

TITLE 1—ADMINISTRATIVE CODE

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Chapter 1-1 Appointive Officers

- 1-1-1 Appointive Officer, Method of Appointment. All appointive officers shall be appointed by the Mayor with the approval of the City Council at the first regular meeting in May, and shall hold office until their successor shall be appointed and qualified.
- 1-1-2 Appointive Officers, Salaries, Bonds. The following offices or positions of the City, as heretofore created, are continued and the salaries of such designated officers or employees shall be paid, and the amounts of salaries and bonds to be furnished them shall be fixed by motion or resolution of the City Council and shall be adjusted as deemed necessary by motion or resolution of the City Council of the City of Leola and said amounts shall be on file at the office of the Finance Officer. All salaries are to be published once a year in the local newspaper.
- In addition to the officers provided above, there shall be appointed by the Mayor with the approval of the City Council, all employees of the City, and such other personnel, professional and otherwise, required and necessary for municipal purposes.
- All compensation for said personnel shall be prescribed by motion or resolution at any time prior to or after appointment.
- 1-1-3 Compensation, Employees other than Appointive. The compensation of City employees not named above shall be fixed by motion or resolution at any time regardless of the time when any City employee may have been appointed.
- 1-1-4 Vacation. The Vacations and Sick Leave Policy, in effect, is on file in the office of the City Finance Officer of the City of Leola.

Chapter 1-2 Mayor and City Council

- 1-2-1 Regular Meetings. The regular monthly meetings of the City Council of the City of Leola shall be held at the Municipal Building in said City on the first Monday of each month at 7:30 p.m., except when Monday be a legal holiday, and in that case the meeting shall be held at 7:30 p.m. on a specified date.
- 1-2-2 Special Meetings. Special meetings of the Council may be called at any time by the Mayor, or by the Finance Officer at a request made by the Mayor or any three Aldermen.
- 1-2-3 Notice of Special Meetings. The Mayor may call a special meeting by notifying the members of the City Council then in the City orally or by telephone at a reasonable time prior to such meeting, and may in his/her discretion authorize the Finance Officer to notify the members of the City Council of a special meeting in the same manner.
- 1-2-4 Adjournment of Meetings. Any regular or special meeting may be adjourned to meet at a later date to be fixed at the time of adjournment.
- 1-2-5 Duties. The Mayor and City Council shall have such authority and perform such duties as are prescribed by the Statutes of the State of South Dakota and City Ordinances of the City of Leola.
- 1-2-6 Committees. The Mayor may appoint such committees of the members of the City Council as he deems desirable to accomplish an efficient division of the work and duties to be performed by the Council.
- 1-2-7 Salaries of Mayor and Council Members. The salaries of the Mayor and City Council members shall be fixed by motion or resolution and said amounts shall be placed on file in the office of the City Finance Officer.

Chapter 1-3 Code of Conduct for Federal Grants

- 1-3-1 Purpose. The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of Federal grant funds in compliance with Federal Office of Management and Budget (OMB) Circular A-102, Attachment 0, Paragraph 7, and other applicable Federal and State standards, regulations, and laws.
- 1-3-2 Application. This Code of Conduct applies to all officers, employees, or agents of the City of Leola engaged in the award or administration of contracts supported by Federal grant funds.
- 1-3-3 Requirements. No officer, employee, or agent of the City of Leola shall participate in the selection, award, or administration of a contract supported by Federal grant funds if a conflict would arise when:

- A. the employees, officer, or agent;
- B. any member of his/her immediate family;
- C. his/her partner; or
- D. an organization which employs, or is about to employ any of above has a financial or other interest in the firm selected for award.

The City of Leola's officers, employees, or agents shall neither solicit, nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

- 1-3-4 Remedies. To the extent permitted by Federal, State, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Chapter 1-4 Financial Regulations

- 1-4-1 Salaries. The salaries of the various officers shall be paid from such funds as may be from time to time designated by motion or resolution of the City Council.
- 1-4-2 Waterworks Revenues. All revenues of the City of Leola received from the operation of the City Waterworks shall be paid to the Finance Officer and shall be credited to the Water Fund of said City.
- 1-4-3 Sewer Revenues. All Revenues of the City of Leola received from the operation of the City Sewer shall be paid into the Finance Officer and shall be credited to the Sewer Fund of said City.
- 1-4-4 Swimming Pools and Parks Revenue. All revenues of the City of Leola received from the operation of Parks and Swimming Pool shall be paid to the Finance Officer and shall be credited to the General Fund of the City.
- 1-4-5 Miscellaneous Revenues. All revenues of the City of Leola received from licenses, fines, interest, and other fees shall be paid to the Finance Officer and credited to the General Fund unless otherwise specifically provided by Ordinance.

Chapter 1-5 Police Department

- 1-5-1 Police Officers. The Police Department of the City of Leola shall consist of the Chief of Police and such number of policemen or patrolmen as from time to time the City Council may deem to be necessary.
- 1-5-2 Duties. The officers shall obey the orders of the Mayor and City Council, enforce all Ordinances of the City of Leola, and shall perform such additional duties as may be prescribed by the Mayor and City Council.
- 1-5-3 Time of Duty. The Mayor and City Council shall determine and set the exact time each officer shall devote to the duties of law enforcement. The officer on duty shall have custody of the police automobile of the City of Leola.
- 1-5-4 Contract with Brown County and Edmunds County. The City Council is authorized to contract with Brown County to care for either County or City prisoners at such terms as may be agreed upon between the City Council and the County Commissioners of Brown County and Edmunds County. Prisoners needing to be detained for periods longer than 24 hours shall be handed over to the Brown County Sheriff or Edmunds County Sheriff for care and supervision.

Chapter 1-6 Fire Regulations

- 1-6-1 Duties of the Chief. The Chief of the Fire Department shall have direct supervision and control of all fire apparatus and equipment owned and maintained by the City of Leola for fire extinguishment or prevention, or for the public safety; and he shall have sole and absolute control over all persons and property connected with said Fire Department.
- 1-6-2 Destroying Buildings in Case of Fire. The Chief of the Fire Department may direct that any building or structure may be pulled or cut down or removed, or he may take such other steps as he may deem necessary to arrest the progress of any fire.
- 1-6-3 Resisting Officer at Fire. It shall be unlawful for any person to hinder or resist any officer or member of the Fire Department or any police officer in the discharge of his/her duties at any fire, or to conduct himself in a disorderly or noisy manner at any fire, or without reasonable excuse to refuse to obey any lawful order of the Chief of Police or Chief of the Fire Department in any manner relating to the extinguishment of any fire.
- 1-6-4 Taking Apparatus without Leave. No Fire apparatus or equipment shall at any time upon any pretext be taken, used, or removed without permission of the Chief of the Fire Department.

1-6-5 Injury to Apparatus. It shall be unlawful for any person without permission of the Chief of the Fire Department to drive any wagon, cart, or other vehicle across any fire hose belonging to the City of Leola, or to destroy or otherwise damage any fire apparatus or equipment.

1-6-6 Meddling with Hydrants. It shall be unlawful for any person to meddle or interfere with any hydrant except by permission of the Chief of Police, Chief of the Fire Department, or the City Council.

TITLE 2—BOUNDRIES, WARDS, PRECINCTS, ANNEXATION

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

Chapter 2-1 Boundaries

- 2-1-1 Boundaries. The corporate limits of the City shall be declared to be such as have been legally established and amended by law and ordinance of the City as shown on the official map on file in the Office of the Finance Officer. Such map shall be incorporated in this ordinance by reference an adopted as the official map showing the boundaries and limits of the City.

Chapter 2-2 Wards

- 2-2-1 Wards. The City of Leola is divided into three wards as follows:

First Ward: All that portion of the City of Leola lying north of the middle line of Main Street south to Lincoln Street to the middle of Moulton Street to Hwy 45 (Mason Street), shall constitute the first ward of said City.

Second Ward: All that portion of the City of Leola lying west of the middle line of Sherman Street and south of the middle line of Moulton Street, to Lincoln Street, then north to the middle of Main Street, west to 9th Avenue shall constitute the second ward of said City.

Third Ward: All that portion of the City of Leola east of the middle line of Sherman Street and south of the middle line of Moulton Street including all residents east of Highway 45, shall constitute the third ward of the said City.

Chapter 2-3 Precincts

- 2-3-1 Precincts. That each of the three said wards shall constitute a separate voting precinct and comprise the three election precincts of McPherson County within said City now numbered first ward, second ward, and third ward; provided that the City Council may, for the purpose of any particular election, combine any two or more of such precincts according to law.

Chapter 2-4 Annexation

2-4-1

Annexation. At the time of annexation, the owners petitioning for such annexation shall file written undertaking signed by sureties satisfactory to the City Council in such penal sum as they may require, but in no case in excess of the estimated cost of all necessary storm sewers, sanitary sewers, curbs, gutters, sidewalks, and of dust-proofing, which undertaking shall provide that all of said improvements shall be made as ordered by the City Council, upon failure of which the penal sum mentioned in the bond shall be forfeited to the City, or in lieu of furnishing such bond the owners, prior to the annexation, may install all of said improvements, and the petitioners for annexation shall show that such improvements have been previously installed when petitioning for such annexation.

All such sanitary sewers, storm sewers, curbs, gutters, and sidewalks shall be designed and constructed in accordance with the grades and specifications established by the City Engineer and approved by the Mayor and City Council. All engineering work necessary for the establishment of grade lines to comply with the grades and specifications of the City shall be done by the owner at the owner's expense but shall be, prior to any construction, approved by the City Engineer.

The city will assume the cost to install all water mains (including pipe, labor, hydrants, and fittings, and the cost of any other services) up to and including the curb stop, which may be for any reason installed by the City. Any and all services from the curb stop to the residence, shall be the resident's expense.

TITLE 3—BUILDING CODE

Chapter 3-1 Adoption of National Code

Chapter 3-1 Adoption of National Code

- 3-1-1 Adoption of National Code. There is hereby adopted by the City of Leola, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Uniform Building Code, Abbreviated Addition, recommended by the National Board of Fire Underwriters, being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended of which a copy is on file in the office of the City Finance Officer of the City of Leola 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 Leola.
- 3-1-2 Establishment of Office of Zoning Administrator. The office of building is hereby created and the executive official in charge shall be the Zoning Administrator.
- 3-1-3 Duties of Building Official. It shall be the duty of the Zoning Administrator to enforce all laws relating to the construction, alteration, removal, and demolition of buildings and structures.
- 3-1-4 Right of Entry. The Zoning Administrator, in the discharge of his/her official duties and upon proper identification shall have authority to enter any building, structure, or premises at any reasonable hour.
- 3-1-5 Definitions.
- A. Whenever the word “municipality” is used in the building code, it shall be held to mean the City of Leola.
 - B. Whenever the term “corporation counsel” is used in the building code, it shall be held to mean the City Attorney for the City of Leola.
- 3-1-6 Building Permits Required. The Zoning Administrator together with the Finance Officer shall issue and sign permits according to the fee schedule set by the City Council and on file at the Finance Officer’s office. The

chapters and sections of the code referring to permits is amended to read as follows:

No wall, structure, building, or part of building shall be constructed or added to, or any permanent fixture, including heat producing appliances, heating, ventilating, air conditioning, blower, exhaust systems, or conversion units thereof attached to such building, until a plan or proposed work statement of the material to be used, the proposed site of such structure and the name of the owner of the property to be improved shall be submitted to the building official of the City of Leola, by the contractor, builder, or owner; which shall also state the value or cost of such improvement. If the building official is satisfied that said proposed improvement complies with the law and City ordinances, he may authorize issuing of a permit of such work, construction, or improvement.

The Zoning Administrator shall endorse his/her approval or disapproval on the application for building permit. If he recommends disapproval on the application for permit, he/she shall state his/her reasons therefore in writing, and file the same with the City Finance Officer. The Finance Officer shall present the application to the board at the next zoning meeting, and if the zoning board is satisfied that the said proposed improvement complies with the law and City ordinances, it shall authorize the Zoning Administrator to issue a permit for such work, construction, or improvement.

All permits shall recite therein the conditions and requirements under which the same are issued, one of which shall be that sidewalks, streets, alleys, and highways shall not be blocked, or partially blocked, unless permission is granted in the permit, and also that all debris shall be removed and not permitted to accumulate on the sidewalks, streets, alleys, or highways, and shall contain an agreement on the part of the applicant not to engage in any construction except in accordance with the permit and the provisions of this ordinance. If the value or cost of the improvement for which a permit has been issued shall exceed the cost of the value of the amount stated in the application for permit and the permit granted, the contractor, or builder, shall furnish to the City Finance Officer an additional statement of the cost or value of such improvement.

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

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

In addition to any other legal remedies open to the City, any person, owner, firm, or corporation violating any of the provisions of this section shall upon conviction thereof be subject to the penalties as set in this ordinance. (13-1-1).

- 3-1-7 Appeal. In case any difference should arise between the Zoning Administrator and the owner of any building, or any person engaged in or desirous of doing any construction, repair, alteration, moving, or demolition of buildings, regarding the interpretation of any of the provisions of this chapter, or the enforcement of the same, appeal may be made to the City Council, whose decision thereon shall be final.
- 3-1-8 Building Permit. Upon the approval of the plans or work statement for the proposed improvement, the City Finance Officer shall furnish the applicant a building permit.
- 3-1-9 Permissible Wooden Structures in Fire Limits. No frame or wooden structure shall hereafter be built within the fire limits as the same are set by the zoning board and city fire chief, or as they may be hereafter established, except the following:
- A. Temporary one story frame buildings for use of builders.
 - B. Built by a retail lumberman upon his/her premises and which building must be removed from the premises within three days after completion.

TITLE 4—ELECTRICAL CODE

Chapter 4-1 Adoption of National Electrical Code

- 4-1-1 Adoption of Electrical Code. There is hereby adopted by the City of Leola for the purpose of establishing rules and regulations to govern the use of electricity for light, heat, power, radio, and for other purposes that certain electrical code known as the National Electrical Code, recommended the National Board of Fire Underwriters, being particularly the most current edition thereof and the whole thereof, save and except such portions as are hereafter deleted, modified, or amended of which a copy is on file in the office of the City Finance Officer of the City of Leola 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 corporate limits of the City of Leola.

TITLE 5—FIRE CODE

Chapter 5-1 Adoption of National Fire Code

Chapter 5-1 Adoption of National Fire Code

- 5-1-1 Adoption of Fire Prevention Code. There is hereby adopted by the City of Leola for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the most current edition thereof and whole thereof save and except such portions as are hereinafter deleted, modified, or amended, of which a copy of the code is on file in the office of the Finance Officer of the City of Leola, 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 Leola.
- 5-1-2 Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department.
- 5-1-3 Definition. Wherever the word “municipality” is used in the code hereby adopted, it shall be held to mean the City of Leola.
- 5-1-4 Storage of Flammable Liquids in Outside, Above Ground Tanks and Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in the code in which storage of flammable liquids in outside, aboveground tanks is prohibited, and the limits referred to in the code in which bulk storage of liquefied petroleum is restricted.
- 5-1-5 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/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
- 5-1-6 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 have been misconducted 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.

TITLE 6—HEALTH CODE

- Chapter 6-1 Board of Health
- Chapter 6-2 Contagious Disease
- Chapter 6-3 Meat and Slaughter Houses
- Chapter 6-4 Sanitation and Dumping Grounds
- Chapter 6-5 Garbage
- Chapter 6-6 Disposal of Garbage, Rubble, Commercial Solid Waste, Bulky Items, Household Waste, and White Goods
- Chapter 6-7 Operation of Solid Waste Businesses
- Chapter 6-8 Prohibited Dumping and/or Disposal
- Chapter 6-9 Miscellaneous Nuisances
- Chapter 6-10 Maintenance of Buildings and Premises
- Chapter 6-11 Rat Eradication
- Chapter 6-12 Weeds and Grass

Chapter 6-1 Board of Health

- 6-1-1 Establishment of Appointment. There is hereby created for the City, a Board of Health to be composed of the members of the City Council and may also include an active practicing physician located in the City, to be appointed by the Mayor. The powers and duties, hereinafter enumerated, shall be subject to the supervision of the State of South Dakota. The City Finance Officer shall be secretary of the Board of Health.
- 6-1-2 May Require Removal of Offensive Matter From Premises. The Board of Health shall have power and authority to require any person or persons owning property within the City of Leola to remove all offensive, dangerous, and deleterious matter from said premises, and to that end shall have power and authority to enter upon any premises or in any building in the City of Leola to examine the same, and in case there is found to be any offensive, dangerous, deleterious matter on said premises, or in said building, may direct in writing the removal thereof; and if such person or persons shall neglect or refuse to do so for a period of twenty-four (24) hours after such notice, he, upon conviction thereof shall be subject to the penalties as set in this ordinance (13-1-1), together with the expenses of removing such nuisance and costs of prosecution, and it is hereby made the duty of the Chief of Police, under the direction of the Board of Health, to remove and abate such nuisance immediately upon the expiration of twenty-four hours after the notice aforesaid.
- 6-1-3 Services of Notices, Citations, and Orders. In order to carry out the intent of this chapter whenever the ordinance provides that notices, citations, and orders are to be made or served by the Board of Health, such notices,

citations, and orders may be made and served in a like manner and with like effect by the City Council.

Chapter 6-2 Contagious Diseases

6-2-1 Isolation of Persons Suffering with Contagious Diseases. The Board of Health shall have power within the limits of the City of Leola to isolate all persons suffering with contagious diseases, and to make, demand, and require of the County Board of Health to immediately remove and care for all the cases as are not proper charges on said City; and said Board of Health shall have power to make rules and regulations covering the subject of all contagious diseases and other matters concerning the public health.

6-2-2 Powers of Board and Health Officer. The Board of Health shall have power and authority to enter any premises in the City in search of contagious diseases or of nuisances, and shall have power and authority to quarantine any premises within the City of Leola, wherein is located any person suffering with an infectious or contagious disease, and may remove any person therefrom who is found to be suffering from, suspected to be suffering from, or has been exposed to any infectious or contagious disease, and said Board may placard the said premises, as aforesaid with the placard of such design and color as shall warn all persons within said premises not to leave the same, and all other persons whomever not to enter said premises without the written consent of a member of the Board of Health; every physician practicing in the corporate limits of the City of Leola shall immediately report by telephone, or otherwise, to the Health Officer every case of contagious disease or infectious disease arising in his/her practice, and shall also report he suspects to be contagious, and said physician shall within twenty-four hours thereafter make a written report to the Board of Health upon the termination of said disease, and any person violating this ordinance, or violating the order of the Board of Health, shall upon conviction thereof be subject to the penalties in this Ordinance (13-1-1).

Chapter 6-3 Meat and Slaughter Houses

6-3-1 Permit. It shall be unlawful for any person, firm, or corporation to carry on the business of slaughtering animals or rendering of any animal matter, or manufacturing the same into fertilizing materials by the use of heat or otherwise, at any place in the City of Leola, and within one mile of the City limits thereof except by permit of the City Council.

6-3-2 Offensive and Unwholesome Material on Premises. It shall be unlawful for any persons, firm, or corporation, engaged in the business of slaughtering animals or packing them for market, or rendering of any

animal matter, or conducting a meat market within the City limits or within one mile thereof, to permit or suffer to remain on the premises where such business is carried on, any decaying meat, blood, bone, offal, filth, or other animal matter so that the same shall become offensive and unwholesome and endanger health or be a nuisance to the neighborhood. Such premises shall at all times be kept in a clean and healthy and inoffensive condition. Any violation of this section shall be punishable by a fine set in this Ordinance (13-1-1).

