

changed

Ordinance 2012

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ORDINANCE 2007, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF SUMMIT, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-4 AND 11-6, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

Be it ordained by the Town Board of the Town of Summit, South Dakota that Section 2.09.04 adopted by Ordinance 2007, (Adopted August 6, 2007), as amended, of the Zoning Ordinance of the Town of Summit be amended to allow the following use in the "R1" General Residential District:

10. Harboring, raising or breeding of greater than three (3) domestic animals of any single genus, classes or type. (See Section 4.19)

Be it further ordained by the Town Board of the Town of Summit, South Dakota that Section 2.10.04 adopted by Ordinance 2007, (Adopted August 6, 2007), amended, of the Zoning Ordinance of the Town of Summit be amended to allow the following use in the "R2" Manufactured Home Residential District:

4. Harboring, raising or breeding of greater than three (3) domestic animals of any single genus, classes or type. (See Section 4.19)

Be it further ordained by the Town Board of the Town of Summit, South Dakota that Article IV adopted by Ordinance 2007, (Adopted August 6, 2007), as amended, of the Zoning Ordinance of the Town of Summit be amended by adding the following Chapter:

CHAPTER 4.19. HARBORING, RAISING OR BREEDING OF GREATER THAN THREE (3) DOMESTIC ANIMALS OF ANY SINGLE GENUS, CLASSES OR TYPE.

Section 4.19.01. Intent and Applicability.

It shall be unlawful in any Residential District to possess, own, house, harbor, care for, exercise control over, raise, confine, breed, keep, or knowingly permit dogs, or other animals, off/in a quantity or number exceeding three (3) dogs, three (3) cats, or three (3) genus, classes, or types of other animals at any one time without a Conditional Use Permit.

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, ordinance, or Board of Adjustment decision, the most restrictive or that imposing the higher standards, shall govern. The regulations contained herein are not intended to conflict with the provisions of Chapter 4-2 DOGS AND CATS of Ordinance 32, An ordinance in revision of the Ordinances of the Town of Summit, South Dakota and are further meant to be supplementary thereto.

Section 4.19.02 General Provisions

1. No person shall cruelly or immoderately beat, torture, or injure any domestic animal, nor overload any working animal, nor shall any person willfully or negligently mistreat or abuse or neglect in a cruel or inhuman manner any such animal.

2. No person shall allow any animal to run at large
3. No person shall be allowed to keep any ducks, geese, chickens, pigeons or other domestic fowl within the Town of Summit.
4. No person shall keep any horse, cow, goat, or sheep within the Town of Summit.
5. No person shall place, keep or maintain any live hogs within the town, excepting such hogs as are kept in the yard or pens of the railway companies for shipping purposes, or in pens, houses or yards of the stockyards, packing houses, or butcher shops and kept for the purpose of immediate shipment or slaughter.
6. It shall be unlawful for any person to keep any dog which causes a disturbance by barking or makes noises to the annoyance or disturbance of the public.

Section 4.19.03 Setbacks/Waivers

1. Applicant must obtain the written consent of all property owners owning property within three hundred feet (300') of the location, or proposed location, where such dogs or other animals are possessed, owned, housed, harbored, cared for, exercised control over, raised, confined, bred, kept, or knowingly permitted.
2. It shall be unlawful for any person to keep a dog(s) or a dog kennel within fifty (50) feet of the house of a neighbor.

Section 4.19.04 State and Federal Requirements

Applicant must first obtain all necessary and required Federal and/or State approval permits and/or licenses (where applicable) for the raising, breeding, disposition, and/or sale of dogs and/or other animals and their offspring; or for engaging in such and related activities.

Section 4.19.05 Application

An application to harbor, raise or breed greater than three (3) domestic animals of any genus, class, or type shall include:

1. The name, address, and telephone number of the owner and/or lessee of the parcel of land upon which application is made. If the Applicant is not the Owner of the parcel of land, the written consent of the Owner shall be evidenced in the application.
2. The legal description and address of the parcel of land upon which the animals will be harbored, raised or bred.
3. A description of the intended purposes(s) of the activity(ies), the type of accommodations available, and the identification of animals and numbers to be covered under a proposed permit. In addition, the application must describe the procedural and operating safeguards to prevent abuse or public nuisance(s), as well as measures to protect the health, welfare, safety, and/or non-infringement upon the peaceable enjoyment of the property rights of others.
4. The written consent of all property owners owning property within three hundred feet (300') of the location, or proposed location, where such dogs or other animals are possessed, owned, housed, harbored, cared for, exercised control over, raised, confined, bred, kept, or knowingly permitted.

Section 4.19.06 Issuance of Permit; Term; Renewal(s); Revocability

1. The Board of Adjustment shall issue conditional use permits to applicants meeting the conditions described in this Chapter and those requirements of all Conditional Use Permits described in Section 3.04.02.1.f.
2. Permits and annual renewal permits shall be issued for periods of one year;
3. Applications for annual renewal(s) of said permit shall be submitted at least 30 days prior to the expiration date; and shall observe the requirements and procedures described in this Chapter, unless specifically waived separately for each renewal period by formal action of the Board of Adjustment. Such specific waiver does not constitute a waiver for subsequent renewals, or for other applicants.

Section 4.19.07 Repeal of Conflicting Ordinances

This ordinance shall repeal entirely the provisions of CHAPTER 4-6 ANIMALS of Ordinance 32, An ordinance in revision of the Ordinances of the Town of Summit, South Dakota, and further shall repeal any part of an ordinance in conflict with Chapter 4.19 of this Ordinance or inconsistent with the provisions of this Ordinance.

Passed and adopted this 3rd day of December, 2012.

Frank Eccles
Town Board President

Norma Arend
Finance Officer

REVISED CHAPTER 5-2 ALCOHOLIC BEVERAGES

5-2-1 LICENSE REQUIRED:

No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend or otherwise prepare within the Town or within one mile of its territorial limits, any alcoholic beverage as defined by statute, without having a license therefore as required by State statute.

Authority: SDCL 35-3-1; See also: SDCL Tit.35 generally

5-2-2 NON-INTOXICATING LIQUOR – RESTRICTIONS:

Every licensee authorized to sell, offer, or keep for sale non-intoxicating beer or wine in the town of Summit shall keep the premises, upon which such business is conducted, in such condition that view through windows of such premises shall be completely unobstructed either by curtains, advertising, window glazing, or any other obstruction whatsoever. No non-intoxicating beer or wine shall be served in any booth on such premises wherein all the occupants are not within view of every other occupant in the room and observable from any and all points in the said room.

Authority: SDCL 9-29-7

5-2-3 ALCOHOLIC BEVERAGES – SALES:

No person shall sell any alcoholic beverages between the hours of 2:00 A.M. and 7:00 A.M. or on Sunday after 2:00 A.M. or on Memorial Day after 2:00 A.M. or at anytime on Christmas Day, except that on Sundays malt beverages may be sold from 12:00 Noon to 12:00 Midnight of said day. Furthermore, all drinks are to be off the bar and tables at 2:10 A.M., and the establishment closed to customers at 2:10 A.M.

Authority: SDCL 9-29-7

Changed

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December 27, 2011

REPLY TO: SISSETON OFFICE

Norma Arend
Finance Officer
Town of Summit
Summit, SD 57266

RE: Alcoholic Beverages Ordinance

Enclosed please find my proposed revised Ordinance Chapter 5-2. If these changes to the Ordinance meet with your approval the proper way in which to proceed is as follows:

- (1) The title of the ordinance shall be read twice with at least five days intervening between the first and second reading.

