

CITY OFFICIALS - 1969

Elective

Mayor: Paul Hebert

Council Members: Ivan Ericson, President
Lowell Pearson, Vice President
Elmer R. Anderson
Oliver F. Anderson
W. A. Hammerstrom
Merle Hongslo

Appointive

Attorneys: Oscar G. Beck
John D. Gubbrud
Auditor: Robert DeRemer
Treasurer: Owen Buum

EXPLANATORY NOTE

Scope of Revision

This Ordinance, Ordinance No. 150, an Ordinance in Revision of the ordinances of the City of Alcester, is a revision of all of the ordinances of the City heretofore adopted, except appropriation ordinances, salary ordinances, ordinances providing for the issuance of bonds, franchise ordinances, or other ordinances granting easements of contract rights, or zoning ordinances, or other ordinances requiring a special method of enactment.

Such ordinances not included within the revision and still having force and effect, may be found in the original record of ordinances in the office of the City Auditor.

The subject matter of the revision should be considered with reference to the general provisions of Title 13.

Arrangement and Numbering

The subject matter is divided into 13 Titles arranged alphabetically from Title 1, Administrative Code, to Title 11, Water and Sewers, with Title 12 being Trailers or Automobile Trailers and with Title 13 containing Repealing Clause and General Penalty. The numbering system which is used is the same system as used in the South Dakota Code of 1939. The numbers before the decimal point represent the Title; the next two numbers after the decimal point indicate the Chapter, and the last two numbers indicate the Section.

In front of this volume is found a detailed Table of Contents containing all Titles and Chapters. In back of this volume is found a detailed Word Index.

These Ordinances were revised by Attorney F. W. Noll of Aberdeen, South Dakota, under the direction of the Mayor and Council of the City of Alcester.

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ORDINANCES

CITY OF ALCESTER, SOUTH DAKOTA

ORDINANCE NO. 150

An Ordinance entitled, "An Ordinance in Revision of the Ordinances of the City of Alcester, South Dakota".

BE IT ORDAINED BY THE CITY OF ALCESTER:

TITLE 1 - ADMINISTRATIVE CODE

- Chapter 1.01 - Officers - Salaries
- Chapter 1.02 - Mayor and City Council
- Chapter 1.03 - Fire Department
- Chapter 1.04 - Police Department
- Chapter 1.05 - Financial Regulations
- Chapter 1.06 - Municipal Liquor Store

CHAPTER 1.01 - OFFICERS - SALARIES

- 1.0101 Appointment of Officers. At the first regular meeting in May of each year, there shall be appointed by the Governing Body a City Auditor, City Treasurer, City Attorney, Chief of Police, Manager of Liquor Store, Street Superintendent, Water Superintendent, and such other officers or employees as may be provided by Ordinance, to hold office until the appointment and qualification of their successors. All such appointments shall be made by the Mayor with the approval of the Council.

1.0102 Officers - Employees' Salaries. The following officers or positions of the City as heretofore created are continued and the annual salaries of such designated officers and employees, except as specifically noted shall be paid in monthly installments on the first day of each and every month.

The salaries of all officers and employees shall be fixed by separate Ordinance or by Resolution by the Governing Body.

1.0103 Official Bonds. All appointive officers shall qualify within thirty days after their appointment and, before entering upon the discharge of their duties, by taking and subscribing an oath of office in the form required by the constitution of this state and by furnishing an undertaking to the City of Alcester to be approved by the City Council in such sum as said City Council shall prescribe by ordinance or resolution where the amount of such undertaking is not fixed by state law. Said bond shall be conditioned for the faithful discharge of the duties of their respective offices and to account for, pay over and deliver all money coming into their hands by virtue of their office, according to law. All such undertakings or bonds, after being approved, shall be filed with the City Auditor except the undertaking of the City Auditor which shall be filed with the City Treasurer.

1.0104 Vacations - Sick Leave.

A. All employees and appointive officers shall be entitled to one week's vacation with pay after one full year of service with the City.

Vacations must be taken in the year they become due and shall not be accumulated and shall be taken at a time mutually agreed upon by employees or officers and City Council.

B. Any employee entitled to a vacation under the preceding paragraph, who has not taken it, and who for any reason whatsoever shall sever his connections with the City of Alcester and terminate his employment, shall be paid such vacation money as he may have earned at the time of drawing final payment for service.

C. Sick Leave: Any officer or employee of the City shall be entitled to one week sick leave with pay after the first year of service. Sick leave may be accumulated, not, however, to exceed two full working weeks.

Before any employee or officer absent from work by reason of sickness shall be entitled to any compensation for the period of such absence or any part thereof, he must establish to the satisfaction of the Department Head in charge of the Department in which he is employed, either by a certificate of a reputable physician, or otherwise, the fact of such sickness. Any employee or officer taking sick leave shall report or cause to be reported, his absence from work immediately to the Department Head or Officer in charge of the Department, and upon return to work, shall likewise immediately report such fact. Such employee or officer shall receive full compensation during sick leave only for the number of days not exceeding two full working weeks in any calendar year during which it is so shown he was incapacitated for work by sickness.

Sickness as used herein also includes disabling injury by accident arising out of and in the course of employment for the City, but any payments to employees for lost time under the Workmen's Compensation Law shall be deducted from his sick leave pay.

D. The provisions of this section with reference to vacations and sick leave shall apply to employees or officers paid either by the hour or by the month; provided, however, that such provisions shall not apply to any casual or emergency appointee or any temporary appointee or to any other employee or officer who has not been continuously in the employ of the City for at least twelve (12) months.

CHAPTER 1.02 - MAYOR AND CITY COUNCIL

- 1.0201 Mayor - Duties. The Mayor shall preside at all meetings of the Council but shall have no vote except in case of a tie. He shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed. He shall annually and from time to time give the Council information relative to the affairs of the City, and shall recommend for their consideration such measures as he may deem expedient. He shall have the power to sign or veto any ordinance or resolution passed by the Council, and the power to veto any part or item of an ordinance or resolution appropriating money.
- 1.0202 Regular Meetings. Regular meetings of the Governing Body shall be held in the City Hall on the first Monday of each month at 7:30 o'clock P.M.
- 1.0203 Special Meetings. Special meetings of the City Council may be called at any time by the Mayor, or in case of his absence or inability to act, then by the President of the Council or by any three Aldermen.
- 1.0204 Notice of Special Meetings. The City Auditor shall issue written notice of each special meeting, stating by what authority the meeting is called, the time and place of holding such meeting and the matter to be considered. Such notice shall be served by the Police Department upon each member of the Governing Body then in the City, at least two hours before the hour specified for such meeting; provided, however, that if all members of the Governing Body are present at the meeting place prior to the hour specified for such meeting, no notice thereof shall be required to be delivered to each member. In lieu thereof, a copy of such notice signed by all Board members present may be filed.
- 1.0205 President of Council, Vice President. At the first regular meeting after the annual election in each year and after the qualification of the newly elected Councilmen, the Council shall elect from among its own members a President and Vice President, who shall hold their respective offices for the municipal year.

The President of the Council, in the absence of the Mayor, shall be presiding officer of the Council, and during the absence of the Mayor from the City or his temporary disability, shall be acting Mayor and possess all of the powers of the Mayor.

In the absence or disability of the Mayor and President of the Council, the Vice President shall perform the duties of the Mayor and President of the Council.

1.0206 Supervision of Departments. The Mayor, with the approval of the Council, at the first meeting in May of each year, shall appoint one or more members of the Council to act in a supervisory capacity in the Departments of Water, Street, Police, Fire and any other departments of the City, and such Councilman, so appointed, shall have supervision over the Department to which they are named as supervisors, and shall from time to time and as requested by the Council, report as to the condition and matters in said Department.

1.0207 Compensation - Mayor and City Council. The Mayor and Aldermen are hereby allowed compensation as follows: The Mayor, \$10.00 per meeting attended and Aldermen, \$6.00 for each meeting attended.

Compensation of the Mayor and Aldermen as herein set forth shall be paid at such times as may be decided upon by the Council.

CHAPTER 1.03 - FIRE DEPARTMENT

- 1.0301 Establishment. A volunteer Fire Department for the City of Alcester is hereby established, consisting of such number as may be from time to time determined by the City Council and the officers of said Department shall consist of Chief, First Assistant Chief, and Secretary-Treasurer.
- 1.0302 Members Appointed. The officers and member Firemen shall be elected by a majority vote of the members of the Fire Department each year at their annual meeting. A list of the officers and members elected at such meeting shall be presented to the City Council for their approval and acceptance.
- 1.0303 Duties - Bond. The Chief of the Fire Department shall be responsible for the discipline, good order and proper conduct of the whole Fire Department and shall have police authority and control over all persons who may be present at any fire in said City as well as over all Firemen whether regular or volunteer.

He shall be responsible for the enforcement of all laws and regulations pertaining to the Fire Department and for the care and condition of the engines, hose, carriages, and all other property belonging thereto. He shall inquire into and investigate the cause of all fires which may occur in the City immediately after such fire and make a report thereof to the City Council at its next regular meeting. He shall make annual reports to the City Council and such other reports as they may require. He shall co-operate with the State Fire Marshal. He shall keep a correct roll of all members of the Department, the date of admission and discharge, with rates of pay. He shall certify all pay rolls and all bills against the City incurred for the Fire Department. He shall keep a record of all members in attendance at fires and report the same together with the time actually employed at each fire.

He shall approve all bills of the Department presented to the City Council for payment and shall from time to time recommend to the City Council

measures for the good and efficiency of the Department; and shall from time to time recommend to the City Council such new equipment as may be needed.

The Chief of the Fire Department shall furnish a bond to the City in the sum of Five Hundred Dollars (\$500.00).

- 1.0304 Assistant Chief, Secretary-Treasurer. In case of absence or inability of the Chief of the Fire Department, the Assistant Chief shall have the same power and authority as the Chief of the Department.

The Secretary-Treasurer shall check all members called to answer alarms. He shall receive all money from the City that will be paid to the Fire Department from time to time, present all bills to the Council with a list of Firemen called to the fire and other expenses that may be incurred.

- 1.0305 Assign Duties. The Chief of the Fire Department shall, immediately after the appointment by the City Council, assign the members of the Fire Department to their respective positions and duties, and make such rules and regulations for the government of the Fire Department, not in conflict with this Ordinance, as shall be necessary.

- 1.0306 Care of Property. Each member of the Fire Department shall see that the apparatus or property of the City placed in his charge is properly taken care of and shall, unless otherwise directed proceed as soon as possible with such apparatus to every fire that shall occur in the City, and shall proceed under such directions as may be given by the Chief of the Fire Department, or his Assistant if the Chief be absent, and do all that may be necessary toward extinguishing the fire and preserving property.

- 1.0307 Powers as Chief. The Chief of the Fire Department may prescribe limits in the vicinity of the fire, within which no person except those residing therein, members of the Fire Department, Police force, members of the Council, and those admitted by the Chief of the Department or his subordinates, shall be permitted to come, and said Chief, or officer having

charge in his place at any fire, when, in his judgment, it is necessary, may call upon any person or persons present to assist the Firemen in their duties. Any person neglecting or refusing to obey such call by said Chief or officer shall, upon conviction thereof, be fined any sum no less than Five Dollars nor more than Twenty-five Dollars.

- 1.0308 Chief May Remove Buildings. The Chief of the Fire Department during the progress of any fire, whenever in his judgment it becomes necessary to check or control the same, shall have power to order any fence, building or erection of any kind to be cut down and removed; he shall with the consent of the Alderman in charge of the Department, or in his absence the Mayor or one member of the City Council, have power to order any building or erection to be blown up with powder for the purpose of checking or extinguishing a fire. He shall also have power, with the consent of the Alderman in charge of the Department to tear down any portion of any building that may be standing after a fire which, in their judgment, may be dangerous to persons or property.
- 1.0309 Discipline. It shall be sufficient grounds for the discharge of any member of the Fire Department or any employee therein, that such member or employee shall willfully refuse or neglect to perform the duties of his station, or shall be guilty of disobedience to any lawful and proper order of his superior officer, or willfully violate any ordinances of said City or the rules and regulations of the Fire Department or for any cause his usefulness as a member of the Fire Department has ceased, provided that no one shall be discharged on account of his religious or political opinions, so long as they do not interfere with the faithful and efficient discharge of his duties.
- 1.0310 Interfering with the Department. Any person who shall willfully hinder or interfere with any City officer or Fireman in the performance of his duty at, going to, or returning from any fire, or while attending to his duty as a member of the Fire Department, or willfully or negligently drive any

dray, wagon, or other vehicle over, across, along, or upon any hose, or shall willfully cut, deface, destroy or injure any telegraph or telephone wire, poles or signal box or any of the property or fixtures belonging to or connected with the Fire Department or the alarm, telegraph or telephone or any person who shall, without authority, ride upon or attempt to ride upon any of the fire trucks in going to or returning from any fire shall, upon conviction, be fined not less than Five Dollars nor more than One Hundred Dollars.

- 1.0311 Driving Over Hose - Penalty for Violation. No automobile, or other vehicle shall be driven over unprotected hose of the Fire Department of the City of Alcester, when laid down on any street or alley to be used at any fire, alarm of fire, or while at practice, without the consent of the Chief, or such other person as may be in command. Any person violating the provisions of this section shall be subject to a penalty of not less than Five Dollars nor more than Fifty Dollars for each offense.
- 1.0312 Duties of the Police Department. It shall be the duty of the Chief of Police or other officer in charge of the Police to appear immediately, at the alarm of fire to the place where the fire may be and there report themselves and remain for the preservation of the peace and the removal of idle and suspected persons and the preservation and protection of property at and in the vicinity of the fire.

CHAPTER 1.04 - POLICE DEPARTMENT

- 1.0401 Establishment. The Police Department of the City of Alcester shall consist of the Chief of Police and such number of Policemen or Patrolmen as from time to time the Council shall appoint; provided, however, that the Mayor may appoint extra Policemen in case of emergency.
- 1.0402 Term of Office. The Chief and each Policeman or Patrolman shall hold for the term of his appointment, not extending beyond the first Monday in May succeeding the time of his appointment, unless sooner removed by the Council, and until his successor is appointed and qualified. They shall receive such compensation as shall be fixed by Ordinance.
- 1.0403 Chief of Police. The Chief of Police shall see that the ordinances are strictly enforced. He shall report to the Mayor or the City Council any violation of the City Ordinances, or anything occurring within the City, which in his opinion is detrimental to the health or safety or good order of the City. He shall at all times be subject to the order of the Mayor and Council and perform such additional duties as the City Council may prescribe. He shall give bond for the faithful performance of his duties in such amount as the City Council shall direct.
- 1.0404 Other Duties. He shall perform such other duties compatible with his office as may be provided by law or Ordinance.
- 1.0405 Policemen or Patrolmen. Each Policeman or Patrolman when on duty shall wear the insignia of his office on his outer garments in a conspicuous place, except when occasion may require that it be not exposed; and must be quiet, civil, and orderly in his conduct and deportment, and refrain from the use of intoxicating liquors, insubordination, and dereliction of duty; and it shall be the duty of the Chief of Police to make complaint to the Mayor or the City Council of any violation of this section immediately upon obtaining knowledge thereof. He shall give bond in such sum as the City Council shall direct for the faithful performance of his duties.
- 1.0406 Compensation. Each Policeman or Patrolman shall receive such compensation as shall be fixed by Ordinance.

CHAPTER 1.05 - FINANCIAL REGULATIONS

- 1.0501 Annual Reports by Boards. Each of the Boards appointed and acting for the City in the administration of the City, shall make an annual report of its receipts, disbursements and activities to the Council as soon as practical after the close of the fiscal year, which report shall be filed with the City Auditor.
- 1.0502 Contracts by Member of the Council. No officer or member of the Council shall enter into any contract, make any purchase, or create any indebtedness against the City in excess of \$100.00 without first having submitted the matter of incurring such indebtedness or making such contract to the Council or having received authority of such Council therefor.
- 1.0503 Sale of Personal Property. Whenever the City shall have personal property which shall be determined by Resolution to be no longer necessary, useful or suitable for municipal purposes, the Governing Body may by Resolution order the sale thereof in accordance with the provisions of Section 9-28-1 to 9-28-6 inclusive, South Dakota Compiled Laws of 1967. If said personal property be appraised at **not less than \$250.00**, the Governing Body shall give at least 15 days notice of the sale, to be published in the official newspaper once each week for two successive weeks, which notice shall describe the personal property to be sold and shall state the appraised value thereof and the date and place where bids will be open.
- 1.0504 Claims. All claims against the City of Alcester shall be in writing and upon forms provided by the City Auditor and in such form as required by statute of the State of South Dakota. Prior to passage or approval by the Council, claims shall bear the approval of the Councilman or person in charge of the department for which such services or supplies are furnished.
- 1.0505 Funds. The City Auditor and City Treasurer shall keep full, true and just accounts of all financial

affairs of the City and shall keep such accounts and furnish in such form and in such manner from time to time as is required by the Division of Audits and Accounts of the State of South Dakota.

1.0506 Supplies. The City Auditor shall purchase all supplies, shall have charge thereof, and shall make all sales therefrom; provided no purchase involving an expenditure of more than Fifty Dollars shall be made without the consent of the Mayor or proper committee of the City Council being first obtained. Every order for material or supplies shall be made in writing and a duplicate thereof shall be filed with the City Auditor. All materials and supplies shall when received be checked over by the officer or agent receiving the same, and a bill thereof, showing the name of the creditor and each article with the price thereof shall immediately be filed with the City Auditor, 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.

CHAPTER 1.06 - MUNICIPAL LIQUOR STORE

- 1.0601 Management and Operation. The Municipal Liquor Store shall be under the direct supervision of the City Council and shall be operated by a Manager to be appointed by the Council at its first meeting in May of each year. The compensation of the Manager shall be fixed by Ordinance and the Manager shall furnish bond to the City in such sum as may be determined by Resolution of the City Council conditioned for the proper performance of their duties and for the accounting of all monies and property that may come into their possession or under their control belonging to the City of Alcester.
- 1.0602 Reports. The Manager of the Municipal Liquor Store shall from time to time and as directed by the City Council, furnish reports at such stated intervals as may be directed, showing all sales, purchases and transactions of all kinds and descriptions occurring in the conduct of said business. Such reports shall be filed with the City Auditor at the times and in the manner as directed by the City Council.
- 1.0603 Receipts with City Treasurer. All receipts of the Municipal Liquor Store shall be deposited with the City Treasurer who shall keep such receipts in a separate account which shall be disbursed only upon direction of the City Council.
- 1.0604 Hours and Conduct of Business. The Municipal Liquor Store shall be open from 8:00 o'clock A.M. to 12:00 o'clock midnight Monday through Saturday and shall at all times be regulated as provided by Ordinance and by Chapter 35-4, South Dakota Compiled Laws of 1967.

TITLE 2 - BOUNDARIES, WARDS AND VOTING PRECINCTS

- Chapter 2.01 - Boundaries
- Chapter 2.02 - Wards
- Chapter 2.03 - Voting Precincts

CHAPTER 2.01 - BOUNDARIES

- 2.0101 Boundaries. The corporate limits of the City of Alcester are hereby declared to be the corporate limits as shown by the revised 1961 map of the corporate limits now on file in the office of the City Auditor of the City of Alcester, which said map is incorporated in this Ordinance by reference and adopted as the official map showing the boundaries and limits of the City of Alcester, together with any additions by way of annexation.

CHAPTER 2.02 - WARDS

- 2.0201 Wards. The City of Alcester is divided into three wards as follows, to-wit:

Ward I. Bounded by Dakota Street on the East, Hallett Street on the North, West and South. Boundaries of Ward I are City Limits of Alcester.

Ward II. Bounded on the East by Dakota Street and on the South by Hallett Street, West and North Boundaries to the City of Alcester.

Ward III. Bounded on the West by Dakota Street and on the North, East and South with the City Limits of Alcester.

CHAPTER 2.03 - VOTING PRECINCTS

- 2.0301 Voting Precincts. Each Ward of the City of Alcester shall constitute a Voting Precinct and the polling places in said Precincts shall be as designated by Resolution of the Governing Body from time to time.

TITLE 3 - BUILDING REGULATIONS

Chapter 3.01 - Adoption of National Code

CHAPTER 3.01 - ADOPTION OF NATIONAL CODE

- 3.0101 Adoption of Building Code. There is hereby adopted by the City of Alcester, South Dakota, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the National Building Code, Abbreviated Edition, recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1967 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the Auditor of the City of Alcester, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Alcester.
- 3.0102 Exceptions to Code. Metal Awnings: Metal awnings shall not be considered for the purposes of this Code as being a part of the building, but shall be considered as personal property.
- 3.0103 Establishment of Office of Building Official.
- A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the City Council. He shall be an official or employee of the City, who shall assume the duties of Building Official in addition to his other duties. His appointment shall continue during good behavior and satisfactory service. He shall

not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

C. During temporary absence or disability of the Building Official, the appointing authority shall designate an acting Building Official.

- 3.0104 Duties of Building Official. It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures.
- 3.0105 Application for Permits. Application for all permits required by the Building Code shall be first submitted to the Building Official, who shall endorse thereon his approval or disapproval thereof and shall submit such application to the City Council for final action, and their action in approving or disapproving any such building application shall be final.
- 3.0106 Right of Entry. The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable time.
- 3.0107 Definitions.
- A. Wherever the word "Municipality" is used in the Building Code, it shall be held to mean the City of Alcester.
- B. Wherever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the Attorney for the City of Alcester.
- 3.0108 Fire Limits Established. The fire limits of the City of Alcester are hereby established as follows:

Lots 4 through 15 of Block 12
Lots 4 through 9 of Block 13
Lots 1 through 12 and 23 through 29 of Block 18
Lots 1 through 12 and 19 through 24 of Block 19
South 100 Feet of Outlot "D", Block 20

All that portion of property lying North of the Chicago & Northwestern Railroad right-of-way and bounded on the North by Front Street running along said railroad right-of-way located within the City of Alcester.

All according to the plat of the original City of Alcester, recorded in the office of the Register of Deeds of Union County, South Dakota.

- 3.0109 Saving Clause. Nothing in this Chapter or in the Code hereby adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights acquired, or liability incurred, nor any cause of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this Chapter.
- 3.0110 Validity. The invalidity of any section or provision of this Chapter or of the Code hereby adopted shall not invalidate other sections or provisions thereof.
- 3.0111 Inconsistent Ordinances Repealed. Ordinances or parts thereof in force at the time that this Ordinance shall take effect and inconsistent herewith, are hereby repealed.

