

REVISED

MUNICIPAL ORDINANCES

TOWN OF MONROE, SOUTH DAKOTA

Ordinance # 2008-1

Effective Date: June 18, 2008

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES
OF THE TOWN OF MONROE, SOUTH DAKOTA

Revised under the direction of the Town Board of the Town of Monroe
Prepared by the South Eastern Council of Governments

ORDINANCE # 2008-1

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE TOWN OF MONROE, SOUTH DAKOTA

BE IT ORDAINED BY THE TOWN OF MONROE, SOUTH DAKOTA:

Pursuant to SDCL 9-19-16, this Ordinance in Revision of the Municipal Ordinances of the Town, revising regulations as set forth in the document titled "Revised Municipal Ordinances", is hereby read, approved, and adopted as follows:

First Reading:	February 20, 2008
Second Reading and Adoption:	May 14, 2008
Publication Dates:	May 22, 2008 & May 29, 2008
Effective Date:	June 18, 2008

Leon Schoenwald, Town Board President

Sue Hepner, Finance Officer

MUNICIPAL SEAL:

NOTICE OF ADOPTION

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE TOWN OF MONROE, SOUTH DAKOTA

Notice is hereby given Ordinance # 2008-1, an Ordinance in Revision of the Municipal Ordinances of the Town of Monroe, was duly adopted by the Town Board on May 14, 2008, and shall become effective June 18, 2008, according to South Dakota law.

The Ordinance revises the Municipal Ordinances of the Town heretofore adopted, and repeals all ordinances or parts of ordinances in conflict therewith. The Ordinance does not repeal special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, and other special ordinances of like character. Such ordinances not included in the revision and still having force and effect may be found in the Finance Office.

A copy of the Revised Municipal Ordinances is available for public inspection at the Monroe Town Hall and may be viewed by contacting the Finance Officer during normal business hours at 605-297-3554.

Sue Hepner
Finance Officer

(Publication Dates: May 22 & May 29, 2008)

MUNICIPAL ORDINANCES

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE TOWN OF MONROE, SOUTH DAKOTA

This Ordinance in Revision of the Municipal Ordinances of the Town of Monroe, South Dakota, is a revision of the Ordinances of the Town heretofore adopted, except special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, and other special ordinances of like character. Such ordinances not included in this revision and still having force and effect may be found in the office of the Municipal Auditor.

In the construction of this ordinance, the following definitions shall apply unless otherwise provided:

Town or the Town	The Town of Monroe, South Dakota.
Town Board	The Board of the Town of Monroe, South Dakota, constituting the governing body of the Town.
he, his or him	Words imparting the masculine gender shall extend and be implied to females and to firms, partnerships, associations and corporations, as well as to males.

TABLE OF CONTENTS

	Page #
TITLE 1 - ADMINISTRATIVE CODE	
Chapter 1.01 – Municipal Employees.....	1
Chapter 1.02 – Town Board of Trustees.....	1
Chapter 1.03 – Fire Department.....	2
Chapter 1.04 – Finance Regulations.....	3
TITLE 2 - BOUNDARIES, WARDS AND VOTING PRECINCTS	
Chapter 2.01 – Boundaries.....	5
Chapter 2.02 – Wards and Voting Precincts.....	5
TITLE 3 - HEALTH AND SANITATION	
Chapter 3.01 – Nuisances.....	6
Chapter 3.02 – Collection of Garbage.....	14
TITLE 4 - LICENSES	
Chapter 4.01 – General Provisions.....	16
Chapter 4.02 – Peddlers.....	17
Chapter 4.03 – Alcoholic Beverages.....	18
TITLE 5 - OFFENSES	
Chapter 5.01 – Offenses Against Public Welfare.....	21
Chapter 5.02 – Animals.....	24
Chapter 5.03 – Fireworks and Firearms.....	28
Chapter 5.04 – Minors.....	29
TITLE 6 - STREETS, SIDEWALKS AND PUBLIC PLACES	
Chapter 6.01 – Street Names and Addresses.....	31
Chapter 6.02 – Streets, Sidewalks, Curb and Gutter.....	31
Chapter 6.03 – Snow Removal.....	33
Chapter 6.04 – Moving Buildings.....	34
Chapter 6.05 – Municipal Trees.....	36
TITLE 7 - TRAFFIC CODE	
Chapter 7.01 – General Provisions.....	38
Chapter 7.02 – Operation of Vehicles.....	39
Chapter 7.03 – Vehicle Equipment.....	42
Chapter 7.04 – Speed Restrictions.....	44
Chapter 7.05 – Parking, Stopping	44

Chapter 7.06 – Trucks.....	46
Chapter 7.07 – Snowmobiles.....	48
Chapter 7.08 – Miscellaneous Provisions.....	50
 TITLE 8 - SEWER	
Chapter 8.01 – Sewer Provisions.....	53
 TITLE 9 - PLANNING, ZONING AND BUILDING REGULATIONS	
Chapter 9.01 – Planning Commission.....	71
Chapter 9.02 – Construction Regulations.....	73
Chapter 9.03 – Building Demolition/Excavation.....	73
 TITLE 10 - TAXATION	
Chapter 10.01 – Municipal Sales and Service Tax and Use Tax.....	75
 TITLE 11 - GENERAL PROVISIONS	
Chapter 11.01 – Penalties and Repealing Clause.....	77

TITLE 1 - ADMINISTRATIVE CODE

Chapter 1.01 - Municipal Employees

Chapter 1.02 - Town Board of Trustees

Chapter 1.03 - Fire Department

Chapter 1.04 - Finance Regulations

CHAPTER 1.01 - MUNICIPAL EMPLOYEES

- 1.0101 Appointment of Officers. At the regular meeting of each January, there shall be appointed a Finance Officer, Sewer Superintendent and such other officers as may be provided by ordinance, to hold office until the appointment and qualifications of successors. All such appointments shall be made by the Town Board. The Town Board may by resolution enter into a contract pursuant to SDCL 9-14 with an attorney to provide legal services to the Town as the Town Attorney. (SDCL 9-14-3)
- 1.0102 Salaries. The salaries of all appointive officers and employees of the Town shall be reviewed and approved at the regular meeting each January, and shall be paid as established by the Town Board. The Finance Officer shall be bonded in such sum to be approved by the Town in accordance with state law, conditioned for the faithful performance of the duties of such office. (SDCL 9-14-1, SDCL 9-14-28)

CHAPTER 1.02 - TOWN BOARD OF TRUSTEES

- 1.0201 Composition. The Town Board shall consist of three Trustees, elected at large. Each Trustee shall be elected for a term of three (3) years. (SDCL 9-7-3)
- 1.0202 President of Board. At the first regular meeting after their election, the members of the Town Board shall elect one of their members as president to serve for one year and until his successor is elected and qualified.
- 1.0203 Regular and Special Meetings. On the first Wednesday of each month at 7:30 p.m., the Town Board shall meet at the Town Hall or other designated place, to consider, take under advisement, and act upon such business as may come before it. Special meetings may be called at any time by the Board President or in his absence, by the acting Board President. (SDCL 9-7-6)
- 1.0204 Town Board President - Duties. The President shall preside at all meetings of the Town Board. The President shall perform such other duties as may be prescribed by laws and ordinances and ensure that such laws and

ordinances are faithfully executed.

- 1.0205 Compensation - Town Board. The Town Board members are to be allowed compensation as set by resolution of the Town Board. Compensation of the Town Board members as herein set forth shall be paid at such times as may be decided upon by the Board. (SDCL 9-14-28)

CHAPTER 1.03 - FIRE DEPARTMENT

- 1.0301 Establishment. There shall be established for the Town a Volunteer Fire Department which shall consist of a Chief, Assistant Chief, Secretary-Treasurer, and such other members as may be from time to time determined by the Fire Department. (SDCL 9-33-13)
- 1.0302 Constitution and Bylaws. The Fire Department may adopt such constitution and bylaws and rules for its regulation and government, subordinate to the ordinances of the Town, as it may deem best calculated to accomplish the object of its organization.
- 1.0303 Members. The members of the Fire Department shall be able-bodied persons of good moral character, duly elected by a majority of the active members of the Fire Department.
- 1.0304 Terms of Office. The Chief, Assistant Chief, and Secretary-Treasurer shall be the head of the Fire Department and shall hold office for a term of two years and until their successors shall be appointed and qualified.
- 1.0305 Appointment of Officers. The officers shall be nominated by the active members of the Fire Department and elected by a majority of members present at the annual meeting of the Fire Department in December of each year; the names of such officers shall be reported to the Town Board and confirmed by them.
- 1.0306 Meetings. The Fire Department shall meet at least once a month upon call of the Fire Chief and any member not responding to such call unless absent from the Town, or upon other good cause shown to the satisfaction of the Chief of the Fire Department may be dismissed from said Department.
- 1.0307 Appropriation. The Town Board shall in its annual appropriation, appropriate such amounts as they may deem necessary for the purpose of maintaining such Fire Department including equipment, ladders, trucks, hoses and other apparatus, and providing such necessary articles of clothing as they may deem necessary for the members of said Department. (SDCL 9-33-12)
- 1.0308 Equipment. The equipment, trucks, implements and all apparatus, shall be kept at such place as may be provided and directed by the Town Board and shall at all times be ready for immediate use. (SDCL 9-33-11)

- 1.0309 Duties of Chief. The Fire Chief shall have sole charge and control over all members of the Fire Department and fires. The Chief shall, at all times, have the general direction and management of all hoses, chemicals, engines, and other apparatus belonging to the Department.
- 1.0310 Fire Zone. The Chief, or acting Chief in command, may prescribe limits around any fire, and it shall be unlawful for any person, except those who reside therein, or firemen, law enforcement officers and those given admission by any officer of the Fire Department, to enter therein.
- 1.0311 Investigation of Cause of Fire. The Chief shall inquire into and investigate the cause of each fire that occurs in the Town as soon as possible, and make a record of such proceedings and file the same or a copy thereof with the Secretary of the Fire Department.
- 1.0312 Financial Estimate. The Chief shall prepare in detail and submit to the Finance Officer on or before the first day of July in each year, an estimate of the entire cost and expense of providing and maintaining the Fire Department during the current fiscal year, and shall present such estimate to the Town Board with an annual budget estimate for the following year.
- 1.0313 Command in Absence of Chief. If the Chief is absent from any fire call, the Assistant Chief, then the Secretary-Treasurer (in that order) shall take charge of the organization and shall have and exercise all the powers of Chief.
- 1.0314 Vacancy. In case of a vacancy occurring in the office of Chief, the Assistant Chief shall discharge the duties of the Chief until such vacancy is filled.

CHAPTER 1.04 - FINANCE REGULATIONS

- 1.0401 Revenues and Special Funds. All money belonging to the Town from taxation, licenses, fines, permits, the operation of utilities, or from any other source, shall be paid into the Town treasury, and the Town Board shall designate by ordinance to what fund or funds such money shall be applied. The Finance Officer shall keep full, true and just accounts of all financial affairs of such form and in such manner from time to time as required by the South Dakota Department of Revenue. (SDCL 9-14-18)
- 1.0402 Records Retention and Destruction. The Records Retention and Destruction Schedule Manual, authorized for South Dakota municipalities by the Office of Records Management, Bureau of Administration, State of South Dakota, shall be adopted by the Town Board, and a printed copy of such manual shall be filed with the Finance Officer.
- 1.0403 Annual Reports by Boards. Each of the boards appointed and acting for the

Town shall make an annual report of its receipts, disbursements and activities to the Board as soon as practicable after the close of the fiscal year, such report to be filed with the Finance Officer.

1.0404 Contracts by Members of Board. No officer or member of the Board shall enter into any contract, make any purchase or create any indebtedness against the Town in excess of \$100.00 without first having submitted the matter of incurring such indebtedness or making such contract to the Board or having previously received such authority from the Board.

1.0405 Sale of Personal Property. Whenever the Town deems it necessary in the best interest of the Town that personal property belonging to the Town be sold, said property having been abandoned or about to be abandoned for public use, said property shall be sold to the highest bidder upon such terms as may be determined by the Town Board.

Notice of such sale shall be given publication once a week for three successive weeks in the official newspaper of the Town, which said notice shall contain a description of the personal property to be sold and the time and place where bids shall be received by the Board for said sale; and the Board may at such time sell said personal property to the highest bidder therefore, or may, in its discretion, reject all bids.

1.0406 Claims. All claims against the Town of Monroe shall be in writing and upon forms provided by the Finance Officer and in such form as required by statute of the State of South Dakota. Prior to passage or payment by the Board, claims shall bear the approval of the board member in charge of the department for which such services or supplies are furnished.

1.0407 Supplies. The Finance Officer shall purchase all supplies, shall have charge thereof, and shall make all sales therefrom; provided no purchase involving an expenditure of more than \$100.00 shall be made without the consent of the Town Board President or proper committee of the Town Board before being first obtained. Every order for material or supplies shall be made in writing and a duplicate thereof shall be filed with the Finance Officer. All materials and supplies, when received, shall be checked by the officer or agent receiving the same, and a bill with the price thereof shall immediately be filed with the Finance Officer, and shall bear the endorsement of such officer or agent showing in what respect, if any, the material or articles failed to correspond with the material or article ordered.

TITLE 2 - BOUNDARIES, WARDS, AND PRECINCTS

Chapter 2.01 - Boundaries

Chapter 2.02 - Wards and Voting Precincts

CHAPTER 2.01 - BOUNDARIES

- 2.0101 Boundaries. The corporate limits of the Town are declared to be such as have been legally established and amended by law and ordinances of the Town as shown on the official map on file in the office of the Finance Officer. Such map shall be incorporated in this ordinance by reference and adopted as the official map showing the boundaries and limits of the Town. (SDCL 9-3-2)

CHAPTER 2.02 - WARDS AND VOTING PRECINCTS

- 2.0201 Wards and Voting Precincts. The Town shall be comprised of one election precinct for the purpose of holding all municipal elections. Town Hall shall be the voting place.

TITLE 3 - HEALTH AND SANITATION

Chapter 3.01 - Nuisances

Chapter 3.02 - Collection of Garbage

CHAPTER 3.01 - NUISANCES

3.0101 Definitions. For the purpose of this Chapter, the following terms are hereby defined.

- A. "Garbage" – The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- B. "Solid Waste" – Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities...including, but not limited to wood and other construction materials, appliances, yard waste, tires, scrap iron, chemicals or fuel. (SDCL 34A-6-1.2)
- C. "Wastewater" – The spent water of a community. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
- D. "Abandoned property" – Any junk car, car bodies or equipment of any type, except in an authorized junk yard, or any accumulations of other unsightly trash or junk which would constitute a health hazard, a rodent haborage, a breeding area for insects or rodents, a dangerous place for children to play in and around or which tends to be unsightly and which does or tends to lower the value of adjacent real property because of its unsightliness.