The ordinance shall be signed by the mayor or president of the board of trustees, filed with the clerk, and published once. Twenty days after the completed publication of such notice, unless the referendum shall have been invoked, the revised ordinance shall become effective. (SDCL 9-19-7).

- (2) The vote upon the revised ordinance upon the second reading shall be taken by yeas and nays and entered upon the minutes of the meeting. (SDCL 9-19-9).
- (3) After the revised ordinance takes effect, the clerk shall record the same together with a certificate of the date of its publication in the "Ordinance Book," and file the affidavit of publication with the original ordinance. (SDCL 9-19-14).

If you have any further questions, please let me know.

Sincerely,

DELANEY, VANDER LINDEN, DELANEY
NIELSEN & SANNES, P.C.

By: 

Gordon P. Nielsen
For the Firm

GPN/pr

ORDINANCE NUMBER 22

An ordinance in revision of the Ordinances of the Town of Summit, South Dakota.

Passed First Reading 12-1-97

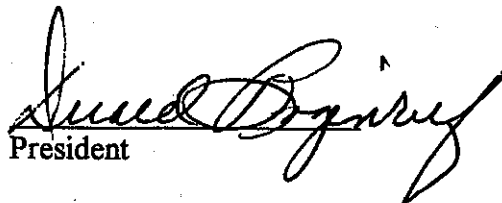
Passed Second Reading 12-9-97

Approved and Adopted 12-9-97

Notice of Adoption published 12-16-97

and _____

Effective 1-5-98


President

ATTEST:


Town Finance Officer

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TITLE 1 TOWN ADMINISTRATION

Chapter 1-1 Definitions
Chapter 1-2 Elections
Chapter 1-3 Town Board
Chapter 1-4 Officers & Employees
Chapter 1-5 Fire Department
Chapter 1-6 Police Department

CHAPTER 1-1 DEFINITIONS

1-1-1 DEFINITIONS

As used in this Code, the following words or phrases shall be construed as follows:

"Town" or "Municipality" -- That political subdivision of the state of South Dakota known as the town of Summit, a municipal corporation.

"Code" -- The 1997 Municipal Code of the Town of Summit.

"Board" or "Governing Body" -- The Town Board of the Town of Summit.

"May" -- A permissive term allowing the actor discretion as to whether or not he will undertake to either perform or refrain from doing an act.

"Ordinance" -- This 1997 Municipal Code, Ordinance No.22 in revision of the Ordinances of the Town of Summit.

"Person" -- Any natural person or persons, non-profit or for-profit business, venture, firm, corporation, or any other legal entity.

"Police" -- Any law enforcement official required by law to enforce state statutes and local ordinances.

"SDCL" -- The South Dakota Codified Laws (SDCL).

"Shall" -- A mandatory term requiring an act to be performed or to refrain from performing an act.

"State" -- The state of South Dakota.

1-1-2 CONSTRUCTION OF OTHER TERMS NOT DEFINED HEREIN

All other terms not specifically defined in 1-1-1 or elsewhere in this Code shall have their common and ordinary meanings, unless the context clearly requires otherwise.

CHAPTER 1-2 ELECTIONS

1-2-1

All of the territory of the Town of Summit is designated as one voting precinct or polling precinct for voting and polling purposes at any and all elections.

CHAPTER 1-3 PRESIDENT AND TOWN BOARD

1-3-1 ELECTION AND DUTIES:

The Town of Summit shall be governed by a Town Board of three (3) Trustees, who shall be elected and perform such duties as are prescribed by the laws of the State of South Dakota.
SDCL Ch. 9-8

1-3-2 Regular Meetings:

The regular meeting of the governing body of the Town shall be held on the first Monday of each month at the hour of 7:00 P.M. at such place as the governing body may select within the said town, except when such Monday is a legal holiday, and in that case, the meeting shall be held on the next day not a holiday. Any meeting may be adjourned from day to day and shall be open to the general public. At all regular meetings of the Town Board after the same shall have been called to order, the business of the meeting shall be considered in the following order:

- A. Calling the roll of members;
- B. Correction and approval of the minutes of the last regular meeting and of any intervening special meeting or meetings;
- C. Presentation of claims and communications;
- D. Introduction and first reading of ordinances;
- E. Introduction of resolutions;
- F. Reports of standing and special committees;
- G. Second reading and final passage of ordinance;
- H. Reports of town officers;
- I. Unfinished business;
- J. Miscellaneous business;

provided, however, that this agenda may be temporarily suspended at any meeting by the affirmative vote of a majority of the Town Board.

SDCL Ch. 9-8

1-3-3 SPECIAL MEETINGS:

Special meetings of the Town Board may be called at any time unless members of the Board are absent from the Town, and a quorum cannot be obtained by the President. The President of the town Board and Town members may call a meeting to consider any such matters as shall be mentioned in the notice for such meeting. Written notices stating the time and place of holding the meeting and the matters to be considered shall be issued by the Town Finance Officer. The notices shall be served by the Town Finance Officer upon each member of the Town Board who can be located at least one hour before the time specified for such meeting.

SDCL Ch. 9-8

1-3-4 PRESIDENT:

At the meeting of the Town Board in May of each year and after the qualification of the newly elected members, the Board shall elect from among its own members, a President whose duties are prescribed by the Laws of the State of South Dakota.

SDCL Ch 9-8

1-3-5 BOARD PROCEDURE:

"Robert's Rules of Order", as revised from time to time, shall be the standard for procedure by which all meetings of the Town Board are governed. The Board, by a majority vote of its membership, may adopt procedural rules differing from "Robert's Rules of Order".

SDCL Ch. 9-8

1-3-6 DEPARTMENTS AND SUPERVISION:

The following administrative departments are hereby established under the executive office of the President.

1. Water and Sewer
2. Streets, alleys and public grounds
3. Liquor and Liquor store
4. Health and Sanitation, and
5. Public Buildings and Housing Development

SDCL Ch. 9-8

1-3-7 DUTIES OF SUPERVISORS:

Each Board member or President in fulfillment of the provisions of the previous section:

1. Shall act in a supervisory capacity for each department listed, and
2. Shall keep a constant and careful watch over the performance of all duties of all employees and officials, over all activities and over all equipment of their respective departments, and
3. Shall perform all other duties as may be specifically provided in this section or by the President of the Board.

SDCL Ch. 9-8

CHAPTER 1-4 OFFICERS AND EMPLOYEES

1-4-1 OFFICERS:

There shall be appointed by the President and ratified by the Town Board on the first Monday of May of each year, a Finance Officer, a Town Attorney, Policeman, and such other offices as may be provided for by statute or ordinances, who shall hold office until the first Monday in May of the year following their appointment and until their successors shall be appointed and qualified, unless their term is otherwise terminated by the officer appointing them.

Authority: SDCL 9-14-3

1-4-2 DUTIES:

Each appointive officer shall perform such duties as prescribed by this Code and state statutes. Other duties may from time to time be prescribed by the Town Board.

SDCL Ch. 9-14

1-4-3 SPECIAL DUTY OF ATTORNEY:

The Town Attorney, in addition to those duties prescribed for him by State law, shall have the special duty to make or cause to be made proper designations of any ordinance or amendment thereto, and shall see that the organization and numbering of all ordinances is kept uniform as possible and in keeping with the organization of the 1997 Municipal Code. In order to carry out this duty, the Town Attorney shall have the power to change any of the numbering designations of any of the Town Ordinances without having to pass an ordinance amending the prior ordinance, providing that in so doing the substance of any ordinance shall not be changed.

SDCL 9-14-22

1-4-4 SALARIES:

The salaries of all municipal officers and employees shall be fixed by a resolution of the Town Board. A list of all salaries shall be on file, open to public inspection, with the Finance Officer.

