riding or propelling the same upon the streets, alleys, highways, or boulevards without the consent of the owner.

Chapter 6-9 Carnivals and Circuses

- 6-9-1 Licenses. It shall be unlawful for any person or persons owning, managing, or operating any circus, menagerie, wild west show, sideshow, carnival, or other exhibition in the City of Faulkton without first having procured a license to do so in the manner in this Chapter provided, and paying to the Finance Officer the license fee hereinafter specified, which application for such license shall be made to the City Finance Officer according to the procedure set forth in this Chapter. Fees for the above listed exhibitions shall be on file with the City Finance Officer.

TITLE 7 -- PUBLIC OFFENSES

Chapter 7-1	Offenses Against Public Welfare
Chapter 7-2	Offenses as to Property
Chapter 7-3	Noxious and Unhealthy Vegetation
Chapter 7-4	Abandoned Property
Chapter 7-5	Notice to Abate
Chapter 7-6	Firearms and Fireworks
Chapter 7-7	Animals
Chapter 7-8	Junked Cars
Chapter 7-9	Public Nuisances
Chapter 7-10	Stockyards, Feeding Lots, Buildings
Chapter 7-11	Regulation of Trees, Shrubs, and Other Plants

Chapter 7-1 Offenses Against Public Welfare

- 7-1-1 False Emergency Alarms Prohibited. No person shall knowingly make any false alarm of fire or other emergency by calling or causing to be called the Faulkton Volunteer Fire Department or any authorized emergency vehicle.
- 7-1-2 Drawing Weapon. No person not an officer of the law shall draw any pistol, revolver, knife, or other deadly weapon upon another.
- 7-1-3 Resisting Officer. No person shall resist, or aid or assist any other person to resist or escape from any police officer, or from any lawful confinement. No person shall assault or strike any police officer in the discharge of his/her duty.
- 7-1-4 Prostitution. No person shall entice or attempt to entice any male or female person into prostitution, nor shall any man or woman solicit prostitution, or follow the calling of a prostitute.
- 7-1-5 Furnishing Tobacco to Minors. No person shall sell, give, or furnish in any manner any tobacco in any form, or any substance of which tobacco is an ingredient, to any minor under the age of eighteen (18) years.
- 7-1-6 Displaying License Unlawfully. No person shall carry or display any City license or permit which has been terminated or revoked or which has not been lawfully procured and issued.
- 7-1-7 Hindering or Molesting Passerby. No person shall upon any street or at the entrance of any building on any such street, alley, or sidewalk, wrongfully hinder, impede, or molest any passerby, or use any rude, obscene, vulgar, indecent, or threatening language to any passerby, or by

any indecent act, gesture, or noise, molest, annoy, or insult or put in fear any person passing or attempting to pass on such street, alley, or sidewalk or through the entrance to such building.

- 7-1-8 Goods on Sidewalk. No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, except for the purpose of loading or unloading, such articles may be placed upon the outer sidewalk for such time as may be necessary to load or unload the same, but in no instance shall any such articles be left upon the sidewalk in the nighttime or in such a way as to obstruct the sidewalk without having first obtained permission from the City Council.
- 7-1-9 Intoxication. No person shall be or remain in an state of intoxication, drunkenness, or under the influence of alcoholic beverage in any public place.
- 7-1-10 Disorderly Conduct. No person shall conduct himself in any unseemly manner or in any manner tending to degrade, or in any manner unsuited to the promotion of the morals, health, or comfort of the inhabitants of the City.
- 7-1-11 Disturbing the Peace. No person shall disturb the peace of the City or of any person by violent, tumultuous, or offensive conduct, or by loud or unusual noises, or by profane, obscene, indecent, violent, or threatening language, or by assaulting, striking, or attempting to assault or strike another person, or inviting or defying another person to fight or quarrel, or by willfully and maliciously destroying or attempting to destroy or injure any property belonging to another, or by engaging in a fight with another.
- 7-1-12 Carrying Concealed Weapons. No person shall carry concealed about his/her person any pistol or other firearm, sling-shot, brass knuckle or knuckles, or other material, or any sandbag, dagger, bowie knife, dirk knife, switchblade knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm. Any peace officer may wear or carry such weapons, as may be necessary and proper for the discharge of his/her official duties. Any other person must have a concealed weapons permit in order to carry any concealed weapon.
- 7-1-13 Resisting, Escaping From, or Assaulting an Officer. No person shall resist or obstruct any law enforcement officer neither in the performance of any official duty, nor in any way aid or assist any person to resist or escape from any such officer, nor assist any person to escape from any lawful confinement. No person shall assault or strike any law enforcement officer, nor in any way interfere with such officer in the discharge of

his/her duty.

7-1-14 Impersonating an Officer. No person not duly authorized shall exercise the duties conferred by law upon law enforcement officers, wear a law enforcement officer's badge, or represent himself as being a law enforcement officer, or attempt to exercise the duties of a law enforcement officer.

7-1-15 Bathing in Nude State In Public View. No person shall bathe in a nude state in any stream or river or body of water exposed to public view.

7-1-16 Indecency. No person shall appear in any public place in a state of nudity, in indecent dress, or in dress intended to deceive others as to his or her sex, nor make any indecent exposure of his or her person.

No person shall sell, distribute, give away, or exhibit to public view any indecent or lewd book or obscene magazine, post card, printed or written matter, article, things, pictures, drawing, or representation.

No person shall exhibit, show, or perform any indecent, immoral, or lewd show, act, play, motion picture, or other representation in any theater or place of public resort.

7-1-17 Insulting Persons. No person shall make an impudent, insulting, or licentious advance or salutation to any other person upon any street or in any public place.

7-1-18 Profanity. No person shall use any profane, vulgar, or obscene language upon any street or other public place.

Chapter 7-2 Offenses as to Property

7-2-1 Injuring Signs. No person shall deface, remove, change, or mar, or in any way interfere with or obliterate wholly or in part any sign, signboards, or card placed, posted, extended, or erected by the City.

7-2-2 Injuring or Placing Unauthorized Traffic Signs Prohibited. No persons shall deface, injure, move, obstruct, or interfere with any official traffic sign or signal, street sign, or parking meter.

No person shall place, maintain, or display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the City Council is hereby empowered to remove the same or cause the same to be removed without notice.

7-2-3 Destroying Trees and Plants. No person shall willfully injure, destroy, or deface any tree, shrub, plant, or grass in any parking lot or park.

No person shall willfully injure or destroy any cultivated fruits or vegetables, ornamental trees, shrubs, hedges, vines or flowers, nor injure or carry off any of the products thereof, which are the property of another.

7-2-4 Interference with Electric Light Posts and Apparatus. No person shall interfere with, injure, break, or jar any electric light, telephone, telegraph, or fire alarm system, post, pole, or apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized to do so.

7-2-5 Unauthorized Connection with Gas or Water. No person shall, without lawful authority, connect with any main service line, pipe, or other device for the purpose of obtaining gas or water therefrom. No person shall, with intent to defraud, interfere with any meter installed to register the amount of gas or water supplied to any customer.

7-2-6 Interference with City Property. No person shall climb or in any manner interfere with any building, water tower, fire hydrant, or structure belonging to the City unless authorized to do so by the City; and no person shall, in any manner, injure, or deface any such structure.

- 7-2-7 Injuring Sidewalks, Streets, Etc. No person, without proper authority, shall tear up, break, or injure any pavement, crosswalk, sidewalk, or other improvement in any street, road, alley, or public ground.
- 7-2-8 Destroying Property. No person shall willfully damage, deface, break, destroy, or interfere with the property of the City.
- 7-2-9 Digging or Removing Sod, Earth, Gravel from City Property. It shall be unlawful for any person to dig any hole, drain or ditch in any street, avenue, or alley, park or public ground in this City without written permission from the City Council. Anyone found guilty of violating this ordinance shall be fined not more than twenty (\$20) dollars and costs for each offense and a like penalty for every day or part of a day the person remains in violation.
- 7-2-10 Gatherings on Streets Limited. No person shall call or cause the gathering of any crowd of people or address or exhibit any show or performance to such crowd, in any alley, street, or other public ground of the City, without the written permission of the Mayor.
- 7-2-11 Crowds Obstructing Streets. 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 such manner as to obstruct free passage thereon, or to annoy other persons passing along the same, and any law enforcement 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 such officer for the purpose of clearing the way or preventing annoyance to any passerby on any public street or sidewalk.
- 7-2-12 Hindering or Molesting Passerby. No person shall upon any street or at the entrance of any building on any such street, alley, or sidewalk, wrongfully hinder, impede, or molest any passerby, or use any rude, obscene, vulgar, indecent, or threatening language to any passerby, or by indecent act, gesture, or noise molest, annoy, or insult or put in fear any person passing or attempting to pass on such street, alley, or sidewalk or through the entrance to such building.
- 7-2-13 Certain Advertising Methods Prohibited. No person shall put up, erect, post, or suffer to remain so placed, any sign, poster, notice, or other advertising matter upon any telephone, telegraph, or electric light pole in the City.

No person shall paint, print, write, post, or in any manner place upon any sidewalk, pavement, or crosswalk in the City, any letters, words, figures,

signs, pictures, notices, or advertisement of any kind.

Chapter 7-3 Noxious and Unhealthy Vegetation

- 7-3-1 Definition. The following weeds and plants are hereby declared to be noxious weeds and vegetation and are hereby declared to be nuisances: rag weed, thistle of any kind, wild sunflower, goldenrod, cocklebur, sand bur, wild oars, wild mustard, wild lettuce, wild salsify, pigweed, wild firebrush, burdock, and all other useless, noxious, and unhealthy vegetation suffered or allowed to grow during the growing season.
- 7-3-2 Noxious Vegetation to be Cut. It shall be the duty of the occupant, person in charge, or the owner of any lot or parcel to keep said lot or parcel free from any noxious or unhealthy vegetation and particularly as to the weeds and plants mentioned in Section 7-3-1 of this chapter, and to cut or cause to be cut, all such noxious and unhealthy vegetation at such time or times as may be necessary to prohibit its growth and bearing seed. The City of Faulkton shall in like manner cut or cause to be cut all such noxious or unhealthy vegetation being and growing on the streets or alleys of the City of Faulkton.
- 7-3-3 Failure to Comply. If the owner, occupant, or person in charge of any lot or lots shall fail or neglect to cut or destroy any such noxious and unhealthful vegetation as a foresaid being or growing upon any such lot or lots or parcel of land, the City Council of the City of Faulkton shall notify such persons of the violation. If within ten (10) days after the notice is provided, the owner, occupant, or person in charge of any lot or lots shall continue to fail or neglect to cut or destroy any such noxious and unhealthy vegetation, the City Council shall cause the work to be done and report the expenses thereof to the City Council of the City of Faulkton and the cost of such cutting or destruction shall be collected from the property owner in such a manner as authorized by law including, but not limited to, special assessments against the property pursuant to State Statues regarding this matter.

Chapter 7-4 Abandoned Property, Maintenance and Sanitation of Premises and Buildings.

7-4-1 Definitions.

- A. Person – any person, firm, partnership, association, corporation, company, or organization of any kind.
- B. Vehicle – any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and all shall include, without limitation, automobiles, trucks, trailers, motorcycles, and tractors.
- C. Street or Highway – the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- F. Property – any real property within the City of Faulkton which is not a street or highway.
- G. Premises – A lot or parcel of land, improved or unimproved, parking areas thereon, walkways, and sidewalks.
- H. Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons or property.

7-4-2 Abandonment of Vehicles. No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

7-4-3 Leaving Wrecked or Non-Operating Vehicles on Street. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the City.

7-4-4 Leaving Wrecked or Discarded Vehicles on Property. No person in charge of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days; except with regard to (1) a vehicle in an enclosed building (2) a vehicle on the premises of a lawfully operated business enterprise when such vehicle is necessary to the operation of such business enterprise, or (3) a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.

7-4-5 Disposal of Abandoned Vehicles. The Chief of Police or a designated representative are authorized to remove or cause to be removed any vehicle left at any place within the City which reasonably appears to be in

violation of this chapter or appears to be lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with South Dakota Codified Law.

7-4-6 Recovery of Expenses. The City of Faulkton may recover the expenses incurred by the Utility Manager in abating any nuisance under the provisions of this article from the person creating, permitting, or maintaining the same in a civil suit instituted for such purpose, or, the City of Faulkton shall cause to have offensive material removed and the cost applied to the owner or to the respective tax list.

Chapter 7-5 Notice to Abate

- 7-5-1 Issuance. Whenever the City Council is notified that any condition or conditions prohibited in this chapter exist on any premises located within the City, the Street Official shall by certified mail, give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises to the owner of the premises and the person creating, permitting, or maintaining such nuisance within seven (7) days after the receipt of the notice said person or such person's agent or return of the notice said person or such person's agent or return of notice to the Street Official.
- 7-5-2 Nuisance Abatement by City. In the event a person shall fail to abate the nuisances created, permitted or maintained within the seven (7) days following the receipt of the notice or return of said notice to the Street Official, the Street Official shall cause the nuisance to be abated.
- 7-5-3 Appeal from Decision of Street Official. The person affected may appeal to the City Council the decision of the Street Official. Such appeal must be in writing and submitted to the City Finance Officer within six (6) days after receipt of the notice to abate or return of the notice of the Street Official. The City Council at a special meeting or regular meeting shall determine whether the Street Official shall proceed in accordance with the notice to abate or as modified by the City Council. The person affected shall be given notice of said meeting either orally or in writing.
- 7-5-4 Preparation of Expense Statement. After the Street Official abates the nuisance, the Street Official shall prepare a statement of expenses incurred by the City in abating the nuisance.
- 7-5-5 Notice of Assessment. Within ten (10) days after the preparation of the statement described in the above section, the City Finance Officer shall send by certified mail a copy of the statement to the owner of the premises and the person who created, permitted or maintained the nuisance to such person's or persons' last known address.
- 7-5-6 Hearing on Statement. The owner or any person affected shall have the right to appeal to the City Council concerning the proposed assessment. Such appeal shall be in writing, shall state objections pertaining to the proposed assessment and shall be filed within ten (10) days after receipt of notice or return of the notice to the City Finance Officer. The objections shall be presented to the City Council at their next regular meeting. The City shall determine by resolution the assessment and shall proceed to place a lien against the property until the assessment is made.

Chapter 7-6 Firearms and Fireworks

7-6-1 Discharge of Firearms or Air Rifles. It shall be unlawful for any person except a Police Officer in the performance of an official act, to discharge or fire any gun, air rifle, slingshot, or other dangerous weapons within the City Limits of the City of Faulkton.

7-6-2 Fireworks. It shall be unlawful for any person to sell, keep for sale, or offer for sale to any person within the limits of the City of Faulkton any firecrackers, fireworks cartridges, Roman Candles, rockets, or other fireworks or explosives from which firecrackers, blank cartridges, or other fireworks may be made or manufactured, unless authorized by permit from the City Council.

Fireworks shall be defined as those fireworks classified by the US Department of Transportation as Class C (common) fireworks [C.F.R. Title 49 - Transportation, Part 173.100 (r) effective on January 1, 1983], including, but not limited to, hose fireworks designed primarily to produce visible effects by combustion, that must comply with the construction, chemical composition and label regulations promulgated by the US Consumer Products Safety Commission [C.R.F. Title 16 - Commercial Practices, Part 1507j, effective on January 1, 1983].