- E. "Abandoned vehicle" – Any vehicle that is left unattended or stored on any public property in the same or substantially same place within the Town for a longer period than 24 hours.
- F. "Inoperable vehicle" – Any vehicle which is not in operating condition due to damage, removal or inoperability of one or more tires and wheels, the drive train, engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto unexpired license plates, or which does not have a current title of registration, or which constitutes an immediate health, safety, fire or traffic hazard.
- G. "Nuisance" – Unlawfully doing an act, or omitting to perform a duty, which act or omission: (1) annoys, injures, or endangers the comfort, repose, health, or safety of others; (2) in any way renders other persons insecure in life, or in the use of property; (3) renders the ground, the water, the air, or food a hazard or any injury to human health; and in addition (4) the specific acts, conditions and things listed in Section 3.0102 are hereby declared to constitute public nuisances, but such acts, conditions and things shall not be deemed to be exclusive. (SDCL 21-10-1)
- H. "Private property" – Any real property within the Town that is privately owned and which is not public property.
- I. "Public property" – Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.
- J. "Removal agency" – Any public body, private or nonprofit organization authorized, hired or appointed by the Town to remove and salvage vehicles.
- K. "Unsightly trash or junk" – Property which is deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which is left outside of a permanent, enclosed structure and which shall include, without limitation, motors, lawn mowers, campers, refrigerators and other household appliances, furniture, household goods and furnishings, scrap metals or lumber or other similar articles in such condition.
- L. "Vehicle" – Any conveyance, whether or not self-propelled, and which is designed to travel along the ground or in or on the water and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, pull trailers, go-karts, golf cars, boats, jet skis, campers and trailers.

- M. "Current Work Order" – A written document signed by the owner of a vehicle left for repair at a business primarily holding itself out as a business for the repair of motor vehicles. To be considered current, such work order shall be signed and dated no more than 90 days prior to the date of any inspection of the work order by the Town or its designated officer.

(Amended: Ordinance No. 2011-2, 10-13-11)

3.0102 Acts, Omissions and Conditions Prohibited. No person, whether an owner, occupant, tenant or other person in charge of any real property within the corporate limits of the Town shall create, commit, maintain, or permit to be created, committed, or maintained, any public nuisance, to include, without limitation, the following specific acts, conditions and things, each and all of which are hereby declared to constitute a nuisance: (SDCL 9-32-1)

- A. Depositing, accumulating, or permitting to be accumulated upon any public or private property, any household wastewater, sewage, garbage, refuse, rubbish, offal, excrement, decaying fruit, vegetables, fish, meat, bones; any fowl, putrid, or obnoxious liquid substance; any chemical or hazardous material; or putrescible and nonputrescible animal or vegetable wastes or solid wastes, or any other waste material which constitutes or tends to create a danger to public health, safety, and welfare. (SDCL 9-32-10, SDCL 34A-7-9)
- B. The accumulation of manure, garbage, or anything whatsoever which may be breeding areas for flies, mosquitoes, or rodents. (SDCL 9-32-10)
- C. The growth of weeds or plants declared to be primary or secondary noxious weeds by the state weed and pest control commission, all weeds declared to be locally noxious by the Town Board, and all other weeds and grasses growing upon any real property in the Town to a height greater than 8 inches, or which have gone or are about to go to seed, or the dense growth of brush or grasses which may constitute a health, safety or fire hazard, shall be deemed noxious, dangerous and unhealthful vegetation and are hereby declared to be a nuisance. Fallen tree limbs, diseased or dead trees, and dead tree limbs shall also be declared dangerous and a nuisance; provided, however, that vegetation that is not a primary or secondary noxious weed and is being grown as hay for livestock consumption, as a native prairie display garden, or as a wildflower display garden, or other nature areas, so long as the same are approved to be used as such by the Town Board, shall not constitute a nuisance. (SDCL 9-32-12)
- D. For the owner of a dead animal to permit it to remain undisposed of longer than twenty-four (24) hours after its death. (SDCL 9-29-13)

- E. Any excavation, trench, or open basement in which stagnant water is permitted to collect or which may jeopardize the life, limb, or safety of the general public. (SDCL 9-29-13)
- F. Throwing or letting fall on or permitting to remain on any street, alley, or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any such substance. (SDCL 9-32-10)
- G. Keeping or maintaining any building or enclosure where livestock or fowl are kept unless a special permit is requested and such is approved by the Town Board. (SDCL 9-29-13)
- H. Disposing of garbage, waste, or refuse by open burning, or causing, allowing, or permitting the conducting of a salvage operation by open burning in the Town. The following types of open burning shall be permissible for a specific purpose when conducted in conformity with the subsections set forth below:
 - 1. Fires set for the elimination of a fire hazard, which cannot be abated by any other means when authorized by the Fire Chief of the Town Volunteer Fire Department.
 - 2. Fires purposely set by the Town maintenance personnel for the purposes as authorized by the Fire Chief of the Town Volunteer Fire Department.
 - 3. Fires purposely set by the Town Volunteer Fire Department personnel and authorized by the Fire Chief for the purpose of training and conducted in accordance with live fire-training standards.
 - 4. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, and for outdoor preparation of foods.
- I. Maintaining, or causing or permitting the same, any building or premises which is determined to be dangerous or dilapidated. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous or dilapidated building, if such conditions or defects thereby annoy, injure or endanger the comfort, repose, health, or safety of others or, if such conditions or defects exist to the extent that the life, health, property, value of property or safety of the public or its occupants are jeopardized.
 - 1. Whenever any building or structure is (i) vacant and unoccupied for the purpose for which it was erected and; (ii) the building is unfit for occupancy as it fails to meet minimum housing standards and; (iii) the building has remained substantially in such condition for a period in excess of six months.

2. Whenever any building or structure through lack of maintenance or attention and by virtue of its physical appearance and presence thereby depresses the market value of surrounding properties.

J. Maintaining or permitting to be maintained on any private or public property any abandoned property or unsightly trash or junk, abandoned vehicle, or inoperable vehicle or parts thereof. It shall be unlawful to keep or place any of such vehicles or vehicle parts:

1. Upon public streets or property except on an emergency basis.

2. Upon the private property of any person owning, in charge of, or in control of any real property within the Town, whether as an owner, tenant, occupant, lessee or otherwise, for longer than 14 days unless it is within a fully enclosed building or structure. A carport, tarpaulin, tent or other similar temporary structure shall not be deemed to satisfy the requirements of this section.

In no event shall an inoperable vehicle that constitutes an imminent health, safety or fire hazard be kept or located on any real property.

K. The requirements of paragraph J shall not apply to the following:

1. One inoperable vehicle kept on private property without being shielded from public view if licensed and kept on a private driveway. If this inoperable vehicle is in a state of externally visible disrepair or disassembly, it shall not be kept on the private driveway longer than 14 days.

2. Filling stations, automobile repair shops or any other motor vehicle related businesses in compliance with applicable Town ordinances may place inoperable vehicles being repaired pursuant to a current work order signed by the owner of the vehicle or offered for sale on their premises as long as they are parked not closer than fifty (50) feet from the boundary of any publicly maintained street, alley or right-of-way or are kept in an enclosed fence, building or structure for more than a 24-hour period. The fence, building or structure shall be built and/or maintained in such a manner so as to keep such vehicles from a public right-of-way.

3. Junkyards operated and maintained in compliance with applicable Town ordinances.

4. One vehicle specifically designed and used for operation on drag strips or raceways that remains on private property.

5. Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or authorized by the Town.

L. Using or permitting the use of fireworks considered illegal as defined by the Ordinances of the Town of Monroe.

(Amended: Ordinance No. 2011-2, 10-13-11)

3.0103 Diseased Vegetation. Any owner, occupant, or person in charge of any property under the jurisdiction of the Town shall remove at his own expense any trees, brush, wood, or debris infected with Dutch Elm disease or other infestations or infectious disease found thereon when so notified by the Town to do so. The Town Board shall cause to be mailed by certified mail, return receipt requested, or by personal service to such owner, occupant, or person, written notice that they may appear before the said Town Board at an appointed time not less than fourteen (14) days from the date of mailing of said written notice to show cause why said trees, brush, wood, or debris should not be declared a public nuisance.

At said meeting the Town Board may resolve and declare the same to be a public nuisance and may order its removal by said owner, occupant, or person within twenty-one (21) days from the date of service of said resolution and order on said owner, occupant, or person.

Any diseased vegetation stored in the Town shall be debarked or covered with four (4) to six (6) mil clear plastic from April 1st to October 1st, such plastic to be sealed by placing all edges in a three to four-inch trench covered with soil. In addition, any diseased vegetation which is removed and not stored in accordance with the provisions of this Section shall be properly disposed of by burning or burying in a designated disposal site. (SDCL 9-32-12)

(Amended: Ordinance No. 2011-2, 10-13-11)

3.0104 Littering in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town except in authorized public or private receptacles. The following further identifies acts and conditions that constitute nuisances and are therefore prohibited:

A. No person shall sweep into or deposit in any gutters, streets, or other public place within the Town, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property or places of business shall keep the sidewalk in front of such premises free of litter.

For purposes of this Chapter, a public nuisance shall also include snow and ice when deposited or allowed to accumulate in conflict with the

provisions of this Section.

- B. No persons, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property within the Town.

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or public place.

- C. No person shall throw or deposit litter on any occupied, open, or vacant private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being deposited upon any streets, sidewalk, or other public place or upon any private property.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0105 Removal of Abandoned or Inoperable Vehicles – Public Property. Whenever the Town or any law enforcement officer for the Town finds an abandoned or inoperable vehicle on public property within the Town, a written notice shall be placed on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within 24 hours of the giving of the notice. After the expiration of the 24-hour period, the vehicle may be removed by a removal agency to a garage or place of safety. Nothing in this Section precludes the Town or any law enforcement officer from immediately removing a vehicle that constitutes an imminent health, safety or fire hazard.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0106 Disposition of Unclaimed Vehicles. The removal agency shall have the rights and obligations conferred upon it by SDCL Ch. 32-36 in regard to titling or disposition of such unclaimed, abandoned or inoperable vehicle, except that, if not otherwise provided by state law, it shall have a possessory lien upon any vehicle removed under provisions for this chapter for the costs or in taking custody of and storing such vehicles.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0107 Duty of Private Property Owners. No person owning, in charge of or in control of any real property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned or inoperable vehicle of any kind to remain on such property longer than fourteen (14) days.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0108 Notice Procedure. A written notice shall be placed on the abandoned or inoperable vehicle by the Town or by any law enforcement officer for the Town requesting the removal of such motor vehicle in the time specified in this Chapter. Written notice shall also be placed on the front door of any dwelling located on the private property requesting the removal of such motor vehicle in the time specified in this Chapter. In the event the owner and the occupant or tenant of the real property are not the same person, written notice shall be given to the owner by certified mail, return receipt requested, requesting the removal of such motor vehicle in the time specified in this Chapter. In the event the private property is not occupied, written notice shall be given to the owner by certified mail requesting the removal of such motor vehicle in the time specified in this Chapter.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0109 Responsibility for Removal. Upon notice having been given, the owner of the abandoned or inoperable vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0110 Content of Notice. The notice in Section 3.0108 shall request removal of the abandoned or inoperable vehicle within fourteen (14) days after the date of the posting or mailing of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this Chapter, that the Town may take steps to abate the same, and that in addition to abatement directly or by civil action, the Town may pursue criminal fines and penalties against the owner, occupant, tenant or other person in charge of the real property as provided in this Chapter. Failure by any person to actually receive any document sent to him by certified mail or to sign and return any receipt card acknowledging receipt by certified mail shall not invalidate service made upon such person by certified mail.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0111 Public and Private Nuisance Defined. A public nuisance is one that affects at the same 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. Every other nuisance is private. (SDCL 21-10-3)

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0112 Remedies Against Nuisances. The remedies against any nuisance shall be: (1) A civil action; (2) Abatement; and (3) In cases of public nuisance only, the

additional remedy of indictment or information as prescribed by the Chapter or by the South Dakota Codified Laws, and the rules relating thereto. (SDCL 21-10-5)

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0113 Abatement. A public nuisance may be abated without civil action by the Town Board or by any officer authorized thereto by law. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his or her land, reasonable notice shall be given to him before entering to abate it. The Town may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. When the nuisance abated is an unsafe or dilapidated building, junk, trash, debris or similar nuisance arising from the condition of the property, the Town may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment. (SDCL 21-10-6)

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0114 Notice.

- A. Initial notice. The Finance Officer or his or her designee, is authorized and empowered to notify, in writing, the owner of any lot, place or area within the Town, or the agent of the owner, or the occupant of the premises, to remedy or abate a public nuisance on the property and to prevent future violation of this Chapter. The notice may be hand delivered or sent by certified mail, return receipt requested, addressed to the owner of record, agent or occupant at his or her last known address, and said notice shall notify the owner, agent, or occupant to remedy or abate a public nuisance within fourteen (14) days of the date the notice was delivered or mailed.
- B. Subsequent notices. Upon any subsequent violation of this Chapter in the same calendar year after notice has been given as provided above, notice of a second or subsequent violation of the same or similar nature as the first violation, shall require the owner to remedy the nuisance within three (3) days of delivery or mailing.

(Amended: Ordinance No. 2011-2, 10-13-11)

- 3.0115 Public Nuisance Penalty and Remedy. Any person who creates, commits, maintains or fails to abate a public nuisance as required under the provisions of this Chapter shall be subject to a maximum penalty of thirty (30) days in jail or a five hundred dollar (\$500.00) fine, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, the Town may also use the remedies of civil action and abatement as set forth in SDCL 21-10-5 through 21-10-9.