Authority: SDCL 9-14-28

1-4-5 BONDS:

All appointive officers, before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation in the form required by the Constitution of this State and file the bond as may be required by law. The premium of such bond is to be paid for by the Town. The amount of the bond of the Finance Officer shall be annually established by the Town Council in an amount equal to the maximum amount estimated to be on hand at any one time, but the amount of such bond shall not exceed the sum of fifty thousand dollars (\$50,000.00).

Authority: SDCL 9-14-6 to 9-14-9

1-4-6 TERMINATION OF EMPLOYMENT:

All employees who have worked continuously for the Town for one full year or more, may not be discharged without having been given at least two weeks notice before pay is terminated. This section shall not apply, however, to any employee discharged for cause, malfeasance or misfeasance.

SDCL 9-14-12 to 9-14-16

CHAPTER 1-5 FIRE DEPARTMENT

1-5-1 ESTABLISHMENT:

There is hereby established for the Town a Volunteer Fire Department which shall consist of a Chief, Assistant Chief, President, Secretary-Treasurer and such other members as may be from time to time determined by the Fire Department.

Authority: SDCL 9-33-11 to 9-33-13

1-5-2 CONSTITUTION AND BYLAWS:

The Fire Department may adopt a constitution and by-laws and rules for its regulation and government, subordinate to the ordinances of the Town calculated to accomplish the object of its organization.

Authority: SDCL 9-33-11 to 9-33-13

1-5-3 MEMBERS:

The members of the Fire Department must be able-bodied men of good moral character, duly elected by a majority of the active members of the Fire Department.

Authority: SDCL 9-33-11 to 9-33-13

1-5-4 TERMS OF OFFICE:

The Chief, who shall be head of the Fire Department, Assistant Chief, President and Secretary-Treasurer shall hold office for a term of one year or until their successors shall be appointed and qualified.

Authority: SDCL 9-33-11 to 9-33-13

1-5-5 APPOINTMENT OF OFFICERS:

The officers shall be nominated by the active members of the Fire Department and elected by a majority vote of the members present at the annual meeting of the Fire Department at the first Monday in April of each year. The names of such officers shall be reported to the Board and confirmed by them.

Authority: SDCL 9-22-11 to 9-33-13

1-5-6 MEETINGS; DISMISSAL OF MEMBERS:

The Department shall meet at least once a month, upon the call of the Fire Chief. Any member not responding to such call unless absent from the town or upon other good cause shown to the satisfaction of the Chief of the Fire Department may be dismissed from said Department.

Authority: SDCL 9-33-11 to 9-33-13

1-5-7 APPROPRIATION:

The Town Board shall in its annual appropriation, appropriate such amounts as they may deem necessary for the purpose of supplying insurance, housing for fire department vehicles, fire department vehicle licenses and utilities for the fire department building. The volunteer fire department is responsible for all other expenses including, but not limited to, the repair or replacement of vehicles, equipment, and clothing. Such appropriations may also include any fire department vehicle repairs of a minor nature that the Board deems desirable.

Authority: SDCL 9-33-11 to 9-33-13

1-5-8 EQUIPMENT:

The equipment, trucks, implements and all apparatus shall be kept as such place as may be provided and directed by the Town Board and shall at all times be ready for immediate use.

Authority: SDCL 9-33-11 to 9-33-13

1-5-9 DUTIES OF CHIEF OVER MEMBERS AND APPARATUS:

The Chief shall have sole charge and control over all members of the Fire Department at fires. He shall at all times have the general direction and management of all hose, chemical engine, hook and ladders and other apparatus belonging to the department. He shall at the first regular meeting in February of each year, report to the Town Board the condition of the fire department and the apparatus belonging thereto and recommend such alterations, improvements and additions thereto as he may deem necessary and expedient.

Authority: SDCL 9-33-11 to 9-33-13

1-5-10 KEEPING FIRE APPARATUS IN READINESS:

The Chief of the Fire Department shall see that all apparatus is at all times in readiness and that all fire hoses are at all times dry and ready for use.

Authority: SDCL 9-33-11 to 9-33-13

1-5-11 FIRE ZONE:

The Chief or acting Chief in command, may prescribe limits around any fire, and it shall be unlawful for any person, except those who reside therein, firemen, policemen and those given admission by any officer of the Fire Department, to enter.

Authority: SDCL 9-33-11 to 9-33-13

1-5-12 INVESTIGATION OF CAUSE OF FIRE:

The Chief shall inquire into and investigate the cause of each fire that occurs in the Town as soon as possible, and make a record of his proceedings, and file the same or copy thereof with the secretary of the Fire Department.

Authority: SDCL 9-33-11 to 9-33-13

1-5-13 COMMAND IN ABSENCE OF CHIEF:

If the Chief is absent from any fire, the assistant chief or the secretary-treasurer, whoever shall arrive first, shall take charge of the organization and shall have and exercise all powers of chief.

Authority: SDCL 9-33-11 to 9-33-13

1-5-14 VACANCY:

In case of a vacancy occurring in the Office of Chief, the Assistant Chief shall discharge the duties of the Chief until the vacancy is filled.

Authority: SDCL 9-33-11 to 9-33-13

1-5-15 HINDERING FIREMEN AND INJURING FIRE APPARATUS:

Any person who shall willfully hinder or delay any officer or fireman in the performance of his duties at a fire or shall willfully injure, deface or interfere with any of the fire apparatus belonging to the Town shall upon conviction be punished by a fine of up to one hundred dollars (\$100.00).

Authority: SDCL 9-29-3; Compare: SDCL 22-11-6

CHAPTER 1-6 POLICE DEPARTMENT

1-6-1 MEMBERS:

The Police force in this Town shall consist of a Town Marshall and as many more as the Town Board shall from time to time, deem necessary for the proper protection of the Town.

Authority: SDCL 9-14-1, 9-29-2

1-6-2 APPOINTMENT:

The Town Marshall shall be appointed by the Town Board and he shall hold office for the term of his appointment unless sooner removed by the Town Board as provided under the laws of the State. The Town Board shall hire all other personnel required to fulfill the functions of the police department.

Authority: SDCL 9-14-1, 9-29-2

1-6-3 REQUIRE AID:

In the execution of the duties of any police officer in arresting any person accused or suspected of crime or any suppression of riot or unlawful assembly, or in the prevention of any offense against the city or state, said officer shall have the power when necessary to require the aid of any citizen; and it shall be unlawful for any person to refuse or willfully neglect to obey the summons of any police officer in such cases.

Authority: SDCL 9-29-2

1-6-4 DEPORTMENT:

Each member, when on duty, shall wear the insignia of his office in a conspicuous place on his outer garments, except when caution may require that it not be exposed, and must be quiet, civil and orderly in his conduct and deportment, refrain from violent, profane and insolent language, and abstain from intoxication, insubordination and dereliction of duty, and no police officer shall use the power conferred upon him by law or ordinance as such officer to persecute, tantalize or in any manner annoy any person against whom he may hold a grudge or grievance and it shall be the duty of the Town Marshall or any other officer to complain to the President or Town Board of any violation of this section immediately on obtaining knowledge thereof.

Authority: SDCL 9-29-2

1-6-5 DUTIES:

The Town Marshall shall see that the ordinances are strictly enforced. he shall inquire into and ferret out all violations of the Town ordinances or anything in his opinion detrimental to the health, safety, or good order of the town and prosecute or abate the same when authorized by law, or if not so authorized, report the same to the Town Board and shall perform such other duties as the law may direct. He shall at all times to be subject to and obey the orders of the President and perform such other additional duties and orders as the Town Board shall direct.