6-3-3 May Enter for Inspection; Penalty. The Board of Health shall be permitted free entrance at all hours of the day or night to all places used for any purpose specified in this title, and shall have the right of free and unrestrained examination of such places and of the machinery and utensils therein contained, and of the meat provisions therein exposed for sale and the manner of conducting and operating such business. Any person willfully hindering or obstructing such entrance or examination shall, upon conviction thereof, be fined in an amount set in this ordinance (13-1-1).

6-3-4 Destroying Spoiled Meats, Etc. If, in the opinion of the Board of Health of the City, any meat provisions exposed for sale in any market, shop, or other building in the City of Leola are tainted, decayed, unwholesome, or dangerous to the public health, it shall be the duty of the Board of Health to serve notice in writing upon the person exposing for sale such meat provisions, requiring him to destroy the same in such manner and within such time shall by such notice be prescribed, and if the person so served neglects to conform to such notice, it shall be the duty of the Board of Health to destroy such meat provisions at the expense of the City, and report in writing to the City Council the amount of such expense, and the name of the person exposing such meat provisions for sale; and thereupon suit may be instituted in the name of the City against such person for the recovery of expense incurred.

6-3-5 Penalty. Any person exposing for sale in any market, house, or shop or elsewhere in the City, any tainted or putrid meat provisions, which from this or other causes, are unwholesome and dangerous to the public health, shall be deemed guilty of a violation and shall, on conviction thereof, be punished by a fine in an amount set in this ordinance (13-1-1).

6-3-6 Supervision by Board of Health. All places or premises within the City or within one mile of the City limits where any business enumerated in this title is carried on, shall be subject to supervision and inspection by the Board of Health, who shall have the power to make, publish, and enforce such regulations respecting the management of the same as they may deem necessary to the health or the physical comfort of the inhabitants of the City, and any refusal or willful neglect on the part of any person, owning or having charge of such building, premises, or such business to

observe or comply with any regulations so made, shall render such person so offending liable to a fine as set in this ordinance (13-1-1).

Chapter 6-4 Sanitation and Dumping Grounds

6-4-1 Sanitary Inspections. The Board of Health shall make frequent inspections of the City and its environs. In all cases where anything is discovered which might prove dangerous to health, appropriate action will be taken.

Each month one week prior to the City Council meeting, a member from the Board of Health shall make a thorough inspection of the streets, alley, and public grounds in the City and notify the owner or occupant of any property where filth, manure, straw, or rubbish is permitted to remain upon any street or alley abutting upon such property. If such owner or occupant shall fail to comply with such notice he shall be subject to the penalty set by Ordinance (13-1-1).

Chapter 6-5 Garbage

6-5-1 Garbage Defined. Solid and semisolid putrescible animal and vegetable wastes resulting from handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, from all public and private establishments and from all residences.

6-5-2 Garbage Container Defined. A garbage container herein used shall mean a watertight metallic or plastic can, of a size permitted by the holder of the solid waste license with whom the owner or operator of each business or residence has contracted, covered with a tight fitting metal or plastic 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 or spilled by dogs or marauders.

6-5-3 Garbage must be Deposited in Containers. The occupant of every private home or dwelling place, and the operator of every place of business in the City, is hereby required to deposit and keep the garbage that accumulates each day in a garbage container as above defined. Grass, leaves or other material to be used as compost for fertilizer may be kept in a pit or closed container, until such time as it may be used.

6-5-4 Nonresident Garbage. No person shall bring garbage, rubble, commercial solid waste, bulky items, household waste or white goods from outside the Leola City limits to deposit in containers of any type anywhere within the City of Leola unless previous arrangements have been made with the Garbage Contractor.

- 6-5-5 Garbage must be Wrapped. All garbage shall be wrapped in paper, plastic, or other material so as to prevent as nearly as possible moisture from the garbage from coming in contact with the sides and bottom of the garbage container.
- 6-5-6 Burning Garbage and Rubbish. No person shall burn any garbage outside of a residence building or business building at any place in the City of Leola other than at the Leola City Rubble site, however, such burning at the Leola City Rubble site shall be done only by authorized personnel of the City of Leola.
- 6-5-7 Control of Leola City Dump Grounds. The Leola City Rubble site shall be closed and locked and unavailable to the public, except as authorized by resolution of the City Council.
- 6-5-8 Nuisance and Penalty. Every accumulation of garbage which is deposited, kept, burned, or transported without contractors permission to any place in the City in violation of the provisions of this ordinance is hereby declared to be a public nuisance, and any person who maintains or permits the maintenance of such nuisance shall upon convictions be subject to the penalties established in this Ordinance (13-1-1).

Chapter 6-6 Disposal of Garbage, Rubble, Commercial Solid Waste, Bulky Items, Household Waste and White Goods.

- 6-6-1 Removal of Garbage, Commercial Solid Waste, and Household Waste. The owner or operator of each business and residence within the City of Leola, South Dakota shall contract for the regular removal and disposal of all garbage, commercial solid waste, and household waste with a person or entity who holds a valid solid waste license issued by the City of Leola.
- 6-6-2 Removal of Rubble, Bulky Items, and White Goods. Individuals may remove their own rubble, bulky items, and white goods without obtaining a license, providing the rubble, bulky items, and white goods are disposed of in a legally permitted facility.
- 6-6-3 Bagging and Tying of Garbage. All garbage, commercial solid waste, and household waste shall be bagged, tied and placed in a suitable container at the curbside or alley side adjacent to the residence or business in accordance with the wishes of and at the times directed by the dray businesses with whom the person or business has contracted for the removal of garbage, commercial solid waste, and household waste. Suitable containers are those receptacles equipped with a lid to prevent the contents of the containers from being blown out and scattered.

6-6-4 Definitions: Ash, Bulky Items, Commercial Solid Waste, Facility, Household Waste, Solid Waste, Rubble, White Goods.

Ash: Residue from the combustion of solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other non-manufacturing, non-household sources.

Bulky Items: Large items such as white goods or furniture,

Commercial Solid Waste: Solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other non-manufacturing, non-household sources.

Facility: All facilities and appurtenances connected with “solid waste facility, or solid waste disposal facility,” which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained or operated to facilitate the disposal or storage of solid waste.

Household Waste: Solid waste derived from households including single and multiple residences, hotel and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas, but not waste from commercial activities that is generated, stored, or present in a household.

Solid Waste: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and any other discarded materials, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and agricultural operations, and from community activities, but does not include mining waste in connection with a mine permitted under Title 45.

Rubble: Stone, brick, concrete, or similar inorganic material, excluding ash, waste tires, and asbestos-containing materials.

White Goods: Discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

6-6-5 Penalty. Any violation of this ordinance shall be subject to the penalties stated in Ordinance 13-1-1.

Chapter 6-7 Operation of Solid Waste Businesses

6-7-1 Licenses. All solid Waste businesses operating within the City of Leola, South Dakota, shall be licensed by the City of Leola at a rate of ten (\$10) dollars per license per year, which license may be revoked by the City

Council at any time. Licenses shall be renewed each year on the anniversary date of their approval.

- 6-7-2 Routes, Pickup, and Provision of Containers. Garbage, commercial solid waste, and household waste shall be picked up at least once a week or more frequently when circumstances require. The dates of pickup shall be at the discretion of the individual solid waste business. The solid waste business shall determine and provide the appropriate type and size of garbage container for each business and residence.
- 6-7-3 Garbage Fees. Solid waste fees from the removal of rubble, bulky items, trees, and white goods shall be between the solid waste business and the person or business for whom the service is provided.
- 6-7-4 Routes. Each solid waste business shall have full discretion to determine whether to pickup garbage, commercial solid waste, or household waste at the curb side or alley side.
- 6-7-5 Rubble, Bulky Items, Trees, and White goods. Each solid waste business shall be required to transport rubble, bulky items, trees, and parts thereof weighing less than forty (40) pounds, and white goods on a regular basis for all contracted customers but at least twice a year. The fee for hauling and disposal of rubble, bulky items, trees, and white goods is not included in the regular monthly fee for hauling garbage, commercial solid waste, or household garbage.
- 6-7-6 Landfill Fees. Solid waste businesses shall be responsible for paying all fees associated with disposal of collected materials.
- 6-7-7 Rules and Regulations. Each solid waste business shall be required to dispose of all collected materials in accordance with all statutes and regulations of McPherson County, and of the City of Leola, and other agencies.
- 6-7-8 Equipment. Each solid waste business shall provide equipment capable of properly collecting and disposing of garbage, commercial solid waste, rubble, bulky items, household waste, trees, and parts thereof weighing less than forty (40) pounds and white goods in accordance with applicable ordinances, state statutes or regulations, and said equipment shall be maintained so as to keep it clean and free of accumulation of offensive materials.
- 6-7-9 Penalty. The penalty for violating this ordinance shall be a fine not exceeding two hundred (\$200) dollars or by imprisonment not exceeding a maximum of thirty (30) days or by both such fine and imprisonment.

Chapter 6-8 Prohibited Dumping and/or Disposal

6-8-1 Prohibited Dumping and/or Disposal. The dumping and/or disposal of any object in violation of this ordinance, on or within the City of Leola landfill described as:

Part of the 50 Acres in the South half of the Southwest Quarter, Section 16, Township 126, Range 67, McPherson County, South Dakota, commonly known as the “City Dump Ground”

Being approximately a quarter-mile north of Leola.

Such prohibited dumping and/or disposal shall be subject to the penalties stated in Ordinance 13-1-1.

Chapter 6-9 Miscellaneous Nuisances

6-9-1 Nuisances Defined and Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained and nuisance as defined herein.

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

- A. Imperfect Plumbing. Any imperfect, leaking, unclean, or filthy sink, water closet, urinal, or other plumbing fixture in any building used or occupied by human beings.
- B. Garbage and Refuse. Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property, any household wastewater, sewage, garbage, tin cans, offal, or excrement, any decaying fruit, vegetables, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance.
- C. 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.
- D. 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.
- E. Manure. The accumulation of manure.
- F. Breeding Place for Flies. The accumulation of manure, garbage, or anything whatever in which flies breed.

- G. Stagnant Water. Any excavation in which stagnant water is permitted to collect.
- H. Weeds. Permitting weeds to grow to maturity on any private property including vacant lots.
- I. Poison Ivy. Permitting poison ivy to be or grow upon any private property nearer than fifteen feet from the sidewalk or any public street.
- J. Dead Animals. For the owner of a dead animal or fowl failing to dispose of it for longer than twenty-four hours after its death.
- K. Polluting Bodies of Water. Throwing or leaving any dead animals or decayed animal or vegetable matter or any slops of filth whatever, either solid, or fluid into any pool of water.
- L. 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.
- M. Garbage Handling Improperly. Throwing or letting fall or permitting to remain on any street, alley, or public ground, highway to dumping ground and any highway within one mile of the City limits, ant manure, garbage, rubbish, filth, fuel or wood while engaging in handling or removing and such substances.
- N. Rodents. Accumulation of junk, old iron, automobiles, cement slabs, or parts thereof, or anything whatever in which rodents may live or breed or accumulate.
- O. Bonfires in public places. Burning, causing, or permitting to be burned in any street, alley, or public ground any dirt, filth, manure, garbage, sweeping leaves, ashes, paper, rubbish, or material of any kind.
- P. Rubbish on street. The piling or depositing of any dirt, shavings, sawdust, leaves, ashes, manure, straw, or waste material of any kind upon street, alley, or public ground, or in the Leola Dam.
- Q. Offensive Premises. Permitting any grocery store, shop, factory, warehouse, stable, barn, or other place to become nauseous or offensive.

- R. Dangerous Agencies. Anything that is dangerous to human health or which renders the ground, the water, the air, or food a hazard or injury, to the public health.
- S. Ice Boxes, Refrigerators, or Airtight Container. The keeping, leaving, or permitting to retain outside of any dwelling, building, or other structures or premises, in a place accessible to children, of any discarded ice boxes, refrigerators, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing the said door or lid, snap lock or other locking device from said ice box, refrigerator, or container, is declared to be a nuisance and in violation of SDCL 34-28-3 and shall be subject to the penalties stated in Ordinance 13-1-1.
- T. Smokestacks and Smoke Nuisance. The construction, use, or maintenance of any smokestack or chimney, which emits sparks, cinders, or dense smoke, which is dangerous to the health, comfort, or property of persons, or the value of the property.
- U. Use of Sanitary Sewer. Permitting drainage water, blood, buttermilk, whey, by-products of milk, sewer pipe consuming acids, or any substance or material which interferes with the normal flow of sewage or prevents, blocks, or stops the flow of sewage.
- V. Unconfined Refuse. The depositing, unloading, placing, storing, or otherwise piling of any dirt, straw, shavings, seeds, grain screenings, chaff, leaves, ashes, paper, or material of any kind upon property without covering the same in order to prevent it to be moved and blown about by wind upon property of another or upon any street or alley or public property.
- W. Dilapidated Buildings. A building or structure within the City limits which is so dilapidated, decayed, unsafe, unsanitary, or utterly fails to provide the amenities essential to decent living that is unfit for human habitation and is likely to cause or is causing aggravation, sickness, or disease so as to work an injury to the health, morals, safety, or general welfare of the community.

Chapter 6-10 Maintenance of Buildings and Premises.

6-10-1 Maintenance of Buildings and Premises. It shall be unlawful for any person owning, leasing, occupying, or having charge of possession of any buildings or premises in the city to keep or maintain such buildings or premises in a manner, which is at variance with, and inferior to the level or maintenance of surrounding properties. The following condition or

conditions constitutes such a variance and are hereby declared a Public Nuisance:

1. Buildings, which are or appear to be abandoned, boarded up, partially destroyed or partially constructed and uncompleted subsequent to the expiration of the building permits.
2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, and cracking.
3. Buildings with broken windows, doors, attic vents, and under floor vents.
4. Overgrown vegetation over six inches excluding agricultural land in the City of Leola, which is unsightly and/or likely to harbor rats or vermin.
5. Dead, decaying, or diseased trees, weeds, and other vegetation.
6. Abandoned, discarded, or unused furniture, stoves, refrigerators, sinks, toilets, cabinets, or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street, or adjoining premises.
7. Unlicensed, abandoned, wrecked, dismantled, or inoperative trailers, campers, boats, and other motor vehicles which are accumulated and stored in yards.
8. Building exteriors, walls, fences, driveways, or walkways which are cracked, broken, defective, or deteriorated, in disrepair, or defaced.
9. Any like or similar condition or conditions.
10. Any farm machinery.

6-10-2 Sanitation of Buildings and Premises. It shall be unlawful to permit by act or omission the following specific acts, conditions, and things which are hereby declared to be Public Nuisances:

1. Failing, refusing, or neglecting to keep sidewalk, if such exists, in front of a house, place-of -business, or premises in a clean and safe condition.
2. Maintaining upon such premises any unsightly, partly complete, or partly destroyed buildings, structures, or improvements in the city

which may endanger or injure neighboring properties or the public health, safety and general welfare.

3. Maintaining upon such premises or upon the sidewalk abutting or adjoining such lot, parcel, tract or piece of land, loose earth, mound of soil, fill material, asphalt, concrete, rubber or waste material of any kind (all such materials shall hereinafter be referred to as "Waste Materials"), except for waste materials used for construction or landscaping upon premises in which case it shall be the duty of the owner, lessee, occupant, or persons in possession of the premises wherein the waste material exist, to maintain weed control during construction and to level or remove waste materials after construction is completed, or in any event, within six months from the time of the placement of waste materials upon premises.

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

6-10-3

Enforcement and Abatement:

- A. Any Councilman or Elector or the City of Leola can bring a complaint to the City Council, in writing that there exists within the City Limits a building or structure that constitutes a dilapidated or nuisance property within the meaning of this Ordinance.
- B. Upon receipt of the complaint the City Council may set a date and time for a hearing to determine the condition of the building, structure or property and the action to be taken.
- C. The last owner of record at the County Register of Deeds and if different, the person who receives the tax notice from the McPherson County Treasurer shall be given at least 14 days notice by certified mail of the date, time and place of said hearing. At that hearing the Council and Mayor shall hear testimony and take evidence as to the condition of the building or structure.
- D. Right of Entry: Whenever necessary to make an inspection to enforce as to the provisions of this chapter, or whenever the City Council or their authorized representative has reasonable cause to believe there exists in any building or upon any premises, any condition which is prohibited under this chapter, that Building Official, Councilman or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Leola City Council by this chapter. If such building or

premises is occupied, he shall first make reasonable effort to locate the owner or other person having charge of such premises and show proper credentials and demand entry. If such entry is refused, that authorized representative shall have recourse of every remedy provided by law to secure entry.

No owner or occupant or any other person having charge or care of any building or premises shall fail or neglect, after proper demand made as hereby provided, to properly permit entry therein by that Councilman or their authorized representative for the purpose of inspection and examination pursuant to this chapter.

6-10-4 Issuance of Notice to Abate. If at the hearing, held pursuant to 6-10-3, the Leola City Council determines that a nuisance exists, the City shall have cause to give notice to abate the unlawful condition or conditions existing on the premises. Such notice shall be in writing to the person creating, permitting, or maintaining such nuisance to abate the same within a reasonable time as provided in such notice as follows:

1. If the Council has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced with such time not to exceed thirty (30) days from the date of the order and completed within such time as the City Council shall determine is reasonable under all of the circumstances.
2. If the Council has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Council to be reasonable.
3. If the City Council has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Council shall determine reasonable (not to exceed thirty (30) days from the date of the order). The order shall also require that all necessary permits be secured thereof within fifteen (15) days from the date of the order and that the demolition be completed within such time as the Council shall determine reasonable.

6-10-5 Failure to Abate. In the event a person shall fail to abate any nuisance, permitted, or maintained by him following written notice to him to do so, the City Council or the authorized representative shall cause such nuisance to be abated.

The Finance Officer shall prepare a statement of expense incurred in the razing, demolishing, removing, reconstruction, or other affirmative act necessary to abate the unlawful condition and shall file such statement with the Finance Officer. Such abatement shall refer to the particular premises including and improvements, structures or buildings thereon, upon which the actions taken to abate the unlawful condition occurred. With regard to the premises of each piece of property therein referred to, the statement shall show the legal description in which the lot lies.

6-10-6 Abatement by State Law. In addition to the method of abatement of nuisances provided in this chapter, the City may abate any nuisance found within the city in the manner provided by the state law or recover the expense so incurred from the person maintaining such nuisance in a civil suit instituted for such purpose.

6-10-7 Cost Assessment and Collections of Cost Incurred. The Finance Officer is hereby authorized to bill the expense incurred from the abatement and if payment is not received within sixty (60) days the Finance Officer is authorized to send a copy of the bill to the McPherson County Treasurer's Office for collection through taxes and if county taxes are currently delinquent at the time of filing the Finance Officers is hereby instructed to pursue the collection through a civil suit to collect debt incurred against that delinquent tax property.

Any person who shall violate any of the provisions of this Ordinance hereof, shall be subject penalties sat in City Ordinance Chapter 13-1 Penalty in General.