TITLE 4 - FIRE REGULATIONS

Chapter 4.01 - Adoption of National Code

CHAPTER 4.01 - ADOPTION OF NATIONAL CODE

- 4.0101 Adoption of Fire Prevention Code. There is hereby adopted by the City of Alcester, South Dakota, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1965 edition thereof and the whole thereof save and except such portions as are herein-after deleted, modified or amended of which Code not less than three (3) copies have been and now are filed in the office of the Auditor of the City of Alcester and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Alcester or in any public ground or park belonging to the Municipality, outside the corporate limits and within one mile of the corporate limits of the City or of any public ground or park belonging to the Municipality outside the corporate limits.
- 4.0102 Enforcement. The Code hereby adopted shall be enforced by the Chief of the Fire Department.
- 4.0103 Definition. Wherever the word "Municipality" is used in this Code hereby adopted, it shall be held to mean the City of Alcester.
- 4.0104 Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks and Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in Section 74 of the Code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 74 of the Code

hereby adopted in which bulk storage of liquified petroleum gas is restricted, are hereby established as follows:

The Fire Limits as established by Title 3 of this Ordinance.

- 4.0105 Modifications. The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished by applicant.
- 4.0106 Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty days from the date of the decision of the appeal.
- 4.0107 Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Chapter or of the Code hereby adopted are hereby repealed.
- 4.0108 Validity. The City of Alcester hereby declares that should any section, paragraph, sentence or word of this Chapter or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Alcester that it would have passed all other portions of this Chapter independent of the elimination herefrom of any such portion as may be declared invalid.

4.0109 Fireworks - Selling, Possessing or Discharging. No individual, firm, partnership or corporation shall sell at retail, possess for sale at retail, use, discharge or cause to be discharged, any fireworks whatsoever within the limits of the City of Alcester.

4.0110 Governing Body May Permit Public Display. Nothing in this Chapter shall prohibit the use of a public display of fireworks; provided, that any individual, firm, partnership or corporation prior to making such public display shall first secure a permit so to do from the Governing Body of the City of Alcester.

TITLE 5 - HEALTH CODE

Chapter 5.01 - Board of Health - Establishment,
Health Officer

Chapter 5.02 - Dumping Grounds

Chapter 5.03 - Garbage and Ashes

Chapter 5.04 - Nuisances

Chapter 5.05 - Restaurants

CHAPTER 5.01 - BOARD OF HEALTH - ESTABLISHMENT,
HEALTH OFFICER

- 5.0101 Health Officer - Appointment. There shall be appointed at the time of the appointment of other Municipal Officers, a Health Officer who shall be a member of the Board of Health.
- 5.0102 Board of Health - Establishment. There is hereby created for the City of Alcester a Board of Health to be composed of the Mayor, a member of the City Council to be appointed by the Mayor, and the Chief of the Fire Department. Said members shall be residents of the City of Alcester.
- 5.0103 Board of Health - Term of Office. The members of the Board of Health shall hold office for a period of one year or until their successors are appointed and qualified, and shall be appointed at the time of the appointment of other officials of the City.
- 5.0104 Meetings of the Board. The majority of the members of the Board of Health shall constitute a quorum for the business. The Board of Health shall hold meetings at such time and place as may be determined from time to time by the Health Officer who shall call any such meetings and shall preside at such meetings.
- 5.0105 Powers of the Board. The Board of Health shall exercise a general supervision over the health of the City of Alcester with full power to take all steps and use all measures necessary to promote the cleanliness and healthfulness thereof, to prevent the introduction into the City of malignant,

contagious or infectious diseases, and to remove or otherwise take care of any person attacked by any such diseases; and to adopt in reference to such person any regulation, rules or measures deemed advisable; and to establish rules for the government of a City pest house or hospital; and the Health Officer shall have and exercise a general supervision over the sanitary condition of the City.

- 5.0106 Duties of Health Officer. The Health Officer shall give the City Council and the Board of Health all such professional advice and information as they require in regard to the public health and, whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall immediately investigate the same and adopt measures to arrest its progress; and it shall always be the duty of the Health Officer to enforce all sanitary regulations of the City; and for the purpose of carrying out the foregoing requirements, he shall be permitted at all times to enter any house, store, stable or other building, and do whatever may be necessary in order to make a thorough examination of cellar, vault, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nauseous or unwholesome things to be buried or removed or disposed of in the manner that he may direct.
- 5.0107 Physician - Duty to Report. Every physician practicing in the corporate limits of the City of Alcester shall immediately report by telephone, or otherwise, to the Board of Health every case of contagious or infectious disease arising in his practice, and shall also report every case he suspects to be contagious, and said physician shall within twenty-four hours thereafter make a written report of such case to the Board of Health, which report shall state the name, age, sex, and address of said case, and the name of the disease and source of contagion, if known, and said physician shall also make a written report to the Board of Health upon the termination of said disease.
- 5.0108 Notice - How Served. In order to carry out the provisions of the foregoing section, it shall be the duty of the Health Officer to serve or cause

to be served a notice in writing, signed by him, upon the owner, occupant or person having charge of any lot, building or premises in or upon which any nauseous, unwholesome or offensive substance or matter may be found, or upon the person causing, maintaining or suffering any such nuisance, requiring him to abate the same in such manner as he shall prescribe; and if any such person shall neglect or refuse to comply with the requirements of such order within the time specified, he shall be liable for all costs and expenses incurred in abating such nuisance, and shall be subject to the penalty hereinafter prescribed; and it shall be the duty of the Health Officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated; provided, that whenever the owner, occupant or agent of any premises in or upon which any such nuisance may be found is unknown or cannot be found, the said Health Officer shall proceed to abate the same without notice.

5.0109 Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter or who refuses or neglects to obey any of the rules, orders or sanitary regulations of the Board of Health, or who omits, neglects or refuses to comply with any order or special regulation of the Health Officer, or who resists such Officer shall be subject to the penalty as provided by the General Penalty of this Ordinance.

CHAPTER 5.02 - DUMPING GROUNDS

- 5.0201 Location. The City Council shall select and establish as dumping grounds suitable lots or parcels of land, without the City limits and until otherwise ordered, all straw, manure, leaves, ashes and other rubbish which may be removed from public or private premises shall be drawn to and deposited upon the dumping grounds so established; provided, however, that no dead carcass, carrion, filth from any privy box or vault, or from any cesspool or offensive garbage shall be deposited on such dumping grounds; and provided, further that nothing in this section shall be deemed to prohibit the deposit of ordinary stable manure on any private lot or parcel of land for fertilizing purposes only. If any person shall remove to and deposit on any lots or parcel of land other than dumping grounds which may be established in the manner aforesaid, any straw, manure, leaves, ashes or other rubbish contrary to the provisions of this section, he shall be punished as provided by the General Penalty of this Ordinance. The Chief of Police may take such other measures as to the spreading, burning and covering of the rubbish deposited as above provided, as he may deem necessary, or the health committee may advise.
- 5.0202 Use of Dumping Grounds. The City dumping grounds may be used for the purpose of burying dead carcasses, carrion, filth from privy vaults, boxes, cesspools and other offensive garbage under the direction of the Chief of Police.
- 5.0203 Buried Depth of Three Feet. All dead carcasses, carrion, filth from privy vaults, boxes, cesspools or other offensive garbage shall be buried at least three feet below the surface of the ground by or under the direction of the Chief of Police.

CHAPTER 5.03 - GARBAGE AND ASHES

- 5.0301 Leaving Exposed. It shall be unlawful for the owner or occupant of any lot or tenement within the City of Alcester to throw or leave exposed upon any lot or within the street or alley adjoining said premises, any vegetable, fruit or animal matter or any slop or filth whatever, solid or fluid.
- 5.0302 Definition. The term "garbage", as used in this Ordinance, is defined to be any refuse, accumulation of animal, fruit or vegetable matter and any other substance used in the preparation, cooking, dealing in or storing of meats, fowls, fruits or vegetables.
- 5.0303 Receptacles. It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any and every building, premises or place of business in the City of Alcester to provide and keep in good condition, for the exclusive use of such buildings, premises or place of business separate receptacles for receiving and holding without leakage, the garbage that may accumulate from the building, premises or place of business, or the portion thereof of which such person may be the owner, tenant, lessee or occupant in charge; provided, however, that any owner, tenant or occupant of any building, premises or place of business may destroy by burning, or otherwise dispose of garbage produced on said premises, in a manner approved by the City Council or the Chief of Police.
- 5.0304 Wrapping in Paper. It shall be unlawful for anyone to place or cause to be placed in any receptacle provided or intended to receive and hold garbage, any refuse, substance or thing other than garbage as defined in this Chapter; and all garbage shall be drained of all liquids and wrapped in paper before being placed in such receptacle; provided, however, that the City Council may adopt rules and regulations dispensing with the wrapping of said garbage in paper where the receptacles are emptied so frequently that they deem such wrapping unnecessary.

5.0305 Receptacle - How Made, Capacity. A garbage receptacle as herein used shall mean a watertight metallic or plastic can, of not less than ten or more than thirty gallons capacity, having a handle on each side, covered with a tight-fitting lid, which container must be kept in a sanitary condition at all times, with the outside thereof free and clean of grease or decomposed matter, secured in such manner that it cannot be tipped over or spilled by dogs or marauders.

Provided, however, that containers made of materials other than metal or plastic may be used, provided that such containers have been approved by the Health Department of the City of Alcester.

5.0306 Where Collection is to be Made. Such garbage receptacle shall be kept outside of the buildings and within the lot lines, adjacent to the alley. Where such dwelling house is not adjacent to an alley and collection must be made at some other point upon said premises, the garbage receptacle shall be adjacent to the curb on days for garbage collection as may be designated by the City Council.

5.0307 Ashes. The City Council of the City of Alcester shall make rules and regulations for the keeping and storing of ashes and other rubbish upon private premises in said City and for the removal thereof and it is hereby declared unlawful for any person or persons to violate the provisions of such rules and regulations as adopted by the City Council for the storage, keeping or removal of garbage, ashes or rubbish.

5.0308 Duty of Person Hauling Garbage. It shall be the duty of all persons hauling garbage in the City of Alcester to thoroughly clean up all the garbage in the immediate vicinity of the place from which the garbage is removed, and to see that none of the garbage is dropped or liquid matter permitted to escape from the receptacle in which it is being hauled on to the streets or alleys of said City.

CHAPTER 5.04 - NUISANCES

5.0401 Nuisances Defined and Prohibited.

A. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance as defined herein, within the City of Alcester or within one mile of the boundaries thereof.

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

(1) Garbage and Refuse: Depositing, maintaining or permitting to be maintained or to accumulate upon any public or private property, any household waste water, sewage, garbage, tin cans, offal or excrement, any decaying fruit, vegetables, fish, meat or bones or any foul, putrid or obnoxious liquid substance.

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

(3) Undressed Hides: Undressed hides kept longer than twenty-four hours, except at the place where they are to be manufactured, or in a storeroom or basement whose construction is approved by the Health Department.

(4) Manure: The accumulation of manure, unless it be in a properly constructed fly-proof pit, bin or box.

(5) Breeding Places for Flies: The accumulation of manure, garbage or anything whatsoever in which flies breed.

(6) Stagnant Water: Any excavation in which stagnant water is permitted to collect.

(7) Weeds: Permitting weeds to grow to maturity on any private property, including vacant lots.

(8) Dead Animals: For the owner of a dead animal to permit it to remain undisposed of for longer than twenty-four hours after its death.

(9) Privies and Cesspools: Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools, the plans of which are approved by the State Health Department.

(10) Garbage Handling Improperly: Throwing or letting fall on or permitting to remain on any street, alley or public ground any manure, garbage, rubbish, filth, fuel or wood engaged in handling or removing any such substance.

(11) Rodents: Accumulation of junk, old iron, automobiles or parts thereof, or anything whatever in which rodents may live, breed or accumulate.

(12) Bonfires in Public Places: Burning, causing or permitting to be burned in any street, alley or public ground any dirt, filth, manure, garbage, sweepings, leaves, ashes, paper, rubbish or material of any kind.

(13) Parking Livestock Trucks or Trailers in Residential Districts: Parking or permitting livestock trucks or trailers to remain on any street, area or public ground in a residential district where such truck or trailer gives off an offensive odor or is contaminated with manure or other filth.

5.0402 Nuisances - How Abated. The Health Officer or the Chief of Police shall give written notice to any person creating, permitting or maintaining any nuisance to abate such nuisance forthwith, and if such person shall neglect or refuse to do so within a reasonable time after such action, he shall be deemed guilty of a violation of this Chapter. The

Health Officer or the Chief of Police shall cause to be removed or abated any such nuisance upon the expiration of a reasonable time after the serving of such notice, and the City may recover the expense so incurred from the person maintaining such nuisance in a civil suit instituted for such purpose.

- 5.0403 Privies - Nuisance. Every privy in the City of Alcester which is located upon any lot, part of a lot or parcel of ground abutting upon a street in said City along which an underground sanitary sewer passes adjoining said lot in front or on the side or back is hereby declared to be a public nuisance.
- 5.0404 Privy - Where No Sewer. Every outdoor privy in the City of Alcester which is located upon any lot, part of a lot or parcel of ground abutting upon a street in said City along which an underground city water main passes in front of or along the side of said lot; and where there is no sanitary sewer adjacent thereto, shall be provided by installation and maintenance of septic tanks or cesspools; and that any such privy located adjacent to said water main and not having available sanitary sewer facilities as above described, which does not provide sanitary septic tanks or a cesspool, shall be and is hereby declared a public nuisance.
- 5.0405 Privy - Notice to Owner. The owner of any such real estate upon which any privy is located, in violation of the provisions of the preceding sections, shall be notified in writing by the Health Officer of such nuisance, and such nuisance shall be abated and removed by said owner within five (5) days after the service of such notice; and in the event of the said owner's failure or refusal to comply with said notice, said nuisance may be abated in the manner provided by Section 5.0402 of this Ordinance, or as provided by statutes of the State of South Dakota for the abatement of nuisances by municipal authorities.
- 5.0406 Weeds - Duty of Owner. No owner of any lot, place or area within the City of Alcester or the agent of such owner or the occupant of such lot, place or area shall permit on such lot, place or area or upon any sidewalk abutting the same, any weeds,

grass or deleterious or unhealthful growths or other noxious matter that may be growing, lying or located thereon, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

- 5.0407 Weeds - Notice to Destroy. The Chief of Police or Health Officer is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the City, or the agent of such owner or the occupant of such premises, to cut, destroy or remove any such weeds, grass or deleterious or unhealthful growths or other noxious matter found growing, lying or located on such property or upon the sidewalk abutting same. Such notice shall be by registered mail addressed to said owner, agent or occupant at his last known address.
- 5.0408 Weeds - Action Upon Noncompliance. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within ten days after the mailing thereof, the Chief of Police or Health Officer is hereby authorized and empowered to provide for the cutting, destroying or removal of such weeds, grass or deleterious, or unhealthful growths or other noxious matter and to defray the cost of the destruction thereof by special assessment against the property or by recovery in a civil action as provided in this Chapter.
- 5.0409 Weeds - Cost Assessed. The Chief of Police or Health Officer, after the completion of the work in destroying such weeds and abating such nuisance, shall bill the owner of the property for such work and if not paid within ten (10) days thereafter, the Chief of Police or Health Officer shall certify said amount to the City Auditor showing the amount, the description of the property, and the owner thereof; and the said City Auditor shall certify such amount to the City Assessor, who shall thereupon add such assessment to the general assessment against said property and shall certify such special assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes.

Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

- 5.0410 Weeds - Recovery by City. In lieu of spreading the cost of the destruction of such noxious weeds and other deleterious matter against said property, in the discretion of the City Council, said amount may be recovered in a civil action against the owner or occupant of such property.
- 5.0411 Weeds - Penalty. Any person whose duty it is to destroy or remove such noxious weeds or unhealthful vegetation as set forth in the preceding sections, or who fails to destroy the same within the time hereinbefore set forth, shall be subject to fine as provided in this Ordinance by the General Penalty, in addition to the other penalties prescribed in this Chapter.
- 5.0412 Iceboxes - Prohibiting Abandonment in Places Accessible to Children. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structures under his or its control in a place accessible to children any abandoned or discarded icebox, refrigerator or other container which has an air-tight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.
- 5.0413 Iceboxes - Keeping Declared Nuisance. The keeping of any discarded iceboxes, refrigerators or other containers as set forth in Section 5.0412 of this Chapter shall be and the same is hereby declared to constitute a public nuisance and the same shall be abated as provided by statutes of the State of South Dakota and the abatement of such nuisances shall not in any manner affect the penalty provisions of this Ordinance.

- 5.0414 Junk Cars, Junk. The keeping, storage or accumulation of any wrecked, dismantled or junked vehicles, old car bodies, old iron, old lumber, or any junk of like character which tends to be unsightly or does, or tends, to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard, on any property within the City of Alcester or within one mile of the corporate limits of the City of Alcester is hereby declared to be a public nuisance and may be abated as provided by ordinances of the City of Alcester or Statutes of the State of South Dakota pertaining to the abatement of nuisances.
- 5.0415 Complaint. Upon complaint being made to the Police Department of the City of the presence of any material described in Section 5.0414 of this Chapter, the Chief of Police shall in writing notify the owner or person in charge of such real estate to remove the same within ten days after the service of such notice. Upon failure of such owner or person in charge to remove such nuisance property, said nuisance shall be abated in the manner prescribed in Section 5.0414 of this Chapter.
- 5.0416 Junk Cars, Junk - Accumulation. It shall be unlawful for any person, firm or corporation owning or in control of any real estate within the City or within one mile of the boundaries thereof to permit, allow or to accumulate any such wrecked, dismantled or junked vehicles, old car bodies, old iron, old lumber or junk of like character which tends to be unsightly or does or tends to lower the value of adjacent real estate because of unsightliness or which might be a public health hazard, longer than ten days after having been notified by the Chief of Police or Health Officer of the City of Alcester to remove such material and abate such nuisance and each day such violation is committed or permitted to continue shall constitute a separate offense and be punished as such.
- 5.0417 Exceptions. This Chapter shall not apply to any personal property described above kept within an enclosed building or on the premises of a licensed junk dealer, licensed as such by the City of Alcester.

5.0418 Penalties. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be punished as provided by the General Penalty of this Ordinance, and such penalty shall be in addition to any of the penalties prescribed by reason of abatement of said nuisance.

CHAPTER 5.05 - RESTAURANTS

- 5.0501 License. It shall be unlawful for any person to operate a restaurant in the City of Alcester who does not possess a license so to do issued by the State of South Dakota, as provided by statutes of the State of South Dakota.
- 5.0502 Regulations. Every restaurant in the City of Alcester shall conform to all sanitary regulations in the operation of said restaurant as provided by statutes of the State of South Dakota or as may hereafter be provided by the rules and regulations of the Department of Agriculture of the State of South Dakota.
- 5.0503 Inspection. The Health Officer of the City of Alcester shall have the right to inspect any such restaurant at any time and to report infractions of sanitary regulations to the Department of Agriculture of the State of South Dakota.

TITLE 6 - LICENSES

- Chapter 6.01 - General Provisions
- Chapter 6.02 - Circuses, Tent Shows and Carnivals
- Chapter 6.03 - Dances, Dance Halls
- Chapter 6.04 - Dogs
- Chapter 6.05 - Junk Dealers
- Chapter 6.06 - Pool Halls and Card Rooms
- Chapter 6.07 - Popcorn Stands and Refreshment Stands
- Chapter 6.08 - Peddlers, Solicitors and Canvassers
- Chapter 6.09 - Transient Merchants
- Chapter 6.10 - Going-out-of-business Sales and Removal Sales

CHAPTER 6.01 - GENERAL PROVISIONS

- 6.0101 License, Unlawful Without. It shall be unlawful for any person, persons, firm or corporation to engage in any trade, business, or occupation within the corporate limits of the City of Alcester for which a license is provided in this Ordinance, without first having obtained such license as hereinafter provided; provided that the provisions of this Chapter shall not apply to any public officer, who may in pursuance of legal process sell at public auction, any property of any kind whatsoever, nor shall the provisions of this Chapter include or apply to persons engaged in the sale of farm products only.
- 6.0102 License, How Obtained. Any person, persons, firm or corporation wishing to obtain a license to engage in any trade, business or occupation, as herein provided, shall pay to the City Treasurer the amount provided by this Title for the license applied for, who shall issue a receipt therefor and shall make written application to the City Council, stating the name of the person, postoffice address, business, calling or vocation in which such person desires to engage, the length of time for which said license is wanted, and the particular place at which said license is to be used, and upon the presentation of said application to the City Council, said City Council shall act upon said application, and if

they shall deem the applicant a suitable and proper person to have such license, shall cause the City Auditor to issue same, which license shall be countersigned by the City Auditor, and attested by the corporation seal, and shall authorize said person to carry on the business, calling or vocation named in said application; but if said application be refused, same shall be endorsed upon the receipt by the City Auditor and upon presentation of such receipt so endorsed to the City Treasurer, he shall refund said money so paid by the applicant and take up said receipt, which receipt when taken up shall be the Treasurer's voucher for the money so refunded.

6.0103 License, Expiration. All annual licenses granted under the provisions of this Chapter shall expire on the 31st day of December next following the granting thereof, except as in this Chapter otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation or kind of business for which said license was issued.

6.0104 When License May be Revoked. The City Council shall have power at any time to suspend or revoke any license granted under the provisions of this Ordinance whenever said Council shall be satisfied upon written complaint that any such calling, vocation or kind of business for which said license has been issued, has been made or conducted in an indecent, improper or illegal manner, and in case of such revocation thereof, the said City Council may refund to the holder of such license such proportionate amount of money paid therefor as said Council shall deem just.

6.0105 Auditor to Keep Record. The City Auditor shall keep a record of all licenses issued by said City Council stating when and to whom issued, for what purpose and for what length of time issued, and the amount of money paid for said license, and the place where said business is to be carried on.

6.0106 Issuance of License. Except as otherwise provided, all licenses shall be issued by the City Auditor,

if the issuance of the license be approved by the licensing authority and the applicant shall have complied with all requirements for issuance of the license. Unless otherwise provided, all licenses shall be signed by the Auditor and shall have affixed thereto the official seal of the City of Alcester.

6.0107 Revocation. The Council shall have power to cancel any license issued by the City for failure of the licensee to comply with any ordinance or regulation of the City or State Law respecting such license or the manner of exercise thereof or for other good cause, after hearing upon notice to the licensee. Notice of intention to revoke such license shall be given to licensee by notice in writing at least six (6) days prior to the time at which such action shall be taken.