(Amended: Ordinance No. 2011-2, 10-13-11)

CHAPTER 3.02 - COLLECTION OF GARBAGE

3.0201 Definitions. The following definitions shall define the terms used in Chapter 3.02:

- A. Bulky Items. Large items such as white goods or furniture.
- B. Commercial Solid Waste. Solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other nonmanufacturing, nonhousehold sources.
- C. Garbage. Solid and semisolid putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, from all public and private establishments and from all residences.
- D. Household Waste. Solid waste derived from households, including single and multiple residences, but not waste from commercial activities that is generated, stored, or present in a household.
- E. Rubble. Stone, brick, concrete, or similar inorganic material, excluding ash, waste tires, and asbestos-containing waste materials.
- F. White Goods. Discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

3.0202 Removal of Garbage, Commercial Solid Waste and Household Waste. The owner, resident, operator or member of each individual household or residence, multi-family dwelling, business, association or corporation, within the Town of Monroe, South Dakota shall utilize the collection service provided by the Town of Monroe for the regular removal and disposal of all garbage, commercial solid waste and household waste. No owner, operator or member of an individual household or residence, multi-family dwelling, business, association or residence shall attempt to dispose of garbage, commercial solid waste, and household waste other than by collection by the Town of Monroe.

3.0203 Garbage Fee. The Town of Monroe shall collect a fee of \$15.50 per month from each household, residence, or business for the collection of garbage, commercial and household waste as defined in Section 3.0201. At its discretion, the Town Board may from time to time amend these rates by resolution.

- 3.0204 Removal of Rubble, Bulky Items, and White Goods. Each person and/or business may remove their own rubble, bulky items, and white goods, provided the rubble, bulky items, and white goods are disposed of in an appropriately permitted facility.
- 3.0205 Bagging and Tying of Garbage. All garbage, commercial solid waste, and household waste shall be bagged, and household waste shall be bagged, tied and placed in a suitable container at the curbside or alley side adjacent to the residence or business in accordance with the wishes of and at the times directed by the Town of Monroe. Suitable containers are those receptacles equipped with a lid to prevent the contents of the containers from being blown out and scattered.

TITLE 4 - LICENSES

Chapter 4.01 - General Provisions

Chapter 4.02 - Peddlers

Chapter 4.03 - Alcoholic Beverages

CHAPTER 4.01 - GENERAL PROVISIONS

- 4.0101 Licenses Required. No person shall engage in any activity for which a license is required, or for which a fee is prescribed, by this Chapter or other ordinance, without first having obtained such license. (SDCL 9-34-1)
- 4.0102 Application for License. Any person, persons, firm or corporation wishing to obtain a license as herein provided, shall make written application to the Town Board stating the name of the applicant, address, purpose of the activity, the length of time for which said license is wanted, and the particular place at which said license is to be used.
- Fees for all licenses shall be fixed by the Town Board where not specified in this Chapter, and all license fees shall be paid in full at the time of application in such manner as approved by the Town Board.
- 4.0103 License Expiration. Any licenses granted under the provisions of this Chapter shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate. There shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.
- 4.0104 Revocation. The Town Board shall have the authority at any time to suspend or revoke any license granted under the provision of this Chapter whenever the Town Board shall be satisfied upon written complaint that such calling, vocation, or kind of business for which said license has been issued, has been made or conducted in an improper or illegal manner, and in case of such revocation, the Town Board may refund to the holder of such license such proportionate amount of money paid therefore as the Town Board shall deem just.
- 4.0105 Issuance of License. Except as otherwise provided, all licenses shall be issued by the Finance Officer after it has been approved by the Town Board and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the Town.
- 4.0106 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the Town stating when and to whom issued, for what purpose and

for what length of time, the amount of money paid for said license, and the place where such activity is to be carried on. (SDCL 9-34-1)

CHAPTER 4.02 - PEDDLERS

4.0201 Definitions. For the purpose of this Chapter, the following terms are hereby defined:

- A. "Peddler" - any person, whether a resident of this Town or not, traveling from place to place, from house to house, or from street to street for the purpose of selling or soliciting for sale of goods, products or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transacting a temporary business within the Town.
- B. "Temporary business" - shall not include bona fide garage or rummage sales which are not conducted at the same location more than four times per year; the duration of each sale shall not exceed four days.

4.0202 Application for License. Any peddler wanting to do business in the Town shall complete and file an application with the Finance Officer containing the following:

- 1. Whether the applicant, upon a sale or order, receives payment or a deposit in advance of final delivery;
- 2. The period of time the applicant wishes to engage in business within the Town;
- 3. The local, and permanent address of the applicant;
- 4. The kind of goods, products, or services the applicant wishes to sell;
- 5. The last five cities or towns the applicant has worked in;
- 6. Proof of a valid, effective sales tax license; and
- 7. An application fee of \$50.

4.0203 Granted License. The application shall be submitted to the Town Board for review. If the Town Board grants the license, it shall be issued to the peddler and valid until December 31 of that year. If the Town Board does not grant the peddler a license, the Finance Officer shall refund the application fee to the applicant. The application may be renewed by filing a renewal application and payment of a \$35 fee with the Finance Officer on or before December 31 of the year in question.

4.0204 Exceptions. The provisions of this ordinance shall not apply to the following:

1. Solicitations, sales or distributions made by charitable, educational, or religious organizations which have registered with the Finance Officer's office on forms provided by that office.
2. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
3. Members of professions licensed by the state which have continuing education requirements.
4. Persons selling or delivering personal property to regular customers on established routes.

4.0205 Unlawful conduct. The following conduct shall be deemed unlawful:

1. For any peddler to remain upon premises after having been told by the owner or possessor of the premises to leave.
2. For any peddler to make false or fraudulent statements concerning the quality or nature of his goods, products, or services.
3. To enter upon any premises posted with a sign stating "No Peddlers Allowed" or "No Soliciting".
4. To engage in business of peddling between the hours of 8 p.m. and 9 a.m., or anytime on Sunday, except by specific appointment or invitation.
5. For any peddler to engage in business within the Town without first obtaining a license to do so.
6. For any peddler to fail to display his license upon the request of any person.

4.0206 Revocation. Any license issued under the provisions of this Chapter may be revoked for the violation by the licensee of any provision of this Chapter or state law. Upon such revocation, such license shall immediately be surrendered to a Town law enforcement officer or the Finance Officer.

CHAPTER 4.03 - ALCOHOLIC BEVERAGES

4.0301 License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend, or otherwise concoct, within the Town any alcoholic beverage as defined by statute, without having a license therefore as required by South Dakota Laws. (SDCL 9-29-7)

4.0302 Application and License Fees. In any instances in which applications may

qualify, applications for licenses for the sale of alcoholic beverages in the Town shall be submitted as prescribed by South Dakota Laws. (SDCL 35-4-2)

4.0303 License Restrictions. Applications for on-sale and off-sale liquor and malt beverage licenses shall have the necessary fees attached upon being submitted to the Town as required by South Dakota laws, and the granting and retention of such licenses will be as provided by the South Dakota laws, and local regulations. (SDCL 35-2, SDCL 35-2-10)

4.0304 Location of Business. The Town Board shall not issue any licenses to any person(s), business or group where the location of such a business would not be considered desirable in accordance with South Dakota Laws and local regulations. (SDCL 35-2-6.1, SDCL 35-2-6.2)

4.0305 Closing of Premises of Public Facility On-Sale and Malt Beverage Retail Dealers.

A. Every public facility on-sale dealer in alcoholic beverages, distilled spirits, wines and malt beverages and every malt beverages retail dealer shall flash the lights of his place of business at 1:45 a.m. each day as a warning that within 15 minutes the licensed premises will close. By 2:00 a.m., every public facility on-sale dealer and malt beverage retail dealer shall clear his premises of all persons except employees and shall lock all doors to the premises and shall turn out all lights thereon, except such a night light as is approved by the Town. Such night light shall burn from 2:00 a.m. until daylight of the following day. Each public facility on-sale dealer and malt beverage dealer and his employees shall leave the place of business or premises by 3:00 a.m. Each public facility on-sale dealer and malt beverage retail dealer may enter the premises or authorize one of his employees to enter his premises at any time for the purpose of reasonable maintenance of the premises. For the purpose of this section, "reasonable maintenance" means only such maintenance as is necessary to prevent the deterioration or destruction of the premises or any fixtures located thereon. The purpose of this subsection is that such premises shall be wholly vacant during the closed period, except as provided in this subsection.

B. Any of the public facility on-sale dealers having on their licensed premises a duly licensed restaurant pursuant to SDCL 34-18 and who comply with all ordinances applicable thereto and which restaurant is operated in a room separate and apart from the room wherein intoxicating liquor is or can be dispensed may, notwithstanding anything to the contrary set forth in this section, continue to operate exclusively as a restaurant, provided all intoxicating liquor and the facilities for dispensing it are isolated and contained in a separate room devoted principally to the use of dispensing and consuming of alcoholic

beverages and which room with its alcoholic contents is vacated, closed and locked as provided in this section.

- 4.0306 Violations. Any person, firm, or licensee in violation of any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. For failure to correct any violation when applicable, after notice, each day of failure to do so shall constitute an additional separate offense. Whenever any person acting as clerk, servant, agent, or employee of any other person or establishment violates any of the provisions of this Chapter that person shall also be deemed as guilty as a principal. Failure to comply with all existing requirements, including the provisions in this Chapter, shall provide cause for revocation of any license granted under the provisions of South Dakota Laws. (SDCL 35-2-10)
- 4.0307 Sanitation Facilities. Every on sale dealer shall maintain upon his licensed premises, toilets properly connected with the Town sewer system with separate facilities for men and women. In each such facility there shall be maintained running water and towels for use by the users of such facilities (or approved sanitary drying facilities). Every licensee shall have such facilities equipped and maintained so as to pass state and/or local health requirements at all times. (SDCL 34-18-22)
- 4.0308 Indecent Exposure or Simulation Thereof Prohibited.
- A. It is unlawful for any person on premises licensed for the sale of alcoholic beverages, while in the presence of any other person, to:
1. Fail to conceal, with a fully opaque covering, the sexual parts of such person's body, to include the genitals, pubic area and anus of any person, or the nipple and areola of the female breast.
 2. Expose any device, costume or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body, or the nipple or areola of the breast.
- B. It is unlawful for any licensee in alcoholic beverages to cause, allow or permit any person on the licensed premises to violate the provisions of subsection (A) of this section.

TITLE 5 - OFFENSES

Chapter 5.01 - Offenses Against Public Welfare

Chapter 5.02 - Animals

Chapter 5.03 - Fireworks and Firearms

Chapter 5.04 - Minors

CHAPTER 5.01 - OFFENSES AGAINST PUBLIC WELFARE

- 5.0101 Disorderly Conduct. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:
- A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of life, limb or health.
 - B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
 - C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another, except in exhibitions duly authorized and licensed by law.
 - D. Interferes with another's pursuit of a lawful occupation by acts of violence.
 - E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way or place when ordered to do so by a law enforcement officer or other authorized official.
 - F. Is in a public place under the influence of an intoxicating liquor or drug in such a condition as to be unable to exercise care for his own safety or the safety of others.
 - G. Resists or obstructs the performance of duties by a law enforcement officer or other authorized official.
 - H. Incites, attempts to incite, or is involved in attempting to incite a riot.
 - I. Addresses abusive language or threats to any law enforcement officer, or any other authorized official of the Town who is engaged in the lawful performance of his duties, or any other person when such words have

direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment shall not be prohibited.

- J. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- K. Makes or caused to be made any loud, boisterous, and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road or common, whereby the public peace is broken or disturbed or the traveling public annoyed.
- L. Fails to obey a lawful order to disperse by a law enforcement officer or other authorized official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

As used above, the following definitions shall apply:

- A. Public Place. Any place to which the general public has access in the right resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the use of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.
- B. Riot. A public disturbance involving (i) an act or acts of violence by one or more persons part of an assembly of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of another person or to the person or any other individual; or (ii) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- C. Inciting Riots. Shall mean, but is not limited to, urging or instigating other persons to riot, but shall be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness, or the right to commit, any such act or acts.

This Section shall not be construed to suppress the right of lawful assembly, picketing, public speaking, or lawful means of expressing public opinion. (SDCL 9-29-2 and 22-18-35)

- 5.0102 Open Containers. It shall be unlawful to consume any beer or alcoholic beverage or to possess any glass, can or other container containing beer or any alcoholic beverage on which the seal has been broken, in any public place, vacant building, automobile, street, alley, sidewalk or place of amusement or business establishment not authorized to sell beer or alcoholic beverages, unless approved by the Town Board. (SDCL 35-1-5.3, SDCL 35-1-9.3)
- 5.0103 Town Parks and Public Buildings Closed to the Public at Specified Times. For the purpose of preservation and protection to the Town park facilities and public buildings it shall be unlawful for any person or persons to enter or remain in such public places after closing hours as specified by the Town Board.
- 5.0104 Injury or Removal of Public or Private Property. No person shall willfully, maliciously, wantonly, negligently, or otherwise injure, deface, destroy, or remove real property or improvements thereto or moveable or personal property belonging to the Town or to any person in the Town. (SDCL 22-34-1)
- 5.0105 Tampering in General. No person in the Town shall tamper with, injure, deface, destroy or remove any sign, notice, marker, fire hydrant, topographical survey marker or monument, or any other personal property erected or placed by the Town. (SDCL 22-34-1)
- 5.0106 Indecency. No person shall expose her breasts, his or her genitals, anus or pubic area under circumstances in which such person knows or reasonably should know that the conduct is likely to cause annoyance or alarm, nor shall any person urinate or defecate in any public place other than at facilities provided for that purpose.
- 5.0107 Roller skates and Skateboards Prohibited in the Business District. No person shall ride upon, in or by means of roller skates, coasters, go-carts, skateboards or other similar wheeled device upon a sidewalk in any business district. (SDCL 9-32-1)

A. Definition as used in this Section:

"Business District" - An area in which 50% or more of the street footage for a distance of 200 ft. or more is occupied by buildings used for business commercial, educational, governmental or religious purposes and/or is used for parking vehicles either as a parking lot or a parking ramp.

B. Exception. Provisions of this Section do not apply to:

1. Physically handicapped persons who have been disabled in such a manner as to make it difficult and burdensome to walk and who use a wheelchair or other wheeled device on the sidewalk.

2. A wheeled vehicle used to transport a person under five (5) years of age.

5.0108 Excessive Noise, Including Radios, Television Sets, Musical Instruments, and Such Similar Devices Prohibited. Using, operating, or permitting the use or operation of any radio receiving set, television set, musical instrument, drum, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle anywhere within the limits of the Town, is prohibited.