Ordinance 1-4-86; Authority: SDCL 9-29-2

1-5-16 DRIVING OVER HOSE:

Any person who shall drive or pull a wagon or other vehicle over any unprotected hose of the Fire Department of the town when laid on a street or alley to be used at any fire, or alarm of fire, or while at practice without the consent of the Chief or such other persons as may be in command, shall upon conviction be punished by a fine of up to one hundred dollars (\$100.00).

Authority: SDCL 9-29-3; Compare: SDCL 32-11-8 to 32-11-9

1-5-17 ALLOWING USE OF FIRE APPARATUS:

Any persons having charge of the fire apparatus who shall allow the same to be applied to personal use, without the consent of the Chief or in his absence, the acting Chief, shall upon conviction be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each and every offense and shall be liable to the Town for any injustice thereby occurring to such apparatus.

Authority: SDCL 9-33-11 to 9-33-13

1-5-18 COMPENSATION:

No compensation to be paid to members of the Fire Department for services at fires.

Authority: SDCL 9-33-11 to 9-33-13, 9-14-28

1-5-19 DUTY OF COMMON CARRIER:

It shall be the duty of any and all common carriers engaged in commercial drayage and hauling in or about the city at any time during business hours to assist the department or any division thereof with its apparatus to any fire within the city and the Town Board shall allow a reasonable compensation for any.

1-5-20 TAKING FIRE APPARATUS OUTSIDE CITY LIMITS:

The Fire Department is hereby authorized to enter into contracts with townships in the vicinity of the town for fire protection for such townships. The Townships will pay for such services a sum as may be agreed upon between the Fire Department and the Township Board.

Authority: SDCL 33-15-8.1 to 33-15-8.2

2-1-2 REPLACEMENT OF OFFICIAL ZONING MAP:

In the event that the official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. the new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the Original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the President attested by the Municipal finance Officer, and bearing the seal of the Town under the following words: " This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Number of the Town of Summit, State of South Dakota."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-2 APPLICATION OF DISTRICT REGULATIONS

TITLE 2

PLANNING AND ZONING

Chapter 2-1	Establishment of Districts - Maps
Chapter 2-2	Application of District Regulations
Chapter 2-3	Non-Conforming Lots & Usage
Chapter 2-4	Supplementary District Regulations
Chapter 2-5	Enforcement - Permits - Compliance
Chapter 2-6	Board of Adjustment - Generally
Chapter 2-7	Board of Adjustment - Powers - Duties - Appeals
Chapter 2-8	General Provisions - Penalties - Administration
Chapter 2-9	Definitions
Chapter 2-10	"A" - Agricultural District
Chapter 2-11	"R" - Residential District
Chapter 2-12	"C" - Commercial District
Chapter 2-13	"I" - Industrial District
Chapter 2-14	"CN" - Conservation District
Chapter 2-15	"RMH" - Residential Mobile Home District
Chapter 2-16	"PD" - Planned Development District

Chapter 2-1 ESTABLISHMENT OF DISTRICTS: MAPS

2-1-1 OFFICIAL ZONING MAP

The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the President attested by the Municipal Finance officer, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 30.101 of Ordinance Number of the Town of Summit, State of South Dakota", together with the date of the adoption of this ordinance.

If, in accordance with the provision of this ordinance and SDCL Chapter 11-4, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall not become effective until after said changes have been made on the Official Zoning Map by the Municipal Finance Officer or a person designated by the Town Board.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the Finance Officer and it shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-3 NON-CONFORMING LOTS AND USAGE

2-3-1 INTENT:

Within the districts established by this ordinance or amendments that may later be adopted there exist:

- a. lots,
- b. structures,
- c. uses of land and structures, and
- d. characteristics of use

which are lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by the addition of other uses, or a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-3-2 NON-CONFORMING LOTS OF RECORD:

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such a lot fails to meet the requirements of area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such a lot is located. Variance of yard requirements shall be obtained only through the Town Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an individual parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements in this ordinance.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-3-3 REPAIRS AND MAINTENANCE:

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-3-4 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES:

Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-4 SUPPLEMENTARY DISTRICT REGULATIONS

2-4-1 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS:

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-2 FENCES, WALLS, AND HEDGES:

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge running parallel to a street, along the sides or front edge of any front yard shall be over five feet in height. However, if the fence, wall or hedge running parallel to the street is further than forty feet from the street line, it may be seven feet high.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-3 ACCESSORY BUILDINGS:

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-4 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT:

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-5 EXCEPTIONS TO HEIGHT REGULATIONS:

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-6 STRUCTURES TO HAVE ACCESS:

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to private streets, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-7 PARKING, STORAGE, OR USE OF MAJOR RECREATION EQUIPMENT:

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in the required front yard of any lot in a residential district, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-8 PARKING AND STORAGE OF CERTAIN VEHICLES:

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property for longer than 90 days, without written permission from the Town Board or stored in an enclosed building.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-9 MOBILE HOMES:

No mobile home shall be parked or placed in any district outside an approved mobile home park for more than forty-eight (48) hours except upon a special permit issued by the Town Board. Such permit shall be issued for a period not to exceed thirty (30) days and shall not be renewable within the same calendar year; provided, however, a permit may be issued for parking and occupying a mobile home on land owned by the occupant or occupants, during the construction of a house thereon for a period not exceeding one hundred eighty (180) days. However, if material progress with house construction is not made within forty-five (45) days from issuance of a permit, or if construction work ceases for forty-five (45) consecutive days, said permit shall become void.

A mobile home located on a lot outside a mobile home park on the effective date of this ordinance may be replaced with another mobile home provided that the following provisions are met:

1. No more than one (1) mobile home shall be located on a lot of record;
2. Each mobile home shall meet the minimum yard requirements for the district in which it is located.
3. Each mobile home shall be properly blocked and tied down to lessen wind damage as prescribed by the Defense Civil Preparedness Agency, bulletin TR-75 issued June, 1972;
4. In case a written protest is filed with the Municipal Finance Officer signed by the owners of at least forty (40) percent of the aggregate area of the lots or parts of lots within one hundred fifty (150) feet from any part of a lot where a mobile home is intended to replace an existing mobile home, measured by excluding streets and alleys, the existing mobile home shall not be replaced with another mobile home; and

5. Each mobile home shall be connected to the Town sanitary sewer and Town water supply,

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-4-10 ON - AND OFF - SITE SIGNS:

Each sign in the incorporated limits of Summit shall at least meet the standards established by the South Dakota Department of Transportation.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-5 ENFORCEMENT - PERMITS - COMPLIANCE

2-5-1 ADMINISTRATION AND ENFORCEMENT:

The Town Board shall administer and enforce this ordinance.

If the Town Board shall find that any of the provisions of this ordinance are being violated, the Finance Officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-5-2 USE PERMITS REQUIRED:

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Town Board. No use permit shall be issued by the Town Board except in conformity with the provisions of this ordinance.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-5-3 APPLICATION FOR USE PERMIT:

All applications for use permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Town Board, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units and building is designed and land; the number of families, housekeeping units, or rental units and building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformity with, and provide for the enforcement of, this ordinance.

One copy of the plan shall be returned to the applicant by the Finance Officer after such copy has been marked as either approved or disapproved and attested to by his signature on such copy.

The original of the plans, similarly marked, shall be retained by the Finance Officer.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-5-4 EXPIRATION OF USE PERMIT:

If the work described in any use permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Town Board, and written notice thereof shall be given to the persons affected.