CHAPTER 6.02 - CIRCUSES, TENT SHOWS AND CARNIVALS

- 6.0201 Licenses. It shall be unlawful for any person or persons owning, managing or operating any circus, menageries, rodeo, sideshow, carnival, merry-go-round or similar exhibition, to give or exhibit the same without first having procured from the City Council of the City of Alcester a license so to do in the manner in this Title provided and paying to the City Treasurer the license fee hereinafter specified, which application for such license shall be made to the City Council of such City.
- 6.0202 Fees. The fees provided for in the preceding section, as the case may be, shall be as follows:
- A. For each circus - \$50.00 per day.
 - B. For each street carnival or similar exhibition - \$25.00.
 - C. For all shows, entertainments, exhibitions or performances not otherwise specified and given for reward or profit in any place other than in a regularly licensed opera house or theater - \$25.00 per day. Provided that no license shall be required of or for any lecture or exhibition of purely literary or scientific character nor for any concert or entertainment given for charity or for public benefit.
 - D. For merry-go-rounds or devices of like character - \$5.00 per day, \$15.00 per week, \$60.00 per month.
- 6.0203 Bond. Before any license is issued to conduct a carnival, applicant shall file with the City Council a bond with sureties to be approved by the City Council in the penal sum of \$100.00, conditioned that they will repair any damages to the streets or public grounds in any manner occasioned by the conduct of said carnival and shall clean debris remaining on the streets or public grounds resulting therefrom, and that in lieu of the posting of such bond, said applicant may deposit with the City Treasurer the sum of \$100.00 in cash, conditioned as aforesaid;

if cash be deposited in lieu of the bond as herein-
before provided, said amount shall be held a period
of ten days and if all damages to the streets or
public grounds have been repaired and said grounds
have been cleaned, said amount shall be returned to
the applicant.

CHAPTER 6.03 - DANCES, DANCE HALLS

- 6.0301 License. It shall be unlawful for any person or persons to operate a public dance hall or conduct a public dance as provided herein without first having procured from the City Council a license so to do and the fee for such license shall be Twenty-five Dollars (\$25.00) for each dance.
- 6.0302 Definition of Dance Hall. Public Dance Hall, as the term is used in this Ordinance, shall be construed to mean any building, place or space open to public patronage in which dancing, wherein the public may participate, is carried on, and to which admission may be had by the public by payment either directly or indirectly, or an admission fee or price for dancing, for the personal gain or profit of the person, persons, firm or corporation conducting, maintaining or operating such public dance hall.
- 6.0303 Building. No license for a public dance hall or dance shall be issued until the City Council shall be satisfied that the room, place or hall to be used for such public dance complies with and conforms to all ordinances and health and fire regulations of the City of Alcester and all laws of the State of South Dakota, and that it is properly ventilated and is a safe and proper place for such purpose.
- 6.0304 Age Limits. It shall be unlawful for any person, firm or corporation engaged in conducting or operating a public dance hall in the City of Alcester to suffer, permit or allow any person under the age of sixteen years unaccompanied by his or her father, mother or legally appointed guardian to enter or remain in any public dance hall. It shall be unlawful for any person under the age of sixteen years, unaccompanied by his or her father, mother or legally appointed guardian to enter or remain in any public dance hall; provided, that this section shall not apply to social centers operated under the control of the Department of Education or to dances held under the supervision of the Department of Parks, playgrounds and public buildings.

- 6.0305 Falsely Stating Age. It shall be unlawful for any person under the age of sixteen years to gain admission to any public dance hall licensed hereunder while a public dance is being conducted, by means of fraud or falsehood respecting his or her age.
- 6.0306 Hours. It shall be unlawful to continue after the hour of 1:00 o'clock A.M. any public dance; provided, however, that if the day following be Sunday, the closing time shall be 12:00 o'clock midnight and it shall be and is hereby made unlawful for the owner, proprietor, manager or other persons in control of or conducting any public dance to issue or permit the issuance of so-called "pass-out checks" or any pass or check, or document or token which will entitle the holder thereof to depart from and return to said dance or dance hall without again paying the regular entrance fee.
- 6.0307 Turn Out Lights. It shall be unlawful to turn out the lights entirely or partially, during any part of a public dance, in any public dance hall licensed hereunder, or during any intermission between dances therein, and all halls, stairways, passage ways and rooms connected with the dance hall room, including such dancing room, must be kept open and well lighted.
- 6.0308 Intoxicating Liquors. In any public dance hall licensed hereunder, it shall be unlawful to sell, give away or otherwise dispose of intoxicating liquors, and it shall be unlawful for any person to have intoxicating liquor in his or her possession therein, while a public dance is in progress, or during any intermission between dances, and no intoxicated person shall be permitted to enter such a place while a public dance is in progress or to take part in any public dance therein.
- 6.0309 Police Supervision. Public dances conducted in any public hall licensed hereunder shall at all times be subject to the Police supervision of the Police of the City of Alcester who are authorized to remove from such public dance hall any person who is intoxicated or who has intoxicating liquors in his or her

possession, or who is conducting himself or herself in an improper or disorderly manner, or who is under the age of sixteen years; any Police Officer may require any person attending such public dance whom he suspects to be under the age of sixteen years to state his or her age and remove such person from such public hall for a refusal to state his or her age when so required.

6.0310 Penalty, Revocation of License. Any person or persons violating any of the provisions of this Chapter or any owner, proprietor, manager or other person in control of or conducting any public dance who refuses, fails or neglects to prevent vulgar or indecent dancing as herein prescribed or in any manner violates any of the provisions of this Chapter, or interferes with an Officer of the Police Department in carrying out the provisions of this Chapter, shall, upon conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for a period of not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the Court for each violation committed. Upon conviction of the owner, proprietor, manager or other person in control of or conducting any public dance hall under this Chapter for any violation thereof, the license issued for the offending dance hall shall be forthwith revoked.

CHAPTER 6.04 - DOGS

6.0401 Definitions. For the purpose of this Chapter the following terms, phrases and words shall have the meanings given herein, to-wit:

1. Shall: The word "shall" is always mandatory and not merely directive.
2. Animal Warden: The person or persons appointed by the City of Alcester to act as an Animal Warden of the City.
3. City Council: The City Council of the City of Alcester.
4. Owner: Any person, partnership or corporation owning, keeping, harboring or having under his or its control one or more dogs.
5. At Large: Any dog shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner or on a leash in the hands of some attendant, or unless such animal, if loose, is accompanied by its owner or attendant.

6.0402 Licensing. It shall be unlawful for any person or persons within the City of Alcester to keep, maintain or have in his custody or under his control, any dog or animals of the dog kind, without first having obtained a license so to do from the City Treasurer as hereinafter provided and without having paid the license fee therefor.

6.0403 Application. Any person or persons desiring to keep, maintain, or have in his custody or control by himself or agent, within the said City of Alcester, any dog, shall, on or before the 31st day of December in each year make application to the City Treasurer for a license to keep such dog. Such application shall be in writing stating name, sex, color and other distinguishing characteristics of said dog and the name of the owner thereof, and that said applicant states that said dog has

of proper authority is hereby authorized and empowered to impound any such dog found running at large in violation of the provisions of this section.

B. As an alternative to impounding the dog in the animal shelter, if said dog cannot be captured and the owner is known to the Animal Warden, then in that case, the said Animal Warden may issue a notice to the owner that his dog is in violation of this section, which said notice shall state the violation date, time, location, breed and color of dog, license number if known, and the name and address of the owner of said dog and which said notice shall direct the owner of said dog to appear before the Municipal Court to answer to the charge of permitting the dog to run at large or such violation as appears on the ticket, within 48 hours from the time of the service of such notice upon the owner to answer to said charge, or in lieu thereof to pay to the Clerk of said Court the sum of \$5.00, the penalty for such violation, said payment may be made by mail and failure to make such payment or to appear and answer to said charge shall render such owner subject to the penalties provided for violations of this Ordinance.

C. No person owning any dog, licensed or unlicensed, confined on the premises or otherwise, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Upon signed complaint to the Police Department or Animal Warden that any person is keeping or harboring any dog which disturbs the peace as herein set forth, it shall be the duty of said Police Department or Animal Warden to notify the owner of said dog in writing of said complaint, and after such owner has been given 48 hours notice of such habit, the Animal Warden or any Police Officer or person of proper authority is authorized and empowered to go upon the premises and impound any such dog or animal so disturbi

In addition to the impound or other penalties prescribed, shall be subject to a fine not

no vicious propensities so far as known to said applicant, which application shall be made on a printed blank furnished by the City Treasurer and shall be filed with said City Treasurer.

6.0404. License Fees. The applicant shall at the time of making such application, pay to the City Treasurer as a license fee the sum of \$2.00 for each male dog or spayed female dog, and the sum of \$7.50 for each unspayed female dog, for which such license is sought, and it shall be the duty of the City Treasurer at the time of the issuance of the license herein provided for, to furnish and deliver to said applicant a metallic tag for each dog for which such license is issued, upon which tag shall be stamped or engraved the registered number of the dog and the year when registered, and it shall then be the duty of the owner of the dog to place a collar around the neck of such dog so owned or kept by him, on which collar shall be securely fastened a metallic tag so furnished by the City Treasurer; provided, that in case of the loss of any tag so issued, the said City Treasurer is authorized to issue a duplicate thereof upon payment to him of the actual cost of same upon application being made therefor, and upon satisfactory proof that such tag has been lost.

6.0405 Rabies Vaccination. No dog tag shall be issued to any owner of any dog who does not present to the City Treasurer at the time of making application for such license a certificate of vaccination for "rabies" by a Veterinarian, duly licensed to practice veterinary medicine in the State of South Dakota, which certificate must show the date of such vaccination and must state the period of time for which the dog is effectively immunized, which period of immunization must be for at least one year from date of issuance of license

6.0406 Dogs at Large, Barking.

A. It shall be unlawful for any person or persons to permit or suffer to any dog to run at large within the limits of the City of Alces animal of the dog kind, whether owned or not, and the Animal Warden or any Po

- 6.0407 Dogs Muzzled. The Mayor of the City may, by proclamation, any time, upon 48 hours notice published in the official paper of the City, order that all dogs in the City of Alcester shall be muzzled in such a manner as to make it impossible for said dogs to bite any person, dog or other animal.
- 6.0408 Dogs on School Grounds or Recreation Areas. Owners shall not permit their dogs on any school grounds when school is in session, or on any public recreation area when an organized activity is being conducted, unless the dog is controlled by a leash or similar device to prevent the dog from biting any person or animal.
- 6.0409 Humane Care. All owners shall provide their dog or cat with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall poison or ill treat any dog or cat, nor may any dog or cat be abandoned. Unwanted animals may be given to the Animal Warden at no cost to the owner.
- 6.0410 Injured or Ill Animals. Whenever the Animal Warden encounters a stray animal suffering pain, he shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner. If the ownership of the animal cannot be determined, the Animal Warden shall act in accordance with instructions received from the City Council.
- 6.0411 Destruction of Dogs Running at Large. The City Council is hereby authorized to employ, whenever he deems it necessary, an Animal Warden and a sufficient number of persons to capture and convey to the Animal Shelter and care for, kill and dispose of in the manner herein provided, all dogs found running at large contrary to the provisions of this Chapter. All dogs captured and conveyed to the Animal Shelter, as established by the City, shall be kept with humane treatment and with sufficient food and water for a period of not less than three days, unless sooner reclaimed thereof as herein provided.

When the owner or claimant of any dog so impounded shall desire to redeem such dog from the Animal Shelter, such dog may be released upon the payment to the person in charge of such Animal Shelter, of the sum of \$3.00 for the first and second times said dog is impounded, and the sum of \$5.00 for all subsequent times said dog is impounded, plus the cost of keeping said dog at the rate of \$1.50 per day; and shall exhibit a license for such dog issued in the manner herein provided, and the person in charge of the Animal Shelter shall thereupon release such dog to such owner or claimant.

At the expiration of three days from the date of impounding such dog, if the owner shall fail or refuse to comply with the provisions of this Ordinance for the releasing of same, it shall be the duty of the person in charge of such Animal Shelter to destroy such dog and to cause it to be removed and properly buried; provided, that the owner of licensed dogs shall have 24 hours notice in writing, after the expiration of said three days, before the same shall be killed or destroyed.

It shall be the duty of the persons in charge of said Animal Shelter before destroying any dog under the provisions of this Ordinance to sell said dog at a private sale to any person who is willing to pay a sum sufficient to reimburse the City for all expenses of keeping said dog, the license fee and the fees herein provided.

6.0412 Dog Bites - Confinement. Any person who knows or has reason to believe that a dog has bitten any person shall be responsible for the reporting of such to the Police immediately. The owner of a dog which has bitten a person shall confine his dog at his own expense for a period of fourteen days in a manner directed by the Police Department or Health Officer. However, if the Health Officer has reason to believe that the dog is rabid, he may order the dog confined for such additional period as he may deem necessary to determine whether the dog is in fact rabid. The Animal Warder or any other person shall not kill, or cause to be killed, any dog suspected of being rabid.

6.0413 Interference. The Animal Warden or any properly designated City employee is authorized to enter upon private property for the purpose of enforcing this Ordinance. No person shall conceal any dog or cat or otherwise interfere with the proper enforcement of this Ordinance.

6.0414 Penalties. Any person violating any of the regulations provided for in this Chapter shall be guilty of a misdemeanor and punished as provided by the general penalty of this Ordinance.

CHAPTER 6.05 - JUNK DEALERS

- 6.0501 License. No person shall engage in the business of acquiring, buying, selling or dealing in old iron, scrap metal, discarded or dilapidated motor vehicles, engines, auto bodies, frames, running gear, implements or other old or discarded material having only a value as old metal, ordinarily known as "junk" or "salvage material" or engaged in the business of wrecking old motor vehicles in this City without first enclosing his premises, as required by Section 6.0502 hereof, and by obtaining a license for that purpose from the City Auditor by applying therefor in writing, paying a fee of \$50.00 and filing therewith a certificate issued by the City Engineer of said City certifying that the premises to be used as the location for such business complies with the zoning ordinances of the City, and that said premises present a neat appearance and comply with the ordinances of the City of Alcester.
- 6.0502 Duty to Fence and Keep Premises Neat. It shall be unlawful for any person, firm or corporation to pile, have, keep or permit to accumulate any junk or salvage material as defined by Section 6.0501 of this Chapter, so that the same shall be or become unhealthy, unsightly, displeasing or annoying to the general public or to persons residing in the vicinity thereof, and no person, firm or corporation shall engage in the business of wrecking motor vehicles or the business of acquiring, accumulating, storing, selling, buying or dealing in junk or salvage material, as defined by Section 6.0501 of this Chapter, upon any lot or lots within the City Limits of the City of Alcester unless such person, firm or corporation shall first enclose such premises in a tight, board fence seven feet in height, measured from the ground, such fence to be kept painted and neat in appearance and built not closer than eighteen (18) inches from the inside sidewalk line. Such junk or salvage material shall not be allowed to protrude above the horizontal plane passing through the top of such fence.
- 6.0503 Storing or Keeping - Nuisance. The having, keeping or permitting to accumulate upon any premises within the City of Alcester of the articles or

materials referred to as junk or salvage material in the preceding sections, except in compliance with the ordinances of the City pertaining thereto, is hereby declared to be a public nuisance and such nuisance may be abated upon the order of the Governing Body of said City upon hearing, of which hearing the owner of such junk or salvage material shall be given ten days notice in writing by the City Auditor. If such nuisance is ordered abated the owner thereof shall have ten days, after being notified of such order, in which to remove such junk or otherwise comply with the ordinances of the City, and failing to do so; such junk or salvage material shall be removed from his premises under the direction of the Police Department of the City to the dump ground provided by the City, and the owner shall be liable to the City for the cost of such removal, and the City may recover the cost so incurred from such owner in a civil suit instituted for such purpose.

6.0504 Restrictions.

A. The handling, storing and keeping of old bones or hides of any description whatsoever by any person within the City of Alcester is hereby prohibited, and handling, storing and keeping such bones or hides is hereby declared to be a nuisance and any violation of this section by the holder of any license granted under the provisions of this Ordinance, shall be sufficient cause for the revocation of his license in addition to the penalties hereinafter prescribed to the terms of this Ordinance.

B. No junk or salvage dealer shall carry on the business at or from any other place than the premises designated and described in the application and license and all junk or salvage material of all kinds and description shall be kept wholly within the boundaries of such premises.

C. It shall be unlawful for any junk or salvage dealer to burn old cars or other refuse on the premises covered by said license or at any other place within the City of Alcester.

D. The wrecking and dismantling of old cars for the purpose of junking the bodies and securing old parts shall be done wholly inside the buildings occupied by said junk or salvage dealer or within the enclosure hereinafter provided for and shall not in any event be done upon the highways or streets of the City or outside the premises described in the application and license.

6.0505 Purchasing Junk or Salvage from Minor. It shall be unlawful for any person or persons, firm or corporation to purchase or receive from any person under the age of eighteen years, any article, goods or thing commonly known and classed as junk or salvage, any bottle, pipe or pipe fittings, lead, iron or brass, tools or implements, or any goods, or wares of a second hand character, or any rubber, overshoes, boots or rubber goods of any nature, either second hand or new without the written consent of such minor's parents or guardian, which writing shall be kept by such person or persons, firm or corporation and be subject to the inspection of any Police Officer of the City of Alcester.

6.0506 Hide and Fur Business Defined.

A. Any person, firm, association or corporation who is engaged in the business of purchasing or storing of animal carcasses for the purpose of skinning, stretching, drying, or curing the skins or hides thereof; or who engage in the business of skinning dead animals and/or stretching, drying or curing the skins and hides thereof shall be deemed to be engaged in the hide and fur business.

B. Declaration of Policy: The hide and fur business as defined herein is hereby declared to be an offensive and unwholesome business within the terms of Section 9-32-7, South Dakota Compiled Laws of 1967 in that the operation and maintenance of such business gives off unwholesome and offensive odors detrimental to the life, health and comfort of residents in surrounding or adjacent districts; in that it produces large amounts of offal, blood and other waste which is difficult to dispose of; in that it requires the storage of dead animals or

carcasses thereof for several days at a time; and in that it results in the exposing to the public of loads and piles of animal carcasses.

C. Prohibiting the Operation or Maintenance of the Hide and Fur Business: It shall be unlawful for any person, firm, association or corporation to engage in the hide and fur business as above defined within the corporate limits of the City of Alcester or within one mile of the outer limits thereof except in a duly authorized hide and fur house approved by the Board of Health of this City, which hide and fur house shall not be within one hundred yards of any private residence or public park or ground.

D. Enforcement: It shall be the duty of the City Board of Health or its agents to strictly enforce the provisions of this and of all ordinances pertaining to the hide and fur business, and of all Police Officers to promptly report to the President of the Board of Health any and every violation of this Ordinance which shall come to their knowledge, and the Board of Health is empowered to cause the immediate abatement of such as a public nuisance.

CHAPTER 6.06 - POOL HALLS AND CARD ROOMS

- 6.0601 License. It shall be unlawful for any person, persons, firm or corporation to keep, maintain or operate any table for playing billiards, pool, pigeon hole, or other similar games for hire or profit in any public billiard room, pool room or other public place in the City of Alcester, or to keep, maintain or operate any card room for hire or profit within the City of Alcester, without first having obtained a license so to do in the manner herein provided and paying the license fee herein specified. The application for such license shall be made to the City Council of the said City.
- 6.0602 Fee. The license fees for operation of pool halls or card rooms shall be Five Dollars (\$5.00) per year.
- 6.0603 Application. Any person, firm or corporation desiring to obtain a license to maintain or keep for hire or profit any table or tables for playing billiards, pool, pigeon hole, or other similar games in any public billiard room, pool room, or other public resort in the City of Alcester, or to conduct a card room shall file with the City Auditor a written application specifying the number and kinds of tables for which a license is desired and describing the rooms or place where they are to be kept or maintained, and said City Council, if the location and applicant be approved, may grant such license.
- 6.0604 License, Issued and Posted. Upon the granting of such license by the City Council of said City, the City Auditor shall, upon the production of a receipt from the City Treasurer showing that the applicant has paid the proper license fee, issue a license specifying the name of the licensee, the amount of the license paid and the location of said pool hall or card room, which license shall at all times be posted in some conspicuous place at such location, and it shall be unlawful for any such licensee to keep, maintain or operate such pool hall or card room without having such license so posted.

CHAPTER 6.07 - POPCORN STANDS AND REFRESHMENT
STANDS

- 6.0701 License - Popcorn Stand. It shall be unlawful for any person or persons to operate a popcorn stand as herein defined without first having procured a license so to do. Application for which license shall be made to the City Council.
- 6.0702 Definition - Popcorn Stand. Popcorn wagons within the meaning of this Chapter is defined as a wagon or vehicle on wheels located on a public street outside of the sidewalk close to and parallel with the curb to be used for the purpose of vending popcorn only and located as so not to interfere with the public traffic on said street.
- 6.0703 Location - Popcorn Stand. Every person granted a license by the City Council to operate a popcorn wagon shall locate said wagon or vehicle used for such purpose in a place or location designated by the City Council and shall occupy no other place or location with such wagon or vehicle unless permitted or directed to change such location by the City Council.
- 6.0704 Fee - Popcorn Stand. The fee for license for operating popcorn wagons shall be \$5.00 per year.
- 6.0705 License - Refreshment Stand. It shall be unlawful for any person or persons to operate any stand or wagon from which refreshments, soft drinks, candies and other related merchandise or are sold where such stand is located outside an established place of business except as hereinafter provided, without having procured a license so to do. Application for such license shall be made to the City Council.
- 6.0706 Refreshment Stands - Exception. The above section shall not apply to any sale conducted under the auspices of any church organization or society or to any stand erected by any business establishment on its own or adjoining frontage for the sale of its regular stock of merchandise.

CHAPTER 6.08 - PEDDLERS, SOLICITORS AND CANVASSERS

6.0801 License Required. It shall be unlawful for any person to engage in the business of peddler, solicitor or canvasser, as defined in Section 6.0802 of this Ordinance, within the corporate limits of the City of Alcester without first obtaining a license therefor as provided herein.

6.0802 Definitions.

(1) Person: The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society or any other organization.

(2) Peddler: The word "peddler" as used herein shall include any person, whether a resident of the City of Alcester or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or who without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter. The word "peddler" shall include the words "hawker" and "huckster".