No person shall in the City of Faulkton discharge or shoot off any fireworks or firecrackers of any kind, or light or throw any fire balls or crackers or any kind, except on the fourth (4th) day of July, and not within the officially designated Fire Zone.

The City Council of the City of Faulkton, may, in its discretion and upon such conditions as it may see fit, license any competent person, persons, or corporation to make a safe public display of such fireworks in the City of Faulkton, on the 3rd, 4th, or 5th days of July of any year.

7-6-3 Sale Prohibited. It shall be unlawful for any person, firm, or corporation to furnish, sell, offer for sale, keep or display for sale any fireworks within the City of Faulkton unless authorized by a permit from the City Council.

Chapter 7-7 Animals

- 7-7-1 Cruelty to Animals. No person shall cruelly or immoderately beat, torture, or injure any domestic animal, overload any working animal, or willfully or negligently maltreat, abuse, neglect, or treat in a cruel or inhumane manner any such animal.
- 7-7-2 Animals Running at Large. It shall be unlawful for any person, firm, or corporation to permit any horse, cattle, swine, sheep, goat, or other animal to run at large in the City of Faulkton.
- 7-7-3 Fowl in City. No person shall allow any ducks, geese, chickens, or other domestic fowl to run at large within the City of Faulkton.
- 7-7-4 Horses, Cows, Sheep, Goats in City. No person shall keep any horse, cow, sheep, goat, or other farm animal or erect or maintain any building or enclosure for use in keeping any of such animals within the City limits.
- No person shall keep or maintain any building or enclosure where livestock is kept unless the same be at all times kept in a clean and sanitary condition in accordance with the rules or regulations of the Board of Health.
- 7-7-5 Pigs in City Prohibited. No person shall place, keep, or maintain any live hogs within the City of Faulkton, excepting such hogs as are kept in the yards or pens of the transportation companies for shipping purposes or in pens, houses, yards, stockyards, packing houses, or butcher shops for immediate shipment or slaughter.
- 7-7-6 Exotic Animals Prohibited. No person shall place, keep, or maintain exotic animals within the City of Faulkton.

Chapter 7-8 Junked Cars, Junk.

- 7-8-1 Junked Cars--Defined. “Junked motor vehicle” is any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate if a motor vehicle inspection certificate is required, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, or abandoned.
- 7-8-2 Public Nuisances. The keeping, storage, or accumulation of any wrecked, dismantled, or junked vehicles, old car bodies, old iron, old lumber, or any junk of like character which tends to be unsightly or does or tends to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard on any property within the City of Faulkton hereby declared to be a public nuisance and may be abated as provided by Ordinances of the City of Faulkton or Statutes of the State of South Dakota pertaining to the abatement of nuisances.
- 7-8-3 Complaint. Upon a complaint being made to the Faulk County Law Enforcement of the presence of any material described in this section, the Chief of Police shall in writing notify the owner or person in charge of such real estate to remove the same within ten (10) days after the service of such notice. Upon failure of such owner or person in charge to remove such nuisance property, said nuisance shall be abated in the manner prescribed in this Chapter.
- 7-8-4 Junk Cars, Junk Unlawful. It shall be unlawful for any person, firm, or corporation owning or in control of any real estate within the City to permit, allow, or to accumulate any such wrecked, dismantled, or junked vehicles, old car bodies, old iron, old lumber, or junk of like character which tends to be unsightly or does or tends to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard, longer than ten (10) days after having been notified by the Chief of Police to remove such material and abate such nuisance, and each day such violation is committed or permitted to continue shall constitute a separate offense and be punished as such.
- 7-8-5 Cost Assessed. The City Finance Officer shall cause an account to be kept against each lot for which such material has been removed and shall thereupon certify said account showing the amount, the description of the property, and the owner thereof to the City Finance Officer who shall thereupon add such assessment to the County or General assessment against said property and shall certify such special assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes. Said assessment shall be subject to

review and equalization the same as assessment of taxes for general purposes.

- 7-8-6 Recovery by City. In lieu of spreading the cost of the removal of said materials, said amount may be revoked in a civil action against the owner or occupant of such property.
- 7-8-7 Nuisances, How Abated. The County Sheriff shall give written notice to any person creating, permitting, or maintaining any nuisance to abate such nuisances forthwith; and if such person shall neglect or refuse to do within a reasonable time after such notice, shall be deemed guilty of a violation of this Ordinance. The County Sheriff shall cause to be removed or abated any such nuisance upon the expiration of a reasonable time after the serving of such notice, and the City may recover the expenses so incurred from the person maintaining such nuisance in a civil suit instituted for such purpose, in addition to the method herein provided.
- 7-8-8 Exceptions. This Chapter shall not apply to any personal property described above kept within an enclosed building or on the premises of a licensed junk dealer licensed as such by the City of Faulkton.

Chapter 7-9 Public Nuisances.

- 7-9-1 Public Nuisances Defined. A public Nuisance consists in unlawfully doing an act, or omitting to perform a duty within the corporate limits of the City or in any public grounds or parks belonging to the City 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;
 - D. In any way renders other persons insecure in life, or in the use of property;
 - E. Or which affects at the time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- 7-9-2 Remedy. The remedies against a public nuisance shall be those prescribed by Chapter 21-10, South Dakota Codified Laws, 1979 Revision, and any amendments thereof.

Chapter 7-10 Stockyards, Feeding Lots, Buildings

7-10-1 Feedlots, Stockyards, Pens, Sheds, Buildings, Enclosures--Restrictions.

- A. It shall be unlawful for any person, firm, or corporation to keep, pen, maintain, or pasture within the City of Faulkton any animals except bonafide pets unless penning is necessary for purposes of loading or shipping. When such keeping or penning is necessary for purposes of loading or shipping livestock, it shall be unlawful to keep or pen these animals within one (1) block of any residence of the City of Faulkton.
- B. No such person shall keep or maintain any building or enclosure where livestock is kept anywhere within the city limits unless the same be at all times kept in a clean and sanitary condition and in accordance with the rules and regulations of the Board of Health.

7-10-2 Penalty. Any person, persons, firm, or corporation violating any of the provisions of this Chapter, or failing to comply with any of the provisions thereof shall, upon conviction thereof, where no penalty or punishment is prescribed in the section, title, or chapter containing such provision, be punished by a fine or by imprisonment in the County Jail for a period not exceeding thirty (30) days, or a fine of two hundred (\$200.00) dollars, or by both such fine and imprisonment in the discretion of the court; provided that in all cases where a fine is imposed, the court may in the event the fine is not paid, commit the person or persons to the County Jail for a period of one (1) day for each two (\$2.00) dollars of such fine.

7-10-3 Poultry in City Prohibited. No person shall place, keep, or maintain any live chicken, turkey, goose, duck, pigeon, or other fowl within one (1) block of any residence within the City of Faulkton.

Chapter 7-11 Regulation of Trees, Shrubs, and Other Plants

7-11-1 Tree Planting, Maintenance, and Removal.

A. Tree species -Listed below are desirable trees for planting along streets (in three size classes)

1. Small (under 30'): Mountain Ash, Hopa Crabapple, Russian Olive, Redleaf White Birch.
2. Medium (30-70'): Hackberry, Norway Maple, Redmond Linden, Quaking Aspen, Hybrid Poplar Locust, Seedless Ash, Autumn Purple Ash, and Pin Oak.
3. Large (70'& over): Cottonless Cottonwood, Sugar Maple, American Sycamore, Dawn Redwood, and Silver Maple.

B. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in this ordinance, and no trees may be planted closer together than the following: small trees -15 feet; medium trees / large trees 20 to 40 feet; except in special plantings designed or approved by the City Council .

C. Utilities. No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

D. Distance from Curb/Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be 4 feet. (Except in the case of evergreens, which shall be 15 feet) At corners, no trees/shrubs may be planted that will obstruct driver vision.

E. Topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted at the determination of the City Council.

7-11-2 Adjacent Landowner. No person shall plant, remove, gut above the ground, or disturb any tree on any street, park, or other public place

without first obtaining permission from the City Council. Said person shall abide by the standards set forth in this ordinance.

- 7-11-3 Tree Protection. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the City Council shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within reasonable time to be specified in such notice.

The City Council shall have as one of their duties the location, selection, and identification of any trees which qualify as 'Landmark Trees'. A tree may qualify as a Landmark Tree if it meets one or more of the following criteria: Species rarity, old age, association with a historical event or person, abnormality, scenic enhancement.

- 7-11-4 Private Trees. The City Council has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance. (Public Nuisance such as: infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstructs street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety).

- 7-11-5 Enforcement. The City Council shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the City.

- 7-11-6 Violations. Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of the ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed five hundred (\$500.00) dollars for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on city-owned property is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation.

TITLE 8 -- PLUMBING CODE

Chapter 8-1 Plumbing Regulations

Chapter 8-1 Plumbing Regulations

8-1-1 Adoption of National Code. There is hereby adopted by the City of Faulkton for the purposes of establishing rules and regulations governing plumbing as defined in this code including permits and penalties, that certain plumbing code known as the “National Standards Plumbing Code” as adopted by the American Standards Association, being the whole thereof, excepting such portions as are hereinafter deleted, nullified, or amended by the Faulkton City Council of which not less than three (3) copies shall be on file in the office of the City Finance Officer. The same is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling pertaining to plumbing, as defined in this Code, within the corporate limits of the City of Faulkton.

8-1-2 Title and Scope.

- A. Title. This code shall be known as the National Standards Plumbing Code, may be so cited, and will be referred to in this ordinance as this Code.

The administration and enforcement of this ordinance shall be the duty of the City Council, which is hereby authorized to take such actions as may be reasonably necessary to enforce the purpose of this Code. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this Code.

- B. Scope. The provisions of this Chapter shall apply to govern plumbing as defined in this Code, including the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or other structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm water or sewage system of any premises to their connection with any point of public disposal or other terminal.

C. Facilities. It is recognized that certain facilities in or adjacent to public streets that are referred to in this Code are only partially owned or controlled by the owner or occupants of the building or premises to which this Code applies.

8-1-3 Interpretation. All ordinances or parts of ordinances in conflict with the provision of the National Standards Plumbing Code are hereby repealed, and in the event any ordinance or parts of an ordinance of the City is in consistent in any manner with the provisions of said National Standards Plumbing Code shall govern.

8-1-4 Unlawful Unless Licensed. No person shall work as a journeyman plumber, plumbing contractor, or master plumber within the City unless licensed by the City of Faulkton and bonded as required by the City of Faulkton, except a property owner may do his/her own work on property belonging to him/her. No license to do plumbing work in this City shall be issued to any person who does not have a current license of the same category issued by the American Standards Association.

TITLE 9 -- UTILITIES

Chapter 9-1	Utilities, General
Chapter 9-2	Sewers
Chapter 9-3	Water
Chapter 9-4	Electricity
Chapter 9-5	Establishment of Drain Fields

Chapter 9-1 Utilities, General

- 9-1-1 Application for Water and Sewer Service. Application for water or sewer services shall be made by the owner or tenant of the property in writing. Separate bills must be issued for each service connection, building, residence, business place, and each branch connection when more than one connection is made by one service pipe.
- 9-1-2 Water Account Deposit. Applicant shall pay a water account deposit set by the City Council and on file with the Finance Officer to guarantee payment of water and sewer bills. Such deposit shall be returned to the depositor upon discontinuance of service and after all bills for water and sewer have been paid and/or when the depositor leaves Faulkton.
- 9-1-3 Water and Sewer Connection--Cost. When appropriate fees are paid, the City will, at their expense, provide for the extension of the water system from the mains to the applicant's property line. The City will provide the curb stop and saddle for the water connection. All stages of such extension and connection shall be supervised by the City Council, Maintenance Person, or any duly authorized representative thereof.
- 9-1-4 Connection Fee Required. A connection fee is required for each tap into the water system and each tap into the sewer system to be set by the City Council and on file with the Finance Officer. Said tap shall be made under the supervision of the City of Faulkton.
- 9-1-5 Inspection of Premises. The Maintenance Person or duly authorized person(s) (any member of the City Council) shall have access at all reasonable hours upon reasonable notice to all premises which are serviced for the purpose of reading meters, installing or removing meters, or making repairs.
- 9-1-6 Rates. Water and sewer rates shall be established by resolution of the City Council and placed on file with the Finance Officer.

9-1-7 Water Rates. The following rates are hereby established for consumers taking water from the water works of the City of Faulkton.

The rate shall be computed upon a monthly basis beginning August 1, 2004. Each consumer shall pay a minimum charge of Ten Dollars (\$10.00) per month with no water usage included. Water used during such month shall be at the rate of Two Dollars and Fifty Cents (2.50) per one hundred (100) cubic feet. The water bill is due on the first day of each month and is delinquent on the 10th day of said month.

It shall be the duty of each water user to compute the amount of cubic feet of water used and the amount due for water on the first day of each month, beginning August 1, 2004. The user shall submit the computed amounts to the City Finance Office on statement provided by the City, along with payment, within ten (10) days from said reading.

A service charge of \$15.00 shall be assessed for turning on water service.

9-1-8 Delinquent Rates. Water bills are due on the first day of each month and will be considered delinquent on the tenth day of each month. Any water bills not paid to the City Finance Officer on or before the 15th day of the month in which the same became due, shall be charged a penalty fee of Five Dollars (\$5.00) which shall become immediately due and payable along with the delinquent water bill.

Any water bill still unpaid at the end of the 15th day of each month will be treated as follows:

1. The City crew will go out and read those meters.
2. The finance office will prepare a bill
3. A \$5.00 penalty will be added to the bill.
4. Bills will be mailed out to the water user along with a "Notice of Possible Termination of Water Service."
5. In the case of a renter, the owner of the property will also be notified of the possible termination.

The termination letter will give notice of the date and time of the next City Council meeting, which will be the deadline for paying the bill. If we do not hear from the water user or receive payment by meeting time, the City Council will have the authority to order that water service be disconnected the next day.

9-1-9 Notice to Discontinue Required. Owners or consumers desiring to discontinue the use of water shall give notice thereof to the City Treasurer, and the minimum charge for water rent as provided in this Chapter shall in all cases apply until such notice is given and the water service

discontinued, and it shall be the duty of the Supervisor to at once shut off the water at the curb cock, and the water shall not be turned on again except by the Supervisor and unless the fee for shutting off and turning on water is paid.

- 9-1-10 Continued Service While Resident Out of City or Not Using the Water Service. Any customer planning to be gone or is just not using the service at the current time will still be required to inform the City they will be gone, and turn off the water service if necessary. If the customer does not or fails to have the service turned off while the customer is gone for an extended period of time and the water line breaks in the house, it will be the responsibility of the customer to make and pay for repairs.
- 9-1-11 Water Shut Off Expense. When the water has been shut off on account of nonpayment of bills or for violation of any of the rules and regulations of the City, it will not be turned on again, until all the arrears are paid together with the additional sum of Fifteen Dollars (\$15.00) to cover the expense of shutting off and turning on. If any person from whose premises the water has been shut off for any of the reasons herein provided shall turn the water on or cause the same to be turned on without authority from the Supervisor, he/she shall be deemed guilty of a misdemeanor.
- 9-1-12 Landlord Responsibility for Payments. Landlords shall be responsible for utility payments until the Finance Officer is notified of a new tenant.
- 9-1-13 User Responsible for Operation and Maintenance of Water and Sewer Lines. The City shall be responsible for the maintenance and proper operation of the water and sewer mains only. Any other water or sewer line attached to the mains shall be the exclusive responsibility of the property owner. In the event that a property owner must excavate to repair a line, it shall be his/her responsibility to fill such excavation to the satisfaction of the City Council.
- 9-1-14 Bankruptcy of the Customer. Notwithstanding any provision in Title 9 of this ordinance, the City of Faulkton may not alter, refuse, or disconnect service to, or discriminate against the Council Member or a debtor in bankruptcy, solely on the basis that a debt owed by the debtor to such utility for service rendered before the order of relief is not paid when due. The City may disconnect service if neither the Council Member nor the debtor in bankruptcy, within twenty (20) days after the date of the bankruptcy court's order for relief, furnishes adequate assurances of payment, in the form of a deposit or other security, for service after such date. The Finance Officer shall determine the amount of such deposit. On request of a party in interest and after notice and a hearing, the court may

order reasonable modification of the amount of the deposit or other security necessary to provide adequate assurance of payment.