If the work described in any permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Town Board, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new use permit has been obtained.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-6 BOARD OF ADJUSTMENT - GENERALLY

2-6-1 ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby established, which shall consist of the members of the Town Board, as provided for in the provisions of chapter 11-4, South Dakota Codified Laws and Amendments.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-6-2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT:

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-6-3 HEARINGS; APPEALS; NOTICE:

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Town affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Town Board, by filing with the Administrative Officials and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-6-4 STAY OF PROCEEDINGS:

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Official from whom the appeal is taken certifies the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-7 THE BOARD OF ADJUSTMENT: POWERS - DUTIES - APPEALS FROM

The Board of Adjustment shall have the following powers and duties:

2-7-1 ADMINISTRATIVE REVIEW:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this ordinance.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-7-2 SPECIAL EXCEPTIONS:

Conditions, Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
- b. Notice shall be published once a week for two successive weeks prior to the public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City hall, and in one other public place at least (fifteen) 15 days prior to the public hearings.
- c. A public hearing shall be held. Any party may appear in person, or by agent or attorney;
- d. The Board of Adjustment shall rule that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest; and
- e. Before any special exception shall issue, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 1. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. refuse and service areas, with particular reference to the items in (1) above;
 3. utilities, with references to locations, availability, and compatibility;
 4. screening and buffering with reference to type, dimensions, and character;
 5. signs, if any, and proposed exterior lighting with reference to glare, traffic safety economic effect, and compatibility and harmony with properties in the district;
 6. required yards and other open space;
 7. general compatibility with adjacent properties and other property in the district.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-7-3 VARIANCES; CONDITIONS GOVERNING APPLICATION; PROCEDURES:

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other land, structures, or buildings in the same district;
 2. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 3. That the special conditions and circumstances do not result from the actions of the applicant; and
 4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- b. Notice of public hearing shall be given as in 2-7-2(b) above;
- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- d. The Board of Adjustment shall make findings that the requirements of 2-7-3(a) have been met by the applicant for a variance;
- e. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under 10-1-1 of this Code.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-7-4 BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS; REVERSING DECISION OF ADMINISTRATIVE OFFICIAL:

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

The concurring vote of two-thirds of all members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant or any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

Authority; SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-8 GENERAL PROVISIONS - PENALTIES - ADMINISTRATION

2-8-1 APPEALS:

Any person or persons, or any board, taxpayer, department, board, or bureau of the Town aggrieved by any decision of the Board of Adjustment may seek review by a court of a record of such decision, in the manner provided by the laws of the State of South Dakota.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-2 APPEALS; DUTIES

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the course as provided by the laws of the State of South Dakota.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-3 FEES, CHARGES, AND EXPENSES:

The Town Board shall establish a schedule of fees, charges, and expenses and a collection procedure for use permits, certificates of zoning compliance, amendments, appeals, and other matters pertaining to this ordinance.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-4 FEES, SCHEDULE OF:

The schedule of fees shall be posted in the Town Hall, and may be altered or amended only by the Town Board.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-5 FEES; TO WHOM PAID:

All fees shall be the property of the Town and shall be paid over to the Finance Officer for credit to the General Fund of the Town. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-6 AMENDMENTS; HEARINGS ON ; NOTICE:

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published once a week for at least two successive weeks prior to the date of the meeting.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-7 AMENDMENTS; PROTESTS TO:

When a proposed amendment affects the zoning classification of property, and in case a written protest is filed with the Municipal Finance officer signed by the owners of at least forty (40) percent of the aggregate area of the lots included in any proposed district, and the lots or parts of lots within one hundred fifty (150) feet from any part of such proposed district measured by excluding streets and alleys, the ordinance shall not become effective as to the proposed district against which the protest has been filed.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-8 ORDINANCES; MINIMUM REQUIREMENTS:

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-9 VIOLATIONS - FINES:

Violation of the provisions of this title or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements may upon conviction thereof be fined not more than \$100.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-10 EACH VIOLATION A SEPARATE OFFENSE:

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-8-11 ADDITIONAL REMEDIES OF MUNICIPALITY:

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-9 DEFINITIONS

2-9-1 DEFINITIONS; INTERPRETATIONS:

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "**person**" includes a firm, association, organization, partnership, trust, company,
or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "**shall**" is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word "**lot**" includes the words plot or parcel.

Accessory. -As applied to use or structure, means customarily subordinate or incidental to,
and on the premises of such use or structure.

Building. - Any structure, including a roof supported by posts or columns, designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind. The word building shall include the word structure.

Building Height. - the vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Building Area. - The portion of a lot remaining after required yards have been provided.

Drive-In Restaurant or Refreshment Stand. - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those
establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Single-Family. - A detached residential dwelling unit other than a mobile home,
designed for and occupied by one family only.

Dwelling, Two-Family. - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-Family. - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit. - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family. - One or more persons occupying a single dwelling unit, provided that unless all the members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Filling Station. - Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where other services may be rendered and sales made, including but not limited to tire servicing and repair, replacement of mufflers and tail pipes, water hose, radiator cleaning and flushing, washing and polishing, greasing and lubrication. A filling station is not a body shop.

Home Occupation. - An occupation conducted in a dwelling unit, provided that:

- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinated to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square-foot in area, non-illuminated, and mounted flat against the wall of the principal building; and
- c. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Junk Yard. - Any area where waste, junk, discarded or salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled, or handled, including dismantling or wrecking or automobiles or other vehicles or machinery.

Loading Space, Off-Street. - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. - For purposes of this ordinance, a lot is a parcel of land sufficient size for use, coverage, and area, and to provide such yards and other open spaces as are herein

required. Such lot shall have frontage on an improved public street or on a private street approved by the Board of Adjustment, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- d. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Frontage. - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot Measurements. -

- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirement shall not apply.

Lot of Record. - A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Mobile Home Park. - Premises consisting of three (3) or more acres where one or more mobile homes are parked for living or sleeping purposes, or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Outdoor Advertising Business. - Provision of outdoor displays or display space on a lease or rental basis only.

Parking Space, Off-Street. - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Off-street parking areas shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Sale or Auction Yard or Barn. - A place or building where the normal activity is to sell or exchange livestock. Livestock normally in yard or farm for one day during sale or auction.

Sign. - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignia of any government except when displayed in connection with commercial promotion;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Special Exception. - A special exception is a use that would not be appropriated generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Street. - A right-of-way, dedicated to public use, which affords a primary means of access.

Structure. - Anything constructed or erected with a fixed location on the ground, or

attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Trailer or Mobile Home. - A vehicle, without motive power, designed for living quarters and for being drawn by a motor vehicle, excluding seasonal camp trailers or cars. Generally, a vehicle is either registered or eligible for registration with South Dakota Division of Motor Vehicle as a mobile home.

Travel Trailer. - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Variance. - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure, size of yard and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard. - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. - A yard extending between side lot lines across the front of a lot adjoining a public right-of-way.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which impedes vision across such yard between the heights of 30 inches and 10 feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Town Board may waive the requirement for the normal front yard and substitute there for a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Town Board shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; and (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Side. - A yard extending from the rear line or the required front yard to the rear lot line or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special. - A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-10 "A" AGRICULTURAL DISTRICT

CHAPTER 2-11 "R" RESIDENTIAL DISTRICT

2-11-1 INTENT:

The intent of the "R" Residential District is to provide a stable environment for residential development free from compatible uses.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-2 PERMITTED USES:

The following uses and structures shall be permitted in the "R" Residential District:

1. Single-family dwellings;
2. Horticulture and agriculture;
3. Churches;
4. Public and parochial schools;
5. Public park and recreation areas;
6. Public buildings and facilities erected or established and operated by any governmental agency; and
7. Cemeteries and mortuaries.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-3 SPECIAL EXCEPTIONS:

The following uses may be permitted as special exceptions in the "R" Residential District by the Town Board, subject to such requirements as the Board deems necessary to protect adjacent property, prevent objectionable or offensive conditions or promote the health, safety and general welfare.