(3) Solicitor, Canvasser: A canvasser or solicitor is defined as any individual, whether a resident of the City of Alcester or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, taking subscriptions to periodicals, or for services to be

furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale and who collects any advance payment on such sale; provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, hotel room, lodging house, apartment, shop, trailer, or any other place within the City of Alcester for the sole purpose of exhibiting samples and taking orders for future delivery.

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

6.0803 Issuance of License. After payment of the requisite license fee to the City Treasurer, any person desiring to obtain a license under the provisions of this Chapter shall make and file with the City Auditor a sworn application in writing (in duplicate) on a form furnished by the City Auditor, which shall give the following information:

- (1) Name and description of applicant.
- (2) Address (legal and local).
- (3) A brief description of the nature of the business and the goods to be sold, services to be rendered; if goods, wares and merchandise are to be sold, whether of the seller's own manufacture, and in the case of products of farm or orchard, whether grown or produced by the applicant.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) If a vehicle is to be used, a description of the same, together with the license number or other means of identification.

(7) Names of other towns or cities in the State of South Dakota where applicant has had a similar license in the past year.

(8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, the punishment or penalty assessed and the name of the Court, and the town or city.

(9) Before issuing a license under this Chapter to any person applying therefor, the licensing authority shall refer the application to the Chief of Police who shall cause to be made such investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public good, including the inquiry of the Federal Bureau of Investigation and the Investigation Division of the Office of the Attorney General of the State of South Dakota, except that in the event applicant has received a like license from the City of Alcester within one year last past, the licensing authority may waive this requirement. The Chief of Police shall cause the investigation herein provided for to be made within a reasonable time and shall certify to the licensing authority whether or not the moral character and business responsibility of the applicant is satisfactory.

6.0804 Licensing Authority. The City Council of the City of Alcester shall issue any license issued under the provisions of this Chapter, and shall have discretion whether or not to grant the license after considering the showing on applicant's behalf, and after making the investigation they deem necessary.

6.0805 License Fees. The license fee shall consist of a basic fee of \$3.00 to defray the cost to the City of processing the application and investigatory expense; and in addition thereto, a license fee of \$3.00 per day, \$15.00 per week, or \$25.00 per month shall be paid by the applicant and in addition thereto the sum of \$5.00 for each additional solicitor or canvasser employed or under the direction of said applicant.

- 6.0806 Bond. Before any such license shall issue, every applicant not a resident of the City of Alcester or who, being a resident of the City of Alcester, represents a firm whose principal place of business is located outside the State of South Dakota, shall file with the City Auditor a surety bond, running to the City in the amount of \$1,000.00, with surety acceptable to and approved by the City Council, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the City of Alcester and the statutes of the State of South Dakota regulating and concerning the business of peddler, solicitor, or canvasser and guaranteeing to any citizen of Alcester that all money paid as a down payment will be accounted for and applied according to the representations made, and further guaranteeing to any citizen of the City of Alcester doing business with such licensee that the property purchased will be delivered according to the representation of said licensee, that all merchandise sold and delivered shall be as represented and that he will refund any money or deposit on any merchandise which is not as represented. Action on such bond may be brought in the name of the City to the use or benefit of the aggrieved person.
- 6.0807 Renewal or Continuation. In the event any licensee desires to continue the business authorized under the license after the expiration date of such license, a new application shall be filed and the same procedure followed as for the initial license.
- 6.0808 Licensee Constitutes City Auditor His Agent for Service of Process. Before any license shall issue, there shall also be filed with the City Auditor, an instrument in writing, signed by the applicant under oath, nominating and appointing the City Auditor his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of said applicant, and service of summons in any action brought upon said bond shall be deemed made when served upon said City Auditor.
- 6.0809 Use of Streets. No peddler shall operate in any manner in or on any public street, alley or public grounds of the City of Alcester.

- 6.0810 Exhibition of Licenses. Any person licensed under this Chapter is required to exhibit his license at the request of any citizen.
- 6.0811 Duty of Police to Enforce. It shall be the duty of any Police Officer of the City of Alcester to require any person seen peddling, soliciting or canvassing, and who is not known by such Officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this Chapter against any person found to be violating same.
- 6.0812 Records. The Chief of Police shall report to the City Auditor all convictions for violation of this Chapter and the City Auditor shall maintain a record for each license issued and record the reports of violation thereon.
- 6.0813 Revocation of License.

(1) Licenses issued under the provisions of this Chapter may be revoked by the City Council of the City of Alcester after notice and hearing for any of the following causes:

a. Fraud, misrepresentation or false statement contained in the application for license;

b. Fraud, misrepresentation or false statement made in the course of carrying on his business under the license;

c. Any violation of this Chapter;

d. Conviction of any crime or misdemeanor involving moral turpitude;

e. Conducting the business of peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(2) Notice of the hearing for revocation of a license shall be given in writing, setting forth

specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

- 6.0814 Appeal or Review. Any person aggrieved by the action of the City Council in the denial of an application for permit or license as provided in Section 6.0803, or in the decision with reference to the revocation of a license as provided in Section 6.0813 of this Chapter, shall have the right of having the Council review said decision by filing with the City Auditor within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for such review. Service of such notice shall be made on the City Auditor. The Council shall set a time and place for a full and complete hearing in the same manner as provided in Section 6.0813 for notice of hearing on revocation, and the decision and order of the Council on such matter shall be final and conclusive.
- 6.0815 Suspension of License. Upon complaint being made to the City Council, of any of the grounds for revocation set forth in Section 6.0813, and upon their determination that the health, welfare and safety of the citizens of the City of Alcester requires it, they may order immediate suspension of the license, and licensee shall not engage in the business authorized by said license, pending hearing and decision by the City Council as provided in Section 6.0813.
- 6.0816 Transfer. No license issued under the provisions of this Chapter shall be used at any time by any person other than the one to whom it was issued.
- 6.0817 Expiration of License. All annual licenses issued under the provisions of this Chapter shall expire on the 31st day of December in the year when issued. Licenses other than annual licenses shall expire on the date specified in such license.

CHAPTER 6.09 - TRANSIENT MERCHANTS

6.0901 License. It shall be unlawful for any person, firm or corporation to engage in business in the City of Alcester as a transient retail merchant or an itinerant merchant as defined in Section 6.0902 of this Chapter without first having obtained a license therefor in compliance with the provisions of this Chapter.

6.0902 Definitions. For the purpose of this Chapter, a transient merchant or itinerant merchant is defined as any person, firm or corporation whether as owner, agent, or consignee or employee who engages in a temporary business of selling and delivering goods, wares and merchandise within said City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar or any street, alley, lot or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided that such definition shall not be construed to include any person, firm or corporation who while occupying such temporary location does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.

6.0903 Application. Applicants for license under this Chapter whether a person, firm or corporation shall file a written, sworn application signed by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation, with the City Auditor showing:

A. The name or names of the applicant for license.

B. The name or names of the person or persons having the management or supervision of applicant's business during the time it is proposed that it will

be carried on in the City of Alcester and the permanent address and addresses of such person or persons, the capacity in which such person or persons will act; that is, whether proprietor, agent or otherwise.

C. The place or places in the City of Alcester where it is proposed to carry on applicant's business and the length of time it is proposed that said business shall be conducted.

D. A statement of the nature and character and quality of the goods, wares and merchandise to be sold or offered for sale by applicant, whether the same are proposed to be sold from stock in possession or by sample, at auction, by direct sale, or by taking orders for future delivery, where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

E. At least three references as to the integrity of the applicant.

6.0904 Investigation and Issuance. Upon receipt of such application, the City Auditor shall refer such application to the Chief of Police of the City of Alcester who shall cause such investigation of such person or persons business responsibility or moral character to be made as he deems necessary to the protection of the public good. The Chief of Police shall, as soon as such investigation can be made, return such application to the City Auditor with his recommendations as to whether or not such application should be granted and, in the event of his recommendations that such application be refused, his reasons therefor. Upon the receipt of such application with the endorsement of the Chief of Police as hereinbefore set forth, the Auditor shall present such application to the City Council at their next regular meeting at which time the City Council shall act upon such application and, at their discretion, either approve or disapprove the same.

6.0905 Bond. Before any license as provided in this Chapter shall be issued for engaging in a transient

or itinerant business, as defined by Section 6.0902 of this Chapter, in the City of Alcester, such applicant shall file with the City Auditor a bond running to the City of Alcester in the sum of One Thousand Dollars (\$1,000.00) executed by the applicant as principal and two sureties upon which service of process will be made in the State of South Dakota, said bond to be approved by the City Council of the City of Alcester and conditioned that the said applicant shall comply fully with all ordinances of the City of Alcester and statutes of the State of South Dakota regulating and concerning the sale of goods, wares and merchandise and will pay any judgments rendered against said applicant for any violation of said ordinances or statutes or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, his agent, servants or employees.

6.0906 Service of Process. Before any license as herein provided shall be issued, for engaging in business as an itinerant or transient merchant, such applicant shall also file with the City Auditor an instrument nominating and appointing the City Auditor as true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transactions under said license, and the bond as heretofore required. Immediately upon service of process upon said City Auditor as herein provided, the said City Auditor shall send to the licensee at his last know address by registered mail a copy of said process. Said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice of process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this Chapter, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement of service or manner of service.

6.0907 Fees. The fee required to be paid by such transient merchant or itinerant merchant as herein defined for the procuring of such license shall be \$25.00 per day, \$50.00 per week or \$100.00 per month and such license fee shall be paid to the City Treasurer at the time of making the application and the license issued shall state the time for which said license is granted and the expiration date.

6.0908 Revocation. The permits and licenses issued pursuant to this Chapter may be revoked by the City Council after notice of hearing for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(3) Any violation of this Chapter;

(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;

(5) Conducting the business licensed under this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

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

6.0909 Appeal. Any person aggrieved by the decision of the City Council in regard to the denial of application for license as provided in Section 6.0903 of this Chapter shall have the right to appeal to the City Council of the City of Alcester. Such appeal shall

be taken by filing with the City Council within ten days after notice of the decision of the City Council, a written statement showing the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 6.0908 of this Chapter for notice of hearing on revocation. The order of the Council on such appeal shall be final.

CHAPTER 6.10 - GOING-OUT-OF-BUSINESS SALES
AND REMOVAL SALES

6.1001 Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Alcester.

(2) "Fire and other altered goods sale" is a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.

(3) "Going-out-of-business sale" is a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: Adjuster's, Adjustment, Alteration, Assignee's, Bankrupt, Benefit of Administrator's, Benefit of Creditors', Benefit of Trustees', Building Coming Down, Closing, Creditors' Committee, Creditor's, Creditors', End, Executor's, Final Days, Forced Out, Forced Out of Business, Insolvent's, Last Days, Lease Expires, Liquidation, Loss of Lease, Mortgage Sale, Receiver's, Trustee's, Quitting Business.

(4) "Goods" is meant to include any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

(5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(6) "Removal-of-business sale" is a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the

sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the City or will then continue business from other existing locations in the City.

6.1002 License Required. A license issued by the City Council shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the following kinds:

- (1) Going-out-of-business sale;
- (2) Removal-of-business sale; and
- (3) Fire and other altered stock sale.

6.1003 Application of Regulations.

A. Provisions Supplement General Licensing Ordinance: The provisions of this Ordinance are intended to augment and be in addition to the provisions of the General Licensing Ordinance of this City. Where this Ordinance imposes a greater restriction upon persons, premises, businesses or practices than is imposed by the General Licensing Ordinance of this City, this Ordinance shall control.

B. Established Business Requisite: Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least six (6) months prior to the date of the proposed sale shall not be granted a license.

(1) Exception for Survivors of Businessmen: Upon the death of a person doing business in this City, his or her heirs, devisees or legatees, executors or administrators shall have the right to apply at any time for a license hereunder.

C. Interval Between Sales: Any person who has held a sale, as regulated hereunder, at the location

stated in the application, within one year last past from the date of such application shall not be granted a license.

D. Restricted Location: Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store, or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

E. Person Exempted: The provisions of this Ordinance shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order to process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials;

(3) Persons conducting a sale of the type regulated herein on the effective date of this Ordinance, unless such sale is continued for a period of more than thirty (30) days from and after such effective date, in which event such person, at the lapse of the said thirty-day period, shall comply with the provisions of this Ordinance;

(4) Any publisher of a newspaper, magazine or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this Ordinance have not been complied with.

6.1004 Application Requirements.

A. Written Information Required: A person desiring to conduct a sale regulated by this

Ordinance shall make a written application to the City Council setting forth and containing the following information:

(1) The true name and address of the owner of the goods to be the object of the sale;

(2) A description of the place where such sale is to be held;

(3) The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;

(4) The dates of the period of time in which the sale is to be conducted;

(5) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

(6) The means to be employed in advertising such sale together with the proposed content of any advertisement;

(7) A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Said inventory shall be attached to and become part of the required application.

(a) Bona Fide Orders: All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

(b) Goods Purchased for Sale Hereunder: Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase, or additions to the stock of goods of the business hereby affected within ten days before the filing of an application hereunder shall be deemed to be of such character.

B. License Fee: Any applicant for a license hereunder shall submit to the City Council with his application a license fee of \$50.00. Any applicant for a renewal license hereunder shall submit to the City Council with his renewal application a renewal license fee of \$50.00.

6.1005 Effect of License.

A. A license shall be issued hereunder on the following terms:

(1) Licensing Period: The license shall authorize the sale described in the application for a period of not more than 60 consecutive days, Sundays and legal holidays excluded, following the issuance thereof.

(a) Renewal Procedure: The City Council shall renew a license for one period of time only, such period to be in addition to the 60 days permitted in the original license and not to exceed 60 consecutive days, Sundays and holidays excluded, when it finds:

(a-1) That facts exist justifying the license renewal;

(a-2) That the licensee has filed an application for renewal;

(a-3) That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

(a-3a) For the purposes of this subsection, any application for a license under the provisions of this Ordinance covering any goods previously inventoried as

required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant, or by any other person.

(2) Nature of Sale: The license shall authorize only the one type of sale described in the application at the location named therein.

(3) Saleable Goods: The license shall authorize only the sale of goods described in the inventory attached to the application.

(4) Surrender of General License: Upon being issued a license hereunder for a going-out-of-business sale the licensee shall surrender to the City Council all other business licenses he may hold at the time applicable to the location and goods covered by the application for a license under this Ordinance.

(5) Non-Transferability: Any license herein provided for shall not be assignable or transferable.

6.1006 Duties of Licensee. A licensee hereunder shall:

A. Adhere to Inventory: Make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.

B. Advertise Properly: Refrain from employing any untrue, deceptive or misleading advertising.

C. Adhere to Advertising: Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.

D. Keep Duplicate Inventory: Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

E. Segregate Non-inventoried Goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and

shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.

6.1007 Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) provided that each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable thereunder.

TITLE 7 - OFFENSES

- Chapter 7.01 - Alcoholic Beverages
- Chapter 7.02 - Animals
- Chapter 7.03 - Gambling
- Chapter 7.04 - Minors
- Chapter 7.05 - Offenses Against Public Welfare
- Chapter 7.06 - Offenses as to Property
- Chapter 7.07 - Offenses as to Public Places
- Chapter 7.08 - Prostitution

CHAPTER 7.01 - ALCOHOLIC BEVERAGES

- 7.0101 License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend or otherwise concoct, within the City of Alcester or within one mile of its territorial limits, any alcoholic beverage as defined by statute, without having a license therefor as required by Chapters 35-4 and 35-6 of the South Dakota Compiled Laws of 1967 or acts amendatory thereto.
- 7.0102 Package with Broken Seal Prohibited. It shall be unlawful for any person to have in his possession in a public place within the City any intoxicating liquor, except that contained in a sealed original package with United States Government and State of South Dakota Tax Stamp unbroken; provided, however, that this shall not apply to an "On-Sale" dealer, hospital or sanitariums.
- 7.0103 Sale or Gifts of Alcoholic Beverages to Minors Prohibited. No person shall sell or give any intoxicating liquor to any person under the age of twenty-one years, nor shall any person sell or give any non-intoxicating beer or wine to any person under the age of nineteen years.
- 7.0104 Age of Employees - Non-Intoxicating Liquor. No person, firm or corporation holding a Class "D" "On-Sale" license for the sale of non-intoxicating beer or wine as defined by the laws of the State of South Dakota shall allow or permit any person under the age of nineteen years to deliver, sell, furnish or serve to any person any beer or wine permitted to be sold under such license, either on or off the premises covered by said license.

The holder of any such Class "D" license for the sale of such non-intoxicating liquors shall be personally responsible for the strict observance of this section and any violation shall be considered sufficient cause for the revocation of such license.

7.0105

Regulating SUNDAY sale of low-point beer.

CHAPTER 7.02 - ANIMALS

- 7.0201 Cruelty to Animals. No person shall cruelly or immoderately beat, torture, or injure any domestic animal, nor overload any working animal, nor shall any person willfully or negligently maltreat or abuse or treat or neglect in a cruel or inhuman manner any such animal.
- 7.0202 Animals Running at Large. No person shall allow any horse, cattle, swine, sheep or goats to run at large.
- 7.0203 Fowl in City. It shall be unlawful for any person to permit or suffer any pigeons, guinea fowls, ducks, geese, turkeys, or other domestic fowls to run at large in the City; nor shall any person or persons enclose or house any pigeons, guinea fowls, ducks, geese, turkeys, or other domestic fowls in any house, pen or coop, enclosure or other buildings situated within the distance of one hundred twenty-five feet (125') of any dwelling house, store, or other building used or occupied as a residence of any person, or within one hundred twenty-five feet (125') of any church, school or other public building.
- 7.0204 Horses, Cows, Goats, Sheep in City. No person shall keep any horse, cow, goat or sheep or erect or maintain any building or enclosure for use in keeping any of such animals within one hundred twenty-five feet (125') of any dwelling house or building used for human habitation, other than that of the owner of such animals.
- No person shall keep or maintain any building or enclosure where livestock is kept, unless the same be at all times kept in a clean and sanitary condition and in accordance with the rules and regulations of the Board of Health.
- 7.0205 Figs in City Prohibited. No person shall place, keep or maintain any live hogs within the City, excepting such hogs as are kept in the yards or pens of the railway companies for shipping purposes, or in pens, houses, yards of the stockyards, packing houses, or butcher shops and kept for the purpose of immediate shipment or slaughter.

- 7.0206 Picketing Animals. No person shall within the City, stake out any domestic animal in such a manner as to permit such animal to go upon any street, alley or sidewalk or to approach within one hundred twenty-five feet (125') of any dwelling house or building used for human habitation other than that of the owner of such animal.
- 7.0207 Pigeons in City. It shall be unlawful for any person to keep or have any pigeon or pigeons running or flying at large, or to permit the premises where such pigeons are kept to become nauseous or repugnant to the public or nearby residents.
- 7.0208 Keeping of Bees Prohibited. No person, firm or corporation shall keep or have within the platted portion of the City, any bees, swarms of bees or hives of bees.
- 7.0209 Indecent Service of Animals. No person shall indecently exhibit or let to service any stallion, jack or bull within the limits of the City.
- 7.0210 Inciting Dogs to Fight. No person shall in the City by words, signs, or otherwise set any dog or dogs to fighting or to attack any other dog or dogs, nor shall any person aid, abet or encourage any dog to fight by words, signs, nor otherwise set on or encourage any dog to attack or chase any animal that is not engaged in any malicious act; and no owner, keeper, or harbinger of any such dog shall knowingly permit or allow such dog to fight without endeavoring to prevent the same.
- 7.0211 Fights Between Animals. No person shall in the City engage in or allow any fight between animals, birds or fowls of any kind upon his premises or premises in his possession or under his control; nor shall any person keep any house, pit, or other place to be so used in permitting fights between animals, birds, or fowls; nor shall any person for any bet, stake, reward, or entertainment instigate, encourage, or promote any fight between animals, birds or fowls; nor shall any person instigate or encourage any animal, bird or fowl to attack, bite, wound or worry another.

- 7.0212 Song Birds. No person shall kill or injure any song bird, or rob or destroy any song bird's nest within the City.
- 7.0213 Squirrels. No person shall kill or injure any squirrel or rob or destroy any squirrel's nest in the City.
- 7.0214 Poison. No person shall willfully or maliciously administer poison to any animal, the property of another; nor willfully or maliciously expose any poisonous substance with intent that the same be taken by any animal within the City.

CHAPTER 7.03 - GAMBLING

- 7.0301 Gambling Prohibited. No person shall in the City, or within one mile of the outer boundaries thereof, play at roulette, chuck-luck, poker, black jack, twenty-one or any other gambling game, dice game, or game of chance upon which money or any article of value is staked, or to resort to, attend, or be present at any place where such gambling games or games of chance are carried on.
- 7.0302 Maintaining Gambling Devices Prohibited. It shall be unlawful for any person to maintain, keep or exhibit in the City of Alcester or within one mile of the outer boundaries thereof, any slot machine wherein the gain by chance is involved, or any table, cards, dice used or intended to be used in playing any game of cards, dice or other gambling game or game of chance for money or other articles of value.
- 7.0303 Gambling House Prohibited. No person shall in the City or within one mile of the outer boundaries thereof, keep any building or part of any building to be used or occupied for gambling. An owner, agent or superintendent of any such place shall not knowingly let the same or allow it to be used for gambling.
- 7.0304 Operators of Gambling Houses. No person shall within the City or within one mile of the outer boundaries thereof, act as game keeper of or have charge of and manage any gambling game or games of chance upon which money or other articles of value are staked, or act as doorkeeper, solicitor, runner, agent or abettor of or for any house wherein any gambling games or games of chance for money or other articles of value are practiced or allowed to be practiced or carried on.
- 7.0305 Sale of "Chances" Prohibited. No person shall sell or vend or have in possession what are commonly called lottery policies, punch boards, or any writing, card, paper or documents in the nature of any bet, wager or insurance upon the drawing or

drawn numbers of any public or private lottery, or endorse any book or any other document for the ~~PURPOSE~~ of enabling others to sell or vend any lottery tickets or policies.

7.0306 Gambling Apparatus Nuisance. Every article, apparatus or device used, operated or kept in violation of any of the provisions of this Chapter shall be deemed a public nuisance, and may be seized by the officers at the time of the arrest of a person, for violation of any provisions of this Chapter, having the same in his possession. Upon conviction of such person for such violation, said gambling apparatus or article may be destroyed under order of the Court.