Chapter 6-11 Rat Eradication

6-11-1 Definitions. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

A. Business Building. Any structure, either public, or private, that is adapted for occupancy for transaction of business, play, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including but not being limited in this application, hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, warehouses, work shops, factories, and all out buildings, sheds, barns, and other structures on premises used for business purposes.

B. Rat Proofing. A form of rat proofing to prevent the ingress into business buildings, from the exterior or from one business building to another. It consists essentially of the closing, with material impervious to rat gnawing, of all openings, in the exterior wall, ground or first

floors, basements and foundations, that may be reached by rats from the ground by climbing or by burrowing.

- C. Rat Harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continuous existence in, under, or outside of a structure of any kind.
- D. Owner. The actual owner of the business building, either individual, partnership, or corporation, the agent of the owner in charge of said building, and the person having custody of said building, and the person to whom any rental upon said building is paid. In the case of business buildings leased under agreement that the lessee is responsible for maintenance and repairs, the lessee will in such cases also be considered as the “owner” for the purpose of this Ordinance.
- E. Occupant. The individual or partnership who or the corporation that, has the use of or occupies any business building, or a part of or a portion thereof, whether the actual owner, tenant, or subtenant. In the case of vacant buildings, or any vacant portion of a business building, the owner, agent, or other person having custody of said building, shall have the responsibilities of an “occupant” of said building.

6-11-2 Rat Proofing Buildings. It is hereby provided and required that all business buildings in said City of Leola shall be rat proofed, freed of rats, and maintained in a rat proof and rat free condition, under the direction and supervision of the City Council.

6-11-3 Notice to Owner. Upon receipt of written notice and/or order from the City Council the owner of any building specified in said notice or order shall take immediate steps for rat proofing said buildings, and unless said work and improvements required for such rat proofing have been completed by the owner of said building in the time specified in said written notice or order, or within the time to which a written extension may have been granted by the City Council, then the owner shall be deemed to have violated a provision of this Ordinance.

6-11-4 Notice, Charge against Owner. Whenever the City Council notifies the occupant of a business building that there is evidence of rat infestation of said building, said occupant shall immediately institute appropriate steps for freeing said building of rats within ten days after receipt of such notice. If within 10 days said building is not free of rats the City shall institute such action as is necessary and shall charge occupant for labor, material, and equipment necessary for the eradication measures carried out.

6-11-5 Maintaining Rat Proofing Condition. The occupants of all rat proofing business buildings are required to maintain the premises in a rat proofing

condition and to repair all breaks and leaks that may occur in the rat proofing.

- 6-11-6 Inspections. The City Council is empowered to make unannounced inspections of both the interior and exterior of business buildings within the City of Leola as in their opinion may be necessary to determine whether there has been a full compliance with this ordinance, and to require a full compliance with this ordinance. If at any time of any inspection, the City Council finds evidence of rat infestation, and/or the existence of breaks or leaks in the rat proofing, or new openings through which rats may again enter said buildings, the City Council shall serve upon the owner or occupant of said building a notice and/or order to abate the conditions found.
- 6-11-7 Installation of Floors. Whenever conditions inside or under business buildings provide such extensive harborage for rats that the City Council deems it necessary to eliminate such harborage, he may require the owner to install cement floors or basement or to replace wooden first floors or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable length of time.
- 6-11-8 Removal of Rat Proofing. It shall be unlawful for the occupant, owner, contractor, public utility company, plumber, or any other person to remove the rat proofing from any business building for any purpose and fail to restore the same in a satisfactory condition; and, in like manner, it shall be unlawful for any such person to make any new openings that are not sealed or closed against the entrance of rats.
- 6-11-9 Metal or Plastic Containers. Everywhere within the City of Leola, all garbage or other refuse shall be placed and stored in covered metal or plastic containers, compartments, or rooms, unless kept in a rat proof building.
- 6-11-10 Dumping of Garbage and Rubbish Unlawful. It shall be unlawful for any person, firm, or corporation to place, leave, dump, or permit the accumulation of any garbage, rubbish, or trash in any building or upon any premises in said City so that the same shall or may provide food or harborage for rats.
- 6-11-11 Storage of Lumber and Other Material. It shall be unlawful for any person, firm, or corporation to permit to accumulate upon any premises whether improved or vacant, or upon any open lot or alley in said City, any lumber, boxes, barrels, bricks, stones, or any other materials that may be permitted to remain thereupon for any longer time than a temporary period reasonably required for the use of such materials in a building or

repairing of property, unless same shall be placed on open racks that are elevated not less than eighteen inches above the ground, and evenly piled or stacked so that such material will not afford harborage for rats.

Chapter 6-12 Weeds and Grass

6-12-1 WEEDS AND GRASS; DUTY OF OWNER

No owner of any lot, place or area within the town or the agent of such owner or the occupant of such lot, place or area, 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.

6-12-2 NOTICE TO DESTROY

The chief of police or Finance Officer is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the town 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 given by posting the notice on or about a building, structure, or object commonly used or observed, or assumed to be commonly used or observed by the owner thereof. If the property consists of a vacant lot or area with no building, structure, or object located thereon, notice sent by first class mail to the owner's last known address as shown by the records at the County Treasurer's office, shall be sufficient.

6-12-3 ACTION UPON NON-COMPLIANCE

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days after the posting or mailing thereof, the Chief of Police or Finance Officer is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass or deleterious unhealthful growths or other noxious matter and to defray the cost of the destruction thereof by special assessment against the property.

6-12-4 WEED REMOVAL COSTS

If the owner or occupier of the land fails to cut the weeds and grass, as provided for in the preceding section, the City shall cut the weeds and grass. The cost to the landowner shall be seventy-five dollars (\$150.00) per person for each hour of cutting, with a seventy-five (\$150.00) minimum charge.

6-12-5 COST ASSESSED

The chief of police or Finance Officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot as herein provided and the same certified to the city Finance Officer upon the completion of the work in destroying such weeds and abating said nuisance and the city Finance Officer shall thereupon certify said

account showing the amount, the description of the property and the owner thereof to the County Auditor who shall thereupon add such assessment to the general assessment together with the regular assessment 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.

6-12-6

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.

6-12-7

NOXIOUS PLANT AND WEEDS DEFINED

The following plants and weeds shall be deemed to be noxious, dangerous and unhealthful vegetation to wit: All species of rag weed, all species of cockle burrs, all species of tumbleweeds, all species of thistles, dandelions, plantains, sweet clover, wild morning glory, black mustard and pig weed.

TITLE 7—LICENSES

- Chapter 7-1 General Provisions
- Chapter 7-2 Auctioneers
- Chapter 7-3 Auction Stores and Auction Sales
- Chapter 7-4 Carnivals and Circuses
- Chapter 7-5 Dances
- Chapter 7-6 Dogs
- Chapter 7-7 Juke Boxes and Mechanical Amusement Devices
- Chapter 7-8 Intoxicating Liquors
- Chapter 7-9 Operation of Card Tables

Chapter 7-1 General Provisions

- 7-1-1 License, Unlawful Without. It shall be unlawful for any person, persons, firm, or corporation to engage in any activity for which a license is required without first having obtained a license, as hereinafter provided. The City Council may at any time expand the general provisions of this chapter by requiring any person, persons, firm, or corporation engaging in any trade, business, or occupation within the City of Leola which is not specified by this Ordinance to obtain a license, as deemed necessary.
- 7-1-2 Application for License. Any person, persons, firm, or corporation wishing to obtain a license as herein provided, shall make written application to the City Council, stating the name of the applicant, address, purpose of the activity, the length of time for which said license is wanted, and the particular place at which said license is to be used.
- Fees for all license shall be fixed by the City Council, where not specified in this ordinance, and all license fees shall be paid in full at the time of application in such manner as approved by said Council.
- 7-1-3 License Expiration. Any annual license granted under the provisions of this chapter shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.
- 7-1-4 Revocation. The City Council shall have the authority at any time to suspend or revoke any license granted under the provision of this chapter 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 improper or illegal manner, and

in case of such revocation, the City Council may refund to the holder of such license such proportionate amount of money paid therefore as said Council shall deem just.

- 7-1-5 Issuance of License. Except as otherwise provided, all licenses shall be issued by the Finance Officer after issuance of the license has been approved by the City Council and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the City of Leola.
- 7-1-6 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the City stating when and to whom issued, for what purpose and for what length of time, the amount of money paid for said license, and the place where such activity is to be carried on. (SDCL 9-34-1).
- 7-1-7 Approval of Bonds. Any bond, liability insurance, or deposit required shall be subject to the approval of the Finance Officer, and in case such Finance Officer deems the security inadequate, new or additional security may be required; the license may be suspended pending the furnishing of such new or additional security, and if not furnished, the license may be revoked.
- 7-1-8 Appeal. Any person aggrieved by the action of the City Finance Officer, or the Mayor in the denial of an application for permit of license or revocation of a license as provided in Section 7-1-4 shall have the right of appeal to the City Council, of the City of Leola. Such appeal shall be taken by filing with the City Council within fourteen (14) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Service of such appeal shall be grounds for the appeal. Service of such appeal shall be made to the City Finance Officer. The City Council shall set a time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant. The decision and order of the Council on such appeal shall be final and conclusive.

Chapter 7-2 Auctioneers

- 7-2-1 License. It shall be unlawful for any person or persons to engage in the business or calling if an auctioneer within the City of Leola without first having procured a license to do so, the application for which license shall be made to the City Council pursuant to Chapter 7-1.
- 7-2-2 Fee. The fee for such license shall be in the amount set by the City Council and on file at the office of the Finance Officer.

7-2-3 Auction Sales Exempt. Nothing in this chapter in relation to auctions and auctioneers shall extend to any sale of livestock or farm products, or any sale of second hand furniture or household goods by or for any person or persons who shall have actually used the same in this city.

7-2-4 Not Applicable to Judicial Sales. The provisions of this chapter shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of real property at public auction.

Chapter 7-3 Auction Stores and Auction Sales

7-3-1 License Required. No person, firm, or corporation shall conduct, or engage in the business of conducting an auction store or auction sale within the City of Leola without having first obtained a license so to do, as hereinafter provided, except auction sales excepted by Section 7-2-3.

7-3-2 Definition. The term “auction store” shall include any store, building or place where goods and merchandise of a kind usually sold at retail are offered for sale at public auction, and includes the sale at public auction of a stock of retail goods purchased for the purpose of offering for sale at public auction.

7-3-3 Exception. This chapter shall not apply to any person conducting an occasional auction sale at his place of business, employing a licensed auctioneer or auctioneers, and having a regularly established place of business in the City of Leola where goods and merchandise are sold at retail in the ordinary manner. The words “occasional auction sale” as used herein shall be constructed to mean auction sales continuing no longer than four days at a time and not more frequently held or conducted in the same store or place of business more than once every four months, or the sale at auction of a regular stock of goods at a regularly established place of business for the purpose of closing out the business or disposing of goods damaged by fire. The words “having regularly established place of business where goods and merchandise are sold at retail in the ordinary manner” as used herein shall be constructed to mean and include places of business in said City of Leola for at least four months immediately preceding such auction sale.

7-3-4 Auctions Prohibited on Streets, Sidewalks, and Public Places. It shall be unlawful to conduct an auction under this chapter on any streets, sidewalks, or public places of the City of Leola.

7-3-5 Not Applicable to Judicial Sales. The provisions of this chapter shall not be applicable to auction sale conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers, acting under judicial process, nor to the sale of real property at public auction.

7-3-6 Penalty. Any person, firm or corporation who shall violate any of the provisions of this chapter shall upon conviction thereof, be fined in an amount set in this ordinance (13-1-1), and each day during which any person, form or corporation shall be engaged in business in violation of the provisions of this chapter shall be deemed and constituted a separate and distinct offense.

Chapter 7-4 Carnivals and Circuses

7-4-1 Contracts. It shall be unlawful for any person or persons owning, managing, or operating any circus, menageries, Wild West shows, carnivals, or other exhibition to exhibit in the City of Leola without first entering into a contract with the city.

Chapter 7-5 Dances

7-5-1 Definition. A public dance hall is hereby defined to be any room, place or space in which the sole purpose is to hold any dances which the public may participate in whether or not a charge for admission or for dancing is made. Any restaurant or bar lawfully operated within the corporate limits of the City of Leola shall be exempt from the requirements of Chapter 7-5.

7-5-2 License Required.

- A. It shall be unlawful for any person, firm or corporation to conduct, operate or maintain any public dance hall as herein defined in the City of Leola, or within one mile of the corporate limits thereof, or within one mile of the outer boundary of the city park located without the corporate limits of the City of Leola without first obtaining from the City Council of the City of Leola a license therefor, and without having paid the license fee as herein provided.
- B. Application, payment of fee, and licensing procedure shall be set forth in chapter 7-1.
- C. Before any license is granted by the City Council, it shall be the duty of the Chief of Police to visit and inspect the proposed public dance hall and make full report to the City Council concerning the general character, safety, sanitation and environment of the building in which such public dance is located.

- 7-5-3 Fees. The annual license fee to conduct, operate or maintain a public dance hall under the provisions of this chapter shall be in an amount set by the City Council and on file at the office of the Finance Officer.
- 7-5-4 Minors Not Allowed. It shall be unlawful for any person or persons, firm, or corporation engaged in, conducting or operating a public dance hall in the City of Leola or its police jurisdiction as set forth in Section 7-5-2, to suffer, permit, or allow any person under the age of twenty-one (21) years, unaccompanied by his or her father, mother, or legally appointed guardian, to enter or remain in said dance hall. It shall be unlawful for any person or persons under the age of twenty-one (21) years, unaccompanied by his or her father, mother, or legally appointed guardian, to enter or remain in any said dance hall.
- 7-5-5 Misrepresentation of Age. It shall be unlawful for any person to misrepresent his or her age in order to obtain admission to a public dance hall, or to be permitted to remain therein, or to any public officer making inquiry of such person. It shall also be unlawful for any person to represent himself or herself to be a parent or guardian of, or as authorized to accompany any person under the age of twenty-one (21) years in order that such person may obtain admission to a public dance hall or be permitted to remain therein when the person making the representation is not in fact either a parent or legal guardian of such other person or authorized by the parents or guardian to accompany such other person.
- 7-5-6 Hours. It shall be unlawful to continue after the hour of two o'clock a.m. any public dance or to hold or conduct such dance, between two o'clock a.m. and seven o'clock a.m. Public Danes are not allowed on Sundays except for twelve o'clock a.m. midnight to two o'clock a.m. because of the Saturday nighttime "run over".
- 7-5-7 Building. No license for a public dance hall shall be issued until the City Council is satisfied that the room, place, or hall to be use for such public dance hall complies with and conforms to all Ordinances and Health and Fire Regulations of the City of Leola, and all laws of the State of South Dakota, and that is properly ventilated and properly supplied with sufficient toilet conveniences, and is a safe and proper place for such purposes.
- 7-5-8 Police May Vacate Dance Hall. It shall be the duty of the Chief of Police to cause the dance hall or place in which any dance or ball is held to be vacated whenever any provision of the state laws or regulations or municipal ordinances or regulations relating to public dances in being violated or when any disorder of a gross, violent or vulgar character shall take place.

- 7-5-9 Floor Manager Necessary. The person conducting a public dance shall be present personally and in control of the premises from a half hour before dancing begins until the dance hall is closed, or may have present in his stead a floor manager. Associations or organizations conducting a public dance shall have present continuously a representative in charge of such of such dance or a floor manager in charge thereof.
- 7-5-10 Duty of Floor Manager. It shall be the duty of the floor manager to see that standards of decency and good taste are maintained at all times and that disorderly, familiar or objectionable conduct is not tolerated, and to take sufficient steps promptly to remove objectionable persons and stop objectionable practices.
- 7-5-11 Conduct of Dancers - Hall Owners. It shall be unlawful for any person conducting a public dance, or any manager or other agent of such person;
- A. To permit any person under the influence of or affected by liquor or drugs to enter or participate in any public dance;
 - B. To permit idlers, loiterers, or other hangers-on to be in or about the dance hall or premises used or connected therewith.
- 7-5-12 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 Leola 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 twenty-one (21) years. Any police officer may require any person attending such public dance who he suspects to under the age of twenty-one (21) years to state his or her age and remove such person form such public dance hall for a refusal to state his or her age when so required.
- 7-5-13 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 a public dance who refuses, fails, or neglects to prevent vulgar or indecent dancing as herein described or in any manner that 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 as set in this Ordinance (13-1-1). Upon conviction of the owner, proprietor, manager or person in control of or conducting any public dance hall under this chapter, for the violation thereof, the license issued for the offending dance hall shall be forthwith revoked and the City Council upon being satisfied that any person licensed to conduct a public dance or dance hall

is not complying with the provisions of this chapter, may revoke any such license, and in either case no similar license shall be issued to the licensee within the period of one year next following such conviction or revocation of license.

Chapter 7-6 Dogs

- 7-6-1 License. It shall be unlawful for any person or persons within the City of Leola to keep, maintain, or have in his/her custody or under his/her control, any dog, or animals of the dog kind, without first having obtained a license so to do from the City Finance Officer as hereinafter provided without having paid a license fee therefor.
- 7-6-2 Application. Any person or persons desiring to keep, maintain, or have in his/her custody or control by himself, or agent, within the said City of Leola, any dog shall, on or before the 31st day of December in each year make application to the City Finance Officer for a license to keep such dog; such application shall be in writing stating the name, sex, color and other distinguishing characteristics of said dog and the name of the owner thereof, and that said dog has no vicious propensities so far as known to said applicant, which application shall be made on a printed blank furnished by the City Finance Officer and shall be filed with said City Finance Officer.
- 7-6-3 Fee, Tag. The applicants shall at the time of making such application, pay to the City Finance Officer a license fee for each male dog or spayed female dog; and a license fee for each unspayed female dog, and said license fees shall be set by the City Council and on file at the office of the Finance Officer, and it shall be the duty of the City Finance Officer at the time of the issuance of the license herein provided for, to furnish and deliver to said applicant a metallic dog tag for each dog for which such license is issued, upon which tag shall be stamped or engraved the registered number 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 neck of such dog so owned or kept by him, on which collar shall be securely fastened a metallic dog tag so furnished by the City Finance Officer provided, that in case of the loss of any tag so issued, the said City Finance Officer is authorized to issue a duplicate thereof upon payment to him of the actual cost of same upon proof that such tag has been lost. Any dog owner who fails to purchase a license for their dog shall be subject to a fine as set in this Ordinance (13-1-1).
- 7-6-4 Dogs at Large – Barking.
- A. It shall be unlawful for any person or persons to permit or suffer to run at large within the limits of the City of Leola any dog or animal of the

dog kind, whether licensed or unlicensed, and any police officer or person of proper authority is hereby authorized and empowered to impound any such dog or animal found running at large in violation of the provisions of this section.

- B. Any dog shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner or on a leash in the hands of some attendant, or unless such animal, if loose, is accompanied by its owner or attendant.
- C. No person owning any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Upon signed complaint to the Police Department 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 to notify the owner of said dog in writing of said complaint, and after such owner has been given forth forty-eight hours notice of such habit, any police officer or person of proper authority is hereby authorized and empowered to go upon the premises and impound any such dog or animal so disturbing the peace.

In addition to the impounding of such animal or other penalties prescribed, the owner thereof shall be subject to the penalties described in this Ordinance (13-1-1).