CHAPTER 5.02 - ANIMALS

5.0201 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. At Large.
 - a. An animal when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash.
 - b. An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.
2. Leash. A cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.
3. Owner. Any person harboring or keeping an animal and who is the head of the household of the residence or the owner or manager in charge of the establishment or premises at which an animal remains or returns to.

5.0202 Running at Large Prohibited. It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. The fine for an animal running at large is fifty (50) dollars. It shall be one hundred (100) dollars for each additional offense for same animal.

Allowing an animal to run at large as defined in the provisions of this section, shall also constitute a Class 2 misdemeanor. Notwithstanding any other provision, any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately.

5.0203 Impoundment. The Town Board shall be authorized to enter into a contract with some person, association or Humane Society to establish, operate and maintain an animal shelter for the Town. Such contract shall provide for the enforcement of this chapter, for the impounding, destroying and disposal of animals, for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the Town. The Town may, in lieu of the provisions of this section, maintain its own impoundment area or quarters, under the supervision of the Town Board.

An owner reclaiming an impounded animal shall pay the actual cost of impoundment plus the following fee: First impoundment shall be \$25.00; second impoundment within a twelve (12) month period shall be \$50.00; any subsequent impoundment within a twelve (12) month period shall be \$100.00. Upon impounding, the owner of such animal may at any time within five (5) working days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal in addition to the fee prescribed by this section. If any animal so impounded shall not be reclaimed within five (5) working days and reasonable efforts to locate the owner have failed, the Town is authorized to destroy, sell, or otherwise dispose of such animal.

No person shall hinder, delay, or obstruct any law enforcement officer or other authorized official when engaged in capturing, securing or impounding any animal.

5.0204 Compulsory Vaccination of Animals for Rabies. Every dog, cat or other animal susceptible to rabies, held as a domestic pet in the Town, six months of age or older, shall be vaccinated against rabies by a licensed veterinarian. Vaccination against rabies shall be given at such intervals that guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months.

Any animal impounded shall not be released to any person until such animal has been vaccinated against rabies; provided, however, no animal so impounded shall be vaccinated if the owner can present a certificate of a current vaccination.

All veterinarians or other qualified persons designated to vaccinate animals against rabies shall provide the owner at the time of vaccination with a certificate or metallic tag showing the date of the vaccination. Whenever metallic tags are so given for vaccination, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

5.0205 Responsibility of owner to Place Animal for Observation. When any person owning or harboring a dog, cat, or other animal has been notified that the animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of the animal control officer or a licensed veterinarian for a period of not less than ten (10) days.

At the end of the ten (10) day observation period, the animal shall be examined by a licensed veterinarian and if cleared by the veterinarian, may be reclaimed by the owner upon paying the expenses incident thereto.

Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies.

Any person who shall suspect that any animal in the Town is infected with rabies, shall report the animal to the animal control officer, the Town, or other health authority, describing the animal and giving the name and address of the owner if known.

Whenever the animal control officer, a law enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the Town, such facts shall be made known to the Town Board in writing. The Town Board, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the proclamation is issued, all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animals fail. All animals seized and impounded shall be held for observation as hereinbefore provided for, not less than ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of as hereinbefore provided.

5.0206 Vicious Animals.

A. An animal may be declared to be vicious by the animal control officer, a law enforcement officer or other authorized official, under the following guidelines:

1. An animal which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks, or any public grounds or places; or
 2. An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person, or any person or animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.
 3. No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.
- B. When the animal is declared to be vicious, the Town shall notify the owner of such declaration in writing. Said notice shall be served either in person or by mailing such notice by certified mail.
- C. Any mammal, reptile or fowl which is not naturally found in a domestic setting, and because of its size or other characteristic would constitute danger to human life or property is automatically deemed vicious.
- D. The owner of an animal that has been deemed vicious shall comply with the following:
1. Register the animal as vicious with the Town and present proof of rabies vaccination within five (5) days of receiving the notice and presenting proof of rabies vaccination on or before March 1 of each and every year thereafter.
 2. Whenever the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six (6) feet, and under the control of a person over sixteen (16) years of age.
 3. When the animal will be outdoors and unattended, the animal must be locked in an escape-proof kennel approved by the Town. Minimum standards shall include the following:
 - a. Fencing materials shall not have openings with a diameter of more than two (2) inches.

- b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry of children or the escape of the animal.
 - c. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no permanent bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - d. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
4. A universal sign denoting a vicious animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.
- E. The vicious animal shall be impounded by animal control at the owner's expense until all provisions of Section D are complied with. If the conditions in Section D are not complied within 10 days after receiving notice, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the Town.
- F. If a vicious animal has been running at large, or bites a person or bites another animal, the animal control officer, a law enforcement officer or other authorized official shall seize the animal by using such means as are necessary and summon the owner to appear in court to show cause why this animal shall not be destroyed. If the animal cannot be captured, it may be destroyed.

This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

5.0207 Cruelty to Animals. No person shall maltreat or abuse or neglect any animal or fowl. Any animal control officer, law enforcement officer or authorized official finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine such animal and to take possession of such animal, when in his opinion, the animal requires humane treatment.

5.0208 Poisoning Animals. It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where such is accessible to any such animal. (SDCL 9-29-11)

5.0209 Stray, Abandoned, or Unkept Animals. No person shall harbor or keep any stray animals or abandon any animal within the Town. Animals known to be

strays shall be immediately reported to the animal control officer, a law enforcement officer or authorized official. (SDCL 9-29-12)

- 5.0210 Number of Pets Limited. It shall be unlawful for any person to have or to keep more than four domestic pets over the age of six months, except birds and fish, on any lot or premises in the Town, unless such person residing on or in the lot or premises has a valid kennel license issued by the Town. Humane societies, veterinarian offices, and retail pet stores are exempt from the provisions of this section.

CHAPTER 5.03 - FIREWORKS AND FIREARMS

- 5.0301 Discharging Weapon. No person shall discharge any pistol, gun, revolver, or other firearm, or any bow and arrow, or any device capable of firing a projectile either by air or compressed gas or any other means which would likely cause injury to any person, or discharge any dangerous weapon, within the Town limits. Law Enforcement officers in the performance of their duties are exempted. The Town Board may grant exceptions for special events or activity.

- 5.0302 Fireworks Prohibited. Public use of fireworks within the Town of Monroe shall be limited to those specific Class 1.4G fireworks having no audible report or projectile or launching components. Examples of prohibited use fireworks include, **but are not limited to**, fire crackers, bottle rockets, roman candles, parachutes, and similar devices intended to propel or project flaming or explosive materials. Fireworks may not be used on any public sidewalk, street, or alleyway. The violation of any provision of this Section shall be subject to a \$25.00 fine. Any person found in violation of this Section may, within 72 hours of the time when the notice of violation was given, pay to the office of the Town Finance Officer, as a fine for and in full satisfaction of the violation, the sum of \$25.00. If a person found in violation fails to pay the sum within the 72-hour period, he or she may pay to the office of the Town Finance Officer, within the next 2 weeks from the date of violation, as a fine for and in full satisfaction of the violation, the sum of \$50.00. Upon failure of a person found in violation to pay either of the sums to the office of the Town Finance Officer within the time periods indicated, and upon conviction of a violation of this Section, the person found in violation shall be fined \$75.00 plus court costs, which fine shall be collected by the Magistrate Court. Any person claimed to be in violation also has the right to contest the charges or plead "not guilty" within the time periods indicated above, and have the matter transferred to Magistrate Court. The penalties in this Section may be adjusted by resolution of the Town Board. Nothing in this Section shall prohibit the use of a public display of fireworks in the Town, provided that any person responsible for such public display shall, prior thereto, receive approval for a permit from the Town Board. (SDCL 34-37, 9-33-1)

(Amended: Ordinance No. 2011-1, 09-08-11)

CHAPTER 5.04 - MINORS

[MINORS SDCL Title 26]

- 5.0401 Curfew Hours and Exceptions. It shall be unlawful for any person under the age of eighteen (18) to be on the streets, alleys, or public grounds of the Town between the hours of 10:00 p.m. and 6:00 a.m. [Sunday – Thursday] and between the hours of 1:00 a.m. and 6:00 a.m. [Friday – Saturday], unless accompanied by the individual's parent or legal guardian, or unless such person shall be upon some necessary errand by written permission of a parent, guardian, or employer, in which event, the person so permitted to be outdoors shall have with him or her such written permission and shall upon request of any police officer of the Town exhibit the same to said police officer. An exception to the curfew will be made in the case of activities officially sponsored by schools, churches, or the Town; the curfew will extend one-half ($\frac{1}{2}$) hour beyond the time the activity ends in such cases. (SDCL 9-29-13)
- 5.0402 Responsibility of Officers. It shall be the duty of any police officer of the Town to arrest and detain any person who violates any of the provisions of this Chapter and to keep such person detained until his or her parents, guardian, or person in control will appear before the police or other authorized personnel to answer to the charge of having violated this Chapter.
- 5.0403 Responsibility of Parents or Guardians. It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such a minor to be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the Town between the hours of 12:00 a.m. and 6:00 a.m. of the following day, except if the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or when the minor is upon an emergency errand or legitimate business directed or authorized by his or her parent, guardian or other adult person having the care and custody of the minor.

TITLE 6 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 6.01 - Street Names and Addresses

Chapter 6.02 - Streets, Sidewalks, Curb and Gutter

Chapter 6.03 - Snow Removal

Chapter 6.04 - Moving Buildings

Chapter 6.05 - Municipal Trees

CHAPTER 6.01 - STREET NAMES AND ADDRESSES

- 6.0101 Names of Streets and Avenues. The names of all streets and avenues in the Town shall be fixed and adopted in accordance with the official map of the Town on file in the office of the Finance Officer. Other streets shall be named in accordance with guidelines included in the Town subdivision regulations. Any such act of naming, establishing, or vacating any street, alley or other

public way in the Town shall be so designated on such map. (SDCL 9-45-2)

- 6.0102 Numbering Plan. A numbering plan for residences and businesses shall be maintained by the Town Board. A listing of the assigned numbers and a map showing the location of addresses shall be maintained and filed in the Finance Office. The Finance Officer shall be responsible for assigning new numbers and updating the listing of such numbers and the location map. (SDCL 9-45-2)

CHAPTER 6.02 - STREETS, SIDEWALKS, CURB AND GUTTER

- 6.0201 Street Surfacing. The hard surfacing of streets shall be at the expense of the owners of property abutting the street(s) to be surfaced, with materials to be approved by the Town Board. Total cost of the street improvements including legal, engineering, grading and any other costs related to the improvement, shall be assessed against the property on a frontage foot basis. The cost of each street or alley intersection shall be assessed on a front footage basis to all lots or property included within a project area. (SDCL 9-45-31)
- 6.0202 Street Excavations. No person shall make or cause to be made any excavation except as hereafter provided, in or under any street, sidewalk, alley, or public ground or remove any earth, soil, paving, gravel or materials therefrom without first having called One Call and having had any underground utilities identified. Application for such approval shall state where such excavation is to be made, the extent thereof, and the purpose of such excavation.
- 6.0203 Excavation Permits. Applications for excavations other than emergency situations may require a deposit in such sum as deemed necessary by the Town Board to ensure proper replacement and refilling of any such excavation or to cover the costs of any damages which may be caused by such excavation.
Any required deposit shall be paid to the Town before approval of an application is made and any unused portion of said deposit shall be refunded to the applicant upon recommendation and approval of the Town.
- 6.0204 Excavation Repairs. Approval for any excavation covered by this Chapter shall be issued only upon the express condition that the applicant shall refill such excavation in accordance with the requirements of the Town, and shall restore the pavement or surfacing, as the case may be, to its former condition. The Town may adopt and amend as necessary such requirements which shall set forth the manner in which various types of excavations shall be backfilled or refilled and the manner in which any street surfacing shall be replaced. Applicant shall be responsible to the Town for any such excavation for a period of two years.

- 6.0205 Excavation Inspections. It shall be the duty of authorized Town personnel to inspect all authorized excavation work at any stage of construction and to ensure compliance with approved requirements. If all backfilling, refilling, or surfacing is not completed in accordance with approved requirements, notice thereof in writing shall be given to the applicant, who shall put the same in proper order within a maximum of ten (10) days. If the applicant fails after such notice to complete all requirements, the Town Board may authorize the necessary repairs and such applicant shall pay the costs thereof.
- 6.0206 Excavation Barriers. Any person receiving approval to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares, and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. No open trench shall be left open for any more time than considered absolutely necessary or reasonable.
- 6.0207 Sidewalks. Unless otherwise determined by the Town Board, the inside of the sidewalk shall be the property line. Sidewalk construction shall include base material of three inches in thickness, of approved materials. Sidewalks shall be no less than three and one-half inches in thickness, of Portland Cement Construction, and not less than four (4) feet nor more than five (5) feet wide in residential areas, with slope toward street of one-fourth inch per foot. When considered necessary and advisable for the peace, welfare, and safety of the people, the Town Board may direct that new sidewalk be constructed and assessed to any abutting property owner in accordance with SDCL 9-46.
- 6.0208 Driveway Approaches. No driveway approaches shall protrude or extend into the streets beyond the curb line, unless otherwise so authorized by the Town Board. Concrete driveway approaches shall be of four (4) inch Portland Cement Construction, with the slope gradual to accommodate modern vehicles. On gravel thoroughfares driveway approaches constructed shall permit flow of surface water without drainage interference and shall permit proper blading and maintaining of streets. (SDCL 9-45-1)
- 6.0209 Curb and Gutter. Curb and gutter shall be of Portland Cement Construction, not less than three thousand (3,000) PSI, with curb six (6) inches in width, and extending six (6) inches above the gutter. Gutter shall be of six and one-half (6.5) inch thickness, extending twenty-four (24) inches into the street. The Town Board may direct that curb and gutter be constructed and the cost assessed against any abutting property owner. (SDCL 9-45-5)
- 6.0210 Permits. When constructed separately from an over all construction project, property owners or their agents shall submit applications for permits for approval by the Town Board for sidewalks, driveway approaches, curbs, or curb and gutter. When these improvements are constructed simultaneously

or as one project, only one application is necessary to include all improvements, and where any or all are part of new construction projects, only one permit for the overall construction shall be issued. All improvements, installations, and engineering recommendations shall be in conformance with specifications or recommendations approved by the Town Board.