CHAPTER 7.04 - MINORS

7.0401 Loitering of Minors Prohibited. It shall be unlawful for any minor under the age of fourteen years to loiter, idle, wander, stroll or play, ride or be in any motor vehicle, in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to be or remain in any dance hall, restaurant, cafe, theater or other public place between the hours of 10:30 o'clock P.M. and 6:00 o'clock A.M. of the following day, official city time, on any day except Friday and Saturday, and between the hours of 11:30 o'clock P.M. and 6:00 o'clock A.M. of the following day on Friday and Saturday; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business, directed by his or her parent, guardian, or other adult person having the care or custody of the minor, and provided further, that this Chapter does not in any way apply to any minor after he or she shall have reached his or her fourteenth birthday.

7.0402 Responsibility of Parents. It shall be unlawful for the parent or guardian or other adult person having the care and custody of a minor who has not reached the age of fourteen years to knowingly permit such minor to loiter, idle, wander, stroll or play or ride or be in any motor vehicle in or upon the public streets, highways, roads, alleys, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to be or remain in any dance hall, restaurant, cafe, theater or other public place between the hours of 10:30 o'clock P.M. and 6:00 o'clock A.M. of the following day, official city time, on any day except Friday and Saturday, and between the hours of 11:30 o'clock P.M. and 6:00 o'clock A.M. of the following day on Fridays and Saturdays; provided however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon

Amended

7.0401 Loitering of Minors Prohibited. It shall be unlawful for any minor under the age of sixteen years to loiter, idle, wander, stroll or play, ride or be in any motor vehicle, in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to be or remain in any dance hall, restaurant, cafe, theater or other public place between the hours of 10:30 o'clock P.M. and 6:00 o'clock A.M. of the following day, official city time, on any day except Friday and Saturday and between the hours of 11:30 o'clock P. M. and 6:00 o'clock A.M. of the following day on Friday and Saturday: provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business, directed by his or her parent, guardian, or other adult person having the care or custody of the minor, and provided further, that this Chapter does not in anyway apply to any minor after he or she shall have reached his or her sixteenth birthday.

an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

7.0403 Responsibility of Others. It shall be unlawful for any person, firm or corporation operating places of amusements and entertainment, restaurants, cafes, theaters or other public places, to permit minors under the age of fourteen years to enter or remain in such place of amusement and entertainment, restaurant, cafe, theater or other public place during the hours prohibited under this Chapter, or any owner or operator of any motor vehicle to permit or allow any minor to be in or ride in such motor vehicle during the hours prohibited in this Chapter; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor.

CHAPTER 7.05 - OFFENSES AGAINST PUBLIC WELFARE

VOID
7.0501

- Intoxication. No person shall become drunk, intoxicated or under the influence of intoxicating liquor in any private house or place to the annoyance of any person. No person shall be or remain in a state of intoxication, drunkenness or under the influence of intoxicating liquor in any public place.
- 7.0502 Disorderly Conduct. No person shall conduct himself in any unseemly manner or way or in any manner tending to degrade and unsuited to the promotion of the morals, health or comfort of the inhabitants of the City of Alcester.
- 7.0503 Disturbing the Peace. No person shall disturb the peace of the City or of any person by violent, tumultuous or offensive conduct, or by loud or unusual noises or by profane, obscene, indecent, violent or threatening language, or by assaulting, striking or attempting to assault or strike another person, or inviting or defying another person to fight or quarrel, or by willfully and maliciously destroying or attempting to destroy or injure any property belonging to another, or by engaging in a fight with another..
- 7.0504 Vagrancy. It shall be unlawful for any vagrant to be or remain within the limits of the City of Alcester.

A vagrant is an idle person, having no legitimate means of support, who does not seek or desire lawful employment, and who subsists through charity of others or by unlawful means. Whenever it shall, in a prosecution under this section, be shown that any person who is able to work:

A. Wanders about in idleness or lives in idleness without property sufficient for his support, or

B. Leads an idle, immoral or profligate life and does not work, or

C. Loafs, loiters or idles in the City, upon a public highway, or about any public place without any regular employment and without sufficient property for his support, or

- D. Trades or barter stolen property, or
- E. Unlawfully sells or barter any spirituous, vinous, malt or other intoxicating liquors, or
- F. Attends or operates any gambling device or apparatus, or
- G. Engages in practicing any trick or device to procure money or other things of value, or
- H. Engages in any unlawful calling, or
- I. If an able-bodied married man neglects or refuses without lawful excuse, to provide support for his family, or
- J. Beggars in any public place or from house to house, or induces children or others to do so, or
- K. Falsely represents himself as a collector of alms for a charitable institution or purpose;

it shall constitute a prima facie presumption that such person is a vagrant as defined in this section.

7.0505 Carrying Concealed Weapons. No person shall carry concealed about his person any pistol or other firearm, sling shot, brass knuckle or knuckles of other material, or any sand bag, dagger, bowie knife, dirk knife, or other dangerous or deadly weapon, or any instrument or device which when used is likely to produce death or great bodily harm. Any peace officer may wear or carry such weapons as may be necessary and proper for the discharge of his official duties.

7.0506 Resisting, Escaping from or Assaulting an Officer. No person shall resist or obstruct any police officer in the performance of any official duty, nor in any way aid or assist any person to resist or escape from any such officer, nor assist any person to escape from any lawful confinement. No person shall assault or strike any Police Officer in the discharge of his duty.

7.0507 Impersonating Officer. No person not duly authorized shall exercise the duties conferred by law upon

Policemen, wear a Policeman's badge or represent himself as being a Policeman or Peace Officer, or attempt to exercise the duties of a Policeman or Peace Officer.

- 7.0508 Indecency. No person shall, in the City, appear in any public place in a state of nudity or in any indecent or lewd dress, nor shall any person make any indecent exposure of his or her self or be guilty of any lewd or indecent acts or behavior, nor shall any person sell or give away any indecent or lewd book, literature, paper, or other thing, or exhibit or perform any indecent, immoral or lewd play or other representation. No person shall post, publish, print, show, or exhibit, or cause to be posted, printed, published, shown, exhibited or exposed to public view in any building, room or place in the City or upon the streets, sidewalks, alleys, parks or public grounds thereof any lewd, indecent, obscene or suggestive picture, print, photograph, lithograph or other representation either by exposing them stationary to view or causing them to pass before the vision of persons by moving picture machines or other artificial means.
- 7.0509 Insulting Female. No male person shall make an impudent, insulting or licentious advance or salutation to any female person upon any street or in any public place.
- 7.0510 Profanity. No person shall use any profane, vulgar or obscene language upon any street or other public place or in the presence of any female or of any child under the age of twelve years.
- 7.0511 Obscene Written and Printed Matter. No person shall exhibit, publish, pass, sell or offer for sale, or have in his possession with such intent, any obscene, lewd or lascivious books, pamphlets, papers, magazines, writings, advertising circulars, cards, prints, letters, pictures, drawings, films or other immoral, lewd or indecent representations or publications.

All such obscene matter is declared to be a nuisance and any Police Officer is authorized to seize any such obscene matter found in the possession

of any person arrested for a violation hereof, and upon conviction of a violation of this section, the Court shall order as a part of the judgment, in addition to the other penalties prescribed, that the Officer having the custody of such obscene matter shall destroy the same.

- 7.0512 False Emergency Alarms Prohibited. No person shall knowingly make or give any false alarm of fire or other emergency by calling or causing to be called, the Fire Department, the Police Officers or any authorized emergency vehicle.
- 7.0513 Displaying Licenses Unlawfully. No person shall carry or display any City license or permit which has been terminated or revoked or which has not been lawfully procured and issued.
- 7.0514 Air Rifles, Sling Shots Prohibited. It shall be unlawful for any person to discharge any air rifle, or use any sling shot or any device of like character within the limits of the City of Alcester.
- / 7.0515 Discharging Firearms Prohibited. No person shall discharge or shoot off any gun, pistol or any other firearm within the corporate limits of the City of Alcester or in any public ground or park belonging to the Municipality, outside the corporate limits and within one mile of the corporate limits of the City or of any public ground or park belonging to the Municipality outside the corporate limits. //
- 7.0516 Drawing Deadly Weapons. No persons except Officers of the law in the execution of their duties or a person in self defense shall, in the City, draw a pistol, revolver, knife or any other deadly or dangerous weapon upon another person.
- 7.0517 Fortune Tellers. It shall be unlawful for any person to practice or act as a fortune teller, clairvoyant, palmist, astrologer or practice mesmerism, phrenology, necromancy, hypnotism, divination, mediumship, magic or life reading within the City except that such arts and professions may be practiced with a licensed theatre within the City by arrangement with the owner of such theatre.

CHAPTER 7.06 - OFFENSES AS TO PROPERTY

7.0601 Injuring Signs. No person shall deface, remove, change, mar or in any way interfere with or obliterate either wholly or in part any sign, signboard, or card placed, posted, extended or erected by the City of Alcester.

7.0602 Traffic Signs, Injuring or Placing Unauthorized Prohibited. No person shall deface, injure, move, obstruct or interfere with any official traffic sign or signal, street sign or parking meter.

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

7.0603 Destroying Trees and Shrubs. No person shall willfully injure, destroy or deface any tree, shrub, plant or grass in any parking lot or park.

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

7.0604 Interference with Electric Light Posts and Apparatus. No person shall interfere with, injure, break or jar any electric light, telephone, telegraph or fire alarm system, post or pole or apparatus in any manner, or climb any telegraph, telephone, electric light or fire alarm pole without being properly authorized so to do.

7.0605 Posting Notices. It shall be unlawful for any person within the City to tack, tie or otherwise fasten any bills, notices or signs to any electric light, telephone or telegraph pole in the City.

- 7.0606 Wells and Cisterns. It shall be unlawful for any person owning property or in control of any property in the City to allow upon such property any well, cistern, vault or other pit except that the same be covered by a good, safe and substantial covering made of steel or iron and securely fastened in such a manner that the same cannot be either removed by a child or children; provided, however, that any person may have in or upon their premises a well, cisterns, vault or other opening provided that the same is securely enclosed by a high board fence or other substantial enclosure at least eight feet (8') high.
- 7.0607 Unauthorized Connection with Gas, Water or Electrical Pipe or Wire. No person shall, without lawful authority, connect or cause to be connected, with any main service pipe, wire or other conductor of any gas, water or electrical energy, any pipe, wire or other device for the purpose of obtaining gas, water or electrical current therefrom; nor shall any person, with intent to defraud, connect or cause to be connected with any meter installed for the purpose of registering the amount of gas, water or electricity supplied to any customer, any pipe, wire or other device or disconnect, change or in any manner so interfere with any such meter or any pipe, wire or appliance connected therewith, that such meter will not measure or register the full amount of gas, water or electricity supplied to any customer.
- 7.0608 Radio Aerials. It shall be unlawful for any person to have, use or construct any radio aerial, antenna, or other apparatus which shall cross over or above any electric line or telephone line within the City of Alcester.
- 7.0609 Attaching to Poles. It shall be unlawful for any person to fasten or attach, or cause to be fastened or attached, any radio aerial, antenna or apparatus to any electric pole or telephone pole within the City of Alcester.
- 7.0610 Aerial Crossing Streets. It shall be unlawful for any person to erect, or to maintain, or to allow any radio aerial, antenna or apparatus to cross any street, avenue or alley in the City.

- 7.0611 Sales from Vehicle. It shall be unlawful for any person, firm or corporation to sell or offer for sale, barter or exchange any fruit, apples, melons, vegetables, butter, cheese, eggs, poultry, fresh or cured meats or any other commodity from any motor truck or vehicle of any kind or from any temporary stand while located in any public street in the City of Alcester.
- 7.0612 Interference with City Engineer, Instruments, Stakes. No person shall interfere with the City Engineer while engaged in his official duties in any manner or by driving any vehicle of any kind against the person, surveying instruments or apparatus of said City Engineer or any of his assistants, or by moving or displacing any stake, monument or bench mark fixed or located by him or his assistants.
- 7.0613 Interference with City Property. No person shall climb or in any manner interfere with any building, water tower, bridge or structure belonging to the City, without being authorized so to do by the City, and no person shall in any manner injure or deface any such structure.
- 7.0614 Destroying Property. No person shall willfully damage, deface, break, destroy or interfere with the property of the City or of another person.
- 7.0615 Fences. No person, firm or corporation shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained in the City of Alcester any fences of any character or material exceeding seven feet (7') in height above the sidewalk or the surface of any lot or parcel of ground; provided, that any such fence so constructed, erected or maintained shall not exceed five feet (5') in height when the same is within forty feet (40') of the street line, and provided further that no fence or any part thereof shall be constructed of barbed wire.

CHAPTER 7.07 - OFFENSES AS TO PUBLIC PLACES

- 7.0701 Gatherings on Streets Limited. No person shall call or cause the gathering of any crowd of people or address or exhibit any show or performance to such crowd, in any alley, street or other public ground of the City of Alcester without the written permission of the Mayor.
- 7.0702 Crowds Obstructing Streets. It shall be unlawful for persons to gather in crowds or groups or for any person to stand on any public street or sidewalk in such a manner as to obstruct free passage thereon, or to annoy other persons passing along the same, and any Policeman is authorized to disperse any crowd or group or to cause the removal of any person violating the provisions of this section and to summarily arrest any person in case of refusal to obey any reasonable direction given by such officer for the purpose of clearing the way or preventing annoyance to any passerby on any public street or sidewalk.
- 7.0703 Hindering or Molesting Passerby. No person shall upon any street, or at the entrance of any building on any such street, alley or sidewalk, wrongfully hinder, impede or molest any passerby, or use any rude, obscene, vulgar, indecent or threatening language to any passerby, or by any indecent act, gesture or noise molest, annoy or insult or put in fear any person passing or attempting to pass on such street, alley or sidewalk or through the entrance of any building thereon.
- 7.0704 Certain Advertising Methods Prohibited. No person shall put up, erect, hang, post or suffer to remain so placed any sign, poster, notice or other advertising matter, upon any telephone, telegraph or electric light pole in the City.
- No person shall paint, print, write, post or in any manner place upon any sidewalk, pavement or crosswalk in the City, any letters, words, figures, signs, pictures, notices or advertisement of any kind.
- 7.0705 Goods on Sidewalk. No person shall place any goods, or merchandise for sale or exhibition upon any

sidewalk, except that, for the purpose of loading or unloading, such articles may be placed upon the outer sidewalks for such time as may be necessary to load or unload the same, but in no instance shall any such articles be left upon the sidewalk in the night time or in such a way as to obstruct the sidewalk.

- 7.0706 Refuse in Streets. It shall be unlawful for any person to throw or deposit any garbage, refuse, paper, glass, bottles, tin cans or any other form of litter or debris upon any sidewalk, alley, street or public parks or upon any private property in the City of Alcester.
- 7.0707 Drive-ins - Littering Premises. It shall be unlawful for any person or persons operating a "drive-in" business where food, drinks, dairy or confectionary products are sold for consumption on the premises to deposit or permit the deposit or scattering of garbage, refuse, paper, glass, bottles, tin cans or other forms of litter or debris on such premises, except in containers to be provided by such person or persons and designated for such use.
- 7.0708 Swimming Pool Use. It shall be unlawful for any person to use or to be within any swimming or wading pool owned by the City of Alcester and/or operated by or under the control of its Park Board, at any time when, by rule or order of such Park Board, such pool is closed to use. Such rules or orders, establishing the hours for the use of such pools, shall be adopted by such Park Board, and a copy thereof shall be kept posted conspicuously in the bath house of such facility.

CHAPTER 7.08 - PROSTITUTION

- 7.0801 Leasing Room or House for Prostitution. No person shall knowingly let or lease to another any room, house or building for the purpose of being used as a place of prostitution within the City of Alcester or within one mile of the outer boundaries thereof. Any person, after having been informed that such room, house or building so let or leased by him is being used for such purpose, by the lessee or any other person, shall immediately take all legal measures to recover possession thereof.
- 7.0802 Keeping House of Prostitution. No person shall keep a house or place of prostitution within the City or within one mile of the outer boundaries thereof, nor harbor or allow any person to be and remain in any such house or place.
- 7.0803 Frequenting House of Prostitution. No person shall frequent any house or place of prostitution, nor be an inmate or visitor of such house or place within the City or within one mile of the outer boundaries thereof.
- 7.0804 Prostitution Prohibited. No person shall use or occupy any room, house or place for the purpose of prostitution, nor engage in prostitution within the City or within one mile of the outer boundaries thereof.
- 7.0805 Enticing. No person shall within the City or within one mile of the outer boundaries thereof, solicit, entice or urge any person to enter a house of prostitution nor solicit any person to occupy any room, house, building or other place for the purpose of prostitution.

TITLE 8 - PLUMBING CODE

Chapter 8.01 - Adoption of National Code

CHAPTER 8.01 - ADOPTION OF NATIONAL CODE

8.0101 Adoption of National Plumbing Code. There is hereby adopted by the City Council for the purpose of establishing rules and regulations governing plumbing as defined in this Code, including permits and penalties, that certain plumbing code known as the "National Plumbing Code" as adopted by the American Standards Association, being particularly the 1955 edition thereof, in the whole thereof, saving of such portions as are hereinafter deleted, nullified or amended, which Code has been approved by the Department of Health for the State of South Dakota, of which not less than three copies have been, and now are, filed in the office of the City Auditor of the City of Alcester, and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling pertaining to plumbing, as defined in the Code, within the corporate limits of the City of Alcester.

8.0102 Title and Scope.

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

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

C. Facilities: It is recognized that certain facilities in or adjacent to public streets are referred to in this Code only a portion of which is under the ownership or the control of the owner or occupants of the building or premises to which this Code applies.

D. Administration and Enforcement: The administration and enforcement of this Code shall be the duty of the Building Official who is hereby authorized to take such action as may be reasonably necessary to enforce the purposes of this Code. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this Code.

8.0103 Notice to Inspector. Any plumber or person doing work under the provisions of this Code shall, when work is prepared for inspection as provided in this Code, notify the Building Official that such inspection is required, giving the location of premises, the time such work will be ready for inspection. The Building Official shall inspect such work within a period of two work days after notification that such work is ready for inspection.

TITLE 9 - STREETS, SIDEWALKS AND PUBLIC PLACES

- Chapter 9.01 - Curb Lines and Grades
- Chapter 9.02 - Excavations in Public Places
- Chapter 9.03 - Snow Removal
- Chapter 9.04 - Sidewalks and Sidewalk Construction
- Chapter 9.05 - Use of Streets and Public Places
- Chapter 9.06 - Moving Buildings on Streets

CHAPTER 9.01 - CURB LINES AND GRADES

9.0101 Curb Lines. The curb lines in the City of Alcester heretofore established by ordinances of the City of Alcester and as shown and set forth on plat marked "Map 'A' - Curb Lines" on file in the office of the City Engineer, as of the date of the adoption of this Ordinance, are hereby established and adopted as the official curb lines in the City of Alcester and "Map 'A' - Curb Lines" is hereby incorporated herein by reference with the same full force and effect as though set forth at length herein.

9.0102 Grades. The grades in the City of Alcester heretofore established by ordinances of the City of Alcester and as shown and set forth on plat marked "Map 'B' - Grades" on file in the office of the City Engineer, as of the date of the adoption of this Ordinance, are hereby established and adopted as the official grades in the City of Alcester and said "Map 'B' - Grades" is hereby incorporated herein by reference with the same full force and effect as though set forth at length herein.

CHAPTER 9.02 - EXCAVATIONS IN PUBLIC PLACES

- 9.0201 Permit Required. No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley or public ground, or remove any earth, soil, paving, gravel or material therefrom without having first obtained a permit therefor as hereinafter provided.
- 9.0202 Application and Bonds. Application for such permit shall be made to the City Auditor, who shall secure the approval of the Commissioner of Streets before issuing any such permit. Such application shall be accompanied by a fee of Five Dollars (\$5.00), which amount shall be considered compensation to the City for the granting of such permit and the necessary investigation prior thereto.

In addition to the hereinbefore described fee, the applicant shall deposit with the said City Treasurer not less than Twenty-five Dollars (\$25.00) or such larger sum as deemed necessary by the Commissioner of Streets to insure the replacement and refilling of any such excavation. In lieu of such deposit, a bond for the same purpose in the amount of One Thousand Dollars (\$1,000.00) to be approved by the Council may be given covering all excavations for the year for which such bond is given.

Before any such permit is issued, the person requiring the same shall state in his application therefor where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose said excavation is to be made, and whether or not such person has a bond on file with the Auditor for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as above provided with the City Auditor as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

9.0203 Deposit Forfeited. If at any time within one year after the issuance of the permit referred to in this Chapter the Commissioner of Streets shall find that the work for which the bond deposit was made does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of said notice, then the Commissioner of Streets shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited. The balance unexpended at the expiration of one year from date of such permit shall upon order of the City Council be returned by the City Treasurer to the depositor.

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

9.0204 Supervision of Excavations. The Commissioner of Streets shall supervise all excavations made for any purpose in the streets, alleys or public grounds, and he shall require that all excavations be back-filled in the manner specified.

9.0205 Guarding Excavations. Any person receiving a permit 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. Such flares shall be kept lighted from sundown to sunrise.

9.0206 Refilling Excavations. Any person making such excavation shall, when the same shall be completed, promptly and without delay, refill the same as herein provided.

In refilling any excavation the earth shall be thoroughly settled as the refilling progresses by using water to compact earth; or the earth shall be thoroughly tamped in successive layers of approximately six inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

In making connection to fire hydrants for flushing excavations, all rules and regulations of the Water Department relating thereto shall be observed.

In all cases where excavations are made in the paved district, the earth shall be replaced in the manner above specified and the pavement shall be replaced by the Department of Streets.

- 9.0207 Cutting Pavements. Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the City Treasurer before permit is issued an amount equal to Five Dollars (\$5.00) for each square yard of pavement removed. The deposit shall be used by the Department of Streets in replacing said pavements.
- 9.0208 Excavations Near Street. It shall be unlawful for any person, owner or occupant of any lot to make or cause to be made any excavation on said lot adjacent to any street, alley, public ground, traveled road or roadway except the same be securely guarded so as to prevent the injury of any person or animal passing upon or along the same.

CHAPTER 9.03 - SNOW REMOVAL

- 9.0301 Duty of Owner or Occupant. It shall be the duty of the owner of, occupant or person in possession or in charge of any lot, parcel or plot of ground fronting or abutting upon any sidewalk to keep such sidewalk free and clear from snow and ice at all times. 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.
- 9.0302 City Shall Remove. If the owner or person in possession or in charge of any of said lots, parcels or plots of ground fails or refuses to remove the snow or ice from such sidewalk within twenty-four hours of the falling of said snow or the forming of said ice, the City shall remove or cause to be removed said snow or ice each time it is necessary and assess the cost thereof against the fronting or abutting property.
- 9.0303 Cost Assessed. The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and the same shall be certified to the City Auditor on or before the 15th day of May each year.