Chapter 9-2 Sewer

9-2-1 Definitions.

- A. Biochemical Oxygen Demand – (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.
- B. Building Drain – shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet to one and one half (1.5) meters outside the inner face of the inner wall.
- C. Building Sewer – shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- D. City – shall mean the City of Faulkton, South Dakota
- E. Combined Sewer – shall mean a sewer intended to receive both wastewater and storm or surface water.
- F. Easement – shall mean an acquired legal right for the specific use of land owned by others.
- G. Floatable Oil – is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free or floatable only if it is properly pretreated and the wastewater does not interfere with the collection system.
- H. Garbage – shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- I. Industrial Wastes – shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- J. Natural Outlet – shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- K. pH – shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- L. Properly Shredded Garbage – shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (½) inch or one and twenty seven tenths (1.27) centimeters in any dimension.

- M. Public Sewer – shall mean a common sewer controlled by a governmental agency or public utility.
- N. Sanitary Sewer – shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- O. Sewage – is the spent water of a community, the preferred term is wastewater.
- P. Sewer – shall mean a pipe or conduit that carries wastewater or drainage water.
- Q. Shall – is mandatory.
- R. Slug – shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- S. Storm Drain – shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- T. Superintendent – shall mean the superintendent of wastewater facilities of the City of Faulkton, or his/her authorized deputy, agent, or representative.
- U. Suspended Solids – shall mean the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.
- V. Unpolluted Water – is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- W. Wastewater – shall mean the spent of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- X. Wastewater Facilities – shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Y. Wastewater Treatment Works – shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

Z. Watercourse – shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

AA. Hearing Board – shall mean the board appointed according to the provision of article VIII.

9-2-2 Depositing of Objectionable Waste Prohibited. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Faulkton, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste.

9-2-3 Discharge to Natural Outlets Prohibited. It shall be unlawful to discharge to any natural outlet within the City of Faulkton, or in any area under the jurisdiction of said City, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

9-2-4 Cesspools, Privies, Septic Tanks Prohibited. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

9-2-5 Use of Public Sewers Required. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality is hereby required at the owners expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within one hundred twenty (120) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

9-2-6 Connection with Private System. Where a public sanitary or combined sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Chapter.

9-2-7 Written Permit Required. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Council. A permit and

inspection fee of which is on file in the office of the City Finance Officer, shall be paid to the City at the time the application is filed.

- 9-2-8 Validity of Permit. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Council. The City Council shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City Council when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the City Council.
- 9-2-9 Specifications. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of South Dakota. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 9-2-10 Sanitary Expectations. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.
- 9-2-11 Additional Requirements. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed.
- 9-2-12 Contact with System. No unauthorized person(s) shall uncover, make any appurtenance thereof, without first obtaining a written permit from the City Council.
- 9-2-13 Classes. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make the application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the City Council. A permit and inspection fee of for a residential or commercial building sewer permit, and a fee for an industrial building sewer permit shall be paid directly to the City at the time the application is filed. All said fees shall be on file in the office of the City Finance Officer.
- 9-2-14 Cost to the Owner. All costs and expenses incidental to the installation and connection of that building sewer permit shall be borne by the

owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The City may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for a period of two (2) years.

9-2-15

Sewage Fee. For the purpose of providing funds to meet the cost of operating and maintaining the sanitary sewer systems, the sanitary sewer disposal plant, and the facilities connected therewith, there is hereby levied and assessed upon each lot, parcel of land, building or premises upon each lot, parcel of land, building or premises having any connection with the sanitary sewer system, or otherwise discharging sewage, industrial waste, water or other liquids directly or indirectly into the sanitary sewer system of the City of Faulkton, a sewage fee as follows:

- A. For any lot, parcel of land, building or premises used as residence property, the charge for sewer service shall be on file in the office of the Finance Officer.
- B. The City Council may classify a user as a commercial and/or industrial user by way of the following criteria:
 - 1. The user has a South Dakota Sales Tax license.
 - 2. The user is engaged in a profit producing enterprise.
 - 3. The user is providing a service and/or product to the community at large.

Said non-residential users will be charged for sewer service as follows:

Each January, the City shall calculate the average water usage for the previous year.

Commercial/Industrial users averaging 2,000 cubic feet per month or less will be charged a fee of which said amount will be on file in the office of the City Finance Officer.

Commercial/Industrial users averaging 2,000 cubic feet per month or more will also be charged a fee of which said amount will be on file in the office of the City Finance Officer.

Designated multiple-unit dwellings within the City will be excluded from the above, but shall pay one sewer fee per occupied unity per month.

- C. Sewer fees shall be payable each month along with the water bill. The

user shall submit the computed amounts to the City Finance Officer on statements provided by the City.

- D. Said sewer charge shall be a charge against the owner, lessee, or occupant of the premises, and against any or all of these, and any such claim for unpaid sewer service charges may be collected in a civil action brought for that purpose in any court of competent jurisdiction.
- E. It shall be the duty of the City Finance Officer to report to the City Council all delinquents not paid on or before the 15th day of the month in which the same became due. And it shall thereupon be the duty of the Mayor to notify persons whose sewer bill is delinquent and the owner of the property occupied by such persons, to appear before the council at the next city council meeting, which shall also be the deadline for paying the bill. If we do not hear from the said person(s) or receive payment by meeting time, the City Council will have the authority to order the water service be disconnected the next day, together with a penalty fee for turning on the same.
- F. The City of Faulkton shall not be responsible for the upkeep of sewer lines from the main trunk line to the user.

9-2-16 Multiple Buildings. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

9-2-17 New and Existing Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

9-2-18 Physical Requirements. The size, slope, alignment, materials, or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.P. Manual of Practice No. 9 shall apply.

- 9-2-19 Height Requirements. Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 9-2-20 Inappropriate Connections. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City Council for purposes of disposal of polluted surface drainage.
- 9-2-21 Adhesion to Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City, or in the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any derivation from the prescribed procedures and materials must be approved by the City Council before installation.
- 9-2-22 Inspection and Connection. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his/her representative.
- 9-2-23 Excavations. All excavations from building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City Council.
- 9-2-24 Discharge of Unpolluted Waters. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from the limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the City Council.
- 9-2-25 Storm Water and Unpolluted Industrial Water Discharge. Storm water other than that exempted in this Chapter and all other unpolluted drainage shall be discharged to such sewers, or to a natural outlet approved by the City Council and other regulatory agencies. Unpolluted industrial cooling

water or process waters may be discharged, on approval of the City Council and other applicable agencies, to a storm sewer, combined sewer, or natural outlet.

9-2-26 Inappropriate Substances. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the waste water treatment plant.
- C. Any waters or wastes having a pH of lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the waste water works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the waste water facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

9-2-27 Limited Quantities. The following substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, waste water treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City Council may set limitations lower than the limitations established in the regulations below if in his/her opinion much more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, the City Council will give consideration to such factors as the quality of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the waste water treatment process employed, capa-town of the waste water treatment plant, degree of treatability of the waste in the waste water treatment plant, and other pertinent factors. The limitations of restrictions on materials or characteristics of waste or wastewaters discharged to the

sanitary sewer, which shall not be violated without approval of the City Council, are as follows:

- A. Waste water having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- B. Waste water containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Waste water from industrial plants containing floatable oils, fat, or grease.
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparations of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite waste water at the waste water treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Superintendent.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.
- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed or are amenable to treatment only to such degree that the waste water treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any waters or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

9-2-28

Actions to Delete Hazardous Materials. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Chapter, and which in the judgement of the City Council may have a negative effect upon the waste water facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Council may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition of discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and /or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

When considering the above alternative, the City Council may give consideration to the economic impact of each alternative on the discharged. If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

- 9-2-29 Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capa-town approved by the City Council and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and the means of disposal which are subject to review by the Superintendent. Any removal or hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.
- 9-2-30 Pretreatment Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.
- 9-2-31 Necessary Components. When required by the City Council, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be construed in accordance with plans approved by the Superintendent. The structure shall be maintained by him/her so as to be safe and accessible at all times.
- 9-2-32 Required Information. The City Council may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewater.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

9-2-33 Experimental Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

9-2-34 Special Agreements. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

9-2-35 Destroying Property. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance, or equipment, which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

9-2-36 Inspection Officials. The City Council and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

- 9-2-37 Information Ascertain. The City Council or other duly authorized employee(s) are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to the competitors.
- 9-2-38 Safety of Officials. While performing the necessary work on private properties referred in this Chapter, the City Council or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the municipal employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required.
- 9-2-39 Entrance of Private Properties. The City Council and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repairs, and maintenance of any portion of wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 9-2-40 Arbitration. A Hearing Board shall be appointed as needed for arbitration of differences between the City Council and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Superintendent. The cost of the arbitration will be divided equally between the City and the sewer user.
- 9-2-41 Violations. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 9-2-42 Continuing Violations. Any person who shall continue any violation beyond the time limit, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding two hundred

(\$200) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- 9-2-43 Penalties. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
- 9-2-44 Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 9-2-45 Invalid Sections. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.
- 9-2-46 Enforcement. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Chapter 9-3 Water

- 9-3-1 Employees--Appointment, Compensation. The City Council shall appoint all other regular employees of the waterworks and fix the salaries or compensation of every person connected therewith.
- 9-3-2 Water Mains--Map. It shall be the duty of the City Council to provide and maintain a comprehensive map of all water mains, branches, extensions, hydrants, and gates, showing their location and size and it shall be the duty of the Supervisor to furnish all information of any changes of, or additions to the water system so that the maps and records thereof may from time to time be corrected and enlarged as the occasion may require.
- 9-3-3 Inventory and Record. The Supervisor shall, at the end of each year, make and file with the City Finance Officer, a complete inventory in detail, of all tools, implements, furniture, and other articles or personal property belonging to the department with which he/she shall be charged. He/she shall also keep them in a book provided therefrom, records with a suitable diagram showing the location, number, and size of all taps in the main and service pipes connecting therewith, and such other records as he may be directed.
- 9-3-4 Permit. Any person desiring to make a service connection with the water system shall make application in writing to the City Finance Officer in such form as the City Council may prescribe, and pay to the City Finance Officer the fee for tapping the main as is hereinafter provided for. The application shall be filed in the office of the City Finance Officer. Upon the filing of the application and payment of the fee, a permit shall be issued to the Supervisor authorizing the connection to be made at the place provided for therein. No tap shall be made until a permit is issued thereof.
- 9-3-5 Fees for Connection. The City Council is hereby authorized by resolution to prescribe a fee for making a tap upon the City water mains and the connection to the curb stop of which said fees will be on file with the City Finance Officer.
- 9-3-6 Water and Sewer--Same Trench Prohibited. Water pipes must not be laid in the same trench with sewer pipes except as permitted by the National Plumbing Code heretofore adopted in this Ordinance.
- 9-3-7 Duties of the Maintenance Person Regarding the Waterworks. Under the supervision of the City Council, the Maintenance Person shall have the charge and management of the waterworks. He/she shall report to the City Council, whenever required, the condition of his/her department of the

public service and shall make such suggestions for the improvement thereof as he/she may deem advisable. He/she shall perform such other duties as the City Council may require.

- 9-3-8 Repair of Service. All corporation cocks and curb stops shall be of the kind and pattern prescribed by the City Council. All service pipes must be laid as much below the surface of the ground as the main pipes in the street and protected to prevent rupture from freezing. All service pipes leading from the main to any premises, or pipes leading from such service pipes to any part of the premises and up to the meters, shall be of not less than three-fourths (3/4) inch extra heavy copper or other suitable material approved by the City Council.
- 9-3-9 Owner Responsible for Pipes and Fixtures. All owners must at their own expense, keep their service pipe, from the point of connection with the City water main, and all other apparatus, in good working order and properly protected from frost and other damage. No claim shall be made against the City by reason of the breaking of any of the service pipes or apparatus, or for any other damage that may result from any shutting off or turning on of water, or from any variation in pressure. Water shall not be wasted or improperly used. No reduction will be made from rates because of leaking pipes or fixtures or for any other cause.
- 9-3-10 More Than One (1) Consumer from One (1) Service. Two (2) or more premises cannot be supplied from the same service pipe unless each premise has its own curb stop. Owners of buildings who lease or subdivide shall be responsible for all water used in said premises. If more than one (1) meter is placed upon one (1) service pipe, the piping must be arranged such that each meter can be set on separate pipe lines and shall be so placed that no one of them shall measure water which has passed through another meter.
- 9-3-11 Check Valves. Check valves are required on all water connections to steam boilers or any other connection deemed by an authorized inspector to require one. Safety and release valves shall be placed on all boilers or other steam apparatus connections with the water system where the steam pressure may be raised in excess of fifty (50) pounds per square inch.
- 9-3-12 Installation of Water Meters. All water meters shall be the property of the City of Faulkton. It shall be the duty of the Maintenance Person to install or have a plumber install water meters on the premises supplied with water by the City for a fee set by the City Council and on file with the Finance Officer. Water meters shall be put in suitable places, safe from frost or other danger and accessible to the Maintenance Person for examination.

- 9-3-13 Water Meter Deposit. A water meter deposit, set by the City Council and on file with the Finance Officer, will be charged to all water users in the City of Faulkton. The deposit shall be returned to the consumer when he/she ceases to use water in the City of Faulkton and upon the return of the meter in good, working order, providing all water charges are paid in full.
- 9-3-14 Testing Meters. If a consumer doubts the accuracy of any meter, he/she may ask the Maintenance Person to have the meter tested by an outside agency. If the meter is more than five (5) percent fast, proper deductions will be made from the bill from the preceding period. If the water meter is more than five (5) percent slow, the proper amount will be added to the bill. The cost of testing the meter will be borne by the customer if the meter proves to be accurate, the cost of testing the meter shall be borne by the City of Faulkton if the meter proves to be inaccurate. The fees for testing shall be on file with the Finance Officer.
- 9-3-15 Meters Failing to Register. In cases where meters fail to register the amount of water passing through them by being stopped up or from any cause whatever, the quarterly used shall be determined and the charge made based upon the average amount used during two or more proceeding periods of similar length.
- 9-3-16 Use Without Meter Unlawful. It shall be unlawful for any person to use water from any premises without the consent of the owner or to use water from the City waterworks except through a meter regularly installed under the provisions of the ordinance. It shall be unlawful to turn the water on or off at any curb stop or street valve or tamper with any water service connection without the permission of the City Council or its designated representative.
- 9-3-17 Cutoffs. All stop boxes and cutoffs for controlling the supply of water to consumers shall be placed ten (10) feet from the property line nearest to the main where the tap is to be made with the top of the stop box even with the grade of sidewalk or parking. However, this rule shall not apply where the water supply is controlled by a valve in the street, which is covered by a manhole. All such cutoffs are under the control of the City. The user or owner of the premises supplied with water shall be responsible for any damage to the curb-box.
- 9-3-18 Meter Required.
- A. All places supplied with water shall be metered by a 5/8" meter furnished by the City. Meter type to be approved by the City Council under the direction of the Supervisor. All meters shall be tested by the

Supervisor before installation and be installed under the direction of the Supervisor. The owner or occupant of the premises where the meter is installed shall deposit, with the City Finance Officer \$100. Said deposit shall be made in advance of installation and is to insure the payment of all water charges and any other charge occasioned by such water service. When the meter is returned or account is terminated, the Finance Officer shall subtract from the deposit any amount due the City for any cause arising out of such water service, and return the balance.