- 6.0211 Barrier-Free Construction. Whenever any person, firm or corporation makes new installations of sidewalks, curbs or gutters, in both business and residential areas, it shall be required that they install ramps at crosswalks, so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for blind persons. All such ramps shall be constructed or installed in accordance with design specifications according to the most current American National Standards Specifications published by the American National Standards Institute or according to Americans with Disabilities Act specifications. (SDCL 9-46-1.2)
- 6.0212 Permission to Deposit Materials. No person shall deposit, place, store, or maintain, upon any public place of the municipality, including street rights-of-way, any dumpster, container, stone, brick, sand, concrete or any other materials. Violation of this section shall constitute a Class 2 Misdemeanor.

CHAPTER 6.03 - SNOW REMOVAL

- 6.0301 Duty to Remove. It shall be the duty of the owner, tenant, or person in possession of any property abutting on any sidewalk to keep such sidewalk free from snow and to cause any accumulated snow to be removed within twenty-four (24) hours after the termination of any snowfall, or snow accumulation. When it is impossible to take snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or occupant or person in charge of such lot shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel.
- 6.0302 Disposal of Snow. It shall be the duty of the property owner, tenant, or person in possession of any public or private driveway, parking lot or parking area to dispose of accumulated snow upon such property in such manner that any snow when removed shall not be deposited upon any sidewalk, within or upon any public street or alley, after such public street or alley has been cleared of snow by grading of such snow away from the curb or picking up and carrying away of such snow by the Town, or in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.
- 6.0303 Removal Costs Assessed. In the event any owner, tenant, or person in possession of any property shall neglect or fail to or refuse to remove such snow or ice within the time provided, the Town may issue a citation for such violation and may authorize such removal with the costs to be assessed against the abutting property owner. (SDCL 9-30-5)

CHAPTER 6.04 - MOVING BUILDINGS

6.0401 Permit Required. No person shall move any building or part of building into, along or across any public street, alley, or grounds in the Town without having obtained a moving permit. (SDCL 9-30-2)

(Amended: Ordinance No. 102, 09-10-08)

6.0402 Applications. Written application for a moving permit shall be filed with the Finance Officer, and shall include the name of the applicant, the name of the owner of the building, a description of the lot on which such building is standing and the lot to which it is to be moved, if such location shall be within the Town. The application shall also specify the route along which it is proposed to move the building, and the length of time likely to be consumed in such moving. Any application so filed shall be considered by the Town Board for approval, and any other conditions to be complied with by the applicant, shall be stated.

(Amended: Ordinance No. 102, 09-10-08)

6.0403 Surety Bond. No permit shall be granted until the applicant shall file with the Finance Officer a bond in favor of the Town in the penal sum to be established by the Town Board, with sufficient surety, and conditioned on the applicant promptly repairing and making good, to the satisfaction of the Town Board, any and all damage to any pavement, sidewalk, crosswalk, hydrant, street, alley, or other property, done or caused by the applicant or the applicant's employees, in moving such building or part thereof, or in connection with the moving thereof. The applicant shall indemnify and save harmless the Town against any and all liability for damages, costs and expenses, arising or which may arise or be incurred in favor of any person by reason of any conduct by the applicant or applicant's agents or employees, in connection with the moving of such building or part thereof, or the use of any public ground for such purpose.

(Amended: Ordinance No. 102, 09-10-08)

6.0404 Standing Buildings. No building or part of a building being moved, shall be allowed to stand still in any public street or any public ground for more than twenty-four (24) consecutive hours.

(Amended: Ordinance No. 102, 09-10-08)

6.0405 Permission of Property Owners. No moving permit granted by the Town shall authorize the holder thereof to break, injure, or move any telephone, electric light, power or cable TV wire or pole, or to cut, trim or otherwise interfere with

any property without the written permission of the owner or owners thereof.

(Amended: Ordinance No. 102, 09-10-08)

6.0406 Removal, Demolition or Relocation of Structures. Upon the removal, demolition or relocation of structures from or on any lot within the Town of Monroe, the foundation of such structure removed, demolished or relocated must be removed from the property and the basement or excavation remaining after removal of the foundation must be filled with good, clean, fill dirt.

If a house is removed from the property then all other outbuildings and other structures which are not being used must be removed together with all sidewalks (except along the street). Upon removal, demolition or relocation of the house or other structures, the lot shall be leveled and left in a good, clean, sanitary condition. Upon the property owner's failure to comply with the provisions of this Section, the property shall be deemed a public nuisance which may be abated and the cost thereof assessed against the property pursuant to laws of the State of South Dakota.

(Amended: Ordinance No. 102, 09-10-08)

6.0407 Approval and Fee. No moving permit shall be issued unless the appropriate nonrefundable fee, established by resolution of the Town Board, is paid to the Finance Office.

(Amended: Ordinance No. 102, 09-10-08)

6.0408 Safeguards. It shall be the duty of the person, firm or corporation moving any building through the streets to do the same with proper care for the safety of persons and property. Warning barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic.

(Amended: Ordinance No. 102, 09-10-08)

6.0409 Protecting Pavement. Where a building or structure is being moved over a street, but is not carried on another vehicle or on a unit equipped with tires, the street surface shall be protected by planking or other device effective to prevent injury to the roadway.

(Amended: Ordinance No. 102, 09-10-08)

CHAPTER 6.05 - MUNICIPAL TREES

6.0501 Authority and Jurisdiction. The Town Board shall have the authority to

regulate the planting, maintenance, and removal of trees on streets and other publicly owned property to insure the public safety and to preserve the aesthetics of such public sites. The Town Board shall also have the authority to determine the type and kind of trees to be planted upon municipal streets or in parks and 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 Town has jurisdiction, whether the same be on private or public property, and to make recommendations from time to time as to desirable ordinances concerning the tree program and activities for the Town. (SDCL 9-38-2)

Certain species of trees shall not be planted in the street right-of-way for any of the following reasons: high susceptibility to disease, production of large or messy fruit, and growth habit.

Any person or persons planting prohibited trees or shrubs in street right of way area shall be given notice to remove the trees or shrubs, within a reasonable time to be specified in the notice. Failure to remove within the specified time shall constitute a violation of this ordinance, and in such case, in addition to any other penalty provided by law, the Town is authorized to remove such plants and assess the owner of the property for the removal costs.

6.0502 Duties of Property Owners. It shall be the duty of any person owning or occupying real property bordering on any street to prune or remove shrubs or trees growing shrubs or trees upon such property, to prune or remove such shrubs or trees in such manner so that they do not obstruct or shade street lights, the passage of pedestrians on sidewalks, view of traffic signs, or of any street or alley intersections. It shall also be the duty of such person to prune or remove shrubs or trees located in the street right-of-way adjacent to their property. Removal shall also be required when any such shrubs or trees are diseased, dead, of a prohibited species, or pose a safety hazard or nuisance. The person owning or occupying such real property described above shall be responsible for pruning shrubs and trees, whether on the property owner's land or in the right-of-way, when the trees or shrubs violate clearance requirements. The minimum clearance of any overhanging portion thereof shall be twelve (12) feet over all streets except truck thoroughfares where the clearances shall be fourteen (14) feet, unless otherwise determined by the Town Board.

6.0503 Abuse of Trees. Unless otherwise specifically authorized by the Town Board, 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 them, or set fire to or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

6.0504 Removal of Hazards. Where any tree branches or hedges protrude or

overhang on any thoroughfare within the Town 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 Town Board to the property owner to remove such obstructions or undesirable branches or hedges within seventy-two (72) hours. If not completed within such time, the Town Board may take immediate action to have such items removed with all costs assessed to the property owner. (SDCL 9-38-2)

TITLE 7 - TRAFFIC CODE

- Chapter 7.01 - General Provisions**
- Chapter 7.02 - Operation of Vehicles**
- Chapter 7.03 - Vehicle Equipment**
- Chapter 7.04 - Speed Restrictions**
- Chapter 7.05 - Parking, Stopping**
- Chapter 7.06 - Trucks**
- Chapter 7.07 - Snowmobiles**
- Chapter 7.08 - Miscellaneous Provisions**

CHAPTER 7.01 - GENERAL PROVISIONS

- 7.0101 Duty to Enforce. It shall be the duty of law enforcement officers to enforce these traffic regulations and all state vehicle laws applicable to street traffic in the Town, to make arrests for traffic violations, to investigate accidents and to cooperate with other officials in the administration of these traffic laws. (SDCL 9-29-19)
- 7.0102 Directing Traffic. Law enforcement officers shall direct traffic in conformance with traffic laws and ordinances provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, Fire Department personnel may direct traffic as conditions may require.
- 7.0103 Obedience to Enforcement. No person shall refuse or fail to comply with any lawful order, signal or direction of any law enforcement officer, or refuse to submit to any lawful inspection or fail to comply with the provisions or requirements of any warning ticket issued under this Title. (SDCL 9-29-19)
- 7.0104 Exemptions to Authorized Emergency Vehicles. The provisions of this Title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles 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, exempt the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.
- 7.0105 Application to Workers and Equipment. The provisions of this Title shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon the surface of a street, but shall apply to such persons and vehicles when traveling to or from such work; provided however, such persons and vehicles shall not indiscriminately block traffic, but shall allow reasonable room on the traveled portion of the street for other vehicles to pass.

- 7.0106 Authority to Install Traffic Control Devices. The Town Board shall place and maintain traffic control signs, signals, and devices when and as required under this Title to make effective the provisions of said Title, and may place and maintain such additional traffic control devices as may be necessary to regulate traffic. (SDCL 32-14-5)
- 7.0107 Definitions. When in this Title the following terms are used they shall have the meanings ascribed to them in this Section.
- A. Authorized Emergency Vehicle. Vehicles of any fire department, police vehicles, and such ambulances and emergency vehicles of municipal department or public service corporations as are designated or authorized by the Town Board.
 - B. Law Enforcement Officer. Any police officer or other law enforcement personnel approved by the Town Board to enforce the provisions of the ordinances of the Town.
 - C. Motor Vehicle. Every vehicle, as herein defined, which is self-propelled.
 - D. Operator. Any person who is in actual physical control of a vehicle.
 - E. Parking. The standing of a vehicle whether attended or unattended, upon a roadway or street otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations, signs or signals.
 - F. Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.
- 7.0108 Obedience to Traffic Control Devices. The operator of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed or held in accordance with the provisions of this Title unless otherwise directed by a law enforcement officer subject to the exceptions granted by law to the driver of an authorized emergency vehicle.

CHAPTER 7.02 - OPERATION OF VEHICLES

- 7.0201 Driver's License Required. It shall be unlawful for any person to drive or operate upon any of the streets or highways within the Town any motor vehicle without first having secured and having in their possession a valid license or permit to do so. (SDCL 32-12-22)
- 7.0202 License Plates. No person shall operate or drive a motor vehicle within the Town without having conspicuously displayed thereon license plates as required by state law, securely fastened, and which shall be kept free from mud, dirt or other obstruction so that the entire license plate shall be clearly

legible by other persons upon the highway.

7.0203 Drive on Right Side of Street. The operator of a vehicle shall drive upon all streets on the right half of the street and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of a street unless it is impractical to do so, and except when overtaking and passing another vehicle, subject to the limitations applicable to overtaking and passing set forth by law. (SDCL 32-26-1)

7.0204 Vehicles Shall Not Be Driven on Sidewalk. The operator of any vehicle except a bicycle shall not operate it within any sidewalk area except at a permanent or temporary driveway. (SDCL 32-26-21.1)

7.0205 Operation of Vehicles on Approach of Authorized Emergency Vehicle. The operator of any vehicle shall, upon the approach of any authorized emergency vehicle or vehicles giving audible signal by lights or siren, immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a law enforcement officer. (SDCL 32-31-6)

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow (closer than 500 feet) any fire apparatus, or to park any vehicle within the block where such fire apparatus has stopped to answer a fire alarm. It shall be further unlawful for the driver of any vehicle to drive over any unprotected hose of the Fire Department without the consent of authorized personnel. (SDCL 32-31-7)

7.0206 Backing Around Corners or into Intersection Prohibited. 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. (SDCL 32-30-20)

7.0207 Reckless Driving. Any person who drives any vehicle upon a street, avenue, or alley carelessly and heedlessly in disregard of the rights or safety of others, or without due caution, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving. (SDCL 32-24-1)

7.0208 Careless Driving. Any person who drives any vehicle carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving as defined in the previous Section, shall be guilty of careless driving. (SDCL 32-24-8)

7.0209 Exhibition Driving. Any person who drives any vehicle within the limits of the Town 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

away, shall be guilty of exhibition driving. (SDCL 32-24-9)

7.0210 Right-of-Way at Intersection. The right-of-way rule as between vehicles at intersections is hereby declared as follows: (SDCL 32-26-13)

- A. The operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has fully entered the intersection.
- B. When two vehicles approach an intersection at approximately the same time, the operator of the vehicle at the left shall yield the right-of-way to the vehicle on the right.
- C. The operator of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he or she may otherwise have hereunder.

7.0211 U-Turn at Intersection. It shall be unlawful for the operator of a vehicle to turn at the intersection in a half circle so as to proceed in the opposite direction at any intersection where warned by a traffic control sign displaying the words "No U-TURN.". (SDCL 32-26-25)

7.0212 Right-of Way, Left Turn. The operator of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection, or so close thereto as to constitute an immediate hazard. The operator, having so yielded and having given a signal when and as required, may make such left turn and the operators of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn. (SDCL 32-26-18)

7.0213 Turning Around in Midblock Prohibited. The operator of a vehicle shall not turn such vehicle so as to park in the opposite direction except at an intersection. (SDCL 32-26-25)

7.0214 Action Required at Stop Sign. Except when directed to proceed by a law enforcement officer or traffic control signal, every operator of a vehicle approaching a stop intersection indicated by a stop sign shall come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

After having stopped, the operator shall yield the right-of-way to any vehicle which has entered or is approaching the intersection from another highway and shall not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic which may affect safe passage. (SDCL 32-29-2.1)

7.0215 Action Required at Yield Sign. The operator of a vehicle approaching an

authorized sign bearing the word "Yield" or "Yield Right-of-Way" shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which such operator is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said operator having so yielded may proceed and the operators of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. (SDCL 32-29-3)

- 7.0216 Stop Required Before Operator Entering From Alley, Building or Private Road. The operator of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where said operator has a view of approaching traffic thereon. (SDCL 32-29-2.2)
- 7.0217 Pedestrian's Right-of-Way. 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 the block, and for any school crossing guard displaying a stop signal, except at intersections where the movement of traffic is being regulated by law enforcement officers or traffic control signals. Whenever any vehicle has stopped at a marked crosswalk or at any intersection or for school crossing guards to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle. (SDCL 32-27-1)
- 7.0218 Interfering with Snow Removal Equipment. No person shall operate a vehicle within such a distance or follow any municipal, county or state snowplow so as to interfere with the snow removal operations, or in such a manner to cause the snow plow operator to abruptly swerve, steer, stop or divert the snow plow from such snow removal operations.
- 7.0219 Helmets For Minors Required. It shall be unlawful for anyone, under the age of 18 to operate or ride upon a motorcycle, except a moped as defined in SDCL 32-20-1, on the public streets or alleys of this Town, unless such person wears a protective helmet of a type approved by the department of public safety.
- 7.0220 Duty of Motorist to Slow or Stop in Obedience of School Bus Amber or Red Signal. The operator of any motor vehicle driven within the Town, shall, upon meeting or overtaking a school bus, on which amber warning lights are flashing, reduce the speed of the vehicle to not more than twenty (20) miles per hour and proceed past the school bus with caution. An operator who meets or overtakes a school bus on which the red signal lights are flashing, shall bring the vehicle to a complete stop not closer than fifteen (15) feet from the school bus and shall remain stopped until the flashing red signal

lights are extinguished.