7-6-5

Destruction of Dogs Running at Large. The Chief of Police is hereby authorized to employ, whenever he deems it necessary, a sufficient number of person to capture and convey to the dog pound, 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 captures and conveyed to the dog pound, as established by the City, shall be kept with humane treatment and supplied with sufficient food and water for a period of at least forty-eight hours, unless sooner reclaimed by the owner or keeper thereof as herein provided. When the owner or claimant of a dog so impounded shall desire to redeem such dog from the pound, such dog may be released upon the payment to the person in charge of such dog pound, of an amount set by the City Council and on file at the office of the Finance Officer and costs of keeping, and shall exhibit a license for such dog issued in the manner herein provided, and the person in charge of such dog pound shall thereupon release such dog to such owner or claimant; provided further, for the second time the dog is impounded, the payment shall be increased in an amount set by the City Council and on file at the office of the Finance Officer, and the costs of keeping and shall procure a license as hereinabove provided; still further, for the third and still further

subsequent impoundment's, the payment shall be further increases in an amount set by the City Council and on file at the office of the City Finance Officer, and the costs of keeping and shall procure a license as hereinabove provided. At the expiration of forty-eight hours from the date of the impounding such dog, if the same shall fail or refuse to comply with the provisions of this ordinance for the releasing of the same, it shall be the duty of the person in charge of such dog pound to destroy such dog and to cause it to be removed and properly buried; provided, that the owner of licensed dogs shall have twenty-four (24) hours notice in writing, after the expiration date of said forty-eight hours, before the same shall be killed or destroyed. It shall be the duty of the persons in charge of said dog pound before destroying the dog 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 and the fee set by the City Council and on file in the office of the Finance Officer. Provided, also, that if an dog is of a vicious disposition or has dangerous habits, the police shall notify in writing the owner of or possessor of such dog to confine such dog and if thereafter such owner or possessor fails to comply with such notices, the police are authorized, empowered and directed to kill or cause to be killed such dog, whether found running at large or upon the premises of the owner of such dog, forthwith, and without impounding the said dog.

7-6-6 Scienter not an Element of the Offense. In any proceeding for violation of the provisions of this chapter relating to dogs, the use of words herein, "permit or suffer" such dog to disturb the peace, shall not be constructed as making scienter an element of the offense, and the knowledge or lack of knowledge of the person or persons committing the act or violating this chapter shall be considered immaterial.

7-6-7 **Restriction on the number of dogs allowed.** It shall be unlawful for any person, firm, or entity to possess more than two (2) dogs per household, unless said person, firm, or entity receives a permit from the City authorizing said person, firm, or entity to engage in the business of raising dogs for resale. A permit shall only be granted by the City upon a showing that such business will not create excessive noise, odors, or detriment to the community.

7-6-8 **Restriction on the type of dogs allowed.** It shall be unlawful for any person, firm, or entity to possess any dog/dogs predominately bred for fighting. Legislative Authority: SDCL 40-34-16

Chapter 7-7 Juke Boxes and Mechanical Amusement Devices

7-7-1 Definition of Terms. As used in this chapter, unless the context otherwise indicates:

- A. The term “juke box” shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening or by the payment of any price, operates, or may be operated, for the emission of songs, music or similar amusement.
- B. The term “musical amusement device” shall mean any machine which upon the insertion of a coin, slug, token, plate, disc, may be operated by the public generally for the use of a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble games, pinball machines, skill ball, mechanical grab machines, and all games, operations, or transactions similar thereto under whatever name it may be indicated.
- C. The term “video game” shall mean any electronically powered machine or device having a video display or Cathode Ray Tube (CRT) display which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score.
- D. The term “person, firm or corporation” or “association” as used herein shall include the following; any person, firm, corporation or association which owns any such machine; the person, firm or corporation or association in whose place of business any such machine is placed for use of the public; and the person, firm or corporation or association having control over such machine; provided, however, that the payment of such fee be any person, firm, corporation, or association enumerated herein shall be deemed a compliance with this section.

7-7-2 Gambling Devices. Nothing in this chapter shall in any way be constructed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or any way contrary to the law, or that may be contrary to any future laws of the State of South Dakota, nor shall it affect, regulate, or prohibit such gambling devices as are permitted and regulated under state law.

7-7-3 License Required. Any person, firm or corporation or association displaying for public patronage or keeping for operation any juke box, mechanical amusement device or video game as herein defined by section 7-7-1 shall be required to obtain a license from the City of Leola, upon payment of a license fee. Application for such license shall be made to the City Finance Officer upon a form to be supplied by the City Finance Officer for that purpose, and processed as provided in Chapter 7-1, except as modified by Chapter 7-1.

7-7-4 Application. In addition to the information required by section 7-1-2, the application for such license shall contain the following information:

- A. Name and address of the applicant, age, date and place of birth.
- B. A statement as to whether or not he applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- C. Description of machine to be covered by the license, mechanical features, name of manufacturer, serial number.
- D. A statement that the applicant is over eighteen (18) years of age and a citizen of the United States.

7-7-5 Inspection. Application for license shall be made out in duplicate, one copy being referred to the Chief of Police.

- A. The Chief of Police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.
- B. No license shall be issued to any applicant unless approved by the Chief of Police.

7-7-6 License Fees. Every applicant before being granted a license shall pay an annual license fee for the privilege of operating or maintaining for operation each Juke Box, Mechanical Amusement Device, or Video Game as defined in Section 7-7-1 herein. Said fees shall be set by the City Council and on file at the office of the Finance Officer.

7-7-7 Display of License.

- A. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.
- B. Such license may be transferred from one machine or device to another similar machine upon application to the City Finance Officer to such effect and giving a description and the serial number of the new machine or device. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

C. If the licensee shall move his/her place of business to another location within the City of Leola, the licensee may be transferred to such new location upon application to the City Finance Officer, giving the street and number of new location.

7-7-8 Revocation of License. Every license issued under this chapter is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee directly or indirectly, permit the operation of any juke box, video game, or mechanical amusement device contrary to the provisions of this chapter, the ordinances of the City of Leola, or the laws of the State of South Dakota. Said license may be revoked by the City Council after written notice to the licensee which notice shall specify the section or ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Five days notice of the hearing shall be given to the licensee by mail to his/her address stated on his/her application, postage prepaid. At such hearing the licensee and his/her attorney may present and submit evidence of witnesses in behalf of such licensee.

7-7-9 Seizure and Destruction of Machine. If the Chief of Police shall have reason to believe any mechanical or electronic amusement device is used as a gambling device, which is not permitted and regulated by state law, such machine may be seized by the police and impounded and if upon trial of the exhibitor for allowing it to be used as a gambling device, said exhibitor be found guilty, such machine shall be destroyed by the police.

Chapter 7-8 Intoxicating Liquors

7-8-1 Limitation of Licenses. The City of Leola will not hold the only license for the sale of intoxicating liquors on or off sale liquor licenses within the Municipality, notwithstanding the maximum number of liquor licenses as allowable by SDCL 34-4-10 and 35-4-11, the number of licenses available in the City of Leola are as follows:

1. On-sale Liquor: 3
2. Off-sale Liquor: 1

It is hereby determined that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and support of the municipal government and its existing institutions and shall be in full force and effect from and after its passage and publications according to law.

7-8-2 Restrictions on General Conduct of Business.

- A. No on-sale license shall sell, serve or allow to be consumed on the premises covered by the license, any intoxicating beverages, between the hours of one o'clock a.m. and seven o'clock a.m.
- B. Notwithstanding the restrictions of paragraph A., an on-sale/off-sale malt beverage licensee or an on-sale liquor licensee may obtain a special permit from the city extending its hours of operation for a special event; provided however, that said licensee makes application for a special permit to the City Finance Officer no less than 48 hours prior to the event and pays the required fee for the special permit at the time of approval of application.

Chapter 7-9 Operation of Card Tables

- 7-9-1 Card Tables License. It shall be unlawful for any person or persons to engage in the business of operating a card table or tables for amusement purposes only in any public place within the City of Leola, without first having procured a license to do so; the application for which license shall be made to the City Finance Officer and the fee for such license shall be established by the City Council.
- 7-9-2 Definition. A public card table, as the term is used in this chapter, shall be construed to mean any table or booth open to the public patronage and whether or not any charge is made either directly or indirectly for the use of said table within any public place of business within the City of Leola.
- 7-9-3 Penalty. Any person or persons, firm, or corporation violating any of the provisions of this chapter or failing to comply with any of the provisions which, upon conviction thereof, shall be subject to the penalties described in this ordinance (13-1-1).

TITLE 8—OFFENSES

- Chapter 8-1 Offenses Against Public Welfare
- Chapter 8-2 Offenses as to Public Places
- Chapter 8-3 Offenses as to Property
- Chapter 8-4 Animals
- Chapter 8-5 Fireworks, Firearms, and Explosions
- Chapter 8-6 Public Nuisances

Chapter 8-1 Offenses Against Public Welfare

- 8-1-1 Disturbing the Peace. No person shall disturb the peace of the City or 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.
- 8-1-2 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 or aid or assist any person to neither escape from any such officer nor assist any person to escape from any lawful confinement. No person shall assault or strike any police officer, nor in any way interfere with a police officer in the discharge of his/her duty.
- 8-1-3 False Emergency Alarms Prohibited. No person shall knowingly make or give any false alarm or fire or other emergency, by calling or causing to be called the Fire Department, the police officers, or any authorized emergency vehicle.
- 8-1-4 Prohibiting Persons from taking or carrying Opened Bottles or Cans containing Alcoholic Liquor on Streets, Sidewalks, and in Vehicles. No person shall take, carry, or have in his/her possession upon a street, alley, sidewalk, or public grounds of the City of Leola, or in any vehicle, any opened can, or bottle or other container in which there shall be any quantity of beer or other alcoholic beverage.

Chapter 8-2 Offenses as to Public Places

- 8-2-1 Crowds Obstructing Streets. It shall be unlawful for persons to gather in crowds or groups, or for any person to stand on any public street or sidewalk in such manner as to obstruct free passage thereon, or to annoy other persons passing along the same, and any 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.

8-2-2 Littering. It shall be unlawful for any person or persons to throw or deposit paper, ashes, or rubbish on the streets, alleys, or public grounds within the corporate limits of the City of Leola.

8-2-3 Abandoned Vehicles. No person shall abandoned a vehicle within the city and no person shall leave any vehicle at any place within the city for such time under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

A. Determination of Abandonment. Whenever any vehicle, equipment or trailer is left unattended on any public street, alley, public place, or parking lot within the city for longer than twenty-four (24) hours, without approval of the chief of police, where such vehicle is parked, it shall be deemed to be an abandoned vehicle and subject to provisions of this chapter.

B. Vehicles Blocking Traffic, Wrecked Vehicles. A vehicle found unattended upon bridge or causeway or where a vehicle constitutes an obstruction and hazard to traffic or a wrecked vehicle may be removed at any time without regard to the twenty-four (24) hour period provided for in this article.

C. Leaving or Wrecked, Non-operating Vehicle on Street. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city.

D. Duty of Property Owners. No person owning, in charge of or in control of any real property within the city whether as owner, tenant, occupant, lessee or otherwise shall allow an abandoned vehicle, equipment or trailer, partially dismantled, non-operating, wrecked or junked vehicle or vehicle in a state of substantial disrepair to remain on such property longer than seven (7) days; except that this section shall not apply with regard to a vehicle in an enclosed building, or to the vehicle on the premises of a six (6) foot solid fenced in business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or to a vehicle in an appropriated storage place or depository maintained in a lawful place and manner by the city or authorized by the city.

- E. Removal. Whenever any police officer finds an abandoned vehicle within the city, he is hereby authorized to provide for the removal of such vehicle to a garage or place of safety.
- F. Notice to the Owner. It shall be the duty of the police department to attempt to notify the registered owner, and if unnumbered, the lien holder, of the removal and storage of any vehicle under the provisions of this chapter and where such vehicle has been stored.
- G. Recovery by Owner, Lien Holder. The registered owner or lien holder of any vehicle removed and stored under the provisions of this article may recover the same upon the payment of all costs incident to the removal and storage of such vehicle.
- H. Sale or Unclaimed Vehicle. After one (1) month from the date of mailing the notice of removal and storage provided by for this article the vehicle shall remain unclaimed, such vehicle may be sold by the police department at public auction upon notice to be published in newspaper of general circulation in the county not less than once a week for two consecutive weeks.
- I. Notice of Sale. The notice of sale provided by this article shall contain a description of the removal and stored vehicle, including the year, make, model, serial number, color, license number, if any, a statement that the vehicle was found abandoned, the date thereof, the place, date and time of which such vehicle shall be sold, which date shall not be sooner than one week following the date of the last publication of notice of sale.
- J. Lien for Costs. The police department or whomever is designated by the chief of police to provide storage to the abandon vehicle, shall have a possessory lien upon any vehicle removed under the provisions of this article for the costs in taking custody of and storage of such vehicle.
- K. Title May Vest in City-When. If after three (3) months from the mailing date of notice of removal and storage provided for by this article, the vehicle shall remain unclaimed, the title to such vehicle may be vested in the city, and such vehicle may be disposed of in any manner as may be provided by the City Council. The proceeds of any such disposal shall first be applied to the costs incurred in the enforcement of this article with the balance to be deposited to the general fund of the city.
- L. Title May Vest in City-Notice to the Commissioner of Vehicles. Within thirty (30) days after acquiring title to any vehicle under the

provisions of this article, the city shall notify the commissioner of motor vehicles thereof and shall provide the commissioner, on some as he may prescribe all facts and information relevant thereof of as he may require. Upon receipt thereof, the commissioner shall appropriately mark the title and registration records and notify the owner of the records at his/her last known address of the actions taken.

Chapter 8-3 Offenses as to Property

- 8-3-1 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, are card placed, posted, extended, or erected by the City.
- 8-3-2 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.
- 8-3-3 Destroying Trees and Plants. No person shall willfully injure, destroy, or deface any tree, shrub, hedge, 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 is property of the City.
- 8-3-4 Interference with Electric Light Posts and Apparatus. No person shall interfere with, injure, break, or jar any electric light, telephone, telegraph, or fire alarm system, post, or pole apparatus in any manner, or climb any telegraph, telephone, electric light, or fire alarm pole without being properly authorized to do so.
- 8-3-5 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 any 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 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 appliance connected therewith, that such mater will not measure or register the full amount of gas, water, or electricity supplied to any customer.
- 8-3-6 Interference with City Engineer, Instruments, Stakes. No person shall interfere with the City Engineer while engaged in his/her 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 of any of

his/her assistants, or by moving or displacing any stake, monument, or bench mark fixed or located by him or her assistants.

8-3-7 Interference with City Property. No person shall climb or in any manner interfere with any building, water tower, or structure belonging to the City, without being authorized to do so by the City; and no person shall in any manner injure or deface any such structure.

8-3-8 Destroying Property. No person shall willfully damage, deface, break, destroy, or interface with the property of the City.

Chapter 8-4 Animals

8-4-1 Animals Running at Large. No person shall allow any horse, cow, swine, sheep, or goat to run at large.

8-4-2 Fowl in the City. No person shall allow any ducks, geese, chickens, or other domestic fowl to run at large.

8-4-3 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 such animals within three hundred (300') feet of any dwelling house or building use for human habitation, other than that of the owner of such animals. New enclosed buildings or structures containing livestock within the three hundred (300') foot limit may be approved with an agreement from adjacent land owners and will also need McPherson County approval.

8-4-4 Pigs 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, or yards or stockyards, packing houses, or butcher shops and kept for the purpose of immediate shipment or slaughter.

Chapter 8-5 Fireworks, Firearms, and Explosions

8-5-1 Discharge of Firearms, or Air Rifles. It shall be unlawful for any person except a police officer in the performance of an official act, to discharge or fire any gun, air rifle, sling shot, or other dangerous weapon within the City limits of the City of Leola.

8-5-2 Selling, Possessing, or Discharging Fireworks Prohibited. It shall be unlawful for any person to sell to any person in the City of Leola or within one mile of the outer boundaries of the same, any firecrackers, cartridges, roman candles, rockets, or other fireworks that may be made or manufactured.

No person shall in the City of Leola or within one mile of the outer boundaries of the same, discharge, or shoot off any fireworks, or firecrackers of any kind or light or throw any fireworks of any kind, except on the first day of July an continuing through the fifth day of July of each year, except between the hours of 11:00 P.M. through 5:00 A.M. on Sunday through Thursday and 12:00 Midnight and 5:00 a.m. on Friday and Saturday.

Public display of fireworks are permitted at any time, provided that any individual, firm, partnership or corporation has received permission from the Leola City Council prior to making such public display of fireworks.

8-5-3 Penalty. Any person who shall violate any of the provisions of this ordinance hereof, shall be subject to fine and or imprisonment as set in chapter 13-1-1, Penalty in General.

Chapter 8-6 Public Nuisances

8-6-1 Public Nuisances Defined, Remedy. A public nuisance consists in unlawfully doing an act, or omitting to perform a duty within the corporate limits of the City or in any public grounds or parks belonging to the City or within one mile of the corporate limits of the City, which act or omission either:

- A. Annoys, injures, or endangers the comfort, repose, or safety of others;
or
- B. Offends decency; or
- C. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any lake or navigable river, bay, stream, canal, or basin or any public park, square, or highway; or
- D. In any way renders other persons insecure in life, or in the use of property, or which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

The remedies against a public nuisance shall be those prescribed by section 21-10-5 of the SDCL, or by other statue.

8-6-2 Curfew. No person under the age of eighteen years except as provided shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment or refreshment, vacant lot,

or any other unsupervised place between 11:00 p.m. and 5:00 a.m. of the following day on Sunday through Thursday and 12:00 midnight and 5:00 a.m. of the following day on Friday and Saturday.

A. The restrictions above do not apply when the minor:

1. Is accompanied by the minor's parent, guardian, or other person having the minor's lawful care, custody, or control;
2. Is returning home by a direct route from and within thirty minutes after a school activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or religious or voluntary association to do so;
3. Is carrying a certified card of employment and is on the way to or from that place of employment;
4. Is upon an emergency errand or other legitimate business directed by the minor's parent, legal guardian, or other adult having the lawful custody of the minor.

B. Responsibilities of Parent, Guardian, or Custodian. No parent, guardian, or other adult having custody and control of a minor under the age of 18 years of age shall knowingly permit the minor to violate the provisions of this ordinance. Any parent or guardian of any child under 18 years of age who shall allow or permit such minor to be in any park, or other public grounds or building, place of amusement, entertainment, or refreshment, vacant lot or any unsupervised place within the City limits of the City of Leola, thereof, are in violation of the foregoing sections and provisions of this ordinance and shall be subject to penalty or penalties hereinafter provided.

C. Responsibility of Others. It shall be unlawful for any person not the parent, guardian or custodian as defined herein to accompany, loiter, or congregate with any minor under the age of 18 years in any park or other public grounds or building, place of amusement, entertainment or refreshment, vacant lot or alley during the hours prohibited under the above sections, or the owner or operator of any motor vehicle during the hours prohibited by this ordinance and shall be subject to the penalty or penalties hereinafter provided.

D. Penalty. Any person who shall violate any of the provisions of this ordinance hereof, shall be subject to fine and/or by imprisonment as set in City Ordinance 13-1-1.