- B. Owners who wish to have a 1” or larger style meter installed shall deposit with the City Finance Officer an amount equal to the cost of such meter and the installing thereof plus an additional five percent (5%).

9-3-19 Repair and Return of Meters. The City will make all necessary repairs to meters occasioned by ordinary wear and tear. All other repairs to said meters shall be made at the expense of the owner of the premises or user and may be charged against the rental account of such owner or user and become payable as water rent.

When any meter is returned or taken it shall be the duty of the Supervisor to determine the amount of damage, if any, to the same and the cost of repairing or replacing such meter. The City Finance Officer shall collect from the owner the amount (as determined by the Supervisor) of such damages for repairing, or replacing the meter.

9-3-20 May Shut Off Water to Make Repairs. In case of leaks or other accidents to pipes or other apparatus connected with the City Water Works, plumbers may shut off the water to make necessary repairs, but in all cases where it is necessary to repair or remove a water meter, notice must be given to the Supervisor and no plumber or other person shall remove any meter from any premises or change the location of any meter in any premises without first receiving a permit thereof from the Supervisor. In all cases, when plumber make repairs to pipes or fixtures on any premises, they shall leave the water turned on or off as they found it to be when they entered upon the premises to make such repairs

9-3-21 Placing of Meters and Cutoff Valves. All meters shall be suitably placed on a service pipe with a compression stop and waste on the inlet side and next to the meter so as to be easily accessible and, whenever possible, not to exceed two (2) feet from the wall or place where the service pipe enters the building or structure. The meter shall be kept free from all obstructions so that the same may be easily read and inspected and shall be protected from freezing or other damage. The cutoff valve shall have a

handle or wrench attaching thereto for the purpose of turning same and must be kept accessible at all times. One (1) inch and larger meters shall have cutoff valves on both inlet and outlet side. Meters of two (2) inch size or larger shall have a tee with one (1) inch opening inserted between meter and stop valve on outlet side of meter.

- 9-3-22 Boxes for Meters. All meters located outside of cellars must be placed in boxes. All such outside meter boxes must be constructed of brick, stone, cement or other material other than wood, and be not less than three (3) feet long and two and one-half (2 ½) feet wide, inside measurement, and must be provided with two (2) close-fitting covers so arranged as to provide a dead air space between each cover, and with steps to enable one to descend into the box. The top of the meter box shall be at grade.
- 9-3-23 Breaking Seals. No person shall break any seal upon any meter, valve, private fire hydrant or other fixtures that may be sealed by the direction of the City Council or its employees. Provided that the seals on private fire hydrants and private fire protection valves may be broken in case of fire and when so broken shall be reported to the City Council within twenty four (24) hours.
- 9-3-24 Pipes Inspected Before Covered. No water pipes laid underground shall be covered and the trenches filled until after the water has been turned into such pipes and the said pipes shall have been tested by the City Council or its employees and found to be water tight and below frost line, except when otherwise specially permitted by the City Council or its employees.
- 9-3-25 Building Purpose. Contractors, builders, or others desiring water for building purposes, must make application to the Supervisor therefor.
- 9-3-26 Authority of Department. The Supervisor or other officer or employee of the Water Department shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine water pipes and fixtures, and the manner in which water is used, and the City reserves the right to require the owner or user to set or remove a meter or change its location whenever it is deemed advisable to do so. The owner or occupant of such premises must at all times, frankly and without concealment, answer all questions put to him by such representative of the City pertaining to use of the water and its consumption. If in the opinion of the Supervisor the water is wasted on account of negligence, want of repairs, or for any other reason he/she shall give verbal or written notice thereof to the consumer or owner to make the necessary repairs or changes and if such waste is not repaired within twenty-four (24) hours after the notice is given, the water will be shut off and shall not be turned on again until the Supervisor so orders. If the waste

of the water is great or when damage is likely to result from leakage, the water will be turned off immediately. The violation of the rules in force in relation to the use thereof. In either case, when the water is cut off, the water shall not be turned on again until the sum stated in this Chapter has been paid as a penalty therefor, and such amount shall be to the credit of the water fund.

- 9-3-27 Leave Water Turned Off. In no case shall any plumber after the completion and test of any plumbing job, if it be the first installation of service pipe, leave the water turned on, but in all cases the stop cock at the curb shall be shut off.
- 9-3-28 Water Rents--Collection. The City Finance Officer who shall issue receipts and collections shall collect water rents.
- 9-3-29 Only Plumbers Approved by Water Committee Allowed. No person except a plumber approved by the Water Committee of the City of Faulkton, his/her employee, or a regular employee of the Water Department shall be permitted to do any work on any pipes or connections made with the mains or in any way connected with the water supply of the City of Faulkton, and no plumber shall directly or indirectly allow any other person to do any work on said appliances under his/her license. All such plumbers shall be governed by the rules and regulations of said ordinances, relating to plumbing and plumbers.
- 9-3-30 Owner--Lessee Liable. The owner of private property which property has upon it pipes connected with the City waterworks to convey water upon such property shall as well as the lessee or occupant of the premises, be liable to the City of Faulkton for the rents or rates of all water from said waterworks used upon said premises; which may be recovered in an action against such owner, lessee, or occupant, or against and/or all of them.
- 9-3-31 Interfering with Fire Hydrants. No person except the Chief of the Fire Department or the Supervisor of Street, Water, and Sewer shall open, take water from, or in any way interfere with, injure, break, or deface any fire hydrant belonging to the water plant of the City of Faulkton.
- 9-3-32 Hydrants. Any person desiring to lay large pipes for hydrant or hose couplings to be used only in case of fire, will be permitted to connect with the street main at their own expense upon application to the Supervisor, and under his/her direction, and will be allowed to use the water for fire purposes only, free of charge; but all such pipes must be provided with a suitable valve, which must be sealed by the Supervisor, and a stop and waste cock attached at the bottom on the inside of the

building. In case the seal is broken for the extinguishment of fire, the party must immediately give notice to the Supervisor, and in any case the seal shall have been broken for any other use, the party offending shall be subject to a fine of which said amount shall be on file with the City Finance Officer.

- 9-3-33 Drinking Fountains. Service pipes to all outdoor drinking fountains are to be provided with a stopcock or street valve, which shall be under the exclusive control of the City.
- 9-3-34 Emergency Water Restrictions. The Water Supervisor, with the approval of the City Council shall have the right to limit or prohibit temporary use of water from the city distribution system for any purpose excepting domestic purposes within the dwelling of consumers or in business establishments during emergencies in the event of plant breakdown, prolonged drought, or shortage of water supply for any reason to the end that fire protection efficiency may be maintained at its maximum. Notice of such limitation or prohibition of the use of such water shall be given by publishing a notice thereof once in the official newspaper of the city or by personal notice. Any person violating the terms of the prohibition or restriction after such notice shall be guilty of a misdemeanor and subject to a fine not exceeding one hundred (\$100.00) dollars and water service to the premises involved may be discontinued entirely during such emergency.
- 9-3-35 Penalty. Any person violating any of the provisions of this Chapter shall in addition to the ordinary penalties prescribed for violation of this Ordinance, be subject to have water service turned off from the premises of such person, and service shall not be restored until there has been full compliance of this Chapter and the payment of such fees for restoring service as may be provided by this Chapter.
- 9-3-36 Creation of Water and Sewer Committee. The Water and Sewer Committee of the City of Faulkton shall be three (3) members in number. The members shall be two (2) members from the City Council of which one shall be the Water and Sewer Commissioner and together with the Street, Water, and Sewer Supervisor.
- 9-3-37 Term of Office. The Water Committee of the City of Faulkton shall be appointed at the regular meeting on the first Monday of May of each year and the term will be for one (1) year. The members shall be appointed by the Mayor and confirmed by the City Council and any vacancies existing on said Water and Sewer Committee shall be filled by appointment of a member by the Mayor with the approval of the City Council for the unexpired term of the vacated member.

- 9-3-38 Duties. It shall be the duty of the Water and Sewer Committee to see that the ordinances and resolutions regarding the water and sewer works of the City are executed and to see that the connections with the waterline mains are properly made and constructed and to arbitrate any dispute arising between citizens of the City of Faulkton as to the connecting, use, and operation of the water and sewer mains of the City of Faulkton.
- 9-3-39 Appeals. Whenever any party feels aggrieved by a decision of the Water and Sewer Committee they shall have a right within thirty (30) days to appeal to the City Council of the City of Faulkton and the decision of the City Council on the matter appealed shall be final.

Chapter 9-4 Electricity

- 9-4-1 Adoption of National Code. There is hereby adopted by the City of Faulkton for the purpose of establishing rules and regulations to govern the use of electricity for light, heat, power, radio, and for other purposes that certain electrical code known as the National Fire Code, recommended by the National Fire Protection Association, being particularly the most current edition thereof and whole thereof, save and except such portions as are hereafter deleted, modified, or amended by the Faulkton City Council, of which not less than one (1) copy of said code and rules shall be filed in the office of the City Finance Officer. The same is hereby adopted and incorporated as fully as if set out at length therein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Faulkton.
- 9-4-2 Inspection. The administration, enforcement, and inspection of all electrical equipment and installations in the City of Faulkton shall be made by the State Electrical Board and inspectors appointed by them.
- 9-4-3 License Required.
- A. Electrician's License. No person, firm, or corporation shall be permitted to engage in the business of installing any electrical apparatus or machinery in any structure upon any premises within the limits of the City of Faulkton, except as provided specifically herein without first securing a license as Master Electrician (electrical contractor) or Journeyman Electrician, as defined by state statute. The license shall be issued in the name of the individual or the firm. The electrician's license shall be posted in a conspicuous place in the business of the licensee. No electrician's license shall be transferable.
- B. Supervision of Work. No individual, firm, partnership, or corporation shall engage in the business of performing electrical work specified as set forth in State Statute unless the electrical work of such business is under the direct supervision of a licensed electrical contractor.

Chapter 9-5 Establishment of Drain Fields.

- 9-5-1 Regulations. Be it ordained by the City Council of the City of Faulkton, South Dakota that it shall be unlawful for any person, firms, or corporations to establish new drain fields within the City limits of the City of Faulkton, South Dakota.

TITLE 10 – STREETS, SIDEWALKS, AND PUBLIC PLACES

- Chapter 10-1 Names of Streets and Avenues
- Chapter 10-2 Sidewalks and Curbs
- Chapter 10-3 Use of Streets and Public Places
- Chapter 10-4 Signs, Posts, and Awnings
- Chapter 10-5 Excavations in Public Places
- Chapter 10-6 Snow Removal
- Chapter 10-7 Trees in Public Places
- Chapter 10-8 Municipal Trees
- Chapter 10-9 Cemeteries and Parks

Chapter 10-1 Names of Streets and Avenues

- 10-1-1 Definition of “Street.” “Street,” for the purposes of this ordinance shall mean the entire width of any public roadway within the City and it shall not be limited to those roadways designated as a street but include avenues and all other names by which public roadways are designated, but shall not include alleys.
- 10-1-2 Plats Part of Ordinance. Those plats indicating the names of streets and avenues of Faulkton, South Dakota, now on file in the office of the Register of Deeds of Faulk County, South Dakota, are hereby incorporated as a part of this ordinance.
- 10-1-3 Official Map. The official map of the City of Faulkton shall be that maintained in the office of the Register of Deeds of Faulk County, South Dakota.
- 10-1-4 Names of the Streets and Avenues. The official names of the streets and avenues in City of Faulkton shall be those as shown on the official map of maps maintained in the office of Register of Deeds of Faulk County, South Dakota.

Chapter 10-2 Sidewalks and Curbs

- 10-2-1 Building and Repairs. It shall be the duty of the owner of any lot or lots within the City of Faulkton, when requested to do so in writing by the City Council, to build and maintain in good repair, a sidewalk in front of his/her premises.
- 10-2-2 Materials. All public sidewalks and curbs hereafter constructed in the City of Faulkton shall be of cement, unless permission is obtained from the City Council to use other material. Such permission shall be given in the form of a resolution.
- 10-2-3 City May Construct Sidewalks. In addition to the penalty provided for any violation of any of the provisions of this chapter, the City Council may, if the lot owner fails or refuses to build any sidewalks when requested under the provisions of this chapter, cause such sidewalks to be constructed and the costs of the same to be levied against the abutting real estate and collected in the manner provided by law for collecting special assessments or as prescribed in SDCL 9-46.
- 10-2-4 Cleaning Sidewalks. It shall be the duty of the occupant or the owner of any lot or parcel of land in the City of Faulkton, abutting on any alley or sidewalk, to keep such sidewalk or alley or to the center thereof free from all filth, unwholesome substance or matter, manure, straw, brush, snow, or rubbish of any sort.
- 10-2-5 Official Elevations. The rise above the city datum at the intersection of the center-line of the different streets shall be indicated in tables in feet and decimals of a foot and shall be known as paving grades, of which said tables shall be on file with the City Finance Officer.
- 10-2-6 Grade Line. The grade line from the intersection of one street to the next shall be of uniform slope.
- 10-2-7 Street Lines, Curb Lines, and Block Lines. The centers of streets shall be in all City Ordinances described as "Street Lines." The edge of the sidewalk shall be known and described as "Curb Lines" and the sides of streets shall be known and described as "Block Lines." (Lot Lines)
- 10-2-8 Elevation of Grades of Block Lines and Corners of Blocks. The elevation of grades of block lines shall be established at the corners of blocks and shall be straight or uniform grade from one corner of the block to the other. The said elevation of grade of corners of blocks shall be established at three tenths (0.3) feet above the average elevation of the two street lines

including the said corner, the elevations of the street lines at the point crossed by the block lines when produced.