CHAPTER 7.03 - VEHICLE EQUIPMENT

7.0301 Warning Tickets. Any authorized law enforcement officer, upon reasonable belief that a vehicle is being operated in violation of any provision of this Title or applicable state law or is in such unsafe condition as to endanger any person, may require the driver of the vehicle to stop and submit to inspection of the vehicle and its equipment, license plates and registration card, and is hereby authorized to issue a warning ticket to any driver whose vehicle is in such violation.

Such warning ticket shall clearly designate the provisions which are being violated and shall provide for notification to law enforcement officials when such violation is corrected, by the time specified on the warning ticket.

7.0302 Lights Required. A motor vehicle in motion, during the period from half an hour after sunset to half an hour before sunrise, shall display at least two (2) lighted lamps on the front and one on the rear of such motor vehicle, such lamps to conform to the state law; provided that a motorcycle, moped or motor bicycle shall be required to display one lighted lamp in front and one in the rear. Bicycles shall display a lighted front lamp and a reflector or rear lamp that exhibits a yellow or red light.

7.0303 Headlights Dimmed. No person shall use headlights 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 streets.

7.0304 Warning Devices. Every motor vehicle operated or driven in the Town shall be provided with an adequate horn or other device for signaling which shall be in good working order at all times such vehicle is operated on the streets of the municipality. (SDCL 32-15-10)

7.0305 Emergency Vehicle Warning Device. Every law enforcement, Fire Department and ambulance vehicle used for emergency calls shall be equipped with lights and siren. It shall be unlawful for any other vehicle to be so equipped.

7.0306 Red and Blue Lights. Except as to law enforcement or Fire Department vehicles, or tow trucks or wreckers operating under such circumstances as may be provided by law, it shall be unlawful for any person to operate a vehicle in the Town with any red or blue light thereon visible from directly in front or to the sides thereof.

7.0307 Brakes. Every motor vehicle shall be provided with foot pedal brakes in good working order and sufficient to control such motor vehicle at all times when same is in use.

- 7.0308 Mufflers. No person shall operate a motor vehicle on any street within the Town unless such vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. It shall be unlawful for any person to use a muffler cut-out on any motor vehicle within the Town. (SDCL 32-15-17)
- 7.0309 Projecting Loads. No person shall operate a vehicle upon any street with any load or part of a load projecting more than four (4) feet beyond the rear end or front end, or more than two (2) feet beyond the sides of the body, or carrying part of such vehicle, unless there be attached to the extreme ends and sides of such projecting load a warning sign or signal plainly discernible to other drivers which clearly indicates the projecting parts of such load.
- 7.0310 Weight and Size of Vehicle and Loads. No person shall operate any motor vehicle upon any street the gross weight of which does not comply with state law.
- 7.0311 Windshields Must be Unobstructed. It shall be unlawful for any person to drive any motor vehicle upon any street with its windshield or any other window obstructed by any sign, poster, or other non-transparent material other than a certificate or other paper required to be so displayed by law or other temporary driving instruction placed thereon by the manufacturer.
- 7.0312 Protection of Load. No motor vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dripping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. No person shall operate on any street any vehicle with any load unless said load and any covering is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (SDCL 32-15-18)

CHAPTER 7.04 - SPEED RESTRICTIONS

- 7.0401 Establishment of Speed Zones.
- A. The Town Board may establish upon any public street limited speed zones which shall constitute the maximum speed at which any person may operate any vehicle.
 - B. The beginning of such limited speed zones shall be conspicuously indicated by signs stating the speed limit.
- 7.0402 Speed Limits. Except as may otherwise be provided by the Town Board, it shall be unlawful for any person to operate or drive any vehicle at a rate of

speed greater than the following:

- A. Fifteen (15) miles per hour within any business district.
- B. Fifteen (15) miles per hour on any alley.
- C. Twenty-Five (25) miles per hour within any residential district.
- D. The appropriate maximum speeds established by state law on all other unmarked streets and highways within the Town.

CHAPTER 7.05 - PARKING, STOPPING

- 7.0501 Obstruction of Traffic. No vehicle shall be operated or allowed to remain upon any street under the jurisdiction of the Town in such a manner as to form an unreasonable obstruction to traffic. Whenever any law enforcement officer finds a vehicle which constitutes an obstruction, such officer shall be authorized to provide for the removal of such vehicle by towing, if necessary, at owner's expense. (SDCL 32-30-1, 2, 3)
- 7.0502 Parking in Streets During Snow Removal. Whenever there is an accumulation of two (2) inches or more of snow on the streets of Monroe, a snow removal emergency shall be declared, and street parking shall be prohibited. Parking on any public street shall be completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal emergency. The snow removal emergency shall terminate, and parking may resume whenever such street has been cleared of snow completely, until the next snow removal alert is declared. Fines for ticketing vehicles shall be fifty dollars (\$50.00) for each day of violation.
- 7.0503 Towing Vehicles. Any law enforcement official shall be authorized to remove and tow away, or have removed and towed away by any commercial towing service, any vehicle illegally parked in any place where such vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle, or in any way is in violation with the provisions of this Title. Vehicles towed away for illegal parking shall be stored in a place designated by the Town Board and shall be restored to the owner or operator of such vehicle upon payment of a fee of twenty-five dollars (\$25.00) plus towing charges, within twenty-four (24) hours after the time such car was removed, plus five dollars (\$5.00) for each additional twenty-four (24) hours or fraction thereof. (SDCL 32-30-13,14)
- 7.0504 Parking Prohibited in Certain Places. It shall be unlawful for the operator of any vehicle to stop, stand, or park it in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device: (SDCL 32-

30-6, 6.1, 6.2)

- A. In any intersection.
- B. In a crosswalk.
- C. Within fifteen (15) feet of a fire hydrant.
- D. At any place where the vehicle would block the use of a driveway.
- E. Within twenty (20) feet of the driveway entrance of the fire station and on the side of the street opposite the entrance to such station within one hundred (100) feet of such entrance.
- F. On any sidewalk.
- G. At any place where official signs prohibit parking.
- H. In any public alley.
- I. Inside of curb, on street right of way. Area between the back of the curb to the property line.

7.0505 General Parking Restrictions. No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets. It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled, unless authorized by the Town Board. Exception: when a larger vehicle parked legally would otherwise block traffic. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

7.0506 Diagonal Parking. No vehicle shall be parked on Maple Street from 1st Street to 2nd Street except such vehicle be parked within the areas and at the angle to the curb indicated by angle marks or signs, with right front wheel touching the curb.

7.0507 No Parking Areas. The Town Board shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions, except that yellow curb painting may be used to indicate "No Parking" in certain street areas. (SDCL 9-31-1)

7.0508 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers without current license plates shall not be parked or stored on any public property or right-of-way within the Town.

7.0509 Handicapped Parking Areas. Parking in those areas so designated as handicapped parking areas by signs and pavement striping shall be

restricted to those vehicles identified, by window sticker and/or license plate, as being operated by handicapped drivers. It shall be unlawful for any person to park in a handicapped area without such identification on his or her vehicle. (SDCL 32-30-11.1, 11.2, 11.3, 11.4, 11.6)

CHAPTER 7.06 - TRUCKS

7.0601 Definitions. For the purpose of this chapter, the terms used in this section shall have the following meanings:

1. *Trucks:* Any motor vehicle designed or operated for the transportation of property, including a vehicle directly connected to a trailer.
2. *Motor Vehicle:* All machines propelled by any power other than muscular used upon the streets or highways for the transportation of property.
3. *Trailer:* A vehicle of the trailer type, without a power unit of its own, designed and used in conjunction with a motor vehicle for the transportation of property.
4. *Truck Route:* Streets and highways designated as truck routes by the Town Board.
5. *Streets:* All other streets with the Town which are not designated as truck routes.

7.0602 Truck Routes. The Town Board is hereby authorized to establish within the Town truck routes and the same shall be identified by signs or markings erected and maintained by the Town. The word "truck" shall mean and include truck, trailer and semi-trailer, tractor and farm wagon.

7.0603 Operation of Trucks. Where any truck route has been established and identified, any person operating a truck having a gross weight of five (5) tons or more shall operate it only on such route or routes and none other, except where necessary to traverse another street or streets to a destination for the purpose of loading or unloading commodities or for the purpose of towing a disabled or damaged motor vehicle to or from public or private property, and then only by such deviation from the nearest truck route as is reasonably necessary.

7.0604 Exceptions to Use of Truck Routes. There shall be the following exceptions to the use of truck routes:

- A. A truck arriving at the end of any designated truck route may be driven over the most direct course to the nearest truck route which extends in the same general direction.

- B. The Town Board shall have the authority, for good cause and upon request, to issue temporary permits for trucks to operate over routes not established as truck routes by the Town or to otherwise deviate from the provisions of this Chapter.
- C. The operator of a "Truck" as referred to in Section 7.0601 (except semi-trailers) may deviate from the truck route for the purpose of taking such truck to the owner's personal residence or parking facility, but the truck must be parked on the owner's real property and not on Town streets or Town property. In this instance the vehicle shall make no more than one trip to and from owner's personal residence or parking facility per day.
- D. The provisions of this Section shall not apply to school buses, emergency vehicles of any Fire Department, not to any public utility vehicles where actually engaged in the performance of emergency duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the Town, the United States of America, or the State or any of its political subdivisions.

7.0605 Parking of Trucks. All freight, stock, and gas and oil transport trucks shall be parked only at such places and in the manner as designated by the Town Board. This Section shall not apply to a light delivery truck delivering goods from house to house and place to place which requires a stop or parking of no more than a few minutes at a time to receive or deliver merchandise.

7.0606 Trucks Standing or Parking in Alleys. Trucks shall not stand or park in any public alley except for the purpose of receiving or delivering property and for no longer time than is necessary to load or unload. Such trucks, when loading or unloading, shall stand or park on the side of the alley. When two or more trucks are thus standing on opposite sides of the same alley the truck last arriving shall be placed in such staggered positions as to leave sufficient space between it and the first truck for the free passage of other vehicles.

CHAPTER 7.07 - SNOWMOBILES

7.0701 Definitions. The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them:

- A. Operate. To control the operation of a snowmobile.
- B. Owner. 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. Any and all real property, or land within the Town

which has not been opened or dedicated for public use or as a public thoroughfare.

D. Snowmobile. 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.

7.0702 Operators License Required. It shall be unlawful to operate a snowmobile on a public street in the Town without having in possession a valid drivers license.

7.0703 Traffic Laws Applicable. The operator of a snowmobile is required to obey all traffic laws applicable to the operators of vehicles generally, in addition to those herein set forth.

7.0704 Ingress and Egress to Town. Any person operating a snowmobile within the Town shall only use such snowmobile to enter the corporate limits for the purpose of returning to his or her home base or leaving the corporate limits. Such operator shall enter or leave by the most direct route and at a reduced speed so as not to disturb the peace and quiet of the community.

7.0705 Permission of Property Owner Required for Operation. No person shall operate a snowmobile on private property of another without the express permission of the owner or occupant of such property to do so.

7.0706 Operation on Public Ground. No person shall operate a snowmobile on any public property, including, but not limited to public sidewalks, school grounds, parks, parking lots, playgrounds, and recreational areas except public roadways and ditches.

7.0707 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.

7.0708 Speed. No person shall operate a snowmobile at a speed greater than is reasonable or proper, under all existing circumstances. It shall be unlawful to operate a snowmobile at a rate of speed faster than five (5) miles per hour less than the posted speed limit applicable to other motor vehicles.

7.0709 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.

7.0710 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.

7.0711 Emergency Use.

- A. The Town Board 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 welfare of any individual.
- C. The operator of a snowmobile under emergency conditions shall be subject to all existing traffic ordinances of the Town and traffic laws of the State.

7.0712 Equipment Required. All snowmobiles operated in the Town shall have the following equipment:

- A. Mufflers which are properly attached and which reduce the noise of operations of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cutout, bypass or similar device on such vehicle.
- B. Adequate brakes in good working condition.
- C. A safety or “deadman” throttle in operating condition, such being a device which when pressure is removed from the accelerator, the throttle causes the motor to disengage from the driving tract.
- D. At least one headlight and one tail light in good working condition.
- E. A red flag or cloth not less than twelve (12) inches square and hung or suspended five (5) feet above the ground level so that the entire area thereof is visible from all directions while on any roadway street or alley.

7.0713 Unattended Vehicles. No owner or operator of a snowmobile shall leave or allow the snowmobile to be or remain unattended on public property or streets while the motor is running, or where the keys for starting the vehicle are left in the ignition.

7.0714 Towing. No person operating a snowmobile shall tow any person or object behind such snowmobile except when such person or object is situated upon a conveyance which is attached to such snowmobile by means of a rigid hitch or towbar.

7.0715 Exception. Notwithstanding the provisions of any other Section, any governmental official in charge of public school ground, park property, playgrounds, or parking lots shall have authority to supervise and regulate events or programs conducted thereon or to designate areas under his

charge and supervision as recreation areas that he shall deem available for use of snowmobiles, and the hours of such use.