TITLE 9 - PLUMBING CODE

Chapter 9-1 Adoption of National Code

Chapter 9-2 Licensing and Inspection

Chapter 9-1 Adoption of National Code

9-1-1 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 most recent edition thereof, and the whole thereof, excepting such portions as are hereinafter deleted, nullified, or amended, of which a copy is on file in the office of the Finance Officer of the City of Leola, 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 this code, within the corporate limits of the City of Leola.

9-1-2 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 ordinance as this code.

The administration and enforcement of this ordinance shall be the duty of the City Council who is hereby authorized to take such actions 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.

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

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

9-1-3 Repeal and Interpretation. All ordinances or parts of ordinances in conflict with the provisions of the National Plumbing Code are hereby repealed, and in the event any ordinance or part of ordinance of the City of Leola is inconsistent in any manner with the provisions of said National Plumbing Code, then in that case the provisions of the National Plumbing Code shall govern.

Chapter 9-2 Licensing and Inspection

9-2-1 Definition. Plumbing in this chapter shall be deemed to mean the professional, art, trade of, and all work done and all matters used in and for (a) introducing, maintaining and extending a supply of water through a pipe or pipes or any appurtenances thereof in a building, structure or establishment; (b) installing, connecting, or repairing any system of drainage whereby foul waste, rain or surplus water, gas, odor, vapor, or fluid is discharged or proposed to be discharged through a pipe or pipes from any building, structure or establishment; (c) connecting with any building, structure or establishment with any service pipe, public main, or other underground structure; and (d) performing all classes of work generally done by plumbers, including the installation of water heaters or water heating equipment.

The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil wastes and vent pipes; the house drain and house sewer; the storm water drainage with their devices; and appurtenances and connections all within or adjacent to the building structure or premises.

9-2-2 City Council Authorization. The City Council is authorized to adopt such rules and regulations as shall be necessary for the examination of applicants for plumbing licenses.

The Council shall hold meetings as necessary for examination of applicants as hereinafter provided for plumbing licenses under this title and for transaction of other business, to examine all such applicants as to their knowledge of the rules and regulations governing plumbing work, to determine the qualifications and fitness of such applicants for the license applied for, and to grant licenses applied for and renewals thereof to qualified applicants.

Such examinations as herein set out shall be given not more than thirty days after the filing of any application for a Master Plumber's license.

The examination of applicants for plumbing licenses shall be of such character as to test the fitness and qualifications of the applicants for the license applied for and ability to properly carry on the plumbing business work authorized under the license applied for in such manner as to safeguard and preserve the public health, safety, and general welfare, and in compliance with the regulations and ordinances governing such work.

9-2-3 License Required. No person shall engage in the business of plumbing without first securing a license from the City Council as provided for in this chapter. This section shall not, however, apply to any individual engaged in the plumbing work as an apprentice under the direct supervision and control of a Master Plumber.

9-2-4 Application for License. Any person desiring to engage in the business of plumbing as a Master Plumber shall first make application for a license therefore to the Finance Officer on form furnished to him.

Applicants for license shall be subject to examination by the City Council as herein set out and must pass such examination to the satisfaction of the City Council in order to be entitled to such license.

This section with reference to licenses shall not be applicable to any person holding a Master Plumber's license at the time of the effective date of this chapter.

9-2-5 Renewal of Master Plumber's License. The holder of a Master Plumber's license shall renew the same at or before its expiration. It shall be unlawful for such person to engage in the work of a Master Plumber without renewal of such license. The license may be renewed without examination at any time up to the first day of March following its expiration date. Thereafter no renewal of such license shall be made except upon examination for an original license.

9-2-6 Licensed Plumber, General Regulations. Every licensed Master Plumber shall be held responsible for the acts of his/her journeyman plumbers, agents, or employees done under and by virtue of his/her license. Any change in business name or location by a licensed plumber shall be promptly reported to the Finance Officer.

The plumbing license shall be posted in a conspicuous place in the place of business of the licensee. No plumbing license shall be transferable.

- 9-2-7 Defective Plumbing. Any defective plumbing or unsanitary condition caused by defective plumbing shall be repaired, replaced, or removed promptly on due notice by the City Council.
- 9-2-8 Revoke License. In addition to other penalties imposed, the City Council may revoke the license of any plumber for violation of any provisions of this title by such plumber or his/her employee.
- 9-2-9 Classes of Plumbers. There shall be under the provisions of this title, two classes of plumbers: (a) Master Plumber; and (b) Journeyman Plumber. A Master Plumber is a person who assumes responsible charge and direction of other persons in the installation of plumbing as hereinbefore defined, and must hold a Master Plumbers license, issued within the current calendar year by the City Council.
- A Journeyman Plumber is a person who performs the manual work of installing plumbing and drainage only under the control of a licensed Master Plumber, and shall not be required to obtain license.
- 9-2-10 Plumbing Inspections. The City Council will prescribe and shall be charged with the enforcement of all rules and regulations concerning plumbing contained in this ordinance.
- 9-2-11 Supervision. All plumbing work in process of construction, alteration, or repair shall be under the supervision of the City Council, who is empowered to stop such work when it is being done contrary to the provisions of this title.
- 9-2-12 Permit Required. Before commencing any work within the purview of the definition of plumbing as herein contained, the plumber or person doing such work must first obtain from the Finance Officer a written permit. This permit must at all times during such work, and until the completion thereof, be posted in some accessible place on the outside of the building wherein such work is being done; provided, however, that no permit shall for ordinary repairs to water pipes, faucets, hot water tanks, water tanks, or for the removal of obstructions in fixtures or piping which are generally known and considered as maintenance work. It is intended that replacement of fixtures where no new fixture is cut into the system shall be considered as maintenance.

Any plumber or person desiring such permit must file with the Finance Officer an application in writing for such permit, stating therein the location of the structure wherein such work is intended to be done, the owner or licensee's name, the character of the work to be done, the name and kind of fixtures to be installed, and the name of the plumber or person intending to do the work.

The application for said permit, and the acceptance of said application and issuance of said permit by the Finance Officer shall constitute an agreement.

9-2-13 Permits Issued. Upon the approval of the application for such permit as set out in Section 9-3-13, the Zoning Administrator shall issue without charge a permit, in duplicate, to the plumber or person applying therefore, stating the name of the owner or lessee of the property, the street and house number, the name of the plumber or person doing such work and specifically the work authorized to be done thereunder.

9-2-14 Work Under Permit. Work under such permit must be started within sixty (60) days from the date of the issuance of said permit. If, after partial completion, such work is disconnected for a period of six (6) months, the permit shall thereupon become void and no work shall be done at the premises until a new permit shall have been issued.

No additional work or additional fixtures other than the work fixtures designated in the application for such permit shall be done or installed without the approval of the City Council, and a new permit must be issued for such additional work or fixtures.

9-2-15 Notice to the City Council. Any plumber or person doing work under the provisions of this title shall, when work has been prepared for inspection as provided for in this title, notify the City Council that inspection is required, giving the location of the premises and the time of such work will be ready for inspection.

The Council shall inspect such work within a period of two workdays after notification that such work is ready for inspection.

9-2-16 Inspection. Upon inspection of such work, the City Council shall approve or reject such work, and shall give written notice of such approval or rejection, such written notice to be posted upon the premises. In the event that such work is rejected, such notice shall set out specifically the reason or reasons for such rejection.

9-2-17 Fees for Inspection. There shall be no charge for inspection of plumbing work done under this title.

9-2-18 Final Inspection. When the work covered by the permit is completed, the City Council must be notified that the work is ready for the final inspection, and the City Council may at their discretion require a final test of either smoke or peppermint. No work shall be used until this inspection has been made and a certificate of final approval has been attached to such

plumbing work. Such certificate shall be in the form required for acceptance of “roughing in” work.

TITLE 10—SEWER AND WATER

Chapter 10-1 Sewers

Chapter 10-2 Water

Chapter 10-1 Sewers

- 10-1-1 Permit for Connection. No person, company, 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 Finance Officer, and the payment of a sum in an amount set by the City Council and on file at the office of the City Finance Officer, plus all costs from main to lot line to the Finance Officer as a fee for permission to connect to the said sewer and inspection of sewer. No permit shall be granted to connect any property with any public sewer in this City, or any connection therewith until the applicant for the same shall agree to comply with the terms and conditions of this title. The owner shall indemnify the City of Leola, from any loss or damage that may directly or indirectly be occasioned by the installation or the constructing or repairing of a sewer.
- 10-1-2 Assessment for Connection. Property having paid its just portion of the costs of construction of the sewer to be connected with shall not be required to pay the above fee.
- 10-1-3 Connection to be made by Plumber. No person except a licensed plumber working under the supervision of the Chief of Police shall be permitted to make connections with any public sewer.
- 10-1-4 Specifications. All sewers shall be constructed and connected in accordance with the provisions of the National Plumbing Code heretofore adopted by Title 9 of this ordinance.
- 10-1-5 Grease Trap. A proper grease trap or catch basin shall be provided by all hotels, restaurants, butcher shops, and lad rendering establishments.
- 10-1-6 Connection with Cesspools Prohibited. No connection from any cesspool or privy vault shall be made with any sewer or drainage pipe.
- 10-1-7 Use of Storm and Sanitary Sewers. It shall be unlawful for any person in the City of Leola to connect any sanitary sewer with any storm sewer, or to permit any sewage to flow or run into any storm sewer; and it shall be unlawful for any person to connect any storm sewer with sanitary sewer or to permit or cause any storm or drainage water to run or flow into any sanitary sewer.

10-1-8 Use of Sanitary Sewers. It shall be unlawful for any person in the City of Leola to permit any blood, buttermilk, whey, and sewer pipe consuming acids to flow or run into any sanitary sewer.

10-1-9 Inspection. The Chief of Police or his/her duly authorized representative shall inspect all sewers, connections, and appurtenances thereto before any trenches and grades are refilled. All sewers shall be left open and clean for inspection of joints and sewer lines. The applicant for the building sewer permit shall notify the Finance Officer when the sewer is ready for inspection. Upon completion of said inspection the applicant, shall be immediately notified if the sewer is approved or rejected.

10-1-10 Trailer Houses or Trailer Coach Connected with Sewer System. Every trailer house or trailer coach may connect with the City sewer system by making and filing an application with the Finance Officer describing the trailer house or trailer coach; the place to where the sewer connection is to be made; and the description of the lot where the trailer house or trailer coach is to be located. The owner of the lot upon which the trailer house or trailer coach is located must pay a fee in an amount set by the City Council and on file at the office of the Finance Officer.

The Finance Officer upon receipt of the application is authorized to issue such permit for a period of six (6) months and the fee attached to the application is the payment for said period of time.

Any dissatisfied applicant may appear before the Mayor and the City Council with any matter, which may be in dispute. The decision of the Council is final.

10-1-11 Property Outside the City Limits, Charges for use of Sewer. Any property outside the corporate limits of the City of Leola may hereafter be connected to the sanitary sewer system of the City of Leola. An annual tap fee for the use of the sanitary sewer system must be paid, and an annual fee for each and every connection to said sewer system must be paid. Said fees shall be paid in advance. The amounts of said fees shall be set by the City Council and on file at the office of the City Finance Officer.

If any sewer bill is not paid within ten (10) days after the same falls due, the City of Leola shall have the right to in addition to the provisions of the preceding paragraph, at any time thereafter before said bill and penalty is paid, shut off the sewer from users premises, and same shall not be again connected without first making application to the City Council and approved thereof at the special or regular meeting of said Council.

10-1-12 Sewer Rates. All residential sewer users shall pay a monthly fee set by the City Council and on file in the office of the Finance Officer. This shall be submitted with water payment to the City Finance Officer no later than the 20th day of each month.

All commercial sewer users shall pay a monthly fee set by the City Council and on file in the office of the Finance Officer for the first 20,000 gallons of water use. Any Commercial consumer using over 20,000 shall pay an additional fee set by the City Council and on file in the office of the Finance Officer for each gallon over.

10-1-13 Sewer Rents for Use – Pay to Finance Officer. A monthly rate for use of sewer shall be paid by the owner of the premises to the Finance Officer, who shall keep a true and accurate account of all receipts and collections.

Chapter 10-2 Water

10-2-1 City Council – Duties. The City Council shall have the immediate control, protection, and management of everything appertaining to the Water Works of the City of Leola and have all the powers and duties hereinafter enumerated.

10-2-2 Employees – Appointment, Compensation. The City Council shall appoint all other regular employees of the water works, and fix the salaries or compensation of every person connected therewith.

10-2-3 Water Mains – Map. The City Council may provide and maintain a comprehensive map of all water mains, branches, extensions, hydrants, and gates, showing their location and size. Any changes of or additions to the water system require that the maps and records thereof be corrected and enlarged as the occasion may require. The map will be on file with the Finance Officer.

10-2-4 Inventory and Record. The Finance Officer shall, at the end of each year, make and file with the City Council, a complete inventory in detail, of all tools, implements, furniture and other articles of personal property belonging to the water department. He shall also keep in a book provided therefore, records with a suitable diagram showing the location, number and size of all taps in the main and service pipes connecting therewith, and such other records as he may be directed.

10-2-5 Permit. Any person desiring to make service connection with the water system shall make application in writing to the Finance Officer in such form as the City Council may prescribe, and pay to the Finance Officer the fee for tapping the main as hereinafter provided for. The application shall be filed in the office of the City Finance Officer. Upon the filing of the

application and the payment of the fee, a permit shall be issued authorizing the connection to be made at the place provided therein. No tap shall be made until a permit is issued therefore.

10-2-6 Fees for Connection. The City Council is hereby authorized by motion/resolution to prescribe a schedule of fees for making a tap upon the City water mains and connections to the curb stop.

10-2-7 Repair of Service. Whenever any iron service pipe breaks or leaks between the corporation cock and meter, such iron service pipe must be replaced with copper or 160 pounds per square in pipe, and all service pipes between the corporation cock and the meter hereafter installed, or changed shall be copper or 160 pound per square inch pipe; and if copper pipe is used, the same shall be extra heavy soft copper pipe known as "Type K" stamped thereon.

10-2-8 Cut Offs. All stop boxes and cut offs for controlling the supply of water to consumers shall be placed approximately six feet from the property line nearest to the main, where the tap is to be made with the top of the stop box even with the grade of sidewalk or parking. However, this rule shall not apply where the water supply is controlled by a valve in the street, which must be manholed. All such cutoffs are under the control of the City. The user or owner of the premises supplied with water shall be responsible for any damage to the curb box.

10-2-9 Meter Required – Fees. All places supplied with water shall be metered by a meter furnished by the City and of a type approved by the City Council. All meters shall be tested before installation. The owner of the premises where the meter is to be installed shall pay the Finance Officer a sum in the amount equal to the cost of such meter. Payments shall be made in advance of installation to the City to insure the payment of all water rent and other charge occasioned by such water service.

10-2-10 The City will make all necessary repairs to meters, and all repairs to said meters shall be made at the expense of the owner of the premises or user, and may be charged against the rental account of such owner or user and become payable as water rent.

When any meter is returned or taken it shall be determined the amount of damage, if any, to the same and the cost of repairing such meter. The Finance Officer shall subtract from the deposit the amount of such damages or repairing as determined, any amount due the City for water rent, any amount due the City for any cause arising out of such water service, and return the balance.

- 10-2-11 Placing of Meters and Cutoff Valves. All meters shall be suitably placed on service pipe, with a compression stop and waste on the inlet side next to the meter, so as to be easy access and whenever possible not to exceed two feet from the wall or place where the service pipe enters the building or structure. The meter shall be kept free from all obstructions so that the same may be easily read and inspected, and shall be protected from freezing or other damage. The cutoff valve shall have a handle or wrench attaching thereto for the purpose of turning the same, and must be kept accessible at all times. One inch and larger meters shall have cutoff valves on both inlet and outlet side. Meters of two inch size or larger shall have a tee with one inch opening inserted between meter and stop valve on outlet side of meter.
- 10-2-12 Owner Responsible for Pipes and Fixtures. All owners must at their own expense, keep their service pipe from the point of connection with the shut off and all other apparatus in good working order, and properly protected from frost and other damage. No claim shall be made against the City of Leola by reason of the breaking of any of the service pipes or apparatus, or for any other damage that may result from any shutting off or turning on of water, or for any variation of pressure. Water shall not be wasted or improperly used and no reduction will be made from the rates because of leaking pipes or fixtures or for any other cause.
- 10-2-13 Notice to Discontinue Required. Owners or consumers desiring to discontinue the use of water shall give notice thereof to Finance Officer, and the minimum charge for water rent as provided in section 10-2-30 of this chapter shall in all cases apply until such notice is given and the water service discontinued, regardless of whether said premises are occupied and used, or not. Upon the receipt of such notice, it shall be the Duty of the Chief of Police to at once shut off the water at the curb cock, and the water shall not be turned on again unless a fee is paid to cover the expense of shutting off and turning on. Said fee shall be in an amount set by the City Council and on file in the office of the Finance Officer.
- 10-2-14 More than One Consumer from One Service. Two or more premises cannot be supplied from the same service pipe unless each premise has its own curb cock. Owners of buildings who lessee or subdivide, shall be responsible for all water used in said premises. If more than one meter is placed upon one service pipe, the piping must be arranged that each meter can be set on separate pipe lines, and shall be so placed that no one of them shall measure water which has passed through another meter.
- 10-2-15 Must Not Permit Others to Use Water. No consumer shall permit the owner or occupant of any other premises to use water from his/her service, except by special permission from the City Council.

- 10-2-16 Valve Between Meter and Broiler. When a meter is placed on pipe connected to a broiler or other hot water apparatus, and approved check and relief valve must be placed between such meter and said broiler or other hot water apparatus.
- 10-2-17 Building Purpose. Contractors, builders, or others desiring water for building purposes must make application to the Finance Officer thereof.
- 10-2-18 Testing Meters. In case there is any doubt of the accuracy of any meter on the part of the consumer, he may have the meter tested by the City. If the meter should prove to be more than five percent fast, proper deductions will be made from the bill for the preceding period. In case the meter is more than five percent slow, the proper amount will be added to the bill.
- 10-2-19 Meter Reading. Each residential and commercial consumer shall be responsible for reading their own meter on a monthly basis, computing the water rates and submitting payment and actual meter reading on payment stub to the City Finance Officer. The water fee will be set by the City Council and on file in the office of the Finance Officer.
- Meter shall be read by all residential and commercial consumers on the first of each month with payments being received by the City Finance Officer no later than the tenth (10th) day of each month. Payments received after the twentieth of the month shall be subject to a ten (\$10.00) dollar late penalty. Disconnect will take place on the thirtieth of that month and a twenty (\$20.00) dollar unhook fee and a twenty (\$20.00) dollar hooking fee will be imposed.
- 10-2-20 Meters Failing to Register. In cases where water meters fail to register the amount of water passing through them by being stopped up or from any cause whatever, the quantity used shall be determined and the charge made based upon the average amount used during two or more preceding periods of similar length.
- 10-2-21 Boxes for Meters. All meters located outside of cellars must be placed in boxes. All such outside meter boxes must be constructed of brick, stone, cement, or other material other than wood, and not to be less than three feet long and two and one-half feet wide, inside measurement, and must be provided with two close fitting covers so arranged as to provide a dead air space between each cover, and with the steps to enable one to descend into the box. The top of the meter box shall be at grade.
- 10-2-22 Interfering with Fire Hydrants. No person except the Chief of the Fire Department shall open, take water from, or in any way interfere with, injure, break, or deface any fire hydrant belonging to the Water Plant of the City of Leola.