- 10-2-9 Elevation of Grade of Curb Lines. The elevation of grade of curb lines shall be three-tenths (0.3) feet less or below the elevation of block lines.
- 10-2-10 Grade of Streets. All improved streets (unpaved) having a roadway between sidewalks of sixty (60) feet or over shall be finished with a crown grade of five tenths (0.5) feet above the established grade, and all improved but unpaved streets of less than sixty (60) feet roadway between sidewalks shall be with a crown grade of four tenths (0.4) feet above the established or paving grade.
- 10-2-11 Crossings. All crossings over improved streets shall be laid to conform to the cross section of the street of that point.
- 10-2-12 Grade and Plan of Sidewalks. All sidewalks constructed on Court Street from Eleventh Avenue west to and including Fourteenth Avenue and running south from the intersection of Court Street and Fourteenth Avenue three hundred (300) feet, and running north from said intersection one hundred (100) feet shall be constructed upon the grade and plan designated in the profile on file in the plat book of the City Finance Officer and the fills and excavations upon the surface of the land upon which said sidewalks are to be constructed shall be in accordance with the specifications attached thereto.
- 10-2-13 Location of Curb Line on One Hundred (100) Foot Streets. On all one hundred (100) foot streets except those streets and parts of streets named in the above Section, the curb line shall be eighteen (18) feet from the block line, the twelve (12) feet next the curb line being reserved for the planting of trees and sod. The slope from the block line to the curb line being one (1) inch in four (4) feet, the edge of the parkway nearest the roadway being set at the curb grade.
- 10-2-14 Gutters. All gutters on improved streets shall be one foot wide at the bottom and one and four tenths (1.4) below established grade.
- 10-2-15 Approaches to Residence. In approaches to residences the City will furnish one twenty (20) foot culvert and the grade over it.
- 10-2-16 Supervision of Sidewalk and Curbing Construction. The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the City of Faulkton shall be done under direct supervision of the City of Faulkton and its duly appointed officers and agents and all such sidewalks shall be constructed on the grades as determined by the said

City.

- 10-2-17 Width of Sidewalks. As defined by the Faulkton Business District in Chapter 11-1 of the Faulkton Municipal ordinances, number 8; and outlined by the Faulkton Fire Limits as set forth in City Ordinance 1-4-9. All sidewalks on Eighth Avenue between St. John Street and Park Street shall be twelve (12) feet in width; all sidewalks on Ninth Avenue between Main Street and St. John Street shall be ten (10) feet in width; all other sidewalks on Ninth Avenue, and all other sidewalks on Tenth Avenue, Eleventh Avenue, and Twelfth Avenue shall be five (5) feet in width; all sidewalks on St. John Street between Eighth Avenue and Ninth Avenue shall be ten (10) feet in width; all sidewalks on Court Street between Eighth and Ninth Avenue shall be ten (10) feet in width; all sidewalks on Main Street east of Eighth Avenue west to the first alley shall be ten (10) feet in width; and all sidewalks on Main Street, east of Eighth Avenue to Seventh Avenue shall be ten (10) feet in width.
- 10-2-18 Width of Sidewalks--Resolution of Council. All sidewalks upon other streets, avenues, and parts of streets and avenues not mentioned in this Chapter shall be five (5) feet in width, provided that the City Council may provide by resolution for sidewalks to be built on all streets and avenues not mentioned in this Chapter and north of Main Street to be built of such width and such material as the Council may decide by special resolution, which resolution shall receive the affirmative vote of a least two thirds (2/3) of all the aldermen of said City.
- 10-2-19 Specifications of Sidewalks. All sidewalks in the City of Faulkton not exempted by the provisions of this Chapter, shall be in accordance with the following specifications:
- A. All cement used shall be an approved brand of American manufactured Portland Cement Type 1.
 - B. All aggregate is to be clean, washed sand and gravel, meeting the A.S.T.M. specifications (C88-46T) which covers the color test for vegetable impurities, requires that the material be hard, sound pebbles, free from shale, clay, and deleterious material.
 - C. Coarse aggregate shall be washed and screened gravel from coarse to fine, having not more than ten percent (10%) finer than three eighths (3/8) inch screen and maximum size not to exceed one and one half (1½) inches.
 - D. Concrete shall be proportioned by volume, each sack of cement being considered equivalent to one (1) cubic foot and shall be mixed in the

ratio of 1 of cement, 2 of sand, and 4 of gravel. Sufficient water shall be used in the mixing so that the concrete shall be plastic and will flow but slowly. Not more than six (6) gallons of water per sack of cement shall be used. In order to equalize the mix and accept allowances for water in the aggregate, it is suggested that the weigh method be used.

- 10-2-20 Supervision Direction--Inspection by Street Supervisor. All sidewalks constructed in the City of Faulkton shall be constructed under the supervision, inspection, and direction of the Street Supervisor, and it shall be the duty of the Street Supervisor to cause all sidewalks built or constructed to be in accordance with the specifications and directions prescribed and in this Ordinance, and it shall be his/her duty as such inspector to stop all work upon any sidewalk which is not being built in accordance with specifications and the directions herein prescribed.
- 10-2-21 Location of Sidewalks. All sidewalks in the City of Faulkton shall be built upon the grade line and upon all avenues and streets where sidewalks five (5) feet in width are prescribed, said sidewalks shall be one (1) foot out from the block line, and all sidewalks prescribed in this Ordinance as being ten (10) feet and twelve (12) feet in width shall be built from the block line the requisite number of feet in width.
- 10-2-22 Penalty. Any person convicted of violation of any of the provisions of this Chapter shall be fined an amount on file with the Finance Officer, and the making of a sidewalk is five (5) feet wide, crossings shall not be less than four (4) feet wide, and all crossings shall be raised one (1) inch above the grade of the street and shall be beveled off to one (1) inch below the grade of the street on each side, such bevel shall not be less than six (6) inches in width and all crossings shall be built of such strength and thickness and of such material as the Council of this City shall by resolution direct.

Chapter 10-3 Use of Streets and Public Places

10-3-1 Materials in Streets, Permits. The Mayor is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick, or other materials for building in any public street, road, or alley adjacent to the building to be constructed or repaired for a space of time not exceeding three (3) consecutive months, but such permission shall not allow obstruction of more than one-third (1/3) of any driveway, sidewalk, street, road, or alley.

Any person depositing and keeping any building materials on such sidewalk, street, road, or alley shall keep one (1) or more lights, lanterns, flares, or flashing lights so placed that such material may be easily seen by persons passing along such sidewalk, street, road, or alley and shall keep such material adequately protected and guarded so as to prevent personal injury therefrom.

10-3-2 Cleaning Streets or the Sidewalks of Rubbish. Every person to whom permission is granted to place and keep building materials in the sidewalk, street, road, or alley shall cause all such rubbish resulting therefrom to be removed from such sidewalk, street, road, or alley, at the expiration of time limited in the permit, unless the permit shall be, for good cause, extended by the Mayor.

10-3-3 Building in Street. No person shall erect or maintain any building in such position that the same shall stand in whole or in part upon any public street, road, alley, or sidewalk in this City, or be so constructed that any part of the building shall project into or over such street, road, alley, or sidewalk; provided that jutting windows, brick, cornices, and other projection from the buildings above the first story may extend over the adjoining street, road, alley, or sidewalk, not exceeding eighteen (18) inches; and no person shall construct any step area or other appurtenance to any building so extending more than thirty (30) inches, nor shall any person erect in any public street, road, alley, or sidewalk any flight of stairs leading to the second or any higher story of any building.

10-3-4 Moving Buildings. No person or corporation shall move any building within the City limits without first obtaining a building permit.

10-3-5 Obstruction on Streets. No person shall place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in the City any automobile, cart, truck, sleigh, or other vehicle, except when the same shall be in actual use; nor shall any person place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in this City, any

other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk, or public ground except as hereinafter provided.

- 10-3-6 Eave Pipes. No person shall place or maintain any pipes leading from the eaves of any building in such a position that the water discharged thereby may flow upon or over any public sidewalk.
- 10-3-7 Animals and Vehicles on Sidewalk. No person shall ride, drive, or lead any horse or cow upon any public sidewalk in the City of Faulkton; or drive or propel or cause to be driven or propelled thereon any motor vehicle unless it is necessary to do so in entering or leaving such premises.
- 10-3-8 Garbage in Streets. It shall be unlawful for any person, firm, or corporation to throw, or deposit any ashes, offal, dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slop, or any other offensive or putrid matter or thing into or upon any street, avenue, land, alley, or public ground within the corporate limits of the City of Faulkton or into any stream of water within the limits of the City or forming the boundaries thereof.
- 10-3-9 Use of Streets for Sale of Vehicles. No person shall display for sale any vehicle or other personal property upon any of the streets or avenues in the City of Faulkton.

Chapter 10-4 Signs, Posts, and Awnings

- 10-4-1 Signs. No person shall place, hang, or maintain on or over any sidewalk, in City of Faulkton, any sign which shall extend more than six (6) feet from the building to which it is attached or belongs, or be less than seven (7) feet above the sidewalk, unless he/she obtains a special permission from the City Council.
- 10-4-2 Posts and Awnings in the Street. No person shall set any post or other obstruction in the road, street, or alley, in this City, for the purpose of fastening thereto any awning or shed, in or over any street, alley, or sidewalk, in this City, nor drop or allow any awning to hang lower than seven (7) feet above the surface of the sidewalk, unless the owner of the property obtains special permission to do so from the City Council. The property owner shall be responsible for any bodily injuries or property damage arising out of the construction or placement of such obstructions.
- 10-4-3 Telephone and Electric Poles. It shall be unlawful for any person, company, or corporation to erect or maintain any poles for the purpose of stringing any telephone or electric wires in or on the main streets in the City of Faulkton without written permission from the City Council.

Chapter 10-5 Excavations in Public Places

- 10-5-1 Permit Required. Any person, company, or corporation intending to make excavations in any street, alley, sidewalk, or public ground in the City of Faulkton for any purpose whatsoever shall file in the office of the Finance Officer a statement in writing of the place where such excavation is to be made and the estimated time of its completion, together with a written agreement executed by such person, company, or corporation, stating that such person, company, or corporation will pay to the City of Faulkton any and all damages which may be sustained by the said City due to the failure of such person, company, or corporation to observe this ordinance. Upon the completion of these requirements, the Mayor and Finance Officer shall issue a permit in writing for such excavation.
- 10-5-2 Application and Bonds. Application for such permit shall be made to the City Finance Officer, who shall secure the approval of the Supervisor of Streets before issuing any such permit. Such application shall be accompanied by a fee, which said amount will be on file with the City Finance Officer and considered compensation to the City for granting of such permit and the necessary investigation prior thereto. In addition to the hereinbefore-described fee, the applicant shall deposit with the City Finance Officer a fee to ensure the replacement and refilling of any such excavation. In lieu of such deposit, a bond for the same purpose to be approved by the City Council, or a deposit in cash in such amount as determined by the City Council, may be given covering all excavations for the year which such bond or deposit is given. Before any such permit is issued, the person requiring the same shall state in this application therefor where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose said excavation is to be made, and whether or not such person has a bond or annual deposit, then before a permit shall be issued, such application shall furnish a bond or make the deposit as above provided with the City Finance Officer as a guarantee for the proper refilling and of guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for a period of sixty (60) days.
- 10-5-3 Deposit Forfeited. If at any time within sixty (60) days after the issuance of the permit referred to in this Chapter, the Supervisor of Streets shall find out that the work for which the bond or deposit was made does not stand a satisfactory test or has not been properly refilled, he/she shall notify the depositor in writing the work must be put in satisfactory condition within three (3) days, and if the depositor fails to comply with the terms of said notice, then the Supervisor of Streets shall have authority to cause such work to be put in proper and satisfactory condition and

charge the expense thereof to the sum deposited. The Finance Officer shall upon order of the City Council return the balance unexpended at the expiration of sixty (60) days from date of such permit to the depositor.

In cases where a deposit is put up for all work done by any person as provided in this Chapter, the Supervisor of Streets shall have power to cause the repair or refilling of any excavation made by such person if he/she fails to do so upon three (3) days written notice, and the expense thereof shall be charged to his/her deposit, and such depositor shall immediately replenish such deposit to the original amount.

10-5-4 Supervision of Excavations. The Supervisor of Streets shall supervise all excavations made for any purpose in the streets, alleys, or public grounds, and he/she shall require that all excavations be back-filed in the manner specified.

10-5-5 Cutting Pavements. Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the Finance Officer before permit is issued a fee for each square yard removed of which said fee shall be on file with the City Finance Officer. The deposit shall be credited to the General Fund and be used by the City in replacing said pavements.

10-5-6 Opening in Sidewalks. It shall be unlawful to make, cause to be made, or maintain any opening in any sidewalk for the purpose of providing light for a basement or cellar, or for ventilating the same, unless such opening shall be guarded with a substantial railing of iron not less than three (3) feet high, or with a substantial iron grating or other more than one (1) inch apart. No railing or gate shall occupy more than two (2) feet of the sidewalk, measuring from the inner side thereof.

10-5-7 Guarding Excavations. Any person, company, or corporation receiving a permit to make excavation in 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, flares, and signals so as to prevent injury to person, animals, or vehicles on account of such excavation. Such flares shall be kept lighted from sundown to sunrise.

10-5-8 Refilling Excavations. When excavation is completed, the person, company, or corporation making such excavation shall promptly and without delay refill the same in the manner herein provided. The dirt shall be carefully replaced and tamped in hard layers of not more than six (6) inches in depth. Where water supply is convenient, the layers of dirt should be well saturated with water so as to make the surface of the

ground, when completely filled, level and as firm as before such excavation occurred.

10-5-9 Excavations Under Sidewalks. Any person, company, or corporation having or erecting any building abutting upon any street, alley, or sidewalk in the City of Faulkton, may excavate under any sidewalk to the curb for the purposes of constructing a cellar or basement in front of or adjoining said building; provided, however, that said excavation shall be surrounded on the outer sides and end with a substantial brick, stone, or cement wall, sufficient to maintain the said sidewalk. Permission to make said excavation must first be obtained from the Mayor and Finance Officer, and also said excavation shall be securely guarded as provided for in this Chapter.

10-5-10 Excavations Near Street. It shall be unlawful for any person, owner, or occupant of any lot or parcel of land within the City of Faulkton, to make or cause to be made, any excavation on said lot or parcel of land, unless the same be securely guarded so as to prevent the injury of any person or animals passing upon or along said streets, alleys, public grounds, or traveled path or roadway.

Chapter 10-6 Snow Removal

- 10-6-1 Duty of Owner or Occupant. It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk to keep said property free and clear from snow and ice.
- 10-6-2 Declaration of Snow Removal Emergency. A snow removal emergency shall occur automatically whenever there is an accumulation of snow on the public streets of the city of two (2) inches or more and provisions of this chapter in regard to parking on public streets during snow removal operations shall be effective and will be enforced. The determination to declare a snow removal emergency will be based on the then existing weather conditions and the amount of snow then on the ground or expected according to forecasts for the national weather service.
- 10-6-3 Definition of “Emergency Snow Routes.” In the event of a snow removal emergency all public streets in the city shall be designated either as Primary Emergency Snow Routes or Secondary Emergency Snow Routes, defined as follows:
- A. Primary Emergency Snow Routes. For the purposes of this ordinance the term “Primary Emergency Snow Route” shall mean the entire width and length of that roadway known as 8th Avenue within the City; and the entire width of that roadway known as Court Street running from 7th Avenue to 9th Avenue within the City.
- B. Secondary Emergency Snow Routes. For the purposes of this ordinance the term “Secondary Emergency Snow Route” shall mean all other public streets in the City.
- 10-6-4 Parking Restrictions During Snow Removal Emergency. In the event of a snow removal emergency, parking on the Primary Emergency Snow Route of the City will be completely prohibited, on both sides and regardless of the directional run of that street, as determined by the County sheriff, so as to interfere with the City’s snow removal operations. Primary Emergency Snow Routes shall be cleared first; and upon their completion, Secondary Emergency Snow Routes will be cleared.

Any vehicle remaining on a City street following the start of the snow removal emergency shall be ticketed and towed at the owner’s expense as determined by the County Sheriff.

10-6-5 City May Remove Snow. In case the owner of any premises mentioned in the preceding section shall fail or refuse to remove any snow as provided in the previous section within a twenty-four (24) period of time, the City may cause said snow to be removed and the expense of removing same shall be collected in such a manner as authorized by law.