CHAPTER 7.08 - MISCELLANEOUS PROVISIONS

- 7.0801 Clinging to Moving Vehicles. No person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other toy vehicles shall cling to or attach himself or such vehicle to any other moving vehicle upon any street.
- 7.0802 Riding on Outside of Vehicle. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to persons riding within truck bodies in space intended for merchandise.
- 7.0803 Tampering with Vehicles. It shall be unlawful for any person to tamper with the motor vehicle of another, with intent to injure the same or cause inconvenience to the owner thereof, or to operate the motor vehicle of another without the consent of the owner or person lawfully in charge thereof.
- 7.0804 Immediate Notice of Accident. The operator of a vehicle involved in an accident resulting in injury to or death of any person, or resulting in any property damage, shall immediately by the quickest means of communication give notice of such accident to a law enforcement officer.
- 7.0805 When Driver Unable to Report. An accident report shall not be required from any person who is physically incapable of making such report during the period of incapacity. Whenever the operator of a vehicle is physically incapable of making such report or is physically incapable of giving an immediate notice of an accident and there is another occupant in the vehicle at the time of the accident capable of doing so, such occupant in the vehicle at the time of the accident shall cause to be given the notice not given by the operator.
- 7.0806 Duty to Give Information, Render Aid. The operator of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and if applicable, the license number of the vehicle he is driving and his operator's or chauffeur's license to the person struck or to the driver or occupant of or to person attending any vehicle with which the operator collides. The operator shall also render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
- 7.0807 Personal Injury. The operator of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the

scene of such accident or as close thereto as possible but shall then forthwith return to and remain at the scene of the accident until fulfilling the requirements of Section 7.0806. (SDCL 32-34-7)

- 7.0808 Property Damage. The operator of any vehicle involved in an accident, resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to and remain at the scene of such accident until fulfilling the requirements of Section 7.0806. Every such stop shall be made without obstructing traffic more than is necessary.
- 7.0809 Unattended Vehicle, Property. The operator of any vehicle which collides with any other vehicle or property which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and shall attach securely in a conspicuous place in or on the vehicle struck a written notice giving the operator's name and address and a statement of the circumstances thereof. In addition, the operator shall without unnecessary delay notify a law enforcement officer of such accident. (SDCL 32-34-4)
- 7.0810 Duty Upon Striking Fixtures. The operator of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the operator's name and address, the registration number of the vehicle operator and shall upon request and if available exhibit his or her operator's license and shall make report of such accident when and as required in Section 7.0808.
- 7.0811 Duty Upon Striking Animal. The operator of any vehicle which collides with any dog or domestic animal causing injury thereto shall stop and attempt to ascertain the owner of such animal and notify a law enforcement officer of such accident.
- 7.0812 Manner of Arrest. Except in cases of driving while intoxicated or under the influence of intoxicating liquor or any stupefying or exhilarating drug and except in the more serious and aggravated cases of speeding or careless and reckless driving and except when reasonably necessary to secure appearance, a person charged with a violation of this Title by a law enforcement officer need not be arrested in the regular manner but may first be given an opportunity after notice to appear voluntarily to answer for such traffic violation.
- 7.0813 Notice to Appear. A person charged with violation of this Title by notice shall be given notice to appear before a court of competent jurisdiction at the time or within the time stated in such notice, and that in event of failure to do so a warrant will be issued for his arrest.

The notice shall state the name, description and address of the offender, if known, the nature and date of the offense and a description of the vehicle involved in the violation by trade name and license number. The notice shall be signed by the law enforcement officer executing it.

The notice shall be made in triplicate, one copy to be given to the owner or driver charged with the offense or to be left in or upon the automobile or vehicle involved in the violation, one copy to be filed with the law enforcement officer and one copy to be filed with the court.

The person charged with the offense, if available, shall be given an opportunity to sign an agreement to appear to answer the charge at the time and place specified in the notice which form of agreement shall be a part of the notice, and if he shall refuse to sign such agreement, then he shall be placed under arrest for the offense in the manner otherwise provided by law.

7.0814 Appearance and Deposit for Fine. A person who has received a notice of traffic violation shall at or within the time specified in such notice, appear before court of competent jurisdiction to answer to the charge set forth therein according to the procedure of that court.

In cases of non-moving violations, and cases of failure to stop at a stop street, sign or signal which are not serious and aggravated cases, the person charged shall appear at the office of the Clerk of Courts and upon making the deposit for fine as authorized by the court and a statement authorizing the Clerk of Courts to enter his plea of guilty to the offense he shall not be required to appear in court.

7.0815 Arrest on Failure to Appear. Anyone who fails to appear in response to a notice of traffic violation, shall be subject to arrest in the manner otherwise provided by law.

TITLE 8 - SEWER

Chapter 8.01 - Sewer Provisions

CHAPTER 8.01 - SEWER PROVISIONS

[SEWER SUPPLY SYSTEMS SDCL 9-48]

8.0101 Definitions.

- A. "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees celsius, expressed in milligrams per liter.
- B. "Building Drain" - 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 four feet outside the inner face of the building wall.
- C. "Building Sewer" - The extension from the building drain to the public sewer or other place of disposal; also called house connection.
- D. "Easement" - An acquired legal right for the specific use of land owned by others.
- E. "Floatable Oil" - 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 of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- F. "Garbage" - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- G. "Industrial Waste" - The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- H. "Medical Waste" - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- I. "Natural Outlet" - Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

- J. "pH" - The negative logarithm of the hydrogenion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of ten to the minus seven power.
- K. Pollutant - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., flow pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- L. POTW (Publicly Owned Treatment Works) - Any wastewater treatment plant owned and operated by the Town including all devices and systems used in the collection, storage, treatment, recycling and reclamation of wastewater or industrial wastes and any conveyances which transport wastewater to the plant.
- M. "Properly Shredded Garbage" - 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 inch (1.27 centimeters) in any dimension.
- N. "Public Sewer" - A common sewer controlled by a governmental agency or public utility.
- O. "Sanitary Sewer" - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwater, storm water and surface water that are not admitted intentionally.
- P. "Sewage" - The spent water of a community. The preferred term is wastewater.
- Q. "Sewer" - A pipe or conduit that carries wastewater or drainage water.
- R. "Slug or Slug Load" - Any substance released in a discharge at a flow rate and/or concentration which will adversely affect the wastewater treatment plant or hydraulically overloads the sanitary sewer collection system. This includes, but is not limited to, accidental spills and batch discharges.
- S. "Storm Drain" (sometimes termed Storm Sewer) - A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

- T. "Superintendent" - The superintendent of all wastewater facilities of the Town or his authorized deputy, agent or representative.
- U. "Suspended Solids" - 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".
- V. "Unpolluted Water" - 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 into the sanitary sewers and wastewater treatment facilities provided.
- W. "User or Industrial User" - A source of indirect discharge.
- X. "Wastewater" - The spent water of a community. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- Y. "Wastewater Treatment Plant" - Means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.
- Z. "Watercourse" - A natural or artificial channel for the passage of water either continuously or intermittently.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0102 Use of Public Sewers Required.

- A. 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 Town, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter, or permitted by the South Dakota Department of Environment and Natural Resources or the Environmental Protection Agency.
- C. 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.

- D. The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town 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 sewer, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within five days after the date of official notice to do so, provided that said public sewer is within 200 feet of the property line and reasonably accessible as determined by the Town Board.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0103 Private Wastewater Disposal.

- A. Where a public sanitary sewer is not available under the provisions of 8.0102(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter and State of South Dakota Administrative Rules for individual and small on-site wastewater systems (ARSD Chapter 74:03:01.
- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit issued by the Town Board. A permit and inspection fee established by resolution shall be paid to the Town when the application is filed. The permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Town Board. The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the South Dakota Department of Health. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. No connection from any private wastewater disposal system shall be made with any public sanitary sewer under jurisdiction of the Town.
- C. When a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 8.0102(D), a direct connection shall be made to the public sewer within sixty days in compliance with this Chapter, and any private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- D. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by a health officer.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0104 Sanitary Sewers, Building Sewers and Connections.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Superintendent or other person designated by the Town Board.
- B. There shall be two 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 or his agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the Sewer Superintendent or other person designated by the Town Board. A permit and inspection fee established by resolution shall be paid to the Town at the time the application is filed.
- C. All costs in an expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The building owner shall be responsible for the maintenance of the building drain and the building sewer.
- D. A separate and independent four-inch diameter sewer service shall be provided for every living unit where a separate ownership or billing is anticipated, and in units where separate water services are required, and 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. In lieu of a separate four-inch diameter sewer service for every living unit, a single building sewer of a size to be determined by the Town Board but in no event less than six-inch diameter, may be provided. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Superintendent or other person designated by the Town Board, to meet all requirements of this Chapter.
- F. Whenever possible, the building 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 sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

- G. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, 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. In certain locations or situations where surface water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer line shall be permitted from November 1st to March 1st. No connections to the sanitary sewer will be permitted from March 1st to November 1st. The Town Board may by resolution, change any of these dates subject to exceptional circumstances.

Any person, owner, lessee or occupant who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of Section 8.0104(G) shall immediately remove that connection or correct that installation. If not removed or corrected within 30 calendar days after notice of violation has been delivered personally or by certified mail to that person, owner, lessee or occupant, the Town may impose a surcharge of \$100 per month on the sewer bill of the property owners who are not in compliance. All properties found during regular or periodic reinspection programs that violate Section 8.0104(G) will be subject, at the discretion of the Town, to the imposition of the monthly fee for all months between the two most recent inspections.

(Amended: Ordinance No. 2010-2, 11-11-10; 2012-1, 05-09-12)

- H. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable specifications and requirements of the Town, or 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 gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Sewer Superintendent or other person designated by the Town Board before installation.
- I. The applicant for the building sewer permit shall notify the Sewer Superintendent or other person designated by the Town Board 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 Sewer Superintendent or other person designated by the Town Board.
- J. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0105 Use of the Public Sewers.

- A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, unless specifically authorized by the Sewer Superintendent or other person designated by the Town Board.
- B. Storm water other than that exempted herein and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, to the street or to a natural outlet approved by the Sewer Superintendent or other person designated by the Town Board and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Sewer Superintendent or other person designated by the Town Board, to a storm sewer or natural outlet. Groundwater collected by building subdrains must discharge to the ground surface outside of the building, a storm drain, a sump pump collection system, or a natural outlet. No sump pump discharge to the ground surface shall create a hazard or a nuisance, including but not limited to: ice accumulation on municipal streets, alleys, and sidewalks; damaging a municipal street or sidewalk; creating ponds of standing water or algae; or flowing over adjoining property. If a storm drain or sump pump collection system exists or is constructed adjacent to the property, the property owner shall be charged a permit fee and connect the sump pump or building subdrains to the storm sewer system.
- C. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- D. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 5.0 or more than 12, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
6. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Sewer Superintendent or other person designated by the Town Board;
9. Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
12. Sludges, screenings or other residues from the pretreatment of industrial wastes, except as specifically authorized by the Sewer Superintendent or other person designated by the Town Board;
13. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
14. Fats, oils or greases of animal or vegetable origin in amounts which will cause obstruction of the flow in sanitary sewers; or

15. Light water foaming agents in quantities which would cause foaming problems in the POTW.

- E. Pollutants, substances or wastewater prohibited by Section 8.0105(D) shall not be processed or stored in such a manner that they could be discharged to the POTW. Any user discovered to have discharged any toxic pollutants into public sewer facilities, in addition to other penalties as provided by ordinance and law, shall be responsible for all costs associated with treating or otherwise disposing of such pollutants.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Superintendent or other person designated by the Town Board they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or oil, 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 capacity approved by the Sewer Superintendent or other person designated by the Town Board and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Sewer Superintendent or other person designated by the Town Board. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed liquid waste hauler.
- G. The disposal by any and all persons of garbage, cans, washers, filters and other foreign debris into the sanitary sewer system of the Town shall also be prohibited.
- H. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger health, public property, or constitute a nuisance. The Sewer Superintendent or other person designated by the Town Board may set limitations lower than those established in the regulations below if in his opinion more severe limitations are necessary to meet the above objectives.

In determining acceptability, the Sewer Superintendent or other person designated by the Town Board will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on

materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Sewer Superintendent or other person designated by the Town Board are as follows:

1. Wastewater having a temperature higher than 140° Fahrenheit (60° Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded (see 8.0101(M)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances such that as received in the composite wastewater at the wastewater treatment works, it exceeds the limits established by the Sewer Superintendent or other person designated by the Town Board for such materials.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Sewer Superintendent or other person designated by the Town Board.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Superintendent or other person designated by the Town Board in compliance with applicable state or federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water 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.

- I. 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 8.0105(H), and which in the judgement of the Sewer Superintendent or other person designated by the Town Board, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Superintendent or other person designated by the Town Board may:
 1. Reject the wastes,
 2. Require pretreatment to an acceptable condition for discharge to the public sewers,
 3. Require control over the quantities and rates of discharge, and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 8.0105(M) of this Chapter.

When considering the above alternative the Sewer Superintendent or other person designated by the Town Board shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent 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 or other person designated by the Town Board.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner at his expense.

- J. When required by the Sewer Superintendent or other person designated by the Town Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent.

The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- K. The Sewer Superintendent or other person designated by the Town Board may require a user of sewer services to provide information needed to determine compliance with this Chapter. This information

may include:

1. Wastewater discharge peak rate and volume over a specified time period.
 2. Chemical analyses of wastewaters.
 3. Raw materials, processes, and products affecting wastewater volume and quality.
 4. Quantity and disposition of specific materials important to sewer use control.
 5. A plot plan showing sewer and pretreatment facility locations on the user's property.
 6. Details of wastewater pretreatment facilities.
 7. Details of systems to prevent and control spills of materials into the municipal sewer.
- L. 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 for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Sewer Superintendent or other person designated by the Town Board.
- M. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0106 Prohibited Acts. No person(s) shall willfully or negligently damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0107 Right of Entry; Inspection and Sampling. The Sewer Superintendent or other person designated by the Town Board shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any order issued hereunder. Users shall allow the Sewer Superintendent or other person designated by the Town Board ready access to all parts of the premises for the purposes of inspection, sampling records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon

presentation of suitable identification, the Sewer Superintendent or other person designated by the Town Board will be permitted to enter without delay for the purposes of performing specific responsibilities.