- 10-2-23 Only Licensed Plumbers Allowed. No person except a regularly licensed plumber or his/her employee shall be permitted to do any work on any pipes or connections made with the mains of or in any way connected with the water supply of the City of Leola, and no plumber shall directly or indirectly allow any other person to do any work on said appliances under his/her license. All such plumbers shall be governed by all the rules and regulations of this Title, and Title 9, regulating plumbing and plumbers.
- 10-2-24 Breaking Seals. No person shall break any seal upon any meter, valve, private fire hydrant, or other fixtures that may be sealed. Provided that the seals on private fire hydrants and private fire protection valves may be broken in case of fire, and when so broken shall be reported to the Chief of Police within twenty-four (24) hours.
- 10-2-25 Pipes Inspected before Covered. No water pipes laid underground shall be covered and the trenches filled until the water has been turned into such pipes and the said pipes have been tested and found to be water tight and below frost line, except when otherwise specially permitted.
- 10-2-26 May Shut Off Water to make Repairs. In case of leaks or other accidents to pipes or other apparatus connected with the City Water Works, plumbers may shut off water to make necessary repairs, but in all cases where it is necessary to repair or remove water meter, notice may be given to the Chief of Police and no plumber or other person shall remove any meter from an premises or change the location of any meter in any premises without receiving a permit therefore from the Finance Officer. In all cases, when plumbers make repairs to pipes or fixtures on any premises, they shall leave the water turned on or turned off as they found it to be when they entered upon the premises to make such repairs.
- 10-2-27 Leave Water Turned Off. In no case shall any plumber after the completion and test of any plumbing job, if it be the first installation of service pipe, leave the water turned on but in all cases the stop cock at the curb shall be shut off.
- 10-2-28 Water Shut Off – Expense. When the water has been shut off on account of nonpayment of its bills or for violation of any of the rules and regulations of the City it will not be turned on again until all the arrears are paid together with an additional payment of an amount set by the City Council and on file at the office of the Finance Officer, to cover the expense of shutting off and turning on. If any person from whose premises the water has been shut off for any of the reasons herein provided shall turn the water on or cause the same to be turned on without authority from the City Council he shall be deemed guilty of a misdemeanor.

- 10-2-29 Water Rates. Each residential and commercial consumer shall pay on a monthly basis, and the fee shall be set by the City Council and on file in the office of the Finance Officer.
- 10-2-30 Water Fee – Collection. Water fee shall be collected by the Finance Officer who shall keep a true and accurate account of all receipts and collection.
- 10-2-31 Delinquent Rents. It shall be the duty of the Finance Officer to report to the City Council all delinquents on or before the 15th day of the following month in which the same became due. And it shall thereupon be the duty of the Finance Officer to notify persons whose rent is delinquent and the owner of the property occupied by such persons that unless such delinquent water rent be paid within ten days, the water service will be discontinued and in case the delinquent rent is not paid within that time, the Water Superintendent shall discontinue water service to the property occupied by him, together with the fee for turning on the same. The Water Superintendent is authorized to disconnect and take the meter and apply the meter deposit, or any part thereof, or any amount due to the City, under the provisions of this chapter.
- 10-2-32 Owner – Lessee – Liable. The owner of private property, which property has upon its pipes connected with the City Water Works to convey water upon such property shall as well as the lessee or occupant of the premises, be liable to the City of Leola for the rents or rates of all water from said Water Works used upon said premises; which may be recovered in an action against such owner, lessee, or occupant, or against any or all of them.
- 10-2-33 Fires. In case of fire the Chief of the Fire Department shall have full management and control for the time being of all mains, gates, and fire hydrants, and it shall be the duty of the Chief of Police to carry out any lawful order of the Fire Department in relation to the Water Works.
- 10-2-34 Hydrants. Any person desiring to lay large pipes for hydrant or hose couplings to be used only in case of fire, will be permitted to connect with the street main at their own expense upon application to the Finance Officer, and under his/her direction, and will be allowed to use the water for fire purposes only, free of charge; but all such pipes must be provided with a suitable valve, which must be sealed, and a stop and waste cock attached at the bottom on the inside of the building. In case the seal is broken for the extinguishment of fire, the party must immediately give notice to the Chief of Police, and in case the seal shall have been broken for any other use, the party offending shall be subject to a fine in an amount set by the City Council and on file in the office of the Finance Officer.

- 10-2-35 Drinking Fountains. Service pipes to all outdoor drinking fountains are to be provided with a stopcock or a street valve, which will be under the exclusive control of the City.
- 10-2-36 Use Without Meter Unlawful. It shall be unlawful for any person to use any water from the City Water Works except through a meter regularly installed under the provisions of this ordinance or turn the water on and off with at any curb cock or street valve without the permission of the City Council.
- 10-2-37 Water - Restrictions. The City Council shall have the right to limit or prohibit temporarily the use of water from the City distribution system for any purpose excepting domestic purposes within the dwellings of consumer or in business establishments during emergencies in the event of plant breakdown, prolonged drought, or shortage of water supply for any reason to the end that fire protection efficiency may be maintained at its maximum. Notice of such limitation or prohibition of the use of such water shall be given by publishing a notice thereof once in the official newspaper of the City or by personal notice. Any person violating the terms of such prohibition or restriction after such notice shall be guilty of a misdemeanor and subject to penalties in this Ordinance (13-1-1). Water service to the premises involved may be discontinued entirely during such emergency.
- 10-2-38 Penalty. Any person violating any of the provisions of this chapter shall in addition to the ordinary penalties prescribed for violation of this Ordinance, be subject to having water service turned off from the premises of such person, and service shall not be restored until there has been full compliance of this chapter and the payment of such fees for restoring service as may be provided by this chapter.

TITLE 11—STEEETS, SIDEWALKS, AND PUBLIC PLACES

- Chapter 11-1 Names of Streets and Avenues
- Chapter 11-2 Sidewalks
- Chapter 11-3 Snow Removal
- Chapter 11-4 Trees in Public Places
- Chapter 11-5 Use of Streets and Public Places
- Chapter 11-6 Excavations in Public Places
- Chapter 11-7 Moving Buildings

Chapter 11-1 Names of Streets and Avenues

- 11-1-1 Plats Part of Ordinance. Those plats indicating the names of streets and avenues of the City of Leola, South Dakota, now on file in the office of the Register of Deeds of McPherson County, South Dakota, are hereby incorporated as a part of this ordinance.
- 11-1-2 Official Map. The official map of the City of Leola shall be those maintained in the office of the Register of Deeds of McPherson County, South Dakota.
- 11-1-3 Names of the Streets and Avenues. The official names of the streets and avenues in the City of Leola shall be those as shown on the official map or maps maintained in the office of the Register of Deeds of McPherson County, South Dakota.

Chapter 11-2 Sidewalks

- 11-2-1 Supervision of Sidewalk and Curbing Construction. The building and construction of all sidewalks and cubing within the limits of the streets and alleys of the City of Leola shall be done under direct supervision of agents and all such sidewalks shall be constructed on the grades as determined by the said city.
- 11-2-2 Specifications. The construction of all sidewalks and curbing whether to be done by direct contract with the City of Leola or by contract with the abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the Council and on file in the office of the Finance Officer. The Council shall have full power to condemn work and material not in accordance with the requirements of said specifications.
- 11-2-3 Permit Required. Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the City of Leola by any contractor or

person for the owner or owners of abutting property, said contractor or person must first secure a permit therefore from the Finance Officer.

11-2-4 Bond. Before any such contractor or person shall receive a permit for the construction of any sidewalk or curbing within the limits of the streets or alleys of the City of Leola, such person or contractor must first execute a guaranty bond in an amount equal to the total amount of the work to be preformed by him under the contract therefore, with good and sufficient surety approved by the City Council; or may give a bond of an amount set by the City Council and on file at the office of the City Finance Officer to cover all work to be done by such contractor during the year in which the bond is given. All such bonds shall require that the contractor or person receiving such permit shall replace all sidewalks and curbing constructed by him at any time within the period of three years, from the time of completion of said sidewalks or curbing which, in the opinion of the City Engineer, were not laid in accordance with the required specifications, provided however, that no bond shall be required where the owner of the abutting property does his/her own work.

11-2-5 Width of Sidewalks. The width of the sidewalks in the residential districts shall be four (4') feet and the width of sidewalks in the business district shall be eight feet.

Chapter 11-3 Snow Removal

11-3-1 Duty of Owner or Occupant. It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk, to keep such sidewalk free and clear from snow and ice from such walk by reason if 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. This must be done within twenty-four (24) hours after snowfall.

11-3-2 Penalty. Any person who fails to remove such snow shall be subject to the penalties in this ordinance; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in this chapter.

Chapter 11-4 Trees in Public Places

11-4-1 Trimming Trees. The occupant of any private premises, or the owner of the same if not occupied, abutting on any public street, road, or alley with in the City of Leola shall keep all trees standing upon such premises, or between the same and the center of adjoining street, road, or alley so trimmed that no bough or branches thereof shall be lower than seven feet

above the surface of the street, road, or alley or any sidewalk thereon; provide that upon the failure of any occupant or owner to trim such trees as in this section provided the City Council of the City of Leola shall have authority to remove or cause to be removed under its provisions any trunk, limb, or branch of any tree that is, or in the judgement of said Council, which shall extend or hang lower than fifteen (15) feet above surface of any street, road, alley, walk way, or sidewalk, whether such trees be growing on privately owned property, and may cause the same to be trimmed and charged the expense thereof to the occupant or owner of such property.

- 11-4-2 Permission to Plant and Maintain. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or municipal-owned property without first receiving permission from the City Council.
- 11-4-3 Trees – Injury. It shall be unlawful for any person to injure any tree, herb, or shrub planted in any public place by physical means, use of herbicides, or any means whatsoever, nor shall any person remove or cut down any tree, hedge, or shrub in any such public place without first having secured a permit from the Mayor to do so.
- 11-4-4 Trees – Guidewires. It shall be unlawful for any person to attach any wire or rope to any tree in a public place without having a permit form the Mayor to do so.
- 11-4-5 Trees – Public Service Corporation. Any person, company, or firm having the right to maintain wire, cables, and poles in the public street and alleys and other public places, must keep the before mentioned wire and cables and poles free from and away from any trees or shrubs in such places so far as it may be possible, and shall keep all such trees and shrubs trimmed away from said poles and wire subject to the supervision of the Mayor; and in asking excavations in streets or other public places for underground services or the repair thereof, said person, company, or firm shall take proper care to avoid injury to the roots of any tree, hedge, or shrub.
- 11-4-6 Trees – Appeal. Any person affected or grieved by any decision of the Mayor shall file a petition before the City Council who shall within two days either affirm of modify the decision of the Mayor.
- 11-4-7 Trees and Grass Plots. It shall be unlawful for persons owning or occupying lots or parcels of land within the City of Leola to embellish the same by planting shade trees within the limits of the street adjoining such premises; provided, that such shade trees are planted between the sidewalk and the gutter; also to make and keep in order lawns and grass plots between the sidewalk and curbing, and any person who shall injure such

trees or any of them, or any shade trees now growing within the limits of any street, or any grass plot or lawn which may have been planted or made in conformity with this section, or any shade tree, shrub, flower or plant growing in any private or public grounds within the City, or cause the same to be injured by grading, breaking, tearing, cutting, picking, tying animals thereto, or in any manner, shall be subject to the penalties in this Ordinance (13-1-1).

- 11-4-8 Cottonwood Trees. No female Cottonwood trees are allowed within the City Limits.

Chapter 11-5 Use of Streets and Public Places

- 11-5-1 Obstruction on Streets. No person shall place, leave, or keep on any public street, road, alley, sidewalk or other public ground in the City of Leola, 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 of 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.
- 11-5-2 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 in 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 in width of any carriage way of any street or road.
- 11-5-3 Cleaning Streets or Sidewalks of Rubbish. Every person to whom permission may be granted, as in the last section provided, to keep and place building material in the street, road, or alley shall cause all such material and the rubbish resulting therefrom, to be remove 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 shall there remain, keep one or more lighted lanterns or flares so placed that such material maybe easily seen by persons passing along such sidewalk, street, road, or alley.
- 11-5-4 Excavation near Street. It shall be unlawful for any person, owner, or occupant of any lot or parcel of land within the City of Leola to make or cause to be made any 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, streets, or alleys, or public grounds or traveled path or roadway.

- 11-5-5 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; 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.
- 11-5-6 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 the said City.
- 11-5-7 Garbage in Streets. It shall be unlawful for any person, firm or corporation to throw or deposit any ashes, offal's, dirt, garbage, decaying vegetables, meat, fish, manure, filthy water, slops or any other offensive or putrid material or thing into or upon any street, avenue, land, alley, or public ground within the corporate limits of the City of Leola or into any stream of water within the limits of said City of forming the boundaries thereof.
- 11-5-8 Animals and Vehicles on Sidewalks. No person shall drive, ride, or leas any horse or mule or drive or leas any cow or any other animal upon any public sidewalk in the City of Leola, or draw or propel or cause to be drawn or propelled thereon any vehicle ordinarily drawn by horses; or drive or operate, cause to be driven or operated, any motor vehicle upon any sidewalk in said City of Leola, except that the same may be driven across any sidewalk in entering or leaving the premises.
- 11-5-9 Use of Streets for Sale of Vehicles, Etc. No person shall display for sale any vehicle or other personal property upon any of the streets or avenues in City of Leola.

Chapter 11-6 Excavations in Public Places

- 11-6-1 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 therefore as hereinafter provided.

11-6-2 Application. Application for such permit shall be made to the Finance Officer. Such application shall be accompanied by a fee of an amount set by the City Council and on file at the office of the Finance Officer, which amount shall be considered compensation to the City for the granting of such permit and the necessary investigation prior thereto. Before any such permit is issued, the person requiring the same shall state in this application therefore where such excavation is to be made, the extent thereof, in front of what lot or lots, and for what purpose excavation is to be made.

11-6-3 Supervision of Excavations. The Chief of Police shall supervise all excavations made for any purpose in the streets, alleys, or public ground and he shall require that all excavations be backfilled in the manner specified.

11-6-4 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 by 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 until sunrise.

11-6-5 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 the earth; 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 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 City.

11-6-6 Cutting Pavements. Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the Finance Officer before permit is issued, an amount determined by multiplying the number of square yards of pavement to be removed by the per square yard charged of an amount set by the City Council and on file at the office of

the Finance Officer. The deposit shall be credited to the permanent street fund and be used in replacing said pavements.

11-6-7 Excavations near Streets. It shall be unlawful for any person, owner, or occupant of any lot to make or cause to be made any excavation on said lot adjacent to any street, alley, public ground, or 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.

11-6-8 Operating in Sidewalks. It shall be unlawful to make, cause to be made, or maintain any opening in any sidewalk for the purpose of providing light for a basement or cellar or for ventilating the same, unless such opening shall be guarded with a substantial railing of iron not less than three feet high, or with a substantial iron grating or other strong substantial cover, the grates of which shall not be more than one inch apart. No railing or grate shall occupy more than two feet of the sidewalk, measuring from the inner side thereof.

11-6-9 Excavations under Sidewalks. Any person having or erecting any building abutting upon any street, avenue, or alley in the City of Leola, may excavate under the sidewalk to the curb for any purpose of constructing a cellar or basement under the sidewalk in front of or adjoining said building; provided, that said excavation shall be surrounded upon the outer side and ends thereof with a substantial wall, to be approved by the building committee, sufficient to maintain the said sidewalk. The plan of said sidewalk shall be approved by the building committee; and provided further, the permission to make such excavations and to construct such sidewalk, shall be first obtained from the Finance Officer. The excavation shall be securely guarded by barricades at all times and one or more lighted lanterns in the nighttime, so long as the same shall remain open.

Chapter 11-7 Moving Buildings

11-7-1 Permission to Move Building on Streets. It shall be unlawful for any person to move any building into, along, or across any public street, alley, or highway within the City of Leola without first having obtained permission to do so in compliance with the provisions of this chapter.

11-7-2 Application Must State. Anyone desiring to move any building into, along, or across any public street, alley, or highway within the City of Leola, shall first apply in writing for permission to do so, to the office of the Finance Officer, fully stating the name of the applicant, the name of the owner of the building, the description of the lot of which it is to be moved, the street along which it is proposed to move such building, the time when the removal will take place, and the size of the building; which application shall be accompanied with a minimum sum of guarantee bond

and/or fees charged in the amount set by the City Council and on file in the office of the Finance Officer, to be deposited with the Finance Officer. The pledge or guarantee bond to protect the city against loss or damage to crossings, sidewalks, or other public or private property, or expense for protecting such property against the injuries that may be caused by such removal, to be returned to the person depositing same upon an official report of the 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 officer or employee to whom has been delegated the supervision of the streets.

Fees charged in the amount set by the City Council and on file at the office of the Finance Officer will be retained by the City along with the original cost of the permit.

- 11-7-3 Guarantee Fund. Whenever the officer or the employee in charge of the streets shall decide from any examination of the application and from such other information as he may obtain, that the amount of the pledge or guarantee fund is not sufficient for ample protection of the City against the probable damages and expenses that may be caused by the removal of such building, the officer is hereby authorized and it shall be their duty to require the deposit of a sum larger than the minimum amount set by the Council but not to exceed a maximum amount set by the City Council and on file at the office of the Finance Officer.
- 11-7-4 Permit, Contents. On the receipt of the application as hereinbefore provided, the officer or employee to whom has been delegated the supervision of the streets may personally or through the Chief of Police, investigate the representations of the application and if such investigation is satisfactory, he shall approve said application by endorsement thereon and the Finance Officer 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 such officer or employee, said removal to be finished prior to the time stated in such permit.
- 11-7-5 Refunding Guarantee Fund. Before refunding said guarantee fund or any part thereof, it shall be the duty of the officer or employee in charge of the streets to examine the report of the Chief of Police and pay out of said fund or set aside for each such purpose the amount claimed or ascertained as the damages for injuries to the public or private property, including the expenses for protection to electric, telegraph, and telephone wires as aforesaid, caused or occasioned by the removal of such building. When granting the permit, the Council shall establish the fee based upon necessary supervision of the work, traffic control, cleanup costs incurred by the City, and the portion owed for any municipal bond redemption.

11-7-6 Application Must Serve Notice to Owners of Wires, etc. If the permit includes streets, alleys, and highways which are located, or across or along which are strung electric power lines or telephone wires, it shall be the duty of the applicant to provide to the city proof that all related utilities have been disconnected or that proper arrangements have been made.

11-7-7 Permit Fees Required to Remove Buildings Based on Assessed Value. Prior to removing a building, a permit must first be approved by the City Council. The permit application shall include all provisions of chapter 11-7-2 of this ordinance. Prior to approval by the Council the applicant must: (1) provide proof of payment of all real estate taxes, including such real estate taxes accrued, but not yet due, to the date of removal of said building, and (2) pay to the City the portion owed for any municipal bond redemption assigned to said building in addition to the permit fees as specified below.

The permit application shall be accompanied by a permit fee in the amount of seven point five percent (7.5%) of the assessed valuation of the building as established by the county director of equalization on the most recent tax notice, with a minimum fee of five hundred dollars. In the event the assessed valuation of a building is one thousand dollars or less, and is determined to be uninhabitable by the council, a permit in the sum of five hundred shall be deposited with the application. The council may in its discretion refund a portion of the permit fee.