1. Multiple-family dwellings; provided that in case a written protest is filed with the Municipal Finance Officer signed by the owners of at least forty (40) percent of the aggregate area of the lots or parts of lots within one hundred fifty (150) feet from any part of a lot where a multi-family dwelling is intended to be placed, measured by excluding streets and alleys, the multi-family dwelling shall not be placed;
2. Utility Substations;
3. Convalescent, nursing and rest homes;
4. Hospitals; and
5. Lodging or boarding houses;

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-4 PROHIBITED USES:

All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the "R" Residential District.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-5 MINIMUM LOT REQUIREMENTS:

The minimum lot area for permitted uses shall be seven thousand five hundred (7,500) square feet. The minimum lot width for permitted uses shall be seventy-five (75) feet. The minimum lot area for multiple-family dwellings shall not be less than ten thousand (10,000) square feet per dwelling unit and the minimum lot width shall be not less than seventy-five (75) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-6 MAXIMUM LOT COVERAGE:

The maximum lot coverage for all buildings and structures shall not exceed thirty (30) percent of the total lot area.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-7 MAXIMUM YARD REQUIREMENTS:

Permitted uses shall not have a front yard of less than thirty (30) feet, minimum side yards of seven (7) feet and minimum rear yard of twenty (20) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-11-8 MINIMUM YARD REQUIREMENTS:

Permitted uses shall not have a front yard of less than thirty (30) feet, minimum side yards of seven (7) feet and minimum rear yard of twenty (20) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-12 "C" CENTRAL COMMERCIAL DISTRICT

2-12-1 INTENT:

The intent of the "C" Central Commercial District is to provide commercial areas for business establishments serving the needs of trade area residents, and especially those retail and service businesses oriented to the pedestrian shopper. Permitted uses are intended to create a strong central business district, free from conflicting land uses, which is the focal point of trade area retail sales, personal, business and professional service, governmental and cultural activities.

See Zoning Map, Authority: SDCL 9-12-13, aka SDCL 11-4

2-12-2 PERMITTED USES:

The following uses and structures shall be permitted in the "C" Central Commercial District:

1. Retail sales of groceries, fruits, vegetables, dairy products, meats, poultry products, fish and sea foods, baked goods, candies, nuts, confectionery items, beer, wine and distilled alcoholic beverages, heating and plumbing equipment, paint, glass and wallpaper, electrical supplies, hardware, dry goods and general merchandise, tires, batteries and accessories, marine and aircraft accessories, wearing apparel and accessories, furniture, home furnishings and equipment, household appliances, radios, televisions and music supplies, drugs and proprietary medicines, antiques and secondhand merchandise, books and stationery, sporting goods and bicycles, jewelry, flowers and other plant materials, cigars and cigarettes, newspapers and magazines, cameras and photographic supplies, gifts novelties, and souvenirs, optical goods;
2. Finance, insurance and real estate services;
3. Laundering, dry cleaning and dyeing services, photographic services including commercial services, beauty and barber services, apparel repair, alteration, and cleaning pickup service, shoe repair services and upholstery and furniture storage services;
4. Business services, excluding any warehousing and storage services;
5. Automobile washing, repair and services, electrical repair, radio and television repair, and watch, clock and jewelry repair;
6. Professional, governmental and educational services;
7. Passenger terminals;
8. Churches, welfare and charitable services, business associations, professional membership organizations, labor unions and similar labor organizations, and civic, social and fraternal associations;
9. Eating and drinking places, including restaurants, cocktail lounges, hotels, and motels;
10. Communication and utility uses;
11. Automobile filling stations;
12. Automobile parking;
13. Public buildings and grounds, parks, libraries, museums art galleries, historic and monument sites, theaters, auditoriums, exhibition halls, gymnasiums and athletic clubs, ice skating, roller skating, and bowling;
14. Printing and publishing establishments.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-3 PERMITTED ACCESSORY USES:

The following accessory uses and structures shall be permitted in the "C" Central Commercial District:

1. Accessory uses customarily incidental to permitted uses.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-4 PROHIBITED USES:

All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the "C" Central Commercial District.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-5 MINIMUM LOT REQUIREMENTS:

Permitted uses shall have a minimum lot area of three thousand five hundred (3,500) square feet and a minimum lot width of twenty-five (25) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-6 MINIMUM YARD REQUIREMENTS:

No yards shall be required in the "C" Central Commercial District provided, however, that all buildings located on lots adjacent to a residential district shall observe a yard requirement equivalent to the minimum yard requirements of the residential district on the side or sides adjacent.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-7 MAXIMUM LOT COVERAGE:

The maximum lot coverage for all permitted uses shall not exceed ninety (90) percent. The maximum lot coverage for all uses permitted by special exception shall be as determined by the Board of Adjustment.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-12-8 MAXIMUM HEIGHT:

The maximum height of all buildings and structures shall not exceed fifty (50) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-13 "I" INDUSTRIAL DISTRICT

2-13-1 INTENT:

The intent of the "I" Industrial District is to accommodate industrial uses meeting performance standards designed to protect nearby non-industrial uses from adverse environmental conditions, and to accommodate certain other business uses.

See Zoning Map, Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-2 PERMITTED USES:

The following uses and structures shall be permitted in the "I" Industrial District:

1. Horticulture and the raising of field crops;
2. Utility substations;
3. Retail sales of lumber and other building materials, farm equipment, motor vehicles, marine crafts, mobile homes, trailers, farm and garden supplies, fuel and ice;
4. Wholesales of motor vehicles and automobile equipment, drugs, chemicals, all allied products, dry goods and apparel, groceries, and related products, electrical goods, hardware, plumbing, heating and equipment, and supplies, machinery, equipment, and supplies, beer, wine, and distilled alcoholic beverages, paper and paper products, furniture and home furnishings, lumber and construction materials;
5. General, farm products, household goods, and refrigerated warehousing and storage, automobile filling stations;
6. Motor freight terminals, garaging and equipment maintenance;
7. Mortuaries; and
8. Any industrial use, other than those permitted by special exception, that can meet the performance standards set forth below:
 - a. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
 - b. Air Pollution. State emission standards shall be met by all possible sources of air pollution. In any case, there shall not be discharged from any sources whatsoever such quantities of air contaminants, smoke or detriment, nuisance or annoyance to any considerable number of persons or to the public in general to endanger the comfort, health or safety of any such considerable number of persons or have a natural tendency to cause injury or damage to business, vegetation or property.
 - c. Odor. the emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
 - d. Glare, Heat or Radiation. Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernible beyond the property line.
 - e. Vibration. every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line.
 - f. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, watercourse, river or the ground of liquid wastes of chemical nature, which are detrimental to normal sewage plant operations or

corrosive or damaging to sewer pipes and installations.

g. Fire Hazard. All flammable substances involved in any activity or use, shall be handled in conformity with the standard of the National board of Fire Underwriters and any additional regulations that may from time to time be adopted by the Town Board.

h. Physical Appearance. All operations shall be carried on within an enclosed building except that new or operable equipment may be displayed or stored in the open and waste materials stored in enclosed containers not readily visible from the street.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-3 PERMITTED ACCESSORY USES:

The following accessory uses and structures shall be permitted in the "I" Industrial District:

1. Caretaker and watchmen quarters;
2. Buildings and structures customarily incidental to permitted uses.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-4 SPECIAL EXCEPTIONS:

The following uses may be permitted as special exceptions in the "I" Industrial District by the Board of Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare:

1. Junk or salvage yards, provided that the area is enclosed or screened from public view as required by the Town Board.
2. Other industrial or commercial uses determined by the Board of Adjustment to be consistent with the intent of this district.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-5 PROHIBITED USES:

All uses and structures not specifically permitted or not permitted by special exception shall be prohibited in the "I" Industrial District.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-6 MINIMUM LOT REQUIREMENTS:

The minimum lot area for permitted uses shall be fifteen thousand (15,000) square feet. The minimum lot width for permitted uses shall be one hundred (100) feet. The minimum lot area and width for uses permitted by special exception shall be as determined by the Board of Adjustment.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-7 MINIMUM LOT REQUIREMENTS:

Permitted uses shall have a minimum front yard of twenty-five (25) feet, minimum side yards of ten (10) feet, and a minimum rear yard of twenty (20) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-13-8 MAXIMUM LOT COVERAGE:

The maximum lot coverage for all buildings and structures shall not exceed fifty (50) percent of the total lot area.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-14 "CN" – CONSERVATION DISTRICT

2-13-9 MAXIMUM HEIGHT:

The maximum height of all buildings and structures shall not exceed fifty (50) feet.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

CHAPTER 2-15 "RMH" RESIDENTIAL MOBILE HOME DISTRICT

2-15-1 INTENT:

The purpose of the "RMH" Residential Mobile home District is to permit the development of a single family residential mobile home park located in a appropriate residential or recreational environment on not less than three (3) acres. it is the purpose of the "RMH" District to encourage site development in accordance with good planning principles; to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood; and to promote the health, safety and welfare of the present and future inhabitants of the Town. Lots in the "RMH" District shall be for rental purposes only.

See Zoning Map, Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-2 APPLICATION PROCEDURE:

Each application for a "RMH" shall be accompanied by a development plan incorporating the regulations established herein. the plan shall be drawn to scale and indicate the following:

1. location and topography of the proposed mobile home park, including adjacent property owners and proximity to Federal, State highways and to County, Township, or City roads and streets;
2. property lines and square footage of the proposed park;
3. location and dimensions of all easements and right-of-ways;
4. proposed general lay-out, including parking and recreation areas;
5. general street and pedestrian walkway plan;
6. general utility, water, and sewer plan.

Upon approval of the application, the plan becomes part of the permanent record and it shall serve as the basis for the final site plan submission.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-3 PERMITTED USES:

The following uses and structures shall be permitted:

1. Mobile Home Developments.
2. Mobile Home Subdivisions and/or Condominium Development.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-4 PERMITTED ACCESSORY USES:

Accessory building and uses customarily incident thereto. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-5 MINIMUM LOT REQUIREMENTS:

The minimum lot area for individual mobile homes shall be 4,000 square feet. the overall density of any mobile home park shall not exceed eight (8) units per gross acre and the net density of any particular acre within such park shall not exceed ten (10) units per acre.

2-15-6 MAXIMUM LOT COVERAGE:

No mobile home shall occupy more than twenty-five (25) percent of the area of the lot on which it is situated.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-7 MINIMUM YARD REQUIREMENTS:

A landscaped buffer area of ten (10) feet in width shall be provided and maintained around the perimeter of the park, except where walks and drives penetrate the buffer. All mobile homes shall be located at least fifteen (15) feet from any private internal road or street and no mobile home shall be located less than 10 feet from the side or 7.5 feet from the rear mobile home lot line.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-8 MINIMUM RECREATIONAL AREA:

Not less than 8 percent of the gross site area shall be devoted to recreational facilities appropriate to the needs of the occupants.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-9 WATER SUPPLY AND DISTRIBUTION SYSTEM AND SEWAGE DISPOSAL:

Each mobile home shall be connected to the town water and sewage system.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-10 TIE DOWN REQUIREMENTS:

All mobile homes must be bolted to a foundation or tied down as prescribed by the Defense Civil Preparedness Agency, TR-75, issued June, 1972, by the US Department of Defense.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

2-15-11 MINIMUM PARKING AND STREET REQUIREMENTS:

The following minimum requirements shall be met:

1. Street within the park shall be at the least graveled;
2. Entrance to mobile home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on such adjacent public roads;
3. Streets should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten (10) feet minimum moving lanes for collector street, nine (9) feet minimum moving lanes for minor streets, seven (7) feet minimum lane for parallel parking; and
4. The design criteria for offstreet automobile parking shall be based upon two (2) parking spaces for each mobile home lot.

Authority: SDCL 9-12-13; See also: SDCL Ch. 11-4

**CHAPTER 2-16 "PD" – PLANNED DEVELOPMENT DISTRICT
PAGES 43-74 RESERVED]**

CHAPTER 3-1 NATIONAL BUILDING CODE

CHAPTER 3-2 GENERAL BUILDING REGULATION

3-2-1 APPLICATION FOR PERMITS:

Any person, persons, firm, or corporation desiring to construct, erect, or repair any building or mobile home within the building limits of the Town of Summit or removing from or into said limits any building or mobile home shall make application for a permit therefore to the Finance Officer, which application shall state the following facts.

Authority: SDCL 9-33-6, also 18-92

3-2-2 FOR CONSTRUCTION OF BUILDING:

Said application shall state the name of the architect; the name of the contractor or builder; the street of the proposed location; the lot or part of lot; block and addition upon which the building is proposed to be located; the dimensions, giving its front, depth, height, and number of stories; the material of which it is proposed to be constructed; the manner of construction; the use to which said building is to be devoted; and the time of the probable completion.

Authority: SDCL 9-33-6, also 18-92

3-2-3 FOR REPAIRS OF BUILDING:

Said application shall state present location of the building, giving the street, lot or part of lot, block, and addition; and the description of the building, giving the front, depth, height, number of stories, material built of, and the purpose for which used; together with the value of the building to be repaired and a specific description of the contemplated repairs and improvements, giving the costs of such repairs and improvements.

Authority: SDCL 9-33-6, also 18-92

3-2-4 FOR REMOVAL FROM TOWN OR MOVING INTO TOWN BUILDINGS OR MOBILE HOMES:

Said application shall state the street, lot or part of lot, block and addition on which the building or mobile home is to be located; the number of stories; width and depth of building; lot, block, and addition or subdivision where building to be removed is presently located. Said application shall be subscribed and sworn to be the owner and contractor or builder and shall be filed with the Finance Officer.

Authority: SDCL 9-33-6, also 18-92

3-2-5 TOWN BOARD TO APPROVE OR DISAPPROVE APPLICATION

The Finance Officer shall receive the application and, finding no impediment, shall grant the permit and refer it to the Town Board for their consideration at their next meeting. No owner or contractor or builder shall attempt to proceed with any work or improvement of any kind for which a request is herein required without first having obtained a permit therefore.

Authority: SDCL 9-33-6, also 18-92

3-2-6 FORM OF PERMIT - IN DUPLICATE:

The permit granted by the Finance Officer shall be in duplicate and shall have attached thereto an agreement signed by the owner of the building, agreeing that in consideration of the issuance and delivery of such permit, the said owner will do the proposed work in accordance with the specifications set forth in the application and will, in all things, comply with the terms of this ordinance and the amendments thereto and all other components in force in said Town relating to

this subject.

3-2-7 PERMIT FEES:

The fees for issuing a permit shall be as follows:

<u>ESTIMATED COST</u>	<u>PERMIT FEE</u>
\$ 0 - \$24,999.99	\$10.00
25,000.00 and above	\$20.00

Authority: SDCL 9-33-6, also 18-92

3-2-8 REMOVAL OF BUILDINGS

PERMIT REQUIRED: It shall be unlawful for any person to move any building upon or over the streets or avenues of the Town of Summit without first securing a permit authorizing such moving.