10-6-6 Cost Assessed. The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and the same shall be certified to the Finance Officer on or before the 15th day of May of each year.

The Auditor shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the Council for its approval on or before the 1st day of June of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the Council will meet for the purpose of approving such estimate. Such notice shall be published at least one (1) week prior to the date set for said hearing. Upon the day so named, the Council shall meet, and if they find said estimate correct, shall approve the same, with or without modification or amendments, as they may deem proper, and file said assessment with the City Finance Officer. From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in said assessment and shall be collected in like manner as special assessments are now collected for public improvements.

10-6-7 Recovery by City. In lieu of spreading the cost of such snow removal as a special assessment against said property in the discretion of the Council, said amount may be recovered in a civil action against the owner or occupant of said property.

10-6-8 Penalty. Any person whose duty it shall be to remove snow as set forth in this Chapter, and who fails to remove such snow within the time therein set forth, shall be guilty of a misdemeanor and upon conviction be fined a fee of which amount shall be on file with the City Finance Officer, and shall be liable to the municipality for the damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in this Chapter.

Chapter 10-7 Trees in Public Places

- 10-7-1 Trimming Trees. The person or persons owning or occupying any private premises abutting any street, road, alley, or sidewalk shall keep all trees standing on such premises so trimmed that no bough or branch thereof shall hang as described in 10-8-3.
- 10-7-2 Planting Trees. All trees hereafter planted in the streets in Faulkton shall be planted ten (10) feet from the lot line of the abutting lot. Trees may not be planted under any power lines, wires, or cables.
- 10-7-3 Tree and Grass Plants. It shall be lawful for persons owning or occupying lots or parcels of land in Faulkton to embellish the same by planting trees within the limits of the streets adjoining said premises; provided, that such trees are planted between the sidewalk and the gutter, and not within five (5) feet of the line of the street; and also to make and keep in order lawns and grass plants between the sidewalk and the curbing.
- 10-7-4 Dead or Diseased Trees. It shall be the duty of the owner, occupant, or person in charge of any lot or lots in Faulkton to remove any dead or diseased trees from such lot or lots excluding the area between the sidewalk and the curbing, which will be the responsibility of Faulkton.
- 10-7-5 Injury to Trees, Lawns, Etc. No person other than the owner or his/her authorized agent shall injure or cause to be injured any trees, shrubs, grass, or lawn growing on any public or private ground within the City, except as herein before authorized.

Chapter 10-8 Municipal Trees.

- 10-8-1 Authority and Jurisdiction. The City Council shall have the authority and jurisdiction of regulating and planting, maintenance, and removal of trees on streets and other publicly owned property to ensure the public safety and to preserve the aesthetics of such public sites. The City Council shall have the authority to determine the type and kind of trees to be planted upon municipal streets or in parks; and the City Council may assist in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits or within the area over which the City has jurisdiction, whether the same be on public or private property, and to make recommendations from time to time as to desirable statutes concerning the tree program and activities for the City.
- 10-8-2 Permission to Plant and Maintain. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or municipal-owned property without first receiving permission from the City Council.
- 10-8-3 Duties of Property Owners. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, signs, or obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection, except where such services are provided for by utility firms. The minimum clearance of any overhanging portion thereof shall be ten (10) feet whenever practicable, and twelve (12) feet over all streets except truck thoroughfares where the clearances shall be from fourteen (14) to sixteen (16) feet, unless otherwise determined by the City Council.
- 10-8-4 Abuse of Trees. Unless otherwise specifically authorized by the City Council, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid or solid substance which is harmful to such tree to come in contact with such tree or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
- 10-8-5 Permission to Deposit Materials. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by permission of the City Council.

- 10-8-6 Permission to Excavate. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a good substantial fence, frame, or box, and all building material, dirt, or other debris shall be kept outside such barrier. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining permission from the City Council.
- 10-8-7 Removal of Hazards. Where any tree branches or hedges protrude or overhang on any thoroughfare within the City so as to be determined as in violation with this Chapter or affecting motor vehicle traffic and good maintenance practices, notification shall be given by the City Council to the property owner to remove such obstructions or undesirable branches or hedges within seventy-two (72) hours after receipt of notice. If not completed within that time, the City Council shall take immediate action to have such items removed with all costs assessed to the property owner. (SDCL 9-38-2)
- 10-8-8 Punishment. Any person violating any provisions of this Title shall, upon conviction thereof, be punished by a fine not to exceed two hundred (\$200.00) dollars or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Chapter 10-9 Cemeteries and Parks

- 10-9-1 Cemetery--Name. The City Cemetery, owned by the City of Faulkton shall be known as the Faulkton Cemetery.
- 10-9-2 Care and Management. The care and management of said Cemetery shall be under the control of the Faulkton Cemetery Association.
- 10-9-3 Sale of Lots. The Council shall determine and direct from time to time the portion of the Cemetery which is to be platted and laid out, and shall by resolution determine the price for which the lots and parcels of land in said Cemetery are to be sold, and the limitations and conditions under which said sales are made and the City Finance Officer shall execute in full for the lots or parcels of lots, or grave spaces and deliver to the purchaser thereof certificate of purchase, executed by the Mayor and attested by the City Finance Officer under the seal of the City, which certificate shall be substantially in the form adopted by the rules and regulations now or hereafter adopted by the City Council.
- 10-9-4 Cemetery Funds. All receipts from the sale of graves, lots, and parcels in said Cemetery, or for services incident to the operation, shall be placed in the Treasury of the Faulkton Cemetery Association and shall be expended for the maintenance, improvement, beautification, and enlargement of said Cemetery as directed by the Faulkton Cemetery Association Board,
- 10-9-5 Parks, Public Grounds--Supervision. The control and Supervision of public parks or public grounds of the City of Faulkton shall be under the direction and control of a Board Member of the City Council to be appointed by the Mayor and approved by the Council at the first meeting each year.
- 10-9-6 Park Board--Duties. The Park Commissioner shall have under his/her control and management the planting, maintenance, trimming, and removal of trees, shrubs, and plants in any of the parks or public grounds of the City; cutting of weeds and grass on all public grounds; and such other duties as may be from time to time expressly provided by the City Council.

TITLE 11 -- TRAFFIC CODE

Chapter 11-1 General Provisions

Chapter 11-2 Snowmobiles

Chapter 11-1 General Provisions

Definitions.

1. Vehicles or Machines: Trailers, semi-trailers, truck trailers, road tractors and motorcycles, bicycles, propelled by motor or steam or muscular power and used upon the public streets, and on alleys or public grounds of the City of Faulkton for the transportation of persons and property or both;
2. Emergency Vehicles: Fire department vehicles, police vehicles, ambulance, or any vehicle authorized by the Chief of Police to be used for emergency conditions;
3. Driver or Operator: A person who drives or is in actual physical control of a vehicle upon a street or highway or who is exercising control over or steering a vehicle;
4. Intersection: The area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other, but such area, in the case of the point where an alley and a street meet within the City, shall not be deemed an intersection;
5. Parking: Stopping or leave standing any vehicle, whether attended or unattended;
6. Smearing: To turn a curve or corner at a high rate of acceleration to cause a spinning of the wheels or squealing of the tires;
7. Spinning: To start from a stop or coasting or a slow rate, with a burst of speed to cause the wheels to spin or the tires to squeal.
8. Business District. The term "business district" shall include the following streets and avenues in the City of Faulkton: Main Street between intersections with Seventh and Ninth; Court and St. John's Streets between their intersections with Ninth and Eighth Avenue;

Eighth Avenue between its intersections with River Street and Chicago and Northwestern Railway, Ninth Avenue between its intersections with Main and Huron Streets; and all alleys in Blocks Twenty-one, Twenty-seven, and Twenty-eighth of said City.

9. Residence District. The term “residence district” shall include all streets and avenues in the City of Faulkton except those heretofore designated in the phrase “business district.”
10. Through Streets. Streets, or parts thereof, that have been so designated and marked, by order of the City Council.

11-1-1 Enforcement--Duty of Faulk County Sheriff

- A. It shall be the duty of the Faulk County Sheriff’s office to enforce all the regulations and requirements to this Title.
- B. Whenever the Sheriff or Deputies shall find a vehicle standing or parked upon any street, as defined in this Chapter, in the City of Faulkton, in violation of any of the provisions of this Title, he/she is hereby authorized to move such vehicles to a position and location permitted under the sections of this Title relating to parked vehicles.
- C. The Sheriff shall make a report to the City Council once a month for all notices issued, arrests made, and fines collected for violations of this Title.

11-1-2 Sheriff to Direct Traffic. The Sheriff and Deputies shall direct all traffic in conformance with the traffic laws and ordinances, provided that in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, members of the Sheriff’s office or Fire Department may direct traffic as conditions may require.

11-1-3 Obedience to Sheriff. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of the Sheriff’s office.

11-1-4 Observance of Rules and Regulations. The owner/operator, driver, or person in charge of any vehicle used, propelled, or driven upon the streets of the City of Faulkton shall conform to and observe the rules and regulations of the State of South Dakota. Any person riding a bicycle or an animal upon a roadway shall be subject to the provisions of this title applicable to the operator of any vehicle.

11-1-5 Public Employees to Obey Traffic Regulations

- A. The provisions of this Title shall apply to the operator of any vehicle owned by or used in the service of the U.S. Government, this State, County, or City; and it shall be unlawful for any such operator to violate any of the provisions of this Title, except as otherwise permitted in this Title.
- B. The provisions of this Title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles as defined in this Title while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

11-1-6 Speed Restrictions. It shall be unlawful for any person to drive a vehicle on a street or highway at a speed that is greater than is reasonable and prudent. Unless otherwise posted, no person shall drive a motor vehicle at a speed in excess of fifteen (15) miles per hour passing any school during school hours or when children are present, except on Highway 212 in which case the limit is thirty-five (35); ten (10) miles per hour in turning at an intersection or in turning upon any street, avenue, or alley; twenty (20) miles per hour within the Business District; and twenty-five (25) miles per hour within any other portion of the City.

11-1-7 Slow Driving. No person shall drive any vehicle at any unnecessarily slow rate of speed so as to hinder and retard the traffic.

11-1-8 Exhibition Driving. Any person who drives a motor vehicle within the City of Faulkton in such a manner that creates or causes unnecessary engine noise, tire squeal, skid, or slide upon acceleration or stopping, or that simulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of exhibition driving.

11-1-9 Careless Driving. Any person who drives any vehicle upon a street, highway, or alley within the City of Faulkton carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, is guilty of careless driving.

11-1-10 Street Closing. The City Council reserves the right to close any street to all traffic and/or to all truck and heavy equipment traffic as the City Council feels necessary to maintain the condition of the street. It is unlawful for the operator of any truck to travel, park or unload on any road in the City of Faulkton except the designated streets of which shall be used

as the primary truck route. A truck for purposes of this Ordinance is any motor vehicle with either three or more axles or five tons or more gross weight. Vehicles and trucks that may be allowed are school buses, any mass transportation vehicles, or other vehicles and trucks as prescribed by the City Board.

- 11-1-11 Vehicles Prohibited of Closed Streets. No vehicle shall be driven upon any street, which has been closed, to traffic by the proper authority.
- 11-1-12 Driving while Intoxicated. It shall be unlawful for any person who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to operate any vehicle upon any street, alley, or public grounds of the City of Faulkton.
- 11-1-13 Fire Apparatus. It shall be unlawful for the operator of any vehicle to follow closer than five hundred (500) feet any fire vehicle traveling in response to a fire or an alarm, or to drive into or park within four hundred (400) feet of where the fire apparatus has stopped in answer to the fire/alarm.
- 11-1-14 Parking. It shall be unlawful for any person to park any vehicle upon the paved or improved or main traveled portion of any street, alley, or highway, or in the center of any street, alley, or highway, or to park at the curb that is painted yellow or otherwise clearly marked with signs of “No Parking”, or within ten (10) feet of any intersection, or within fifteen (15) feet in either direction of a fire hydrant or fire station, or in front of the United States Post Office for fifteen (15) minutes or more, or in front of a private driveway or public alley. No vehicle of more than eighteen (18) feet in length or seven (7) feet in width shall be parked upon any street, which has been designated for diagonal parking. No vehicle shall back to the curb except where it is necessary in order to load or unload goods or merchandise, and then only for such length of time as may be necessary to load or unload. Also, no vehicle shall park in any public alley except only to unload or load merchandise then only for such length of time as may be necessary to load or unload. No vehicle shall be parked or left standing on any crosswalk except momentarily for the purpose of taking on or letting off passengers. No vehicle shall be parked on any street except at an angle with the curb approximately forty-five (45) degrees with the right corner of the vehicle near the curb; and shall be parked between the designated areas as painted on the street. No vehicle shall be double parked on any street unless operator is present to move said vehicle upon request. No persons shall stop or park any vehicle blocking any private driveway. No person or persons shall park or stop any vehicle in any lane of traffic for the purpose of socializing either with pedestrians or persons of another vehicle.

- 11-1-15 Limited Parking. The City Council may from time to time by resolution establish or cause to be designated and marked streets or parts thereof where vehicles may be parked for limited time periods only. The driver or person in charge of any vehicle parked in such a limited zone shall comply with such time limit for parking as shown on the signs, or marked on the curb, in the immediate vicinity in which such vehicle is parked. Whenever a notice is left by any member of the Sheriff's Office in or on any vehicle which has exceeded the parking time limit requesting the person in charge of such vehicle to report to the Sheriff's Office or Magistrate Court, said person shall appear at the hour and place designated, and default in so doing shall in itself, be deemed a violation of this chapter.
- 11-1-16 Specific Limited Parking. No vehicle shall be parked along the south side of Main Street between 8th Avenue and the alleyway for a longer period of time than two (2) hours as posted.
- 11-1-17 Interfering with Traffic. No vehicle shall be parked or left standing on any street so as to interfere with or interrupt the traffic on said street.
- 11-1-18 Emergency Limited Parking.
- A. In order that the Street Department may efficiently clean the streets of Faulkton in the event of snowfall requiring immediate cleaning of streets or avenues in the City of Faulkton, the Street Supervisor is authorized to place signs in any block or blocks within said City, stating that snow removal will be made at a stated time in which case it shall be unlawful to park any motor vehicle upon any of said streets or avenues upon which said signs have been placed during the period designated; provided further that such signs shall be placed at the end of said blocks to be cleaned.
- B. Provided further that any automobile parked in violation of this Section may be removed by the City, and the owner thereof, in addition to the other penalties prescribed, shall be required to pay the cost of such removal.
- 11-1-19 Prohibited Vehicles. It shall be unlawful for any person, firm, or corporation to park at any time, any truck, except what is commonly known as a pickup truck, upon the following streets and avenues within the City of Faulkton: on Eighth Avenue between Court Street and Main Street, and on Court Street from Eighth Avenue to Ninth Avenue.
- 11-1-20 Standing for Loading or Unloading Only in Certain Places.

- A. It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than necessary for the actual loading or unloading of passengers in any place marked as a passenger of loading zone.
- B. It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials in any place marked as loading zone.
- C. The City Council shall have authority to determine the location of passenger zones and loading zones as described herein, and shall cause to be erected and maintained appropriate signs indicating the same.

11-1-21 Emerging from Alley or Private Driveway. The operator of a vehicle emerging from an alley, driveway, or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

11-1-22 Turning Movements and Required Signals.