In the event the assessed valuation of a building is excessive, the council, may, in its discretion, refund a portion of the permit fee that the Council feels is excessive.

TITLE 12—TRAFFIC CODE

- Chapter 12-1 General Regulations
- Chapter 12-2 Operation of Vehicles
- Chapter 12-3 Parking
- Chapter 12-4 Pedestrians
- Chapter 12-5 Speed Regulations
- Chapter 12-6 Traffic Signs and Signals
- Chapter 12-7 Miscellaneous Provisions
- Chapter 12-8 Snowmobile Regulations
- Chapter 12-9 Truck Route System

Chapter 12-1 General Regulations

- 12-1-1 Definitions. Terms used in this title, unless the content otherwise plainly requires, shall mean:
- A. Authorized Emergency Vehicles. Vehicles of the Fire Department, 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.
 - B. Crosswalk. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, whether marked or not, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface of the street.
 - C. Curb. The extreme edge, or lateral boundary of a roadway, whether marked by curbing or not.
 - D. Department. The Police Department of the City of Leola.
 - E. Double-Parking. The standing of a vehicle upon a street at the rear of another vehicle which is parked diagonally at the curb, or the standing of a vehicle upon the street alongside and parallel to another vehicle which is parked parallel at the curb.
 - F. Driver or Operator. Any person who is in actual physical control of a vehicle.
 - G. Left Hand Side of a Street. The side to the left of the vehicle as it moves forward.

- H. Right Hand Side of a Street. The side to the right of the vehicle as it moves forward.
- I. Motor Vehicle. Every vehicle which is self-propelled.
- J. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, provided that for the purpose of this Title a bicycle or an animal that is being ridden, driven, or led shall be deemed a vehicle.
- K. Parking. The standing of a vehicle, whether attended or unattended upon a roadway, otherwise then temporarily for the purpose of and while actually engaged in loading or unloading passengers.
- L. Pedestrian. Any person afoot.
- M. Private Road or Driveway. Every road or driveway not open to the use of the public vehicular travel.
- N. Right-of-Way. The privilege of the immediate use of the street.
- O. Roadway. That portion of a street devoted to vehicular traffic.
- P. Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.
- Q. Sidewalk. That portion of the street between the curb lines and the adjacent property lines.
- R. Street. The term street shall mean any street, avenue, boulevard, alley, highway, or public place set apart for the public vehicular travel.
- S. Street Intersection. That portion of a street where it joins another at an angle, whether or not it crosses the other street, and shall include the full width of the street between the curb lines, extended, of the intersection streets.
- T. Through Streets. Streets, or parts thereof, that have been so designated and marked, by order of the City Council.
- U. Trailer. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

- 12-1-2 Enforcement – Duty of Police Department.
- A. It shall be the duty of the Chief of the Police Department office to enforce all the regulations and requirements of this title.
- B. Whenever any police officer shall find a vehicle standing or parked upon any street, as defined in this chapter, in the City of Leola, in violation of any of the provisions of this Title, he is hereby authorized to move such vehicle to a position and location permitted under the sections of this Title relating to the parked vehicles.
- 12-1-3 Police to Direct Traffic. Police officers shall direct all traffic in conformance with traffic laws and ordinances, provided that in the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, members of the Police or Fire Department may direct traffic as conditions may require.
- 12-1-4 Obedience to Police. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of the Police Department.
- 12-1-5 Authority of Police Department to Adopt Regulations. The Chief of Police with the approval of the Council 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 any such regulations are not inconsistent with the provisions of this Title.
- 12-1-6 Public Employees to Obey Traffic Regulations.
- A. The provisions of this title shall apply to the operator of any vehicle owned 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 an of the provisions of this Title, except as otherwise permitted in this Title.
- B. The provisions of this Title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles as defined in this Title while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

Chapter 12-2 Operation of Vehicles

12-2-1 Driving 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 in 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.

12-2-2 Overtaking and Passing. The driver of any vehicle over-taking another vehicle proceeding in the same direction shall first give audible warning of his/her intention to pass and shall then pass at a safe distance to the left thereof, but only when such left side is clearly visible and 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 overtaken vehicle until safely clear of same, and in no case shall a vehicle pass another vehicle in a street intersection. The driver of a vehicle shall move to the right of the roadway a sufficient distance to allow passing when so signaled from a vehicle behind desiring to pass, and shall not increase the speed of his/her vehicle until completely passed by overtaking vehicle. Vehicles shall not travel two or more abreast on any street.

12-2-3 Slow Driving. No person shall drive any vehicle at any unnecessarily slow rate of speed so as to hinder and retard the traffic.

12-2-4 Following to 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 roadway.

12-2-5 Vehicles shall not be Driven on Sidewalks.

A. The operator of a vehicle shall not drive on or within any sidewalk area, except as a permanent or temporary driveway.

B. A vehicle shall not be allowed to cross a sidewalk except where a driveway has been provided. In crossing a sidewalk to or from an alley, lot, or building no vehicle shall be driven at a speed greater than four (4) miles per hour.

C. Every person driving any vehicle to or from any alley, lot, private driveway, or building across any sidewalk shall give ample notice and

warning of his/her approach; and in the business district, shall come to a full stop before crossing the sidewalk.

- 12-2-6 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, exhaust whistle, or flashing lights, 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 passes, unless otherwise directed by a Police Officer.
- 12-2-7 Following Any Authorized Emergency Vehicle Prohibited. It shall be unlawful for any driver of any vehicle other than one on official business to follow any authorized emergency vehicle traveling in response to a fire alarm closer than five hundred (500) feet or to drive or park such vehicle within three hundred fifty feet of the place where any fire apparatus has stopped or may be located in answer to a fire alarm.
- 12-2-8 Brakes, Bell, Horn, and Lights. Every motor vehicle operated or driven upon the streets and alleys 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, and a suitable and adequate bell, horn or other device for signaling and shall, during the period of one-half hour after sunset and one-half hour before sunrise, display lighted lamps as required in SDCL Chapter 32-17, and any amendments thereto.
- 12-2-9 License Plates. No person shall operate or drive a motor vehicle within the City of Leola without having conspicuously displayed thereon license plate or plates 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 license plate or plates shall be clearly legible by other persons upon said roadway.
- 12-2-10 Driver's Permit Required. It shall be unlawful for any person who is a resident of the State of South Dakota to drive or operate upon any of the streets or roadways within the City of Leola any motor vehicle without first having secured and having in his/her possession a permit to do so issued by the State of South Dakota under the provisions of SDCL Chapter 32-12, and any acts amendatory thereto.
- 12-2-11 Motor Vehicles Left Unattended, Brakes to be Set. No person driving or in charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon when standing upon any grade, turning the front wheel to the curb or side of the roadway.

- 12-2-12 Unlawful to Drive through Processions unless Directed by Police Officer. It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply to intersections where traffic is controlled by police officers.
- 12-2-13 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.
- 12-2-14 Driver's View of Control. No person shall drive a motor vehicle when there are more than three persons in the front seat thereof, or when such motor vehicle is so loaded as to obstruct the view of the driver to the front or sides of said vehicle, or so as to interfere with the driver's control over the mechanism of the vehicle.
- 12-2-15 Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Chief of Fire Department official in command.
- 12-2-16 Careless Driving. Any person who drives any vehicle upon a street, alley, or public place carelessly and heedlessly in disregard of the rights and 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 careless driving.
- 12-2-17 Driving or Control of Vehicle Prohibited with Alcohol in Blood or while Under Influence of Drugs or Alcohol. SDCL Chapter 32-23 shall govern any provisions pertaining to driving or being in control of a vehicle while under the influence of alcohol or any controlled substance or drug.
- 12-2-18 Clinging to Moving Vehicles. No person traveling upon any bicycle, coaster, sled, skis, roller skates, or any other toy vehicle shall cling to or attach himself or his/her vehicle to any other moving vehicle upon any street.
- 12-2-19 Riding on Outside of Vehicle. No person shall ride upon the running board or fenders of any motor vehicle in motion and no person driving a motor vehicle shall allow any person to ride upon the running board, fenders, or outside of any such vehicle he is driving while same is in motion.
- 12-2-20 Boarding of Alighting from Vehicle in Motion. No person shall board or alight from any vehicle while same is in motion.

- 12-2-21 Keep to the Right in Crossing Intersections. In crossing an intersection of highways, except upon a one-way street, the driver 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.
- 12-2-22 Meeting of Vehicles. Operators of vehicles proceeding in opposite directions shall pass each other to the right. Each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.
- 12-2-23 Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.
- A. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - B. Official signs may be erected directing slow moving traffic to use a designated lane or designate 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.
- 12-2-24 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 with 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.
- 12-2-25 Right – of – Way. 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 vehicle approach an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right;
 - C. The operator of any vehicle traveling at an unlawful speed shall forfeit any right-of-way, which he may otherwise have hereunder.

12-2-26 Exceptions to Right – of – Way. The operator of a vehicle entering a public street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren, or exhaust whistle. This provision shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety 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.

12-2-27 Stopping Prohibited in Specified Places. It shall be unlawful for the operator of any 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 a traffic control sign or signal.

- A. Within an intersection;
- B. On a crosswalk;
- C. 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, except that this provision shall not apply to alleys;
- D. Within fifteen feet of the driveway entrance to any fire station, or directly across the street from such entrance;
- E. Within fifteen feet of a fire hydrant;
- F. In front of a private driveway;
- G. On a sidewalk;
- H. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- I. Parking against direction of traffic on through streets.

12-2-28 Standing for Loading or Unloading Only in Certain Places.

- A. It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than necessary for the actual loading or unloading of passengers in any place marked as a passenger of loading zone.
- B. It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual

loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials in any place marked as loading zone.

- C. The City Council shall have authority to determine the location of passenger zones and loading zones as described herein, and shall cause to be erected and maintained appropriate signs indicating the same.

12-2-29 Emerging from Alley or Private Driveway. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

12-2-30 Stop Before Entering through Street. Every operator of a vehicle or other conveyance traversing any street intersecting any through street, as designated and marked by order of City Council, 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 law enforcement officer at such intersection. The vehicle entering a through roadway (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.

12-2-31 Turning at Intersections.

- A. Right Turns. 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. Turning Left. 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 marker” the operator of a vehicle in turning left at an intersection shall pass to the right of the center of the intersection before turning.
- C. Turning Markers. The Chief of Police is hereby authorized to place turning markers within or at the entrance to the intersections directing that traffic turning left shall follow a line to travel other than directed in subdivision (b) of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as direct by such marker.

D. Turning Left on “Go” Signals. The driver 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.

E. Turning Right on “Stop” Signals. The driver of any vehicle which is stopped as close as practicable at the entrance to the crosswalk and to the far right side of the roadway, then at the entrance to the intersection in obedience to a “red” or “stop” signal, may make right turn but shall yield the right-of-way to any pedestrian and other traffic proceeding as directed by the signal at the intersection. This provision permitting a right turn after a stop when facing a steady red light alone or “stop” signal shall not be effective if the City Council prohibits such turn and if a sign is erected at such intersection giving notice thereof.

12-2-32 Turning Around at Intersections Prohibited. At any intersection where traffic is controlled by traffic control signals or by a law enforcement 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.

12-2-33 Turning Around in Midblock Prohibited. The operator of a vehicle shall not turn such a vehicle so as to proceed in the opposite direction except at an intersection.

12-2-34 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 12-2-32 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 it right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner thereafter provided in the event any other traffic may be affected by such movement.

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

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

used to indicate an intention to turn, change lanes or stop and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

- 12-2-35 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.
- 12-2-35 Method of Giving Hand and Arm Signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:
- A. Left Turn -Hand and arm extended horizontally;
 - B. Right Turn -Hand and arm extended upward;
 - C. Stop or Decrease Speed -Hand and arm extended downward.
- 12-2-37 Restrictions on "U" Turns. No vehicle shall be turned so as to proceed in the opposite direction within any intersect in or designated no-passing zone in the city of Leola, nor may any such turning movement be other wise made elsewhere in the City of Leola.
- 12-2-38 Exhibition Driving. Any person who drives a vehicle within the City limits of Leola and in such manner that creates or causes unnecessary engine noise, tire squeal, skid, or slide upon acceleration or stopping or that stimulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of exhibition driving.
- 12-2-39 Penalty. Except as otherwise specifically provided, any person violating any of the provisions of this Ordinance shall be punishable by a fine as set in this Ordinance (13-1-1).

Chapter 12-3 Parking

- 12-3-1 Limited Parking. The city Council may from time to time by resolution establish or cause to be designated and marked streets or parts thereof where vehicles may be parked for limited time periods only. The driver or person in charge of any vehicle parked in such a limited time zone shall comply with such time limit for parking as shown on the signs, or marked on the curb, in the immediate vicinity in which such vehicle is parked. Whenever a notice is left by any member of the Police Department in or

on any vehicle which has exceeded the parking time limit requesting the person in charge of such vehicle to report to the police station or municipal court, said person shall appear at the hour and place designated, and default in so doing shall in itself, be deemed a violation of this Chapter.

12-3-2 Emergency limited Parking.

- A. In order that the streets may efficiently be cleaned in the event of snowfall, the Chief of Police is authorized to place signs in any block or blocks within said City, stating that snow removal will be made at a stated time in which case it shall be unlawful to park any motor vehicle upon any of said streets or avenues upon which said signs have been placed during the period designated; provided further that such signs shall be placed at the end of each of said blocks to be cleaned.
- B. Provided further that any automobile parked in violation of this Section may be removed by the city, and the owner thereof, in addition to the other penalties prescribed, shall be required to pay the cost of such removal.

12-3-3 Non-Parking Areas. The city Council may from time to time, by resolution, establish and cause to be designated and marked non-parking areas, along street curbs. No vehicle shall be parked at any time or for any period except to load or unload passengers or merchandise in such places so designated and marked.

12-3-4 Spaces Reserved for Police Cars, Handicapped Parking, Etc. The City Council may from time to time, by resolution, establish and cause to be designated and marked, by suitable signs or otherwise, space for the exclusive use, day and night, of police cars, busses and such other vehicles as they may deem entitled to such privilege. After a space has been so designated and marked it shall be unlawful for any other vehicle to park within such space day or night except momentarily to take on or let off passengers.

12-3-5 Parallel and Diagonal Parking. Vehicles shall park in either a parallel or diagonal manner, according to the signs and paint demarcations in the parking area. Parallel parking shall be done so that the vehicle is parallel to the curb headed in the direction of traffic, for that side of the street and not closer than four feet (4') to any other vehicle, front or rear, and the front and rear wheels on the right side of such vehicle not be more than eighteen inches (18") from the curb. Diagonal parking shall be done so that the vehicle shall be parked at an angle with curb approximately forty-five (45) degrees with the right front wheel touching or within twelve (12") inches of the curb.

- 12-3-6 Prohibited Vehicles. No vehicles of more than eighteen feet (181) in length or seven feet (71) in width, or with a load exceeding such length or width shall be parked upon any street which has been designated for diagonal parking.
- 12-3-7 Backing to Curb. No vehicle shall be backed to the curb or be left 'standing backed to the curb except where it is necessary in order to load and unload goods or merchandise and then only for such length of time as may be necessary to load or unload.
- 12-3-8 Double Parking. No vehicle shall be double parked on any street unless said vehicle is in charge of some person able to drive same, and it shall be the duty of such person to at once move the same upon the request of any law enforcement officer or driver of any vehicle which is blocked by such double parked vehicle.
- 12-3-9 Parking in Alleys. No vehicle shall be parked in any alley except for the purpose of loading, unloading, and delivery of merchandise; and in such cases, the vehicle shall be parked so as not to block the alley for traffic and shall not be so parked for a longer time than thirty (30) minutes at one location.
- 12-3-10 Parking on Crosswalks. No vehicle shall be parked or left standing on any crosswalk, except momentarily for the purpose of taking on or letting off passengers.
- 12-3-11 Stopping Near Curb. No vehicle shall stop or be allowed to stand anywhere in the streets except as near as possible to the right hand curb.
- 12-3-12 Parking near Fire Hydrant or Fire Station. No person shall stop or park any vehicle within fifteen (15) feet of a fire hydrant or within fifteen (15) feet of the driveway entrance to a fire station.
- 12-3-13 Parking in Private Driveway. No persons shall stop or park a vehicle so as to block any private driveway.
- 12-3-14 Parking in Traffic to Converse. No person or persons shall park or stop any vehicle in any lane of traffic for the purpose of talking with any pedestrians or with a person or persons of another vehicle.

Chapter 12-4 Pedestrians

- 12-4-1 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.
- C. It shall be unlawful for a pedestrian to cross a roadway at any point other than within a marked or unmarked crosswalk.

12-4-2 Pedestrian's Rights and Duties at Controlled Intersections. At intersections where traffic is controlled by a police officer, a pedestrian shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a "GO" signal, and the driver of a vehicle while making a right or left shall yield the right-of-way to pedestrians proceeding across the street on the "GO" signal. It shall be unlawful for a pedestrian to cross or attempt to cross a street when the traffic is stopped.

12-4-3 Pedestrians to Use Right Half of Crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

12-4-4 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.

Chapter 12-5 Speed Regulations

12-5-1 Restrictions as to Speed. Any person driving a vehicle on a street or highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street, or highway and to any other conditions existing, and no person shall drive any vehicle upon a highway or street at such a speed as to endanger the life, limb or property of any person.

12-5-2 Speed Limitations. It shall be unlawful for any driver to drive any vehicle upon a highway or streets of the city or in any municipal park at a greater rate of speed than the following:

- A. Fifteen miles an hour when approaching within fifty feet of a railroad grade crossing 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/her approach to such crossing he does not have a

clear and uninterrupted view of such crossing and of any traffic on such railway for a distance of four hundred feet in such direction from such crossing.

- B. Fifteen miles an hour when passing a school during a school recess or while children are going to or leaving school during the opening or closing hours.
- C. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of streets when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his/her approach to such intersection in he does not have a clear and uninterrupted view of such intersection for a distance of two hundred feet from such intersection.
- D. Twenty-five miles per hour on "Thru Streets".
- E. Fifteen miles per hour in the city parks, and in the City Cemetery.
- F. All other roads and highways as posted.

Chapter 12-6 Traffic Signs and Signals

12-6-1 Traffic Signs and Signals.

- A. The City Council shall by resolution determine and designate the character or type of all official traffic signs and signals, provided that all traffic signs and signals 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/her duty to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall be approved by the city Council, and as far as practicable, standard throughout the City.
- B. No provisions in this Title for which signs are required shall be enforceable against an alleged violator if at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

12-6-2 Obedience to Traffic Signs and Signals. It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this Title, unless otherwise directed by a law enforcement officer.

- 12-6-3 Interference with Signs or Signals Prohibited. It shall be unlawful for any person willfully to deface, injure, move, obstruct, or interfere with an official traffic sign or signal.
- 12-6-4 Display of Unauthorized Signs and Signals Prohibited. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same, or cause it to be removed without notice.
- 12-6-5 Council Authorized to Designate Crosswalk. The City Council may by resolution establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians and may mark lanes for traffic on street pavements at such places as they may deem advisable consistent with the provisions of this Title; and that space being so designated, it shall be the duty of the Chief of Police to mark such zones and lanes in accordance with such resolution.