The Auditor shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the Council for its approval on or before the 1st day of June of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the Council will meet for the purpose of approving such estimate. Such notice shall be published at least one week prior to the date set for said hearing.

Upon the day so named, the Council shall meet; and if they find said estimate correct, shall approve the same, with or without modification or amendments as they may deem proper, and file said

assessment with the City Treasurer. From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in said assessment and shall be collected in like manner as special assessments are now collected for public improvements.

- 9.0304 Recovery by City. In lieu of spreading the cost of such snow removal as a special assessment against said property in the discretion of the Council, said amount may be recovered in a civil action against the owner or occupant of said property.
- 9.0305 Penalty. Any person whose duty it shall be to remove snow as set forth in Section 9.0301, and who fails to remove such snow within the time therein set forth, shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined not exceeding One Hundred Dollars (\$100.00) in addition to the other penalties prescribed in this Chapter; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk free and clear of snow or ice as provided in this Chapter.

CHAPTER 9.04 - SIDEWALKS AND SIDEWALK CONSTRUCTION

- 9.0401 Supervision of Sidewalk and Curbing Construction. The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the City of Alcester shall be done under direct supervision of the City of Alcester and its duly appointed officers and agents and all such sidewalks shall be constructed on the grades as determined by the said City of Alcester.
- 9.0402 Specifications. The construction of all sidewalks and curbing whether to be done by direct contract with the City of Alcester or by contract with the abutting property owners, shall be done strictly in accordance with the specifications now on file with the Council and on file in the office of the City Auditor. The Council shall have full power to condemn work and material not in accordance with the requirements of said specifications.
- 9.0403 Permit Required. Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the City of Alcester by any contractor or person for the owner or owners of abutting property, said contractor or person must first secure a permit therefor from the City Auditor.

CHAPTER 9.05 - USE OF STREETS AND PUBLIC PLACES

- 9.0501 Obstructions on Streets. No person shall place, leave or keep on any public street, road, alley, sidewalk or other public ground in the City of Alcester any wagon, automobile, cart, truck, sleigh or other vehicle, except when the same shall be in actual use; nor shall any person place, leave or keep on any public street, road, alley, sidewalk or other public ground in this City any other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk or public ground, except as hereinafter provided.
- 9.0502 Materials in Streets, Permits. The Council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building on any public sidewalk, street, road or alley adjacent to the building to be erected or repaired, but such permission shall not excuse the obstruction or occupancy with such materials of more than one-third of the width of any driveway of any street or road.
- 9.0503 Cleaning Streets or the Sidewalk of Rubbish. Every person to whom permission may be granted, as in the above section provided, to place and keep building materials in the street, road or alley, shall cause all such materials and the rubbish resulting therefrom to be removed from such sidewalk, street, road or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the Council; and any person depositing and keeping any building material on such sidewalk or in such street, road or alley under a permit from the Council, shall during every night while the materials shall there remain, keep one or more lighted lanterns or flares so placed that such materials may be easily seen by persons passing along such sidewalk, street, road or alley.
- 9.0504 Excavation Near Street. It shall be unlawful for any person, owner or occupant of any lot or parcel of land within the City of Alcester to make or cause to be made any excavations or excavation on said lot or parcel of land, except the same be securely

guarded so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, street, alley or public grounds or traveled path or roadway.

- 9.0505 Building in Street. No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley or sidewalk in said City, or so constructed that any part of the building proper shall project into or over such street, road, alley, or sidewalk; provided that jut windows, cornices and other projections from the buildings above the first story may extend over an adjoining street, road, alley or sidewalk, not exceeding eighteen inches (18"); and no person shall construct any step, area or other appurtenance to any building extending over or upon the sidewalk, nor shall any person erect in any public street or road any flight of stairs or step leading to any floor of any building.
- 9.0506 Eave Pipes. No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in said City in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in said City.
- 9.0507 Garbage in Streets. It shall be unlawful for any person, firm or corporation to throw, or deposit any ashes, offals, dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slops or any other offensive or putrid matter or thing into or upon any street, avenue, lane, alley or public ground within the corporate limits of the City of Alcester or into any stream of water within the limits of the said City or forming the boundaries thereof.
- 9.0508 Animals and Vehicles on Sidewalks. No person shall ride, drive or lead any horse or mule or drive or lead any cow or any other animal upon any public sidewalk in the City of Alcester, or draw or propel or cause to be drawn or propelled thereon any vehicle ordinarily drawn by horses; or drive or operate, or cause to be driven or operated, any

motor vehicle upon any sidewalk in said City of Alcester, except that the same may be driven across any sidewalk in entering or leaving the premises of any person if there shall be constructed a driveway across said sidewalk at said premises.

CHAPTER 9.06 - MOVING BUILDINGS ON STREETS

9.0601 Permission to Move Building on Streets. It shall be unlawful for anyone to move any building into, along or across any public street, alley or highway within the City of Alcester without having obtained a permit so to do in compliance with the provisions of this Chapter.

9.0602 Application Must State. Anyone desiring to move any building into, along or across any public street, alley or highway within the City of Alcester shall first apply in writing for a permit to do so to the Building Inspector, fully stating the name of the applicant, the name of the owner of the building, the description of the lot on which such building is standing and the lot to which it is to be moved, the street along which it is proposed to move such building, and the time when such removal will take place and the size of the building.

Such application shall be accompanied by the sum of Five Dollars (\$5.00) fee for the issuance of the permit and with a cash bond of at least One Hundred Dollars (\$100.00) to be deposited with the City Treasurer as a pledge or guarantee fund to protect the City against loss or damage to crossing, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by the removal of such building.

Said deposit or the balance thereof, after deducting the amount of damages or expenses, if any, caused by such removal, is to be returned to the person depositing the same upon an official report of the condition of the streets, sidewalks, crossings or other public or private property after such removal, made by the Chief of Police to the City Council.

9.0603 Guarantee Fund. Whenever the Building Inspector shall decide from any examination of the application and from such other information as he may obtain

that the sum of One Hundred Dollars (\$100.00) is not sufficient as a guarantee fund for ample protection of the City against the probable damages and expenses that may be caused by the removal of such building, he is hereby authorized and it shall be his duty to require the deposit of a larger sum than One Hundred Dollars (\$100.00) but not to exceed Five Hundred Dollars (\$500.00).

- 9.0604 Permit, Contents. On the receipt of the application and the guarantee fund as hereinbefore provided, the Building Inspector may investigate the representations of the applicant and if such investigation is satisfactory, he shall deposit said guarantee fund with the City Treasurer to be by him held subject to the order of the City Council, who shall thereupon issue to the said applicant a permit in writing for the removal of such building along or across the streets, highways or alleys to be designated by the Building Inspector, said removal to be finished prior to the time stated in such permit.
- 9.0605 Refunding Guarantee Fund. Before refunding said guarantee fund or any part thereof, it shall be the duty of the City Council to examine the report of the Building Inspector and pay out of said fund or set aside for such purposes the amount claimed or ascertained as the damages for injuries to the public or private property, including the expenses of protection to electric, telegraph and telephone wires as aforesaid, caused or occasioned by the removal of such building as aforesaid.
- 9.0606 Applicant Must Serve Notice to Owners of Wires, Etc. If the permit includes streets, alleys or highways on which are located, or across or along which are strung electric light or telegraph or telephone wires, it shall be the duty of such applicant to notify in writing the resident manager or managing agent or officer of such public service corporation or owner of said line or wires at least twenty-four hours before the commencement of such work, of his intent to so move such building under or across such line or wire and of the approximate time for such crossing of line or wire by such building.

9.0607 Wrecking of Buildings. No person shall wreck or tear down any building or part of a building or permit the same to be wrecked or torn down within the limits of the City of Alcester until the owner thereof has obtained a permit therefor from the City Council.

9.0608 Application for Permit. Such owner shall make written application for such permit in which application he shall describe the building or part of a building which is to be wrecked or torn down. Such application shall have attached thereto a receipt from the Treasurer of the City of Alcester showing that a cash bond has been deposited with the City Treasurer, to be approved by the City Council conditioned that if such application be granted and a permit issued to applicant to wreck or tear down the building or part of a building described in the application that he will conform to all the regulations and requirements relating thereto which are now or which may be hereafter established by the City Council.

That he will promptly fill all excavations and basements left open as a result of the wrecking or tearing down of such building or part of a building and leave the premises in a safe, sanitary and sightly condition and that he will repair and make good to the satisfaction of the City Council any damage to any City property caused by wrecking or tearing down of such building and that he will immediately indemnify and save harmless the City of Alcester against any and all liability for damages, costs or expenses arising from or which may arise from any negligence on his part or on the part of his servants, employees or contractors in connection with wrecking or tearing down of such building and that all taxes and assessments shall be paid in full.

9.0609 Approval of Application. Such application and receipt for cash bond deposited with the City Treasurer shall be filed with the City Auditor and shall be submitted by him to the City Council at the next meeting thereof and if the same shall meet with their approval the City Auditor shall be

directed to forthwith issue to the applicant a permit to wreck or tear down the building or part of a building described in the application. If the same does not meet with their approval, the City Council shall cause the reasons for their disapproval to be endorsed upon such application and bond shall be forthwith returned to the applicant.

TITLE 10 - TRAFFIC CODE

- Chapter 10.01 - Definitions, General Provisions
- Chapter 10.02 - Through Streets
- Chapter 10.03 - Operation of Vehicles
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CHAPTER 10.01 - DEFINITIONS, GENERAL PROVISIONS

10.0101 Definitions. Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section.

(1) Authorized Emergency Vehicle: Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

(2) Business District: The term "Business District" as used in this title shall include the territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings used for business.

(3) Crosswalk: That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

(4) Department: The Police Department of the City of Alcester.

(5) Intersection: The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not one such street or highway crosses the other.

a Business District when the frontage of such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(17) Right-of-Way: The privilege of the immediate use of the street or highway.

(18) Roadway: That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

(19) Sidewalk: That portion of a street between the curb lines and the adjacent property lines.

(20) Street or Highway: Every way set apart for public travel, except foot paths.

(21) Traffic: Pedestrians, ridden animals, herded animals and vehicles while using any street for purpose of travel.

(22) Traffic Control Signal: Any device using colored lights or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(23) Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

10.0102 Police to Direct Traffic. It shall be the duty of the Police Department of this City to enforce the provisions of this title. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this title; provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this title.

10:0103 Chief of Police Authorized to Adopt Emergency Regulations. The Chief of Police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this title and to make temporary regulations to cover emergencies or special conditions; provided that any such regulations are not inconsistent with the provisions of this Title.

10.0104 Public Employees to Obey Traffic Regulations.

A. The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the U. S. Government, this State, County or City and it shall be unlawful for any such operator to violate any of the provisions of this title, except as otherwise permitted in this title.

B. The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this title, while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

10.0105 Persons Propelling Push-Carts or Riding Bicycles or Animals Shall Obey Traffic Regulations. Any person propelling any push-cart or riding a bicycle or an animal upon a roadway and every person driving any animal, shall be subject to the provisions of this title applicable to the operator of any vehicle, except those provisions of this title with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

CHAPTER 10.02 - THROUGH STREETS

10.0201 Designation. The following streets in the City of Alcester are hereby designated as through or arterial streets:

- (1) Main Street from Iowa Street to Highway No. 11.
- (2) South Dakota Highway No. 11.

10.0202 Stop - Through Street. Every operator of a vehicle or other conveyance traversing any street intersecting any through street shall bring such vehicle or conveyance to a full stop at the place within fifteen feet where such street meets the prolongation of the nearest property line of such through street, subject, however, to the direction of any traffic control signs or signals or any Police Officer at such intersection.

The vehicle entering a through highway where there is a stop sign must yield the right-of-way to all vehicles which are either within the intersection or so close thereto as to constitute an immediate hazard.

The Chief of Police is hereby authorized and required to place and maintain or cause to be placed and maintained on each and every street intersecting a through street, and at or near the property line of the through street, appropriate signs upon the street, and in addition thereto, may place and maintain any appropriate devices or marks to bear the word "Stop" and to be located in such position and to be provided with letters of a size to be clearly legible from a distance of at least 100 feet along the street intersecting the through street. All such signs shall be illuminated at night or so placed as to be illuminated by street lights or by the headlights of approaching motor vehicles.

(6) Laned Street: A street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(7) Loading Zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) Official Traffic Signals: All signals not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

(9) Motor Vehicle: Every vehicle, as herein defined, which is self-propelled.

(10) Official Traffic Signs: All signs and markings, other than signals, not inconsistent with this title, placed or erected by a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

(11) Operator: Any person who is in actual physical control of a vehicle.

(12) 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 or traffic signs or signals.

(13) Pedestrian: Any person afoot.

(14) Police Officer: Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(15) Private Road or Driveway: Every road or driveway not open to the use of the public for purposes of vehicular travel.

(16) Residence District: The term "Residence District" as used in this title shall include the territory contiguous to a highway not comprising

CHAPTER 10.03 - OPERATION OF VEHICLES

- 10.0301 Driver's Permit Required. It shall be unlawful for any person, except those expressly exempted by Statutes of the State of South Dakota, to drive any motor vehicle upon any of the streets, highways or alleys within the City of Alcester without first having secured and having in his possession an operator's license or permit so to do as provided by Statutes of the State of South Dakota, providing, however, that a non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or county, may operate a motor vehicle in the City of Alcester.
- 10.0302 Age of Operator. No person under the age of fourteen (14) years shall operate a motor vehicle upon the streets of the City of Alcester.
- 10.0303 Permitting Minor Under 14 to Operate Vehicle. It shall be unlawful for the owner of any motor vehicle to permit any person under the age of fourteen (14) years to operate such motor vehicle.
- 10.0304 Drive on Right Side of Street. Upon all streets, except upon one-way streets, the operator of a vehicle shall drive the same upon 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 travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable to overtaking and passing set forth in this Title.
- The foregoing provision of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds.
- 10.0305 Overtaking. The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, but only when such left side is clearly visible and is free from oncoming traffic for a sufficient

distance ahead to permit such overtaking and passing to be made in safety and shall not cut in front of the overtaken vehicle until safely clear of same.

10.0306 Limitations on Privileges of Overtaking and Passing.

A. The operator of a vehicle shall not drive to the left side of a center line of the traversable roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

B. The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this provision shall not apply at intersections where traffic is controlled by traffic control signals or by Police Officers.

C. The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction on any curve.

D. The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction in any "no passing zone" and the Chief of Police is hereby authorized to designate such "no passing zones" by the painting or placing of double lines in the center of said street and any zone or any street in the City of Alcester where double lines, buttons or lanes have been painted or placed in the center of such street shall be and is hereby designated as "no passing zones" and no operator of any vehicle shall pass any other vehicle proceeding in the same direction in said zone.

10.0307 Operator to Give Way to Overtaking Vehicle.

A. The operator of a vehicle on a street shall not deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first-mentioned vehicle.

B. The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

- 10.0308 Following Too Closely. The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon, and condition of, the highway.
- 10.0309 Vehicles Shall Not be Driven on Sidewalk. The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.
- 10.0310 Operation of Vehicles on Approach of Authorized Emergency Vehicle. Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the operator of every other vehicle shall 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 Police Officer.
- 10.0311 Following Fire Apparatus Prohibited. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet of fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
- 10.0312 Motor Vehicle Left Unattended, Brakes to be Set and Engine Stopped. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle.

- 10.0313 Unlawful to Drive Through Processions Unless Directed by Traffic Control Signals or by Police Officer. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession or other authorized procession while they are in motion. This provision shall not apply to intersections where traffic is controlled by traffic control signals or Police Officers.
- 10.0314 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.
- 10.0315 Obstruction of Operator's View or Driving Mechanism. It shall be unlawful for the operator of any vehicle to drive the same when there are in the front seat of such vehicle more than three adult persons or when in any other manner it is so loaded so as to obstruct the view of the operator to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.
- 10.0316 Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Marshal or Fire Department official in command.

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Driving While Intoxicated. Whoever operates or attempts to operate a motor vehicle on any street or alley of this city while in an intoxicated condition, or while under the influence of liquor or any exhilarating or stupefying drug, shall be deemed guilty of a misdemeanor, and the having on or about his person, or in his clothes, or in or about any vehicle, any of such liquor or drug, is prima facie evidence of the violation of this Title.

Whenever any person is convicted of driving while intoxicated in violation of the provisions of this Ordinance, the Court in which such

conviction is had shall require the surrender to it of all operator's licenses then held by the person so convicted, and the Court shall thereupon forward the same, together with a record of such conviction, to the Department of Motor Vehicles of the State of South Dakota for such action as may be required under the laws of the State of South Dakota.

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Persons Under the Influence of Intoxicating Liquor or of Drugs. It is unlawful and punishable for any person who is under the influence of liquor or any alcoholic beverage or any exhilarating or stupefying drug to drive or be in actual physical control of any vehicle within the City.

In any criminal prosecution for a violation of Section 10.0317 relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

4. The foregoing provisions of this subdivision shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the

defendant was under the influence of intoxicating liquor. The fact that any person charged with a violation of Section 10.0317 is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating Section 10.0317.

- 10.0319 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 circumspection, 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.
- 10.0320 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.
- 10.0321 Exhibition Driving. Any person who drives any vehicle within the limits of the City of Alcester in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of exhibition driving.
- 10.0322 Keep to the Right in Crossing Intersections of Railroads. In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, except upon a one-way street, the operator of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.
- 10.0323 Meeting of Vehicles. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main travelled portion of the roadway as nearly as possible.
- 10.0324 Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two or more

clearly marked lanes for traffic the following rules, in addition to all other consistent herewith, shall apply:

A. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

B. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

10.0325 Driving on Divided Highways. Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

10.0326 Right-of-Way at Intersection. Subject to the exceptions stated in the next succeeding section, the right-of-way rule as between vehicles at intersections is hereby declared as follows:

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 a vehicle on the left shall yield the right-of-way to the vehicle on the right.

C. The operator of any vehicle travelling at an unlawful speed shall forfeit any right-of-way which he may otherwise have hereunder.

- 10.0327 Right-of-Way, Left Turn. The driver 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, but said driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.
- 10.0328 Exceptions to Right-of-Way Rule. The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.
- 10.0329 Stop - Alley or Private Driveway. The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.
- 10.0330 Stop - Through Street. Every operator of a vehicle or other conveyance traversing any street intersecting any through street shall bring such vehicle or conveyance to a full stop at the place within fifteen feet where such street meets the prolongation of the nearest property line of such through street, subject, however, to the direction of any traffic control signs or signals or any Police Officer at such intersection.

The vehicle entering a through highway where there is a stop sign must yield the right-of-way to all vehicles which are either within the intersection or so close thereto as to constitute an immediate hazard.

The Chief of Police is hereby authorized and required to place and maintain or cause to be placed and maintained on each and every street intersecting a through street, and at or near the property line of the through street, appropriate signs upon the street, and in addition thereto, may place and maintain any appropriate devices or marks to bear the word "Stop" and to be located in such position and to be provided with letters of a size to be clearly legible from a distance of at least 100 feet along the street intersecting the through street. All such signs shall be illuminated at night or so placed as to be illuminated by street lights or by the headlights of approaching motor vehicles.

10.0331 Stop at Schools. The Chief of Police is hereby directed to place and maintain or cause to be placed and maintained on all streets approaching a public or parochial school in the City of Alcester appropriate signs upon said street at such distance from the school grounds as may be deemed advisable. Such signs shall be so arranged that the word "Stop" shall be displayed only between the hours of 8:00 o'clock A.M. and 5:00 o'clock P.M. on school days. Every operator of a vehicle or other conveyance approaching such school zone shall bring such conveyance or vehicle to a full stop within fifteen feet of said stop sign before entering such school zone on any school day between the hours herein designated.

10.0332 Stop at Other Intersections. The Chief of Police is hereby authorized to place and maintain or cause to be placed and maintained at the intersection of any street or alley with any other street where in his discretion traffic conditions justify such action, appropriate signs bearing the word "Stop" which said sign shall be located in such a manner and be of such a size as to be clearly legible from a distance of 100 feet along said street or alley intersecting such stop street and shall illuminate at night or shall be placed so as to be illuminated by street lights or the headlights of approaching vehicles, and the operator of any vehicle or other conveyance traversing such street upon which such "Stop" sign has been erected shall bring such vehicle to a full

stop at a place within fifteen feet of the nearest line of the intersection of said streets or street and alley.

- 10.0333 Yield Signs. The Chief of Police is hereby authorized to place and maintain or cause to be placed and maintained at the intersection of any street or alley with any other street where in his discretion traffic conditions justify such action, appropriate signs bearing the word "Yield" or "Yield Right-of-Way", which such sign shall be located in such a manner and be of such a size as to be clearly legible from a distance of 100 feet along said street or alley intersecting such stop street and shall illuminate at night or shall be placed so as to be illuminated by street lights or the headlights of approaching vehicles.

The driver of a vehicle approaching a yield sign 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 he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.

- 10.0334 Stop at Railroad Stop Signs or Signals. All automatic or manually operated traffic signs now in operation at any railroad crossing in the City of Alcester are hereby adopted as official traffic signs or signals and the operator of any vehicle shall, when the word "Stop" is displayed on said sign, bring his vehicle to a complete stop and shall not proceed across said railway tracks while such word "Stop" is displayed.

The operator of any vehicle approaching or crossing any railroad track in the City shall obey all signals by any flagman or other employee of said railway company, to stop and shall not proceed across said track until signalled to do so by said flagman or employee.

- 10.0335 Railroad Warning Signals Must be Obeyed. Whenever any person driving a vehicle approaching a railroad grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.
- 10.0336 Stop - Railway Grade Crossing. Whenever the Chief of Police has designated any particularly dangerous grade crossing of railways and has erected, or caused to be erected, signs thereat, notifying drivers of vehicles upon any such street or highway to come to a complete stop before crossing such railway tracks, it shall be unlawful for the driver of any vehicle to fail to stop within fifty feet but not less than ten feet, from such railway tracks before traversing any such crossing.
- 10.0337 Stop at Railway Grade Crossings - Certain Vehicles. The operator of any motor bus carrying passengers for hire, and the operator of any school bus carrying any school child, and the operator of any motor truck carrying explosive substances or explosive liquids of any specific gravity as a cargo or part of a cargo, and the operator of any vehicle of the tractor or caterpillar type, other than the truck tractor, shall, before crossing at any grade track or tracks of railway, bring such vehicle to a stop not less than ten feet from such railway or more than fifty feet from the nearest rail of such track, and while stopped shall both look and listen in both directions along such track for approaching trains or cars before traversing such crossing.
- 10.0338 Turning at Intersections.