- B. The Sewer Superintendent or other person designated by the Town Board shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Sewer Superintendent or other person designated by the Town Board may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or as needed to ensure and maintain their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Sewer Superintendent or other person designated by the Town Board and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Sewer Superintendent or other person designated by the Town Board access to the user's premises shall be a violation of this Chapter.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0108 Search warrants. If the Sewer Superintendent or other person designated by the Town Board has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Sewer Superintendent or other person designated by the Town Board may seek issuance of a search warrant from the circuit court.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0109 Proper Design and Construction of New Sewers and Connections. The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Uniform Building Code or other applicable rules and regulations of the Town and the State of South Dakota. In the absence of code provision or in

amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

All sanitary sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal, vitrified clay sewer pipe, ASTM specification (C13-441) or equal; PVC; or other suitable material approved by the Town Board.

Additional requirements may be provided when any part of a building sewer is located near a water service pipe, or where the sewer is exposed to damage by tree roots or unstable ground.

The size and slope of sanitary sewer shall be subject to the approval of the Town Board, but in no event shall the diameter be less than four inches. The slope of such pipe shall be not less than one eighth inch per foot.

Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. No sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

The connection of the sanitary sewer into the public sewer shall be made at the "y" branch, if such branch is available at a suitable location. Where the public sewer is greater than twelve inches in diameter, and no properly located "y" branch is available, a neat hole may be cut into the public sewer to receive the sewer connection, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. Smooth, neat joint shall be made, and the connection made secure and watertight. The connection into the public sewer shall be made under the supervision of the Sewer Superintendent or other person designated by the Town Board.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0110 Disconnection. When a disconnection from the sanitary sewer is made, the sewer service shall be closed to the satisfaction of the Sewer Superintendent or other person designated by the Town Board. Closure shall be at the curb line on residential property and at the property line of commercial property.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0111 Hookups. Each private citizen or public entity shall pay all charges associated with a sewer hookup and no amount of sewer hookup cost shall be borne by the Town.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0112 Fee for Hookup.

- A. New Accounts with no existing sewer connection: The owner of any building newly constructed or moved on a lot, which is to be served by sewer within the Town of Monroe, shall pay a connection fee of \$125.00.
- B. Initial hookup fees when sewer connection exists: The owner of any building constructed or moved on to a lot with an existing sewer connection within the Town of Monroe shall pay \$25.00 for initial sewer hookup.
- C. Transfer Accounts: The new owner of any building on a lot where sewer connections are in place within the Town of Monroe shall pay a transfer fee of \$25.00.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0113 Renter Deposit. A deposit will be required prior to availability of service for all rental property. The amount of deposit shall be \$50.00. The deposit will be returned when the sewer user pays the account in full. If payment is not made, the deposit will be applied toward the account balance. In the event an occupant does not pay sewer bills, the landowner is required and will be held responsible to pay any unpaid sewer bills.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0114 Sewer User Charge. Rates for the use of utilities furnished by the Town shall be established by resolution by the Monroe Town Board.

(Amended: Ordinance No. 2012-1, 05-09-12)

8.0115 Enforcement.

- A. Notification of Violation. When the Sewer Superintendent or other person designated by the Town Board finds that a user has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other pretreatment standard or requirement, the Sewer Superintendent or other person designated by the Town Board may serve upon that user a written notice of violation. Within fourteen days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Sewer Superintendent or other person designated by the Town Board. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

Nothing herein shall limit the authority of the Sewer Superintendent or other person designated by the Town Board to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

- B. Consent Orders. The Sewer Superintendent or other person designated by the Town Board may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 8.0105(D) and 8.0105(E).

- C. Show Cause Hearing. The Sewer Superintendent or other person designated by the Town Board may order a user which has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Sewer Superintendent or other person designated by the Town Board and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- D. Compliance Orders. When the Sewer Superintendent or other person designated by the Town Board finds that a user has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other pretreatment standard or requirement, the Sewer Superintendent or other person designated by the Town Board may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall

not be a bar against, or a prerequisite for, taking any other action against the user.

E. Cease and Desist Orders.

1. When the Sewer Superintendent or other person designated by the Town Board finds that a user has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Sewer Superintendent or other person designated by the Town Board may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Violations; Penalties.

1. Any person found to be violating any provision of this Chapter or requirement imposed pursuant to this Chapter except Section 8.0106 may be served by the Town 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.
2. Any person found to be violating any provision of this Chapter, requirement imposed pursuant to this Chapter, and/or any time limit set forth in the notice provided in this Section shall be guilty of a violation of municipal ordinances. Each day in which any such violation shall continue is a separate offense.
3. Any person violating any of the provisions of this Chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
4. In addition to any other fine and/or penalty authorized by this Chapter, any industrial user or any significant industrial user who is found to be violating any provision of this Chapter, and/or any time limits set forth in the notice provided in this Section, is subject to a civil penalty not to exceed \$1,000.00 per violation per

day of violation.

G. Emergency Suspensions.

1. The Sewer Superintendent or other person designated by the Town Board may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Sewer Superintendent or other person designated by the Town Board may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Sewer Superintendent or other person designated by the Town Board may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Sewer Superintendent or other person designated by the Town Board may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Sewer Superintendent or other person designated by the Town Board that the period of endangerment has passed, unless the termination proceedings in section 8.0115(H) are initiated against the user.
 - b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Sewer Superintendent or other person designated by the Town Board prior to the date of any show cause or termination hearing under sections 8.0115(C) or 8.0115(H).
2. Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

H. Termination of Discharge.

1. Any user who violates the following conditions is subject to

discharge termination:

- a. Violation of any permit conditions or order;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
 - e. Violation of the standards in Section 8.0105.
2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8.0115(C) why the proposed action should not be taken. Exercise of this option by the Sewer Superintendent or other person designated by the Town Board shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Amended: Ordinance No. 2012-1, 05-09-12)

TITLE 9 - PLANNING, ZONING AND BUILDING REGULATIONS

Chapter 9.01 - Planning Commission

Chapter 9.02 - Construction Regulations

Chapter 9.03 - Building Demolition/Excavation

CHAPTER 9.01 - PLANNING COMMISSION

9.0101 Definitions.

- A. Town or Municipality. Relates to the Town of Monroe.
- B. Town Board. Chief legislative body or governing body of the municipality.
- C. Planning Commission. Body created pursuant to this ordinance.

9.0102 Creation of Monroe Planning Commission.

The Monroe Planning Commission is hereby created for the Town of Monroe, South Dakota.

9.0103 Number, Appointment and Tenure of Planning Commission Members.

The Monroe Planning Commission created under the terms of SDCL 11-6 shall consist of not less than three (3) members appointed by the Town Board. If deemed necessary, the Town Board may appoint one or more of its members to the Planning Commission. The term of each of the appointed members shall be five years except that when the Planning Commission is first appointed, approximately one-half of the members shall be appointed for three years and the balance of the members shall be appointed for five years. Thereafter, appointments of each member shall be for terms of five years so that there will be an overlapping of tenures. Administrative officials of the Town may be appointed as ex-officio members of the Planning Commission; however, all members of the Planning Commission shall serve as such without compensation.

9.0104 Vacancies.

Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term by the Town Board in the same manner as for appointment.

9.0105 Organization.

The Planning Commission shall elect a Chairman from among its members

for a term of one year with eligibility for re-election, and shall also elect a Secretary. The Planning Commission shall hold meetings as necessary, as called by the Chairman, or the Town Board. The Commission shall keep minutes and records of its activities, which shall be a public record.

The Planning Commission may appoint such employees as it may deem necessary for its work, and may also contract with planners, engineers, architects and other consultants for such services as it may require, provided, however, that such appointments and contracts shall be approved by the Town Board.

9.0106 Removal for Cause.

The mayor, with the confirmation of the Town Board, shall after public hearing have authority to remove any member of the Planning Commission for cause, which cause shall be stated in writing and made a part of the record of such hearing.

9.0107 Powers and Duties of Commission.

The Monroe Planning Commission, its members and employees, shall have all such powers as may be necessary to enable it to perform its functions, promote planning and carry out all the purposes and powers enumerated in SDCL 11-4 and 11-6 and acts amendatory thereof.

9.0108 Preparation of Comprehensive Plan.

The Planning Commission of Monroe shall propose a comprehensive plan for the physical development of the Town pursuant to the terms of SDCL 11-4 and 11-6. The general purpose of the comprehensive plan shall be to guide and accomplish a coordinated and harmonious development within the Town.

After the comprehensive plan has been adopted according to law, no substantial amendment or modification thereof shall be made, without the proposed change first being referred to the Planning Commission for its recommendations.

9.0109 Zoning Regulations.

It shall be a duty of the Planning Commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced therein, in accordance with comprehensive plan. The Planning Commission shall prepare regulations governing land uses, building or set-back lines and the subdivision or platting of land within the municipality in accordance with SDCL 11-4 and 11-6. All applications and proposals for changes in or amendments to the zoning regulations shall first be submitted to the Planning Commission for its recommendations.

9.0110 Subdivision Plats and Regulations.

All plans, plats, or re-plats or subdivisions or resubdivisions of land within the jurisdiction of this ordinance shall first be submitted to the Planning Commission for its recommendation before approval by the Town Board.

The Planning Commission shall prepare and recommend to the Town Board regulations governing the subdivision of land within its jurisdiction. No amendments or changes thereto shall be made without recommendation by the Planning Commission.

CHAPTER 9.02 - CONSTRUCTION REGULATIONS

9.0201 Written Application Required. Any person, firm or corporation desiring to erect, place upon any lots within the corporate limits of the Town of Monroe, any building, or repair, or make any addition to any building on any lots within the corporate limits, shall make written application therefore to the Board of Trustees and shall file therewith plans and specifications therefore, and the Board of Trustees shall then grant or refuse its permission for such application in its discretion.

(Amended: Ordinance No. 103, 09-10-08)

9.0202 Approval and Fee. No building permit shall be issued unless the appropriate nonrefundable fee, established by resolution of the Town Board, is paid to the Finance Office.

(Amended: Ordinance No. 103, 09-10-08)

CHAPTER 9.03 - BUILDING DEMOLITION/EXCAVATION

9.0301 Permit Required. In the event the Town of Monroe shall issue a permit for the dismantling, destruction, demolition, or removal of any building or structure on any property within the corporate limits of the Town of Monroe, such permit shall state the date by which such dismantling, destruction, demolition, or removal shall be completed.

(Amended: Ordinance No. 103, 09-10-08)

9.0302 Reasonable Completion Time. It shall be the duty of the owner of the property and/or the person to which the permit is issued to act with due diligence to remove all debris, from the area of dismantling, destruction, demolition, or removal. In the event such action leaves any excavations, diggings, openings, or pits, such areas shall be promptly filled and leveled as is necessary to restore and maintain a level terrain.

(Amended: Ordinance No. 103, 09-10-08)

- 9.0303 Time Extension. In the event the activity covered by the permit is not completed within the time stated in the permit, the Town Board may, upon proper application and good cause shown, issue an extension of time in which the activity stated in the permit shall be done.

(Amended: Ordinance No. 103, 09-10-08)

- 9.0304 Town May Complete Work and Charge Owner. In the event the owner of the property and/or the person to whom the permit was issued fails or refuses to remove any debris, material, or fill, and/or fails to level and restore the premises within the time specified in the permit, and in the further event no extension of time under Section 9.0303 has been granted, the Town Board may direct that the property be cleared of all debris and that all excavations, diggings, openings or pits be filled, and shall charge the cost of the removal and restoration against the owner of the property.

(Amended: Ordinance No. 103, 09-10-08)

- 9.0305 Publication of Expenses. Upon presentation to the Town Board of a statement for removal, leveling, or restoration as described in Section 9.0304 above, the Town Board shall publish in the official newspaper for two (2) consecutive weeks a notice of the time and place that the Board shall meet for approval of such expense and shall send the same to the record owner of the property and applicant at their last known address.

(Amended: Ordinance No. 103, 09-10-08)

- 9.0306 Collection of Expenses. Upon due notice given, the Town Board shall approve or modify such statement and file the same with the Municipal Finance Officer. As of the date of such approval and filing of the same, such sum, together with all costs of publishing the notices referred to in section 9.0305, shall be a special lien against the parcel of property described and such assessment shall be collected in like manner as special assessments are now collected for municipal improvements.

(Amended: Ordinance No. 103, 09-10-08)

- 9.0307 Permit Fees. No building demolition/excavation permit shall be issued unless the appropriate nonrefundable fee, established by resolution of the Town Board, is paid to the Finance Office.

(Amended: Ordinance No. 103, 09-10-08)

TITLE 10 - TAXATION

Chapter 10.01 - Municipal Sales and Service Tax and Use Tax

CHAPTER 10.01 - MUNICIPAL SALES AND SERVICE TAX AND USE TAX

- 10.0101 Purpose. The purpose of this Chapter is to provide additional needed revenue for the Town 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.
- 10.0102 Effective Date. From and after the first day of January, 2006, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by One Percent (1%) on the gross receipts of all persons engaged in business within the jurisdiction of the Town of Monroe, Turner County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.
- 10.0103 Use Tax. In addition there is hereby imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the Town of Monroe of tangible personal property or services purchased from and after the first day of January, 2006, 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.
- 10.0104 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 and Regulation 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.
- 10.0105 Interpretation. It is declared to be the intention of this Chapter 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.
- 10.0106 Penalty. Any person failing or refusing to make reports on payments by this Chapter 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 five hundred dollars (\$500.00) or imprisoned 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 and Regulation.

10.0107 Separability. If any provision of this Chapter 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.

TITLE 11 - GENERAL PROVISIONS

Chapter 11.01 - Penalties and Repealing Clause

CHAPTER 11.01 - PENALTIES AND REPEALING CLAUSE

- 11.0101 Penalty in General. Except in cases where a different or additional 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 as a Class 2 Misdemeanor under South Dakota statutes, and shall be subject to the maximum fines and imprisonment provided for Class 2 misdemeanor violations.
- 11.0102 Conflicting Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this ordinance, or relating to the subject matter of this ordinance and not re-enacted as part of this ordinance, are hereby repealed; provided however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, or other special ordinances of like character, nor shall this ordinance repeal or modify the provisions of any ordinance heretofore adopted by the Town unless provisions of this ordinance in effect, either modify, repeal or amend such ordinances.
- 11.0103 Unconstitutionality. Should any Section, Sub-section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of this ordinance shall not be affected thereby.
- 11.0104 Publication and Effect. This ordinance shall take effect upon its adoption and publication of the notice of such adoption as provided by SDCL 9-19-17.