Chapter 12-7 Miscellaneous Provisions

- 12-7-1 Accident - Duty to stop. The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall immediately stop and give his/her name and address, and the name and address of the owner and the license number of the vehicle he is driving to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.
- 12-7-2 Duty to Give Immediate Notice of Accident to Law Enforcement Officer. The driver of any motor vehicle involved in an accident resulting in bodily injuries or death to any person or property damage as required by state law shall immediately by the quickest means of communication give notice of such accident to the Police Department.
- 12-7-3 Duty Upon Striking Animal. The driver of any vehicle which collides with any dog or domestic animal causing injury thereto shall stop and attempt to notify the owner; if the owner cannot be notified at once, the driver shall report the accident to the police Department in order that the injured animal may be properly cared for.

- 12-7-4 Duty Upon Striking Unattended Vehicle. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his/her name, address and the name and address of the owner and the license number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his/her name, address and the name and address of the owner and the license number of the vehicle he is driving and shall without unnecessary delay notify the police Department. Every such stop shall be made without obstructing traffic more than is necessary.
- 12-7-5 Repair of Vehicle with Reportable Damage Prohibited Unless Required Notice Affixed – Violation as Misdemeanor. The person In charge of any garage or repair shop shall not commence repair on any motor vehicle which shows evidence of having been involved in a reportable accident or struck by any bullet unless the vehicle bears the notice provided by the State public Safety Department.
- 12-7-6 Parades and Processions. No parade or procession other than a funeral procession shall be held or participated in upon the streets except with the prior consent of the City Council. The consent of the City Council to the holding of such parade or procession shall be given unless it reasonably appears that the holding of the same would unreasonably obstruct and impede traffic or would be likely to disturb the peace and quietness of the City.
- 12-7-7 Interfering with Traffic. No vehicle shall be parked or left standing on any street so as to interfere with or interrupt the traffic on said street. Disabled vehicles are excepted from this but only for such reasonable period of time as may be required to remove the disabled vehicle from its position of interference.
- 12-7-8 Weight and Size of Vehicle and Loads. No person shall drive or operate any vehicle upon any street the gross weight of which, including the load, or the size of which does not comply with the requirements of the state law governing such vehicle.
- 12-7-9 Brakes and Signaling Device.
- A. Every motor vehicle, trailer, semi-trailer and pole trailer, and any combination of such vehicles shall be equipped with brakes in compliance with the requirement of Chapter 32-18 of the South Dakota Codified Laws or revision thereof;

B. Every motor vehicle shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of at least two hundred (200) feet.

12-7-10 Lights. A motor vehicle upon a highway within the state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet shall be equipped with at least two lighted lamps on the front and two on the rear of such motor vehicle, such lamps to conform to state law, Chapter 32-17, South Dakota Codified Laws, provided that a motorcycle or motor bicycle shall be required to display but one lighted lamp in front and one in the rear.

12-7-11 Headlights Dimmed. No person shall use headlights or side lights upon any vehicle on any street unless the same are dimmed in such a way as to prevent the light being dazzling or blinding to persons using the street.

12-7-12 Spot Lights. No person shall use a spotlight in the streets unless in an emergency, and then so as not to blind or inconvenience persons using the street.

12-7-13 Play Streets. The Council may declare any street or part thereof as "Play Street", and place appropriate signs or devices in the roadway indicating such use.

12-7-14 Muffler, Excessive Smoke, and Noise. No person shall operate or drive any motor vehicle unless such motor vehicle times be kept closed so that the exhaust is effectively muffled. No person shall operate a motor vehicle in such manner as to emit unnecessary or excessive smoke or noise from the motor of such vehicle or to needlessly sound the horn or other noisemaking device.

12-7-15 Prohibiting the Use of "Smitty" or "Hollywood" Mufflers.

A. The use of "Smitty" or "Hollywood" mufflers or other devices of a 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 any street or roadway in the city.

12-7-16 Vehicles with Lugs Prohibited. No person shall operate or move any tractor or vehicle equipped with mud lugs, ice spurs, or spikes upon or across any street that is surfaced with portland cement concrete or surfaced with bituminous material or any other hard surfacing material without first laying planks at least two inches in thickness over the surface

of such street in a manner so as to protect such street surface from any damage.

- 12-7-17 Pneumatic Tires with Metal Studs Permitted. It shall be lawful to operate, upon the streets of the City of Leola, motor vehicles equipped with pneumatic tires in which there are embedded metal studs or wires of tungsten or other similar metal.
- 12-7-18 Vehicles Prohibited on Closed Streets. No vehicle shall be driven upon any street that has been closed to traffic by the proper authority.
- 12-7-19 Manner of Arrest. Except in cases of driving while intoxicated or under the influence of intoxicating liquor or any stupefying or exhilarating drug, and except in the more serious and aggravated cases of speeding or careless and reckless driving, and except when reasonably necessary to secure appearance, a person charged with violation of a traffic ordinance of the city of Leola by a police officer need not be arrested in the regular manner but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation.
- 12-7-20 Notice to Appear. A person charged with violation of a traffic ordinance shall be given a notice to appear before the Circuit Court Magistrate or the County Clerk of Courts at the time stated in such notice, which shall be written within seven (7) days from the time of the offense; and that in event of failure to do so, a warrant will be issued for his/her arrest. The notice shall state the name and address of the offender, if known; the license number and make of the vehicle involved in the violation; the nature, date, and location of the offense; and the time and place where the offender is to appear to answer to the charges. The notice shall be made in duplicate and the portion of the original stating the offense and the place and time to appear shall be given to the owner or driver charged with the offense or left in or upon the vehicle involved in the violation.
- 12-7-21 Appearance and Deposit for Fine. A person who has received a notice of traffic violation as provided in the proceeding section shall appear at the time and place specified in such notice. In cases of parking violations and other minor traffic violations for which the person charged has been ordered to appear before the Circuit Court Magistrate or County Clerk of Courts, he may make a deposit for the fine as authorized by the Court and sign a statement authorizing a Circuit Court Magistrate or County Clerk of Courts to enter his/her plea of guilty to the offense, then he shall not be required to appear in Court. Any person who has been guilty of three or more violations of the provisions of the traffic ordinances of this City shall not be permitted to deposit the fine as hereinabove authorized, but must post a bond for his/her appearance in Court at the time specified by the

department, said bond to be in an amount set by the city Council and on file at the office of the Finance Officer.

12-7-22 Failure to Appear. Upon failure of a person to appear in response to a notice of traffic violation as herein provided, he shall be subject to arrest in the manner otherwise provided by law.

12-7-23 Evidence of Traffic Violations. In any proceeding for violations of the provisions of this Title relating to the operation or parking of motor vehicles, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who was operating or parking such motor vehicle at the time when such violation occurred or who parked such motor vehicle at the point where such violation occurred.

Chapter 12-8 Snowmobile Operation

12-8-1 Snowmobile Defined. A snowmobile is any engine-driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated. No snowmobile shall be operated within the incorporated limits of the city of Leola except upon compliance with this Ordinance.

12-8-2 Permitted Operations. Snowmobiles shall operate over designated roadways when the same shall be snow covered or snow packed only, and such vehicles shall not be permitted to operate on the sidewalks.

12-8-3 Age Restrictions on Drivers. The age restriction shall be set as State law prescribes.

12-8-4 Mufflers. Every snowmobile shall be at all times equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke.

12-8-5 Brakes. Every snowmobile shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

12-8-6 Flagging. All snowmobiles shall exhibit a red flag or cloth not less than twelve inches square and hung or suspended five feet above ground level so that the entire area thereof is visible from all directions while on any road, street or alley.

12-8-7 Safety Equipment and Inspection. No snowmobile shall be driven on the roadway, street or alley when said snowmobile is in such unsafe condition as to endanger any person or property. The city Police may at any time upon reasonable cause to believe the snowmobile is unsafe or not

equipped as required by this ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe except to return such snowmobile to his/her residence, place of business or to a garage until said vehicle has been placed in proper repair.

12-8-8 Lights. A snowmobile in motion during the period of one-half an hour after sunset to one-half an hour before sunrise shall display at least one lighted lamp on the front and back of said snowmobile; which headlight and taillight shall be in conformity with the standards set by South Dakota Law.

12-8-9 Hours of Permitted Operation. No snowmobile shall be operated within the city of Leola between the hours of 9:00 P.M. and 6:00 A.M. except that a driver may drive during this restricted time when he is coming into town to his/her residence or drive during this restricted time when he is leaving town to go to his/her residence or when driving from work to his/her residence.

12-8-10 Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and in addition shall yield the right-of-way to motor vehicles. All ordinances of the city of Leola pertaining to the operation of vehicles shall be applicable to the operation of snowmobiles and are adopted by reference and made a part hereof, the same as if set forth fully herein.

12-8-11 Permitting Unauthorized Person to Drive a Snowmobile is Unlawful. No person shall authorize or knowingly permit a snowmobile owned by him or under his/her control to be driven on any public highway by any person who is not authorized hereunder or in violation of any of the provisions of this Ordinance.

12-8-12 Penalties. Any person who shall violate one or more of these provisions hereof shall be subject to a fine as set in this Ordinance (13-1-1).

12-8-13 Access and Exit Routes and Other Regulations for Off-Road Vehicles.

A. Owners of off-road vehicles including snowmobiles and all terrain vehicles (three-wheelers) are to use the shortest routes when entering or leaving the City.

B. Streets to be used by aforementioned vehicles when entering or leaving City of for travel within the City are as follows;

All of Elm Street

All of Seventh Avenue
All of Williams Street
All of Mason Avenue
Moulton Street from Leola Street to Mason Avenue
Leola Street from Elm Street to Moulton Street
Third Street from Ninth Avenue to Broadway
Broadway from Third Street to Williams Street

The Vehicles will be operated as close as possible to the outer edge of right-of-way. No other streets are to be traveled except to access by the most direct route possible one of the above-specified routes.

C. All ATV vehicles shall be operated only during the hours from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

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

Chapter 12-9 Truck Route System

12-9-1

DESIGNATION

The following chapter shall be known as the "Leola City Truck Route System."

12-9-2

DEFINITIONS

For the purpose of this article, the terms defined in this section shall have the following meanings:

TRUCKS: Any motor vehicle designed or operated for the transportation of property, including a vehicle directly connected to a trailer.

FARM IMPLEMENTS: Any farm implement, whether self propelled or pulled by another implement having a gross vehicle weight exceeding eighteen thousand (18,000) pounds and/or six thousand (6,000) pounds per axle.

MOTOR VEHICLE: All machines propelled by any power other than muscular used upon the streets or highways for the transportation of property.

TRAILER: A vehicle of the trailer type, without a power unit of its own, designed and used in conjunction with a motor vehicle for the transportation of property.

TRUCK ROUTE: Streets and highways designated as truck routes by the City council.

STREETS: All other streets within the City which are not designated as truck routes.

12-9-3

TRUCK ROUTES

The City Council, by resolution, may designate streets and highways with the City of Leola as truck routes.

Truck routes will be enforced by the weight limits imposed by Section § 14-17-9. Any motor vehicle exceeding such limits is in violation of this title, unless such vehicle meets an exception as provided by this title.

12-9-4

SEASONAL WEIGHT LIMITS

The city's public works department may, by order, prohibit the operation of any trucks upon any street or highway within the City or impose any weight restrictions deemed necessary by such department for a period of time not to exceed ninety (90) days in any given calendar year. The prohibition or restriction shall be based upon a reasonable belief that normal use of such streets or highways is not in the public's interest or may damage such streets or highways. The order will not become effective until signs are erected and maintained at each end of the affected portion of such street or highway.

12-9-5

DETOURS

Trucks may operate on any officially established detour of a truck route or street unless such detours are posted prohibiting such operation by trucks.

12-9-6

POSTING

All truck routes upon which truck traffic is permitted will be posted accordingly.

12-9-7

OPERATION OF TRUCKS AND FARM IMPLEMENTS

A truck or farm implement, as defined, may not operate on any City street or highway other than designated truck routes, unless otherwise permitted by this article.

12-9-8

OWNER'S RESPONSIBILITY

In addition to the driver or operator, the owner of any truck being operated with such owner's permission and/or consent is liable for any violation of this ordinance.

12-9-9

LOAD LIMITS

Trucks and farm implements may operate on any City street or highway as long as the gross vehicle weight does not exceed eighteen thousand (18,000) pounds and/or six thousand (6,000) pounds per axle.

Trucks and farm implements whose gross weight is more than eighteen thousand (18,000) pounds and/or six thousand (6,000) pounds per axle, may operate only on designated truck routes as defined in the ordinance.

12-9-10

POLICE AUTHORITY

Any police officer has the authority to require any person driving or in control of any truck to proceed to any public or private scale for the purpose of weighing and determining whether such truck is in violation of this ordinance or any other code provision. Such authorities may issue a citation to any motor vehicle that exceeds the limits imposed by this ordinance. Such authorities may detain such vehicles until the weight of such vehicles meets the limits imposed by this ordinance.

12-9-11

EXCEPTIONS TO THE USE OF TRUCK ROUTES

- A. A truck arriving at the end of any designated truck route may be driven over the most direct course to the nearest truck route which extends in the same general direction.
- B. The Chief of Police shall have the authority, for cause or upon request, to issue temporary permits for trucks and farm implements to operate over routes not established as truck routes by the City Council, or to deviate from the provisions of this ordinance relating the operation of trucks and farm implements. Such actions of the Chief of Police shall be subject to review and modification or cancellation by the City council.
- C. The provision of this ordinance relating to the operation of trucks shall not apply to emergency vehicles of the police department, fire department, or health department, not to any public utility vehicles where actually engaged in the performance of emergency duties necessary to be performed by said departments or public utilities, not to any vehicle owned by or performing work for the United States of America, the state, its political subdivisions, or the city.
- D. Any contractor or material men, while engaged in the repair, maintenance or construction of City streets or City improvements, provided that these vehicles shall only use the City streets within the immediate work area and shall only use the shortest route from the truck route to the work area.
- E. Whenever any truck route has been established and identified, any person driving a truck having a gross weight of or more shall drive such truck on such routes and none other, except when it is impracticable to do so or where it becomes necessary to traverse another street or streets to a destination for the purpose of loading or unloading commodities, or for the purpose of towing a disabled or damaged motor vehicle to or from public or private property, and then only by such deviation from the nearest truck route as is reasonably necessary.

TITLE 13--GENERAL PROVISIONS

Chapter 13-1 Penalties and Repealing Clause

- 13-1-1 Penalty in General. Except in cases where a different or additional penalty is imposed by this Ordinance or by some existing provision of law, every violation of any of the provisions of this Ordinance shall be punishable by a Class 2 Misdemeanor; a fine not exceeding two hundred (\$200.00) dollars or by imprisonment for a period not exceeding thirty (30) days or by both such fine and imprisonment. (SDCL 7-18A-2).
- 13-1-2 Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, or relating to the subject matter of this Ordinance and not re-enacted as part of this Ordinance, are hereby repealed; and all other ordinances excluding Ordinance 79-2 (an Ordinance granting to Valley Telephone Cooperative, Inc., also known as Valley Telco Cooperative Association, Inc., an exclusive franchise to install, provide, and operate a community antenna television system as defined by SDCL 9-35-16 within the corporate limits of the City of Leola), and Ordinance 96 (an Ordinance granting to Montana-Dakota Utilities Company, a corporation, its successors and assigns, the franchise and right to construct, maintain, and operate, within and upon, in, and under the streets, alleys, and public grounds of the City of Leola an electric distribution system for transmitting and distributing electric energy for all public and private uses) not previously in this Ordinance restated, refined, or modified are similarly hereby repealed.
- 13-1-3 Unconstitutionality. 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.
- 13-1-4 Publication and Effect. This Ordinance, upon its adoption shall take effect on the twentieth day after its completed publication as provided by SDCL 7-18A-8.

TITLE 14 - TAXATION

Chapter 14-1 Sales And Use Tax

14-1-1

PURPOSE

The purpose of this article is to provide additional needed revenue for the City by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by SDCL 10-52-1 et seq., the Uniform Municipal Non-ad Valorem Tax Law.

14-1-2

SALES AND SERVICE TAX LEVY

There is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business, a tax of two percent (2%) on the gross receipts of all persons engaged in business within the jurisdiction of the City of Leola who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL Ch. 10-45 and acts amendatory thereto.

14-1-3

COLLECTION

Such sales and service tax is levied pursuant to authorization granted by SDCL Chapter 10-52. and acts amendatory thereto, and shall be collected by the state department of revenue in accordance with the same rules and regulations applicable to the state sales tax and under such additional rules and regulations as the state secretary of revenue shall lawfully prescribe.

14-1-4

ALLOCATION OF COLLECTIONS

The tax revenue generated by the first 1% of the sales and use tax collected pursuant to this article may be allocated for whatever use or purpose deemed appropriate by the City Council. The tax revenue generated by the second 1% of the sales and use tax collected pursuant to this article may be used for any lawful purposes enumerated in SDCL 10-52-2, which states in part **“capital improvement, to include lease-purchase agreements of realty, land acquisition, the funding of public ambulances and medical emergency response vehicles, public hospitals, or nonprofit hospitals with fifty or fewer licensed beds, and other public health care facilities or nonprofit health care facilities with fifty or fewer licensed beds, the transfer to the special 911 fund authorized by §34-45-12, the purchasing of fire fighting vehicles and equipment, debt retirement and the minor rehabilitation, major rehabilitation, or reconstruction of streets as defined in the June, 1994, South Dakota Department of Transportation Pavement Condition Survey Guide for City Streets”**.

14-1-5

USE TAX LEVY

In addition there is hereby imposed an excise tax on the privilege of the use, storage and consumption within the jurisdiction of the City of tangible personal property purchased from and after the first day of January 1984 at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL Chapter 10-46, and acts amendatory thereto.

14-1-6

INTERPRETATION

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

14-1-7

PENALTY

Any person failing or refusing to make reports on payments prescribed by this article and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) or imprisoned for thirty (30) days, or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL Chapter 10-45, and acts amendatory thereto, and SDCL Chapter 10-46, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the state department of revenue.

14-1-8

EXEMPTIONS FROM TAX

In addition to gross receipts exempted by state law and therefor from tax imposed hereunder, except for transportation as provided in subsection §13-2-12 of this chapter, there are hereby specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it:

- A. Farm machinery and irrigation equipment used exclusively for agricultural purposes;
- B. Gross receipts from vending machines, including but not limited to, pinball machines, phonographs and all other mechanical devices for amusement.
- C. Receipts from sales to a construction company or materials and supplies which are incorporated into and become part of projects outside of the city limits are exempt from municipal sales and use tax even if delivery is made to a truck of the construction company within the city.
- D. Parts and repairs for farm machinery, agricultural animal health products and medicines.

14-1-9

TAX ON LODGING ESTABLISHMENTS

There is hereby imposed a tax of two percent (2%) upon the gross receipt from rental of lodging establishments received from transient guests. "Lodging Establishments" shall mean any building, structure, property or premises kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished in two or more rental units to transient guests, or space which is provided for transient persons to park transportable, recreational, housing or camping facilities in travel parks.

- A. A transient guest shall be any person who resides in a lodging establishment less than thirty (3) consecutive days. Said tax shall be imposed on all lodging establishments within the jurisdiction of the City of Leola.

14-1-10

TRANSPORTATION TAX

There are specifically included in the provisions of this chapter and the computation of the amount of tax imposed by it, the gross receipts from the sale, furnishing or service of transportation which is intrastate in nature at the amount provided of two percent (2%).