A. Right Turn: The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street, and in turning shall keep as closely as practicable to the right hand edge or curb of the street.

B. Left Turn: The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane of traffic to the right of and next to the center of the roadway, and unless otherwise directed by "turning markers", the operator of a vehicle in turning left at an intersection shall pass to the right of the center of the intersection before turning. Upon streets laned for traffic and upon one-way streets a left turn shall be made only from the left lane of traffic.

C. Turning Markers: The Chief of Police is hereby authorized to place turning markers within or at the entrance to intersections, directing that traffic turning left shall follow a line of travel other than as directed in Paragraph B of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such markers.

D. Turning Left on "Go" Signal: The operator of a vehicle intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a Police Officer, shall proceed to make such left turn with proper care to avoid accident and only upon the green or "Go" signal, unless otherwise directed by a Police Officer.

10.0339 U-Turn at Intersections. At any intersection where traffic is controlled by traffic control signals or by a Police Officer, or where warned by an official traffic control sign displaying the words "No U Turn" or "No Left Turn", it shall be unlawful for the operator of a vehicle to turn such vehicle at the intersection in a complete circle or so as to proceed in the opposite direction or to make a left turn.

10.0340 Turning Around in Midblock Prohibited. The operator of a vehicle shall not turn such vehicle so as to proceed in the opposite direction except at an intersection.

10.0341 Turning Movements and Required Signals.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper

position upon the roadway as required in Section 10.0338 of this Chapter, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without first giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet of travel by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

- 10.0342 Left Turn - Markers. The Chief of Police is hereby authorized to place and maintain, or cause to be placed and maintained, appropriate signs bearing the words "No Left Turn" and it shall be unlawful for the operator of any vehicle to make a left turn at any intersection where such "No Left Turn" markers are in place.
- 10.0343 Signals by Hand-and-Arm or Signal Device. Any stop or turn signal when required herein shall be given either by means of the hand-and-arm or by a signal lamp or lamps or standard approved mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or lamps or signal device.
- 10.0344 Method of Giving Hand-and-Arm Signals. All signals herein required given by hand-and-arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - Hand and arm extended horizontally.
2. Right turn - Hand and arm extended upward.
3. Stop or decrease speed - Hand and arm extended downward.

CHAPTER 10.04 - MOTORCYCLES

- 10.0401 Definition. The term "motorcycle" as used in this Ordinance shall include motorcycles, motorbikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.
- 10.0402 License - Permit. No person shall operate a motorcycle on the public streets or highways without a motor vehicle driver's license or permit upon which a state testing officer has certified that such person is qualified to operate such motorcycle.
- 10.0403 Protective Helmet to be Worn. It shall be unlawful for any person to operate or ride upon a motorcycle on the public streets or highways of this State unless such person wears a protective helmet of a type approved by the Commissioner of Motor Vehicles of the State of South Dakota.
- 10.0404 Muffler. Every motorcycle shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be complete with a cutout, bypass or similar device. It shall be unlawful to make any alterations either by way of addition or modification of any original or stock muffler.
- 10.0405 Passenger. It shall be unlawful for an operator or driver of a motorcycle while operating on the public streets or highways of this state to carry any other person thereon, except on a seat securely fastened to the machine to the rear of the driver provided with foot rests or in a sidecar attached to the motorcycle and designed with the purpose of carrying a passenger. The passenger shall wear all of the safety equipment which is required for the operator of the motorcycle.
- 10.0406 Dealer Renting Motorcycles. No dealer nor person renting or loaning motorcycles shall loan or rent a motorcycle unless a valid license or permit is

shown such dealer by the renter or loanee and possesses the safety equipment required of the operator of such motorcycle.

- 10.0407 No One Except Permittee to Operate. It shall be unlawful for a renter or loanee as provided in Section 10.0406 of this Chapter to permit any other person to operate such motorcycle.
- 10.0408 Operation in Parks. It shall be unlawful to operate a motorcycle in any municipal, county, or state park or recreation area except upon the normally traveled roads or roadways, or in specifically designated areas.
- 10.0409 Parades. This chapter shall not apply to vehicles used for special occasions such as display, parade, exhibitions and similar uses.

CHAPTER 10.05 - SPEED RESTRICTIONS

10.0501 General Restrictions. It shall be unlawful for any person to drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions then existing or at a speed in excess of those fixed by this Chapter or established by the City Council as hereinafter set forth.

10.0502 Speed Zones - Establishment.

A. The City Council is authorized and empowered to determine and establish upon any street or highway within the City or any part thereof, limited speed zones which speed limit shall constitute the maximum speed at which any person may drive or operate any vehicle upon zone, street or highway or portion thereof so zoned, and on which highway the maximum speed permissible in said zone has been conspicuously posted by signs adopted by the City Council.

B. The beginning and end of such limited speed zones shall be indicated by signs showing the speed limits.

C. The City Council may change the speed limit or the extent of any such limited speed zone at any time they may deem necessary.

10.0503 Speed - Limitations. Where no special hazard exists on any section of a street or highway, which section is not zoned and posted as hereinbefore provided, the following speeds shall be lawful, but any speed in excess of said limits shall be unlawful and shall be prima facie evidence that the speed is not reasonable or prudent.

A. Fifteen miles an hour when approaching within fifty feet of any railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway for a distance of four hundred feet in each direction of such crossing.

B. Fifteen miles an hour when passing a school house or grounds during recess or while children are going to or leaving school during opening or closing hours.

C. Fifteen miles an hour in any public park; provided, that the Park Board or another local authority may, by duly posted notices, fix a lower rate, in which case such rate of speed as so posted shall not be exceeded.

D. Twenty-five miles an hour on Main Street.

E. Twenty miles an hour on any street or highway, either in the Business or Residential Districts, except as may be herein increased or modified.

F. It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations except that the City Council is hereby authorized in its discretion to increase the speed which shall be prima facie lawful upon certain portions of Federal highways as required by Federal regulations, provided that there shall be placed adequate signs giving notice of such special regulations.

G. The speed limits set out in this section shall not apply to authorized emergency vehicles when responding to emergency calls provided that the driver thereof shall sound audible signals by siren or horn. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street.

CHAPTER 10.06 - CONDITION OF VEHICLES

10.0601 Muffler Cutouts Regulated.

A. No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. The use of "Smitty" or "Hollywood" mufflers or other devices of like character which make loud noises or explosions are hereby declared unlawful.

B. It shall be unlawful to use a muffler "cutout" on any motor vehicle on a highway.

10.0602 Brakes. Every motor vehicle operated or driven upon any of the streets, alleys, or avenues of this City shall be provided with adequate brakes in good working order sufficient to control such motor vehicle at all times when the same is in use.

10.0603 Lights. Every motor vehicle operated or driven in the City of Alcester shall, during the period of from one hour after sunset and one half hour before sunrise, display lighted lamps as required by Statutes of the State of South Dakota.

10.0604 Horns. Every motor vehicle operated or driven in the City of Alcester shall be provided with a suitable or adequate horn or other device for signaling which shall be in good working order at all times said vehicle is operated on the streets of the City of Alcester.

10.0605 Flags or Light at End of Load. Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and width, except at between one half hour after sunset and one half hour before sunrise there shall be displayed at the end of such load a yellow or red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

10.0606 License Plates. No person shall operate or drive a motor vehicle within the City of Alcester without having conspicuously displayed thereon number plates or plate as required by the Statutes of the State of South Dakota, securely fastened, and shall be kept free from mud, dirt, or other obstruction so that said number plate or plates shall be clearly legible by other persons upon said highway.

10.0607 Windows and Windshield - Obstructions. The windshield and the front side windows of any vehicle operated on the streets of the City of Alcester shall at all times be free and clear of any ice, frost, snow, stickers, signs, placards or anything else which would in any manner tend to obstruct or hinder the view of the driver.

CHAPTER 10.07 - PARKING, STOPPING

10.0701 Parking and Stopping Prohibited in Certain Places. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle on any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) Within fifteen feet of inside boundary line of the sidewalk or if no sidewalk is in place, within twenty-five feet of the intersecting roadway, but this provision shall not apply to alleys.
- (4) Within fifteen feet of the driveway entrance to any fire station, or directly across the street from such entrance.
- (5) Within fifteen feet of a fire hydrant.
- (6) In front of a private driveway.
- (7) On a sidewalk.
- (8) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (9) Against direction of traffic.
- (10) In such manner or under such conditions as leave available less than ten feet of the width of the roadway for free movement of vehicular traffic except that this provision shall not apply to the operator of a vehicle stopping momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic.

10.0702 Parking - Limited Time. The Chief of Police is hereby authorized to designate certain spaces adjacent to any government, state, municipal or other public building or any space in the Business

zone, not metered, as either ten or fifteen minute parking zones, and it shall be unlawful for any person to park any vehicle in any such zone so designated for a longer period than indicated by the signs, and it shall be the duty of the Chief of Police to erect and maintain at the ends of such zones adequate signs indicating the limitation for parking in accordance with the provisions of this section.

10.0703 Loading Zones. The Chief of Police is hereby authorized to designate a certain space or zone in each block and area or on any street in the City of Alcester not exceeding 72 feet in any one block to be known as a passenger or loading or unloading zone in which zone so designated it shall be unlawful to park any vehicle, except for the purpose of loading or unloading merchandise or passengers between the hours of 9:00 o'clock A.M. and 6:00 o'clock P.M. on any day excepting Sundays and holidays and it shall be the duty of the Chief of Police to erect and maintain at the ends of each zone appropriate signs with the words "Loading or Passenger Zone", "No parking between the hours of 9:00 o'clock A.M. and 6:00 o'clock P.M. excepting Sundays and holidays".

10.0704 Taxicab Stands, Bus Stands. The Chief of Police is hereby authorized to designate at such places as he deems proper cab or bus stands and shall erect in such zones or stands adequate signs indicating the extent of such zone, and it shall be unlawful for any vehicle other than a licensed taxicab or bus to park in any such area.

10.0705 No Parking Zones. The Chief of Police is hereby authorized to establish "No Parking" zones or areas upon one or both sides of any street or avenue when parking in such parking zones or areas would, in his opinion, interfere with traffic, create a hazardous condition, or be contrary to the public interest.

Any such zones or areas shall be indicated by signs placed at the ends of each such restricted area or zones designating "No Parking Between Signs" or by painting the curb adjacent thereto with a solid yellow stripe, and no person shall park a vehicle in any such area or zone in violation of any such sign or yellow marking.

Wherever in any street or avenue of the City the curb is painted with a solid yellow stripe by, or under the direction of, the Chief of Police, such stripe or marking shall indicate a "No Parking" area or zone and it shall be unlawful for any person to park a vehicle adjacent to such marking.

- 10.0706 Parking - Alleys. It shall be unlawful for any person to park any vehicle in any public alley within the zone of the fire limits of the City of Alcester, as may now or may hereafter be fixed by ordinance of the City of Alcester, except that trucks and other vehicles may stop in such alleys for the purpose of loading or unloading merchandise or materials, and it shall be the duty of the Chief of Police to erect and maintain signs at the entrance of such alleys, where parking is prohibited as designated by the provisions of this section.
- 10.0707 Parking - Theaters. It shall be unlawful for any person to park any vehicle in that portion of the street immediately adjacent to and in front of any theater or moving picture house and the extent of such restricted parking area shall be marked out by the Chief of Police and he shall erect and maintain "No Parking" signs at the ends of such restricted areas.
- 10.0708 Parking, Double Parking. It shall be unlawful for the operator of any vehicle to stop, stand or park such vehicle on the roadway side of any other vehicle stopped or parked at the edge of or curb of a street except temporarily engaged in the loading or unloading of passengers or materials.
- 10.0709 Parking - Snow Removal. In order that the Street Department may efficiently clean the streets and avenues in the City of Alcester, the Police Department or the person in charge of the cleaning of the streets is hereby authorized to place signs in any block or blocks within said City stating that snow removal will be made that night, in which case it shall be unlawful to park any motor vehicle upon any of the said streets or avenues upon which said signs have been placed, between the hours of 12:00 o'clock midnight and 6:00 o'clock A.M. of the following morning. Such signs shall be placed at the end of each of said blocks to be cleaned.

Any automobile parked in violation of any of the provisions of this section may be removed by the Police Department or the Street Department and the owner thereof, in addition to the other penalties prescribed for the violation of a City ordinance, shall be required to pay the cost of towing and removal of said automobile.

10.0710 Parking for Advertising Purposes Prohibited. It shall be unlawful for any person to park any vehicle having displayed thereon an advertisement, notice or placard advertising or giving notice that such automobile is for sale, for more than thirty minutes at any one time, on any street in a Business District in the City of Alcester.

10.0711 Parallel and Diagonal Parking. No vehicle shall be parked on any street unless such vehicle be parked parallel to the curb headed in the direction of traffic, with the curbside wheels of the vehicle within twelve inches of the curb and no closer than four feet to any other vehicle, front or rear, except upon those streets designated or marked for angle parking where vehicles shall be parked at an angle to the curb indicated by such marks or signs; with the front wheel touching the curb.

10.0712 Removal of Cars illegally Parked. Any vehicle parked in violation of this Chapter may be removed from the streets by the Police Department and placed in public storage, and the owner thereof, in addition to the fines and penalties provided in this Title, shall pay the charges for towing and storage of said vehicle so removed by the Police Department. All money so collected by the Police Department shall be immediately deposited with the City Treasurer.

10.0713 Unloading of Merchandise, Permit.

A. The Chief of Police is hereby authorized to issue, to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading

or unloading while the vehicle is backed against the curb if in the opinion of the Chief of Police such privilege is reasonably necessary to the conduct of the owner's business and will not seriously interfere with traffic.

B. In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

10.0714 Handicap Parking

CHAPTER 10.08 - PEDESTRIANS

10.0801 Pedestrian's Right-of-Way.

A. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by Police Officers or traffic control signals.

B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross a roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

10.0802 Crossing Streets. It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk in the Business District as defined in this Title or on any Federal highway.

10.0803 Pedestrians Rights and Duties at Controlled Intersections.

A. Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections, the pedestrian shall have the right-of-way over drivers of vehicles and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

B. The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for a purpose of permitting a pedestrian to cross.

10.0804 Pedestrians to Obey Traffic Signals. At intersections where traffic is directed by a Policeman

or stop-and-go signals, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic and pedestrians shall obey all traffic signals and directions.

- 10.0805 Pedestrians to Use Right Half of Crosswalk. Pedestrians shall move, whenever practicable, upon the right half of the crosswalks.
- 10.0806 Pedestrians Soliciting Rides. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.
- 10.0807 Boarding or Alighting from Vehicles. It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

CHAPTER 10.09 - SIGNS AND SIGNALS

10.0901 Signs and Signals - Type.

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

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

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

10.0902 Obedience to Traffic Signs and Signals. It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this Title, unless otherwise directed by a Police Officer.

10.0903 Traffic Control Signals. Whenever traffic is controlled by traffic control signals exhibiting successively one at a time, the color green for go, yellow or amber for caution, red for stop, or flashing signals, traffic shall be regulated and controlled thereby as follows:

A. Green means go: Vehicular traffic facing a green signal may proceed straight through or may turn right or left if said traffic control signal is at an intersection, unless such turn at such place be otherwise prohibited, but vehicular

traffic shall yield the right-of-way to other vehicles and pedestrians, lawfully within the roadway, intersection or crosswalk controlled by said signal at the time such signal is exhibited. Pedestrians facing the green signal may proceed across the roadway within any marked or unmarked crosswalk.

B. Yellow or Amber, when used following the green signal means caution: Vehicular traffic facing the yellow or amber signal shall stop before entering the nearest crosswalk, except that if such stop cannot be made in safety, a vehicle may be driven cautiously through the roadway, intersection or crosswalk controlled by said signal. Pedestrians facing the yellow or amber signal are thereby advised that there is not enough time to cross the roadway and they shall remain on the curblin and not proceed across the roadway controlled by said signal until the next green signal appears.

C. Red means stop: Vehicular traffic facing the red signal shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and shall remain standing and shall not enter the intersection or roadway to the front until the green signal is shown. Pedestrians facing the red signal shall not proceed across the roadway to the front until the next green signal appears.

D. A flashing red signal means stop: Vehicular traffic facing the flashing red signal shall first stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and then proceed with caution and with regard to the rules of right-of-way.

E. A flashing yellow or amber signal means caution: Vehicular traffic facing the flashing yellow or amber signal may proceed through the intersection or pass such signal only with caution.

10.0904 Display of Unauthorized Signs and Signals Prohibited.
It shall be unlawful for any person to place or

- 10.0909 Curb Markings - Broken Yellow. Wherever in any street or avenue the curb is painted with a broken yellow stripe by or under the direction of the Chief of Police, such broken stripe or marking shall indicate a limited parking area or zone, the extent of such limitation to be indicated by signs at the end of each such limited area or zone, and it shall be unlawful for any person to park a vehicle adjacent to such limited parking zone for a longer period than indicated upon said signs.
- 10.0910 No Left Turn Signs. The Chief of Police is hereby authorized to place or have placed under his direction at any intersection and at such hours as he deems proper, signs indicating "No Left Turn", and it shall be unlawful for the operator of any vehicle to make a left turn at such intersection when such signs are in place.

CHAPTER 10.10 - MISCELLANEOUS PROVISIONS

- 10.1001 Railway Crossings - Blocking Streets. It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in continuous motion.
- 10.1002 Accident Reports - Personal Injury. The driver 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 in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10.1004 of this Chapter. Every such stop shall be made without obstructing traffic more than is necessary.
- 10.1003 Accident Reports - Property Damage. The driver 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 but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 10.1004 of this Chapter. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.
- 10.1004 Accidents - Duty to Give Information. The driver 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 the registration number of the vehicle he is driving, and shall upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall 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.

- 10.1005 Accident - Unattended Vehicle. The driver striking of any vehicle 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 owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.
- 10.1006 Accident - Duty Upon Striking Fixtures. The driver 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 his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required by ordinance or statute.
- 10.1007 Immediate Notice of Accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$100.00 or more shall immediately by the quickest means of communication give notice of such accident to the Policy Department.
- 10.1008 Garage Keeper to Report Damaged Vehicles. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the Police Department of this City within twenty-four hours after such motor vehicle is received, giving the engine number and the name and address of the owner or operator of such vehicle.

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.

- 10.1005 Accident - Unattended Vehicle. The driver of any vehicle which is unattended shall immediately stop and shall then and their either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.
- 10.1006 Accident - Duty Upon Striking Fixtures. The driver 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 his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required by ordinance or statute.
- 10.1007 Immediate Notice of Accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$100.00 or more shall immediately by the quickest means of communication give notice of such accident to the Police Department.
- 10.1008 Garage Keeper to Report Damaged Vehicles. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the Police Department of this City within twenty-four hours after such motor vehicle is received, giving the engine number and the name and address of the owner or operator of such vehicle.

10.1009 Evidence of Traffic Violations. In any proceeding for violations of the provisions of this Title relating to the operation or parking of motor vehicles, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who was operating or parked such motor vehicle at the point where such violation occurred.

TITLE 11 - WATER AND SEWERS

Chapter 11.01 - Water

Chapter 11.02 - Water Rates

Chapter 11.03 - Sewers

CHAPTER 11.01 - WATER

11.0101 Installation of Meters. The City of Alcester, through its Water Department, shall have the right at any time to install a meter on any service connected with the city water mains and from the time of such installation the meter rates established by the ordinances of said City shall take effect and apply to water delivered through such service; provided, that if the water rates for such premises shall have been paid in advance at existing flat rates, a credit for the unexpired time for such advance payment in proportion to the whole time thereof shall be allowed upon the meter rates.

Water meters up to and including three-fourths inch shall be furnished and installed by the City free of charge to the consumer, upon a deposit of \$5.00 to cover repairs, but any meters larger than a full three-fourths inch meter shall be furnished and paid for by the user and installed by the City; provided, however, that any meters so furnished by users shall be of such kind and quality as specified and approved by the Water Department of the City of Alcester.

11.0102 Duty and Responsibility of Owner or Occupant. A suitable place, safe from frost or other damage and accessible for examination, must be provided for said meter at the expense of the owner or occupant, and in all cases where the meter is injured by freezing or where it is otherwise damaged by the act or neglect of the owner or occupant of the premises or of his agent or servants, the cost of repairing or replacing the same shall be paid by the owner or occupant, and in case of neglect or refusal to pay the same on demand, the water supply may be turned off and shall not be again turned on until such cost and penalty of \$2.00 for turning off and on are paid.

thawing pipes, or any other purpose, whether owned by the City of Alcester or by the owners or consumers, and any person or persons violating any of the provisions of this section shall upon conviction thereof be fined in a sum not exceeding \$100.00, and shall be liable for any loss or damage occurring by reason of such violation.

11.0129 Regulations for Openings. In case any person, firm or corporation owning property fronting upon any of the streets, alleys or avenues mentioned in this Ordinance shall show to the City Engineer that they have failed to install water, sewer and gas connections prior to the laying of the pavement, in said streets, alleys and avenues through any sufficient cause, or that the sewer, water and gas mains already installed on said streets, alleys or avenues have become defective and in need of repair, or in case any public service corporation shall desire to open said pavement for the laying of mains or conduits, they shall make application for permit for such excavation as provided in this Ordinance; provided, that if such excavation contemplates installation of water or sewer services, the Water Department shall be notified of such application by the City Engineer prior to the granting of such permit.

11.0130 Restrictions - Sprinkling, Air Conditioning. All water used for air cooling systems, lawn or garden sprinkling is subordinate to domestic use or fire protection and may be restricted by the City Council at any time, should the scarcity of water or an emergency of any kind so require. Such restrictions shall be imposed by resolution of the City Council, and notice thereof given the public by publication of such restriction and the extent thereof, in the official newspaper, and, if possible, by radio announcement, at least twenty-four hours before the effective date of such restrictions, and it shall be unlawful for any firm, person or corporation to use city water in the manner or at the times restricted by such resolution.