- A. No person shall turn a vehicle at an intersection unless the vehicle is in the proper position upon the roadway as required in this chapter, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- D. When travelling on U.S. Highway 212 within the City of Faulkton utilizing the four lane roadway, a right turn shall be made only when the vehicle making that right turn is in the right lane, closest to the curb; a left turn shall be made only when the vehicle making that left

turn is in the left lane, closest to the center line; the appropriate turning signal shall be made prior to either turn.

11-1-23 Signals by Hand and Arm or Signal Devices. Any stop or turning signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or standard approved mechanical signal device; but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or lamps or signal devices.

11-1-24 Method of giving Hand and Arm Signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- A. Left Turn- hand and arm extended horizontally;
- B. Right Turn- hand and arm extended upward;
- C. Stop or Decrease Speed- hand and arm extended downward.

11-1-25 Traffic Signs and Signals.

- A. The City Council shall by resolution determine and designate the character or type of all official traffic signs and signals, provided that all traffic signs and signals are erected and in operation are hereby designated official traffic signs and signals.

Subject to the selection, the County Sheriff is hereby authorized, and as to those signs and signals required hereunder, it shall be his/her duty to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall be approved by the City Council, and as far as practicable, standard throughout the City.

- B. No provisions in this Title for which signs are required shall be enforceable against an alleged violator if at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

11-1-26 Obedience to Traffic Signs and Signals. It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this title, unless otherwise directed by a law enforcement officer.

- 11-1-27 Interference with Signs or Signals Prohibited. It shall be unlawful for any person willfully to deface, injure, move, obstruct, or interface with an official traffic sign or signal.
- 11-1-28 Display of Unauthorized Signs and Signals Prohibited. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the County Sheriff is hereby empowered to remove the same, or cause it to be removed without notice.
- 11-1-29 Council Authorized to Designate Crosswalk. The City Council may by resolution establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians and may mark lanes for traffic on street pavements at such places as they may deem advisable consistent with the provisions of this Title; and that space being so designated, it shall be the duty of the County Sheriff to mark such zones and lanes in accordance with such resolution.
- 11-1-30 Pedestrians Right-of-Way.
- A. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by law enforcement officers.
 - B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for any other vehicle approaching from the rear to overtake and pass such stopped vehicle.
 - C. It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk.
- 11-1-31 Pedestrian to Use Right Half of Crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- 11-1-32 Pedestrians Soliciting Rides. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle, except a taxicab.

- 11-1-33 Turning in Mid-block. The operator of a vehicle shall not turn such vehicle so as to proceed the opposite direction except at an intersection or turn such vehicle so as to park on the opposite side of the street. Backing around corners: It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection, or into an intersection of public streets. Also known as “U-turn”.
- 11-1-34 Meeting of Vehicles. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one half of the main traveled portion of the roadway as nearly as possible.
- 11-1-35 Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.
- A. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- B. Official signs may be erected directing slow moving traffic to use a designated lane or designated those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.
- 11-1-36 Exceptions to Right-of-Way. The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren, or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety for all persons using the street, nor shall it protect the operator of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.
- 11-1-37 Driving on Sidewalks. The operator of a vehicle shall not drive on or within any sidewalk area, except at a permanent or temporary driveway.
- 11-1-38 Exemptions. All emergency vehicles such as police cars, fire vehicles, ambulances, etc., are exempted from all the provisions of this chapter if an emergency or special occasion arises.
- 11-1-39 License. No person shall operate or drive a vehicle within the corporate limits of the City of Faulkton unless such vehicle shall have displayed the licenses, or numbers assigned to that vehicle by the Secretary of State as

provided by law. Licenses Plates must be conspicuously displayed and kept free from mud, dirt, or other obstruction at all times.

Drivers License: No person shall operate or drive any vehicle within the corporate limits of the City of Faulkton unless he or she has in his/her possession a valid Driver's Permit or License issued to that individual driver by the Secretary of State as provided by law.

- 11-1-40 Mufflers. No person shall drive a motor vehicle in the City of Faulkton unless such vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. It shall be unlawful to use a "muffler-cut-out" on any vehicle upon any street within the City of Faulkton. The use of "Smitty" or Hollywood" mufflers or any other devices of a like character, which make loud noises or explosions, are hereby declared unlawful.
- 11-1-41 Vehicles with Lugs Prohibited. No person shall operate or move any tractor or vehicle equipped with mud lugs, ice spurs, or spikes upon or across any street that is surfaced with portland cement, concrete, or with bituminous material or any other hard surfacing material without first laying planks at least two inches in thickness over the surface of such street in a manner so as to protect such street surface from any damage.
- 11-1-42 City Council. It shall be the duty of the City Council to have placed conspicuously on each main street where the rate of speed changes, signs of sufficient size to be easily readable by any person using the street.
- 11-1-43 Police. The Faulk County Sheriff's Office is hereby empowered to make and enforce all regulations necessary to make effective the provisions of this chapter and to make the temporary regulations to cover emergencies, or special conditions, provided any such regulations are not inconsistent with the provisions of this chapter. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a law enforcement officer.
- 11-1-44 Approach of Emergency Vehicle. Upon the approach of any Police or Fire Department vehicle giving audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge of curb of the street or highway, clear of any intersection and shall stop and remain in such position unless otherwise directed by the police or traffic officer until the emergency vehicle shall have passed.

- 11-1-45 Backing Around Corners. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection, or into an intersection of the public streets.
- 11-1-46 Riding on Outside of Vehicle. No person driving a vehicle shall allow any person to ride upon the running board or fenders of any motor vehicle in motion outside of such vehicle he/she is driving while the same is in motion, nor shall they allow any person to cling or attach themselves to such moving vehicle at any time.
- 11-1-47 Driver's View of Control. No person shall drive any vehicle when there are more than three (3) people in the front seat thereof, or as to the vehicle is so loaded as to interfere with the driver's view and the control of the mechanism of the vehicle.
- 11-1-48 Right of Way. The operator of a vehicle approaching an intersection shall yield the right of way to a vehicle which has fully entered the intersection or when two vehicles approach an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right, the operator of a vehicle traveling at an unlawful speed shall forfeit any right of way.
- 11-1-49 Stopping. All vehicles shall come to a full stop when entering a through street from an alley or private driveway or upon sign-notifying drivers of vehicles to come to a full stop.
- 11-1-50 Motor Vehicles Left Unattended, Brakes to be Set. No person driving or in charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon when standing upon any grade, turning the front wheel to the curb or side of the roadway.
- 11-1-51 Unlawful to Drive Through Processions Unless Directed by Traffic Control Signals or by County Sheriff. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply to intersections where traffic is controlled by traffic control signals or the Faulk County Sheriff.
- 11-1-52 Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Chief or Fire Department official in command.
- 11-1-53 Brakes, Horns, and Lights. Every vehicle operated upon the public streets and alleys of the City of Faulkton shall be provided with adequate brakes,

suitable horn, and shall during the period of from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise display at least two (2) lighted lamps on the front and at least one (1) lighted red lamp on the rear of such vehicle, motorcycle or bicycle are required to display but one (1) lighted lamp on the front of such vehicle.

11-1-54 Head Lights Dimmed. No person shall use headlights or sidelights upon any vehicle on any street unless the same are dimmed in such a way as to prevent the light being dazzling or blinding to persons using the street.

11-1-55 Spot Lights. No person shall use a spot light in the streets unless in an emergency, and then so as not to blind or inconvenience persons using the street.

11-1-56 Truck Routes. All truck class, including semi-tractors; vehicles entering or passing through the City of Faulkton must use Truck Routes. "NO TRUCKS" signs are posted at both ends of restricted use streets and must be adhered to. Violators will be subject to a fine, determined by the Faulkton City Council.

11-1-57 Definitions.

1. Deviating Truck: is a truck that leaves and departs from a truck route while traveling inside the city limits.
2. Truck: is any vehicle designated or operated for the transportation of property with a body weight or body and load weight exceeding four thousand (4,000) pounds per axle.
3. Truck Route: is a way over certain streets and avenues as designated in this chapter over and along which trucks coming into and going out of the city must operate.

11-1-58 Established Truck Routes

- A. 7th Avenue South from Highway 212 to Court Street
- B. Court Street from 7th Avenue to 6th Avenue
- C. 8th Avenue
- D. 9th Avenue
- E. 13th Avenue South from Highway 212 to VFW Road
- F. VFW Road
- G. River Street from 8th Avenue to 9th Avenue
- H. Court Street from 13th Avenue to 12th Avenue
- I. Huron Street from 13th Avenue to 12th Avenue
- J. Oak Street from 8th Avenue to 10th Avenue

11-1-59 Signs. The street superintendent shall cause all truck routes and those streets upon which truck traffic is prohibited to be clearly sign-posted to

give notice that this chapter is in effect and no person shall be charged with violating the provisions of this chapter by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such street.

- 11-1-60 Enforcement. The street superintendent and the local law enforcement shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file at the office of the City Street Superintendent, the City Finance Office, and the Sheriff's Department, and shall be available to the public.
- 11-1-61 Outside Origin; One Inside Destination Point. All trucks entering the city for a destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.
- 11-1-62 Outside Origin; Multiple Inside Destination Points. All trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which such traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.
- 11-1-63 Inside Origin; Outside Destination Point. All trucks, on a trip originating in the City, for destination point outside the City, shall proceed by the shortest direction over streets on which such traffic is permitted.
- 11-1-64 Inside Origin; Inside Destination Points. All trucks, originating in the City, and traveling in the city for a destination point in the City, shall proceed only over the streets upon which such traffic is permitted.
- 11-1-65 Weight Limits. It shall be unlawful for any person to drive and operate a motorized vehicle upon the streets of Faulkton where the gross weight shall exceed over four thousand (4,000) pounds per axle of such vehicle except on designated streets, with an exception for vehicles making local delivery, service calls, and semi-tractors only.
- 11-1-66 State law to govern. Nothing in the sections 11-1-55 and 11-1-64 shall be constructed to modify or change any of the regulations of the state

highway department or the statutes of the state with reference to the gross weight permitted upon any highways within the City.

11-1-67 Weigh-In. The local law enforcement agencies shall have the authority to require any person driving or in control of any vehicle to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with.

11-1-68 Exclusions.

A. Operation on Street of Destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

B. Emergency Vehicles. The operation of emergency vehicles upon any street in the city.

C. Public Utilities. The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the City.

D. Detoured Trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

11-1-69 Evidence of Traffic Violations. In any proceeding for violations of the provisions of this Title relating to the operation or parking of motor vehicles, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who was operating or parking such motor vehicle at the time when such violation occurred or who parked such motor vehicles at the point where such violation occurred.

11-1-70 Zones of Quite and Play Streets.

A. There is hereby created and established a “Zone of Quite” in all territory within a distance of three hundred (300) feet of the County Hospital and it shall be unlawful for any person to make unnecessary noise within this zone by fast driving or riding, ringing of bells, blowing of horns, whistles, or doing any other thing tending to disturb the peace, comfort, and quite of patients of said hospital.

- B. The Council may declare any street of part thereof as “Play Streets”, and place appropriate signs or devices in the roadway indicating such use.

11-1-70.5 Dynamic Engine Braking Prohibited. It shall be unlawful for any person or persons to operate a dynamic braking device (commonly referred to as a Jacobs brake or Jake brake) on any motor vehicle, within the city limits of the City of Faulkton, except to avert imminent danger. A Jacobs brake device is any device that converts the internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. Any violation of this section shall be a Class 2 Misdemeanor with penalties as defined in SDCL 22-6-2.

11-1-71 Penalty. Any person or persons using, operating, or driving any vehicle, who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be fined in the sum of not less than five (\$5.00) dollars, and not more than two hundred (\$200.00) dollars, or by imprisonment in the County Jail for not more that thirty (30) days, or by both such fine and imprisonment.

11-1-72 Costs of Prosecution. In all cases of conviction, the cost of prosecution shall be taxed against the defendant.

Chapter 11-2 Snowmobiles

11-2-1 Definitions. The following words and phrases, when used in this Chapter shall have the meanings as follow respectively ascribed to them:

- A. “Operate” shall mean to control the operation of a snowmobile.
- B. “Owner” shall mean any person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof.
- C. “Private Property” shall mean and include any and all real property, or land within the City of Faulkton which has not been opened or dedicated for public use or as a public thoroughfare.
- D. “Snowmobile” shall mean any engine-driven vehicle of a type which utilizes sled-type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.

11-2-2 Snowmobile Route. No person shall operate a snowmobile upon any street, alley, sidewalk, highway, or public property within the City of Faulkton, except as to allow such person to exit out of the City and return to his/her place of residence or to the storage place of such snowmobile by the most direct or feasible route and under such terms and conditions as hereinafter provided. City streets are to be used by snowmobile only to exit or enter the City of Faulkton by the nearest route to or from the City Limits. While using City roads to exit said City, snowmobiles are not to exceed a speed of fifteen (15) miles per hour.

11-2-3 Emergency Use.

- A. The City Council of Faulkton may declare that road or weather conditions are such as to constitute emergency travel conditions authorizing use of a snowmobile.
- B. A snowmobile may also be used when such vehicle is necessary as an emergency vehicle to protect the health, safety and selfare of any individual.
- C. The operator of a snowmobile under emergency conditions shall be subject to all existing traffic ordinances of the City and traffic laws of the state.

- 11-2-4 Equipment Required. All snowmobiles operated in the City of Faulkton shall have the following equipment:
- A. A functioning muffler complying with SDCL 32-15-17
 - B. Adequate brakes in good working condition.
 - C. At least one headlight and one tail light in accordance with SDCL 32-17.
 - D. A safety or “deadman” throttle in operating condition, such device operating when pressure is removed from the accelerator, causing the throttle to cause the motor to disengage from the driving track.
- 11-2-5 Permitted Operations. Snowmobiles may be used for emergencies within the City only when City streets are impassable. Snowmobiles shall not be permitted to operate on the sidewalks.
- 11-2-6 Safety Equipment and Inspection. All snowmobiles operated within the City shall be equipped with and have in operation at all times mufflers, brakes, and at least one (1) headlight and one (1) taillight. No snowmobile shall be driven on the roadway, street, or alley when said snowmobile is unsafe as to endanger any person or property. The City Council may at any time upon reasonable cause to believe the snowmobile is unsafe or not equipped as required by this ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle, which has been found unsafe except to return such snowmobile to his/her residence, place of business, or to a garage until said vehicle has been placed in proper repair.
- 11-2-7 Hours of Permitted Operation. No person shall operate a snowmobile on private property of their own or another upon public highways, streets and alleys within the City of Faulkton between the hours of 2:00 a.m. and 7:00 a.m. the following day. During the day or nighttime riding a driver operating a snowmobile shall use the nearest route to their destination.
- 11-2-8 Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and in addition shall yield right-of-way to motor vehicles. It shall be unlawful to drive or operate a snowmobile upon any sidewalk.
- 11-2-9 Access and Exit Routes and Other Regulations for Small Recreational Vehicles.

A. Operators of all such vehicles shall be in possession of a valid driver's license and shall meet all other requirements of State traffic laws.