- 11.0124 Changing Pipes to Conform with Ordinance. Pipes and appurtenances already put in which are not put in accordance with the provisions of this Chapter must be made to comply with the rules laid down in this Chapter, and if not complied with in a reasonable time, the water supply will be cut off.
- 11.0125 Public Hydrants. All hydrants located in the City of Alcester for the purpose of extinguishing fires in said City are hereby declared to be public hydrants, and no person or persons, other than members of the Fire Department of said City, for the use and purposes of said Department, and those especially authorized by the Water Department, shall draw water from the same, or in any manner interfere with or injure any of said hydrants. Any person violating any of the provisions of this section shall, upon conviction thereof, be fined as provided by the general penalty of this Ordinance.
- 11.0126 Enforcement of Rules. It shall be the duty of the Water Department, Chief of the Fire Department, and all persons in the employ of the City having police powers to enforce the foregoing rules by making prompt complaint before the City Council against all persons violating said rules.
- 11.0127 Water Department - Definition, Duties. The term "Water Department" when used in this Ordinance shall be construed to mean that department of the City government having charge and control of the municipal waterworks, and any and all property pertaining thereto, of the City of Alcester; and it shall be the duty of said Department to see that the same is protected from unnecessary damage and loss, and to keep said waterworks in good running order and repair and said Department shall make a monthly report of its activities, etc., to the City Council or oftener if requested, of all its acts and doings in and about same, and a record shall be kept of all matters which will show at all times the true state and condition of said office.
- 11.0128 Removing or Disturbing Covers of Meters - Penalty. Plumbers and other persons are prohibited from removing, disturbing, uncovering or in any way exposing meters for the purpose of making repairs,

and shut-off boxes for each premises on the outside of the lot line, or when only one curb-cock is used, the person or persons controlling the same must pay the water rent of the parties who are thus supplied, as separate water rates will not be made without separate curb-cocks.

- 11.0121 Laying Larger Pipes for Fire Protection. When proprietors of lumber yards, manufactories, halls, stores, hotels or public buildings, regular customers from the waterworks wish to lay larger pipes with hydrants and hose coupling to be used only in case of fire, they will be permitted to connect with the street main at their own expense, upon application for permit to the City Water Department, and under the direction of the City Council, will be allowed to use the water, for fire purposes only, free of charge. No stand-pipe will be allowed on the premises where water is not taken for other than fire purposes.
- 11.0122 Unnecessary Waste of Water. Hydrants, taps, hose, water closets, urinals, bath and other fixtures will not be permitted to be kept running when not in use, and it is hereby made the duty of the Water Department to enforce this section, and also to notify the consumers of the unnecessary waste of water on their premises. If within forty-eight hours after being so notified that water is being wasted, the necessary repairs are not made, the Water Department shall forthwith shut off the water on the premises and before it shall be turned on again, the consumer shall pay the fine as provided in this Ordinance.
- 11.0123 City May Shut Off Water for Repairs. The City reserves the right at any time to shut off the water on the main pipe for the purpose of repairing the same, making connection, or extension to the same, or for the purpose of cleaning the same, and it is expressly understood that no claim shall be made against the City by reason of the breaking of the service pipe or service curb-cock, or from any damage arising from shutting off the supply for repairing, laying or relaying main, hydrants or other connections. It is hereby made the duty of the Water Department to give such reasonable notice as shall be practicable.

registered in excess of the minimum amount allowed by the established rates.

- 11.0107 Protection of Meter. Where a meter has been placed on a pipe connected to a boiler or other hot water apparatus, a check valve must be placed between such meter and the boiler or hot water apparatus which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for such damages.
- 11.0108 City Not Liable for Damages. The City of Alcester will not be responsible for damages caused by the breaking of a meter or from any accidents resulting from variation in water pressure or the ram of the water in the mains.
- 11.0109 Penalty for Interference. Every person who shall break or deface the seal of any water meter, or who shall obstruct, alter, injure or prevent the action of any water meter, or who shall make any connection by means of a pipe or otherwise with any main or pipe used for the delivery of water to a consumer in such manner as to take water from said main or pipe without its passing through the meter, or who shall use any water so obtained, or who shall with intent to defraud, make any connection or reconnection with such main or pipe, or turn on or off or in any manner interfere with any valve, stop-cock or other appliance connected therewith, shall upon conviction thereof be fined not more than \$100.00 or be imprisoned not more than thirty days, or be subject to both such fine and imprisonment, in the discretion of the Court.
- 11.0110 Permits. No person shall make any extension to or alteration of any tap, pipe or other fixture attached to any pipes of the Water Department without first having obtained a written permit so to do, and a full report of such work must be made within 24 hours after the completion of said work.

The owners of property desirous of using water from the distributing pipes shall make application in writing, either by themselves or

- 11.0116 Rent Must be Paid before Water Turned On. The water will not be turned on in any house or private service pipe until the applicant shall have paid the rent due and shall exhibit his receipt therefor.
- 11.0117 Right of Access to Premises for Inspection. The Chief of Police or such other person as he may direct shall be authorized to enter and have free access at all reasonable hours to premises to ascertain the location or condition of all hydrants, pipes or other fixtures attached to the waterworks; and in case he finds a waste on account of negligence or want of repairs, and if such waste is not immediately remedied, the water leading to such premises shall be turned off. It shall be the duty of said officers, in case they discover any defect in the private service pipe or in the street, to give notice in writing to be left on the premises, and if necessary repairs are not made within twenty-four hours thereafter, the water shall be turned off and shall not be turned on again until the sum of \$5.00 has been paid to the Treasurer of the City of Alcester.
- 11.0118 Must Repair Connections. Persons taking water from the distributing pipe must keep their service pipe and fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all unnecessary waste, or the water will be shut off. No abatement shall be allowed from the price charged or agreed upon by reason of the breaking, nor will the City of Alcester, its Mayor or City Council, in any case be liable or responsible for any damage growing out of the stoppage of such water or any insufficient supply of the same as to quality or quantity. All persons using water from the waterworks for any purpose whatever will do so at their own risk.
- 11.0119 Notice to Discontinue. Any person desirous of discontinuing the use of water must give notice in writing to the Water Department, on or before the day to which the rent has been paid, or they will be charged with water rent to the next rent day.
- 11.0120 Service Pipes Supplying More Than One. Service pipes intended to supply two or more distant premises must be provided with separate curb-cocks

- 11.0103 Each Building to Have Separate Cut-off. Every separate building must have its own separate cut-off placed at the outside edge of the sidewalk or in the alley; provided, that when two or more buildings are already supplied through one service connection and one cut-off, such service may be continued until separate services and cut-offs are ordered, but if the water rates for any of said buildings shall become delinquent and so remain for a period of fifteen days, the water supply may be cut off from all of said buildings and shall not be again turned on until such delinquent rates and a penalty of \$2.00 for turning on and off are paid. The Water Department may order separate service connections for any such buildings so already supplied through one service if or whenever the city main has been laid in the street adjacent to said building.
- 11.0104 One Meter. The supply of water through each separate service must be recorded by one meter only, for which only one bill will be rendered by the City. If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set by the owner or consumer at their own expense and they must assume all responsibility of maintaining and reading the same.
- 11.0105 Notice. In case of the breakage or stoppage or any other irregularity in the meter installed by the City, the owner or consumer is to immediately notify the Water Department and any necessary repairs will be made under its supervision.
- 11.0106 Testing Meters on Request of Consumer. Upon the written request of any owner or consumer, the Water Department will test the meter supplying the premises. The owner or consumer may, if desired, be present when the test is made. The result of the test will in all cases be reported to the owner or consumer requesting the test. If the test of the meter shows that it fails to register correctly within two per cent on a flow equal to one-eighth of the diameter of the service, the Water Department shall make a charge or allow a credit in proportion to the error for all water

their authorized agents, to the Superintendent of Waterworks. The applicant to state the size of the tap, kind of service pipes to be used, the description of the premises and name of the owner.

The fees for tapping city water mains shall be as follows:

| | |
|----------------|----------|
| 1 1/2 inch tap | \$100.00 |
| 1 inch tap | 70.00 |
| 3/4 inch tap | 50.00 |

The application shall be accompanied by the fee for the desired size tap.

Such application must be made and approved by the City Council at least two (2) days before the work is commenced. If and when the application is approved, the Superintendent of Waterworks shall instruct the City Plumber to tap the water main and install the desired size of service pipe to the owners curb line.

- 11.0111 Depth of Service Pipes. Within the limits of the street, service pipes shall in no case be laid at a depth less than six feet below the lowest part of the gutter, and in no case shall the service pipe be laid nearer than six feet to a service pipe of any character either in street or on private property.
- 11.0112 Curb-Cock in Service Pipe. There shall be a brass curb-cock in each service pipe under the exclusive control of the City Council. Said curb-cock shall be placed in the pipe on the outer side of the sidewalk, just inside the curb or at the alley line, and no person not a direct employee of said City Council shall open or close or otherwise interfere with said curb-cock. Such curb-cock shall be provided with a box or tube or approved pattern, and the top of each box or tube shall be placed on the level with the grade of the sidewalk or alley, and no premises shall be supplied without said box being in good order. In case of neglect or refusal of the occupant or owner to provide or repair the box within a reasonable time, when notified, the Water Department shall cause it to

be done and charge the expense against the premises, to be collected with the bill of supply of water that shall become due against said premises. Each service pipe must be furnished with a stop-cock and waste below the action of the frost, so situated that the water can be conveniently shut off and drained from the pipe to prevent freezing. There shall be also a stop-cock in every attachment located at the first suitable point beyond the street or alley limits to enable consumers to turn the water off in case of accident to the pipes on the premises.

- 11.0113 Guarding Excavations. No excavation in any street or public place shall be left open over night, except in cases of necessity in which event the Water Department must maintain suitable barriers and signals of warning during the night.
- 11.0114 Return of Plumber. All plumbers shall make full returns of the ordinary and special uses to which water is designated to be applied under any permit granted by the city, with a description of all apparatus and arrangements for using the water in every case. This return is to be made by the plumber who does the work, within forty-eight hours after the completion of said work, to the City Water Department. For any misrepresentations or omissions in the statement of the work done, or appurtenance set, through which there may be water used, the plumber may be suspended or his license may be revoked.
- 11.0115 Penalties. Any person who shall lay any water service pipe or introduce into or about any building or on any grounds any water pipes, or do any plumbing work in any building or on any grounds for the purpose of connection of such pipes or plumbing with the pipes of the City Waterworks, or preparing them for such connection with a view of leaving such premises supplied with water by such waterworks, or who shall make any addition to or alterations of any water pipes, water closet, stop-cock or other fixtures or apparatus for the supply of any premises with water without first having obtained a permit in writing for doing such work from the Water Department of the City of Alcester, shall be subject to fine as provided in this Ordinance.

ORDINANCE 154 - 1974
201 - 1975
* 204 - 1976
Pumped
rate

CHAPTER 11.02 - WATER RATES

11.0201 Rates Within the City - Residences North of the City, West of State Highway.

A. Flat Rates.

- (1) Water - \$4.50 per quarter
- (2) Sewer rent - \$1.50 per quarter
- (3) Garbage collection - \$1.50 per quarter
- (4) Billing to be on a quarterly basis. Water, sewer rent and garbage collection to be billed together.

B. Meter Rates Inside the City.

- (1) All consumers having regular installed meters, the rate shall be as follows: If less than 17000 Gallons, the minimum rate shall be \$8.50 per quarter plus \$1.50 per quarter for sewer rent.

| | | | |
|------------------|-----------|---------|---------|
| First 17000 Gal. | 50¢ per M | - - - - | \$ 8.50 |
| Next 13000 Gal. | 30¢ per M | - - - - | 3.90 |
| Next 20000 Gal. | 25¢ per M | - - - - | 5.00 |
| Next 50000 Gal. | 15¢ per M | - - - - | 7.50 |
| All excess | 10¢ per M | | |

- (2) Sewer rates shall be ten per cent (10%) of the sum paid for water.
- (3) Garbage collection - \$1.50 per quarter.

11.0202 Meter Rates Outside the City - Morningside Manor, Lincoln Union Electric, Bowling Alley and Motel.

A. The water rates outside the City shall be as follows:

Minimum \$16.00 per quarter

| | | | |
|------------------|-----------|---------|---------|
| First 20000 Gal. | 80¢ per M | - - - - | \$16.00 |
| Next 20000 Gal. | 70¢ per M | - - - - | 14.00 |

| | | |
|-----------------|-------------------|-------|
| Next 30000 Gal. | 50¢ per M - - - - | 15.00 |
| Next 30000 Gal. | 30¢ per M - - - - | 9.00 |
| All excess | 20¢ per M | |

B. Sewer rates shall be twenty per cent (20%) of the sum paid for water.

11.0203 Billing. Consumers paying by the month shall pay on the fifteenth day of the succeeding month for all water used during the preceding month. Consumers paying by the quarter shall pay for water used during the preceding quarter on the fifteenth day of the succeeding quarter, such quarters ending on April 1, July 1, October 1, and January 1. Such payments shall be made to the City Auditor, and consumers who fail to pay their accounts by the due date shall pay a penalty of One Dollar (\$1.00) thereon on payment of such account.

11.0204 Water Rates - When Delinquent. All water accounts shall be payable at the office of the City Auditor and if not paid within fifteen days after the same have become due, they shall be delinquent and a penalty of One Dollar (\$1.00) shall be added to each bill. If said water bill and penalty shall not be paid within fifteen days after becoming delinquent, the water shall then be shut off without notice and shall not be turned on again until all back rents and penalty together with a charge of \$2.00 for turning the water off and on is paid. No notice is required to be given when water rents become due or delinquent. The City Council shall have the right at any time to make rules or regulations governing the use of water furnished by the City.

11.0205 Deposit Required. Any consumer who is not the owner of the real property on which said water is consumed shall make a meter deposit of Five Dollars (\$5.00) when consumption of water begins, which shall be retained during the period of non-ownership.

11.0206 Leaks and Waste. No allowance will be made on water bills for excessive use occasioned either by leaks or waste.

11.0207 Owner, Lessee Liable. The owner of private property, which property has upon its pipes connected with the City Waterworks to convey water upon such property shall, as well as the lessee or occupant of the premises, be liable to the City of Alcester for the rents or rates of all water from said waterworks used upon said premises, which may be recovered in an action against such owner, lessee, or occupant or against any or all of them.

CHAPTER 11.03 - SEWERS

- 11.0301 Connections, Permit. No person, firm or corporation shall connect its property with any opening or tap into any of the public sewers of the City without first having obtained a permit to do so from the City Water and Sewer Department upon the payment of the sum of Five Dollars (\$5.00) as a fee for designating the opening or connection trap, and the City furnishes material in making such tap. Charges shall be made at labor and machine rates. No permit shall be granted to connect any property with any public sewer in this City or any opening or connection therewith, until the applicant for the same shall have complied with such terms and conditions as the City Council may direct, and subject to the rules and regulations of the Health Officer in relation to the connecting of property into such sewers and the openings into the same.
- 11.0302 Property Not Allowed to Connect. Property not assessed for or not having paid its just proportion of the cost of construction of a public sewer to be connected with and the fees for such tapping not having been fixed by special ordinance of the City of Alcester shall pay to the City Treasurer as a special tapping fee such sum as such property would be justly assessed on account of the construction of such sewer, had such property been in the district taxed, said amount to be determined by the City Council prior to the granting of any such permit.
- 11.0303 Materials Used in Sewers and Connections. In the construction and connection of sewers, the main soil pipe shall be of iron and the waste pipes and their branches shall be of iron and lead. Wooden spouts or sheet metal pipes shall not be used for carrying sewerage.
- 11.0304 Dimensions of House or Building Drain. No house or building drain shall be less than four or more than six inches in diameter.
- 11.0305 Drain to be Trapped with Trap. Every house or building drain shall be trapped with a running trap of the same size and material as the drain, and if

within the house or building the trap shall be provided with a hand hole for convenience in cleaning; no connections shall be made with the drain on the main sewer line side of said trap.

- 11.0306 Grease Trap. A proper grease trap or catch basin shall be provided for all hotels, restaurants, boarding houses, laundries, garages, butcher shops, lard rendering establishments and all other places where the Water Superintendent may direct.
- 11.0307 Connections with Cesspool, etc. Not Allowed. No connection from any cesspool or privy vault shall be made with any sewer or drain pipe.
- 11.0308 Water from Roofs into Sewer - Penalty. It shall be unlawful for the owner or occupant of any premises in the City of Alcester to discharge or permit to be discharged into the sanitary sewer system of the City of Alcester, or into any drain or sewer connected with said sanitary sewer system any storm water whatever from the roofs of buildings, from the overflow of cisterns or otherwise.
- 11.0309 Manner and Grade of Laying Sewers. All connections with the public sewers shall commence from the sewer's end and be laid towards the house or building, and the grade of said connection shall not be less than one inch in horizontal per lineal foot of sewer, which said sewer shall be laid to conform to a practical grade, and in no case shall there be a break in the grade or in the alignment of the sewer line between the connection and property line of the property served. In no case shall any connections be laid in the same trench with or nearer than six feet to water, gas or service pipes of any other character. Prior to making any excavation for the laying of any sewer line to connect with a public sewer in any street, the sewer builder shall, at the time of making application for permit, ascertain from the Water and Sewer Department the location and depth of any water main located in such street and any excavation within one foot of said water main shall be by hand and no machine digging or trenching shall be done when the excavation comes within a one-foot proximity to such water main.

- 11.0310 Inspection. No service sewer shall be filled or sewer pipe covered until the service sewer has been first inspected by the Water Superintendent of the City of Alcester, and all persons making service sewer connections shall give at least four hours notice to the Water Superintendent of the time when such service will be ready for inspection, and it shall be the duty of the Water Superintendent, within reasonable time after such notice, to inspect such service sewer and if, in his judgment, such service sewer is properly connected and laid with a proper grade, he shall give permission for the filling of the trench, and if he finds such service sewer defectively or improperly laid and connected, he shall order the same taken out and relaid in accordance with his directions.
- 11.0311 Openings for Sewer Connections. All openings for the purpose of tapping the sewer shall be made from the top of the street down and extend the whole line of said connection and all persons tapping sewers as above shall return the earth taken therefrom, said earth to be packed by tamping and the street left in as good condition as before said work was begun.
- 11.0312 National Plumbing Code to Govern. All provisions of the National Plumbing Code as adopted in this Ordinance, insofar as said Code relates to sewers, shall govern and take precedence over this Chapter, and in the event that any of the provisions of this Chapter shall conflict with said National Plumbing Code, the provisions of said Code shall govern.

12.0105 Penalty. Any person violating any of the provisions of this Title shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), and each day said trailer is parked in violation of this Title shall be deemed a separate violation and offense.

TITLE 12 - TRAILERS OR AUTOMOBILE TRAILERS

Chapter 12.01 - Trailers or Automobile Trailers
Chapter 12.02 - Trailer Camps

CHAPTER 12.01 - TRAILERS OR AUTOMOBILE TRAILERS

- 12.0101 Definitions. An "Automobile Trailer", "Trailer Coach", or "Trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.
- 12.0102 Location Outside Camps. It shall be unlawful within the City of Alcester for any person to park any trailer or trailer coach as herein defined on any street, alley or highway or other public place or on any tract of land owned by any person, occupied or unoccupied, except as provided by this Ordinance.
- 12.0103 Emergency or Temporary Parking. Emergency or temporary parking or stopping is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- 12.0104 Parking Outside of Approved or Licensed Trailer Camps. No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved or licensed trailer camp; except, the parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

CHAPTER 12.02 - TRAILER CAMPS

12.0201 Definition. A "Trailer Camp" means any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. "Trailer Camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

12.0202 License for Trailer Camp, Application Therefor and Issuance Thereof.

A. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a trailer camp within the limits of the City of Alcester, without having first secured a license therefor and for each of them from the City of Alcester granted and existing in compliance with the terms of this Chapter. All such licenses shall expire on the 31st day of December of each year, but may be renewed under the provisions of this Chapter for additional periods of one year.

B. The application for such license or the renewal thereof shall be filed with the City Auditor and shall be accompanied by license fees as follows:

For all trailer camps with ten or less units, \$15.00 per year;

For camps with from eleven to twenty-five units, \$20.00 per year;

For all camps having over twenty-five units, the sum of \$35.00 per year.

C. The application for a license or a renewal thereof shall be made on printed forms furnished by the City Auditor and shall include the name and

address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the trailer camp and make the application), and such legal description of the premises upon which the trailer camp is or will be located as will readily identify and definitely locate the premises. The application, except in the case of renewal, shall be accompanied by a camp plan showing the general layout, location of the camp, plans for water supply and sewage disposal, and plan for electrical lighting of units.

D. Such license shall be granted by the governing body at a regular meeting of the City Council.

TITLE 13 - REPEALING CLAUSE AND GENERAL PENALTY

Chapter 13.01 - Repealing Clause

Chapter 13.02 - General Penalty

CHAPTER 13.01 - REPEALING CLAUSE

- 13.0101 Conflicting Ordinances Repealed. All ordinances or 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, except as stated in this Chapter, are hereby repealed; provided, however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, franchise ordinances, levying ordinances for the issuance of bonds or special ordinances of like character, nor shall this Ordinance repeal or modify the provisions of any zoning ordinances or other ordinances requiring a special method of adoption, nor shall this Ordinance repeal or modify the provisions of any resolution heretofore adopted by the City of Alcester, unless the provisions of this Ordinance either modify, repeal or amend such resolution; and all such ordinances and resolutions shall remain in full force and effect.
- 13.0102 Publication and Effect. This Ordinance shall be printed, mimeographed or copied on a copying machine as may be directed by the City Council and shall take effect immediately upon its adoption and the completed publication of notice as provided by Section 9-19-17 SDCL 1967.
- 13.0103 Validity. Should any 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.

CHAPTER 13.02 - GENERAL PENALTY

13.0201 General Penalty. Except as in this Ordinance otherwise specifically provided, any person or persons, firm or corporation violating any of the provisions of this Ordinance or failing to comply with any of the provisions thereof, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding One Hundred Dollars (\$100.00) or by imprisonment for a period not exceeding thirty (30) days or by both such fine and imprisonment; provided, that in all cases where a fine is imposed, the Court may, in the event the fine is not paid, commit the person or persons to the City Jail or Workhouse for a period of one day for each Two Dollars (\$2.00) of said fine.

Passed first reading _____

Passed second reading _____

Approved and adopted _____

Notice of adoption
published _____

Effective date _____

Mayor

ATTEST:

City Auditor

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WEEDS

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WELLS

7.0606

WINDOWS AND WINDSHIELDS, Obstructions

10.0607

WRECKING OF BUILDINGS

9.0607

Application for Permit
Approval of Application

9.0608

9.0609

YIELD SIGNS

10.0333

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YIELD SIGNS

10.0333

TITLE 13 - REPEALING CLAUSE AND GENERAL PENALTY

Chapter 13.01 - Repealing Clause

Chapter 13.02 - General Penalty