- 11-2-10 Speed. No person shall operate a snowmobile at a speed greater than twenty (20) miles per hour.
- 11-2-11 Careless, Reckless or Negligent Operation Prohibited. No person shall operate a snowmobile in a careless, reckless or negligent manner so as to be likely to endanger the person or property of another or to cause injury or damage thereto.
- 11-2-12 Speeding and Reckless Driving Prohibited. No person shall operate a snowmobile in a reckless way so as to endanger the person or property of another or in a manner, which disturbs the peace; by loud or unusual noises, or by destroying or attempting to destroy or injure any property belonging to another.
- 11-2-13 Licensing Required. No driver shall operate a snowmobile in the City of Faulkton without having first having such snowmobile registered and licensed in accordance with state law.
- 11-2-14 Operator License Requirement. No person shall operate a snowmobile on the streets or alleys within the corporate limits without a valid South Dakota Driver's License or permit as prescribed by South Dakota Law, and then, only in the same manner and for the same purposes which said permit authorizes.
- 11-2-15 Operation within City Park or Cemetery. No person shall operate a snowmobile within the area known as Faulkton Park, or the Faulkton Cemetery, except for exiting or returning to or from the City Limits.
- 11-2-16 Municipal Areas Off Limits to Snowmobiles. It shall be unlawful for any snowmobile to be operated within the City limits on the City ballpark property, the City airport, the City Park or the Faulkton School grounds.
- 11-2-17 Lights Required During Darkness. No person shall operate a snowmobile on the alleys or streets within the corporate limits, during hours of darkness, without a lighted headlamp and tail lamp.
- 11-2-18 Traffic Laws Applicable. The operator of a snowmobile is required to obey the same traffic laws of the state and ordinances of the City, including street and road signs, as the operators of all other motorized vehicles are required to obey.

- 11-2-19 Traffic Signs and Signals. Every person operating a snowmobile on the alleys or streets within the corporate limits shall observe all signs and signals within the corporate limits which apply to the operator of a motor vehicle. The failure to observe said signs and signals shall be prima facie evidence of reckless operation of a snowmobile.
- 11-2-20 Drive on Right Side of Street. Every person operating a snowmobile on the alleys or streets within the corporate limits shall operate same upon the right half of the street in single file, except when overtaking and passing another vehicle.
- 11-2-21 Crossing Streets at Right Angles. Persons operating snowmobiles are permitted to cross streets at right angles, but only may do so after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach.
- ~~11-2-22 Sidewalk Operation Prohibited. No person shall operate a snowmobile upon any public sidewalk in the City of Faulkton.~~
- 11-2-23 Sidewalks. No person shall operate a snowmobile on or within any sidewalk or boulevard area, except as a permanent or temporary driveway.
- 11-2-24 Driving While Under the Influence of Intoxicating Liquor or Narcotic Drugs. No person shall operate a snowmobile within the corporate limits while in an intoxicated condition or while under the influence of liquor, or any exhilarating or stupefying drug.
- 11-2-25 Operating on Private Property. No person shall operate a snowmobile on private property of another without the expressed permission to do so by the owner or occupant of such property.
- 11-2-26 Loud Noises Prohibited. No person shall operate a snowmobile in such manner as to create any loud, unnecessary, or unusual noise likely to disturb or interfere with the peace and quiet of any other person.
- ~~11-2-27 Towing. No person operating a snowmobile shall tow any person or object behind such snowmobile except when such person or object is stimulated upon a conveyance which is attached to such snowmobile by means of a rigid hitch or tow bar.~~
- 11-2-28 License as Evidence. In any proceedings for violations of this Ordinance relating to operation of a snowmobile, the license displayed on a snowmobile shall constitute in evidence, a prima facie presumption that the owner of such snowmobile was the person who was operating at the time when such violation occurred.

TITLE 12 -- PROPERTY MAINTENANCE

- Chapter 12-1 Purpose
- Chapter 12-2 Definitions
- Chapter 12-3 Maintenance
- Chapter 12-4 Sanitation of Premises and Building Required
- Chapter 12-5 Enforcement and Administration of Provisions
- Chapter 12-6 Right of Entry
- Chapter 12-7 Notice to Abate
- Chapter 12-8 Moving a building to outside the City Limits

Chapter 12-1 Purpose

- 12-1-1 Purpose. The purpose of this chapter is to protect, promote, and enhance the welfare, safety, health, and property of the general public by prohibiting the keeping or maintaining of properties at variance and inferior to the level of maintenance of surrounding properties.

Chapter 12-2 Definitions

12-2-1 Definitions. The following words have the following meanings:

“Premises” means a lot or parcel of land, improved or unimproved, parking areas thereon, walkways and sidewalks.

Chapter 12-3 Maintenance

12-3-1 Inferior Maintenance Variance Unlawful. It is unlawful for any person owning, leasing, occupying, or having charge or possession of any buildings or premises in the City to keep or maintain such building or premises in a manner, which is at variance with, and inferior to the level of maintenance or surrounding properties.

12-3-2 Conditions Constituting a Public Nuisance. A premises is maintained or kept in a manner which is a variance with and inferior to the level of maintenance of surrounding properties and is declared to constitute a public nuisance where there exists upon any building or premises any of the following conditions:

- A. Overgrown vegetation of uncut lawns, which is unsightly and/or is likely to harbor rats or vermin;
- B. Dead, decayed, or diseased trees, weeds, or other vegetation;
- C. Lumber, junk, trash, tires, debris, or salvage materials maintain upon any premises, which is visible from a public street, alley, or adjoining premises.
- D. Abandoned, wrecked, dismantled, or inoperative trailers, campers, boats, or motor vehicles, which are accumulated or stored on premises.
- E. Building exteriors, walls, fences, driveways, or walkways, which are cracked, broke, defective or deteriorated, in disrepair, or defaced;
- F. Any like and similar condition or conditions.

Chapter 12-4 Sanitation of Premises and Buildings Required

12-4-1 Sanitation of Premises. It is unlawful to permit by act or omission the following specific acts, conditions and things, which are also declared to the public nuisances:

- A. Failing, refusing, or neglecting to keep the sidewalk in front of a house, place of business, or premises a clean and safe condition;
- B. Maintaining upon a premises any unsightly, partly complete, or partly destroyed buildings, structures, or improvements in the City which may endanger or injure neighboring properties or the public health, safety, or general welfare;
- C. Maintaining upon such premises or upon the sidewalk abutting or adjoining such lot, parcel, tract or piece of land, loose earth, mounds of soil, fill material, asphalt, concrete rubble or waste material of any kind (all such materials shall hereinafter be referred to as "waste materials"), except for waste materials used for construction of landscaping upon the premises in which case it shall be the duty of the owner, lessee, occupant, or persons in possession of premises wherein the waste materials exist, to maintain weed control during construction and to level or remove waste materials after construction is completed, or in any event, within eight months from the time of placement of waste materials upon premises.

For sites where filling, grading, or excavation activities have or will span more than one year it shall be the duty of the owner, lessee, occupant, or person in possession of the premises to level or remove the waste materials from the premises at least once a year during the months of either June, July, or August for the purpose of maintaining weed and rodent control.

Chapter 12-5 Enforcement and Administration of Provisions

12-5-1 Enforcement. The Building Inspector is authorized and directed to administer and enforce all of the provisions of the Premises Maintenance Ordinances and may also be referred to in such instances as the Street Official. The City of Faulkton will take action against any taxpayer who owns any lot within the City Limits of the City of Faulkton that is not kept mowed and kept clean and causes a health problem to the residents of the City. The taxpayer of said lot will receive one written notice of the unacceptable lot. If the taxpayer fails to clean up the lot within two weeks after the notice is sent, the name of the taxpayer will be published in the town's official newspaper. After publication, any expense incurred to clean up or mow said lot, will be added on the taxpayer's taxes for that year.

Chapter 12-6 Right of Entry

12-6-1 Right of Entry.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Street Official has reasonable cause to believe that there exists upon any premises any condition which is prohibited under this chapter, the Street Official may enter such premises at all reasonable times to inspect the premises.

Chapter 12-7 Notice to Abate

- 12-7-1 Issuance. Whenever the City Council is notified that any condition or conditions prohibited in this chapter exist on any premises located within the City, the Street Official shall by certified mail, shall give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises to the owner of the premises and the person creating, permitting, or maintaining such nuisance within seven (7) days after the receipt of the notice said person or such person's agent or return of the notice to the Street Official.
- 12-7-2 Nuisance Abatement by City. In the event a person shall fail to abate the nuisances created, permitted, or maintained within the seven (7) days following the receipt of the notice or return of said notice to the Street Official, the Street Official shall cause the nuisance to be abated.
- 12-7-3 Appeal from Decision of Street Official. The person affected may appeal to the City Council the decision of the Street Official. Such appeal must be in writing and submitted to the City Finance Officer within six (6) days after receipt of the notice to abate or return of the notice of the Street Official. The City Council at a special meeting or regular meeting shall determine whether the Street Official shall proceed in accordance with the notice to abate or as modified by the City Council. The person affected shall be given notice of said meeting either orally or in writing.
- 12-7-4 Preparation of Expense Statement. After the Street Official abates the nuisance, the Street Official shall prepare a statement of expenses incurred by the City in abating the nuisance.
- 12-7-5 Notice of Assessment. Within ten (10) days after the preparation of the statement described in the above section, the City Finance Officer shall send by certified mail a copy of the statement to the owner of the premises and the person who created, permitted, or maintained the nuisance to such person or persons' last known address.
- 12-7-6 Hearing on Statement. The owner or any person affected shall have the right to appeal to the City Council concerning the proposed assessment. Such appeal shall be in writing, shall state objections pertaining to the proposed assessment and shall be filed within ten (10) days after receipt of notice or return of the notice to the City Finance Officer. The objections shall be presented to the City Council at their next regular meeting. The City shall determine by resolution the assessment and shall proceed to place a lien against the property until the assessment is made.

TITLE 13 -- MODULAR MANUFACTURED AND MOBILE HOME PROVISIONS

Chapter 13-1	Modular Manufactured Homes and Standards
Chapter 13-2	Mobile Homes Types
Chapter 13-3	Installation Standards

Chapter 13-1 Definitions of Modular Manufactured Homes and Standards

- 13-1-1 Modular Home Regulations. Modular shall meet or exceed all of the following requirements otherwise the home will not be allowed in the City limits:
- A. Modular homes shall meet or exceed the Uniform Building Codes.
 - B. Modular homes will includes all off-site constructed homes, which may be transported to the site in one or more sections.
 - C. Modular homes shall have more than 1,000 square feet in ranch style and 850 square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
 - D. Modular homes shall have a minimum of a 3 1/2 roof pitch.

Chapter 13-2 Mobile Home Types and Standards.

13-2-1 Type I Manufactured Home. Type I manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the City limits:

- A. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.
- B. Have been constructed within the last ten (10) years.
- C. Be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
- D. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
- E. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A standards.
- F. Have a gabled roof with a pitch of at least 1-½ feet.
- G. Have a vinyl or wood lap siding material of a type customarily used on site-constructed residences.
- H. Have roofing material of a type customarily used on site-constructed residences.

13-2-2 Type II Manufactured Homes. Type II manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the City limits:

- A. Have more than 700 square feet of occupied space in a single, double, expand, or multi-section unit.
- B. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
- C. Be anchored to the ground, in accordance with manufacturers specifications, or as prescribed by the BNSI/NFPA 5018 standards.
- D. Have siding material of a type customarily used on site-constructed residences.
- E. Have roofing material of a type customarily used on site-constructed residences.
- F. The age of the manufactured home may not exceed ten (10) years from the date of manufacture.
- G. Be placed onto a support system, in accordance with approved installation standards, as specified in Chapter 13-3.

13-2-3

Type III Manufactured Homes. Type III manufactured homes shall meet or exceed the following requirements otherwise the home will not be allowed in the City limits:

- A. Have more than 700 square feet of occupied space in a single, double, expand or multi-section unit.
- B. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
- C. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A standards.
- D. The age of the home may not exceed ten (10) years from the date of manufacture.

Chapter 13-3 Installation Standards.

- 13-3-1 Permanent Perimeter Enclosures. Permanent Perimeter Enclosures will be required of all types of manufactured homes (Type I, II, III). Those manufactured homes designated in Chapter 13 as requiring permanent perimeter enclosure must have footings and crawl space or basement walls. The space between the floor joints or the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings)
- 13-3-2 Foundation Siding/Skirting. All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.
- 13-3-3 Support Systems.
- A. All HUD-code manufactured homes of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer's installation specifications.
- B. Type II and III manufactured homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support system regulations in the ANSI/NFPA 501A 1977 installation standards.
- 13-3-4 Structural Alterations. Due to its integral design, any structure alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the City Council.
- 13-3-5 Parking of Trailer Houses. Wherever in the City Limits such trailers are parked the person owning the property on which said trailers are parked shall be held responsible for the observation of the City Health Regulations. Any person or persons violating the above ordinance shall, upon conviction, be punished by a fine.

TITLE 14 -- REPEALING CLAUSE AND SCOPE OF REVISION,
PENALTIES, AND GENERAL PROVISION

Chapter 14-1	Repealing Clause and Scope of Revision
Chapter 14-2	Drug-Free Workplace

Chapter 14-1 Repealing Clause and Scope of Revision, Penalties, and General Provisions.

- 14-1-1 Conflicting Ordinances Repealed. All ordinances and part of ordinances in conflict with the provisions of this Ordinance or relating to the subject matter of this Ordinance and not reenacted as part of this Ordinance, except as stated in this Title, are hereby repealed, provided, however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, levying ordinances, ordinances establishing maximum rates and charges for electric energy, franchise ordinances, or other special ordinances of like character, or those ordinances requiring special method of enactment.
- 14-1-2 Penalties, General. Except in cases where a different penalty is imposed by this Ordinance or by some existing provision of law, every violation of any of the provisions of this Ordinance shall be punishable by imprisonment in the County Jail not to exceed thirty (30) days or by fine not exceeding two hundred (\$200) dollars, or by both such fine and imprisonment.
- 14-1-3 General Provisions--Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, such portion shall be deemed a separate, distinct and independent proviso, and such holding shall not affect the validity of the remaining portions thereof.

Chapter 14-2 Drug-Free Workplace Policy.

14-2-1 Objective.

- A. To provide the City of Faulkton, South Dakota, employees with a safe drug-free workplace and promote employee health.
- B. To comply with the Drug-Free Workplace Act of 1988 (P.L. 100-690 Section 5157).

14-2-2 Definitions.

- 1. The term “drug free workplace” shall have the same meaning as defined in P.L. 100-690 Section 5157.
- 2. The term “employee” means an employee of the City and as applicable shall have the meaning as defined in P.L. 100-690 Section 5157 (2).
- 3. The term “controlled substance” means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).
- 4. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- 5. The term “criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

14-2-3 Content.

- A. All employees of the City are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while on the job or on City property.
- B. Violation of “A” above shall result in disciplinary action against the employee up to and including discharge.
- C. All employees shall be notified by a Published Statement of the provisions of “A” and “B” above and each employee shall receive a copy of this Policy.
- D. That as a condition of employment with the Town, the employee will:
 - 1. Abide by the terms of this Policy Statement.

2. Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such convictions.
- E. The City will notify the federal contracting agency with which the City has entered into a contract for the procurement of any property or service within ten (10) days after receiving notice under Section D (2) from an employee or otherwise receiving actual notice of such conviction.
 - F. Within thirty (30) days after receiving notice under Section D (2) of a conviction, the City will impose the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace:
 1. Taking appropriate personnel action against such employee, up to and including termination.
 2. Requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health law enforcement, or other appropriate agency.
 - G. The City will make a good faith effort to maintain a drug-free workplace through implementation of Sections A through F of this Policy.

14-2-4

Responsibility. The Mayor is responsible for administering this policy.