APPLICATION: Applications for such permit shall be filed with the Finance Officer which shall describe the building desired to be moved, the lot and block to which it is desired to be removed if within the Town of Summit, and the route of travel proposed to be used for such removal. Applications for such permit shall also contain an agreement of the party desiring such removal that he will pay any and all damage to sidewalks, trees, hydrants, or streets incident to such removal as may be necessary; and as a guarantee for the payment of such damage and such compensation for such removal, the applicant shall deposit with the Finance Officer. In lieu thereof, the applicant will furnish a bond to guarantee the payment of such damages and compensation for removal of wires and other items in the same sum with sureties acceptable to the Finance Officer.

REFUND: In the event that a cash deposit is made for the purposes provided in the preceding section, any amount of such deposit in excess of the cost of repairing such damage to sidewalks, or streets, together with compensation for removal of wires shall be returned to the applicant.

MOVING OUTSIDE CITY LIMITS: In the event any such building is to be moved outside the city limits, the person so moving the same shall first pay his pro rata share of general obligation debt based on the last assessed value said building bears to the total assessed value of the Town of Summit.

Authority: SDCL 9-30-2

3-2-9 FIREPROOF BUILDING LIMITS:

LIMITS ESTABLISHED: The following described lands are hereby designated and declared to constitute the fireproof building limits of the Town of Summit: the east one half of Block 14, the west on half of Block 15, Lots 9 through 16 of Block 24, Lots 1 through 8 of Block 25, Lots 1 through 8 of Block 32, Lots 9 through 16 of Block 33, Lots 9 through 8 of Block 42 and Lots 1 through 8 of Block 43.

PERMITS: Any person or person, firm, or corporation desiring to erect, or cause to be erected, alter, repair, or remove any building situated within the fireproof building limits of the Town of Summit or move any building and/or mobile home into said limits shall apply to the Town Board for a permit for such purposes and shall furnish plans and specifications sufficient alteration, repair, or proposed new building are in full compliance with the provisions of the ordinance; and

if granted, such permit shall be signed by the Town President and Finance Officer.

MATERIAL: No person shall erect or cause to be erected, altered, or repaired, or placed within the fireproof building limits of the Town of Summit any business or storage building or part thereof unless the entire outside wall are constructed of stone, brick, cement, or other hard and incombustible materials, or are covered with tin, iron or other fire retardant material, and roofed with slate, tin, zinc, iron, cement, magnesia, or other approved roofing nor build or repair any wooden building which becomes damaged by fire or otherwise or decayed to the extent of fifty (50 percent or more of the value thereof nor repair any building so as to raise it higher or cause it to occupy a greater space than before, except that this section shall apply to wooden buildings not exceeding eight (8) feet square and eight (8) feet high, having the sides, ends, and roofs thereof covered with tin, iron, or other incombustible material, provided such building shall not be attached to, nor within ten (10) feet of, any other wooden structure or building.

DETERMINING DAMAGE: The Town Board shall receive in writing any complaint as to the condition of any building within the fireproof limits, and he will refer all complaints to the State Fire Marshall whether any action is necessary.

Authority: SDCL -33

3-2-10 BUILDING CONDEMNATION

POWER TO REMOVE UNSAFE BUILDINGS: The Town Board is authorized to protect it's citizens by condemning vacant, dilapidated, or other buildings deemed unsafe within the Summit city limits since such constitutes a hazard to safety. Such buildings shall be declared a public nuisance.

DETERMINING DAMAGES: The Town Board shall follow the same procedures governing unsafe building in the fireproof building limits as provided in Section 4 of Article 3 of this ordinance.

Authority: SDCL -33

3-2-11 PENALTY

Any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine of one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall constitute a separate violation.

Authority: SDCL -33

CHAPTER 3-3 NATIONAL ELECTRICAL CODE AND REGULATION

3-3-1 ADOPTION OF THE NATIONAL ELECTRICAL CODE:

Except as otherwise provided, all installations of electrical equipment and all electrical equipment installed or used shall be in conformity with the provision of this chapter, state statutes, and any rules, orders or regulations issued by authority thereof.

Unless otherwise provided in accordance with the above paragraph, the most recent edition of the code known as the "National Electric Code" as adopted by the National Fire Protection Association is hereby adopted. Three copies of the Electric Code are now on file in the office of the City Finance Officer and the same are hereby adopted and incorporated as fully as if set out at length herein.

SDCL 9-33-4.1

3-3-2 AMENDMENTS MADE IN ADOPTED CODE; CONFLICT:

Nothing in this chapter shall be construed to limit the authority of the Council to modify any provisions of the Electrical Code. If any provisions of this ordinance are in conflict with the National Electrical Code herein adopted, the provisions of this ordinance shall take precedence and the said code shall be considered as amended and modified.

SDCL 9-33-4.1

3-3-3 TITLE, SCOPE AND EXCEPTIONS:

(1) **Title** - This code shall be known as the National electrical code (NEC) and may be so cited.

(2) **Scope** - The provisions of this code shall govern electrical work as defined in the NEC. This includes the practice, materials and fixtures used in all new installations, electrical conductors, fittings, devices and fixtures for lights, heat and power service equipment and all equipment used for power supply to radio and television receiving systems and amateur radio transmission systems and buildings and structures. All alterations or extensions to existing wiring systems and within or adjacent to any buildings or structures or conveyances or any premises within the city are also included.

(3) **Exceptions** - No electrical work pertaining to light, heat or power from other sources shall be installed, nor an alteration or extension of any existing electrical systems made, until a permit has been issued therefore as required in this chapter, except as hereinafter specifically provided:

This chapter shall not apply to installations made for electricity generating and/or communications agencies. This exception applies to any buildings or premises used exclusively by such agencies.

SDCL 9-33-4.1

3-3-4 ELECTRICAL INSPECTOR:

The Electrical Inspector shall be appointed and may be removed in the same manner as provided for the Building Inspector and shall perform the duties herein listed.

Authority: SDCL 9-33-5; See also: 9-14-3

3-3-5 DUTIES:

1. It shall be the duty of the Electrical Inspector to enforce the provisions of this title. he shall have the power to grant licenses as hereinafter provided.
2. He shall upon application, grant permits for installation or alteration or electrical equipment and make inspections of electrical installations all as provided in this Title.
3. He shall keep complete records of all licenses granted and permits issued, inspections and re-inspections made and other official work performed in accordance with the provisions of this title.

Authority: SDCL 9-33-5

3-3-6 AUTHORITY:

The Electrical Inspector shall have the right during reasonable hours to enter any building or premises in discharge of his official duties or for the purpose of making an inspection, re-inspection or test of the electrical equipment contained therein during its installation or at any later time. When any electrical equipment is found to be dangerous to persons or property because it is defective, or defectively installed contrary to the provisions of this chapter, the person responsible for the electrical equipment shall be notified in writing and shall make any change or repairs necessary in the judgment of the Inspector to place such equipment in a safe condition. If the repairs are not completed within 15 days or any longer period that may be specified by the inspector in said notice, the Electrical Inspector shall have authority to disconnect or by order of a proper notice, cause discontinuance of electric service supplied by the Electrical Utility company to said electrical equipment.

In case of any emergency, when necessary for the protection of persons or property, or when electrical equipment may interfere with work of the Fire Department, the Electrical Inspector shall have authority to immediately disconnect or cause the disconnection of any electrical equipment.

Authority: SDCL 9-33-5

3-3-7 APPEAL FROM DECISIONS OF ELECTRICAL INSPECTOR:

Any decision that is made by the Electrical Inspector under the provisions of this title shall be subject to the right of appeal to the Town Board by any person aggrieved by that decision. Said appeal shall be perfected by filing a notice of appeal with the Finance Officer and by payment of an appeal fee of \$10.00 for the costs of the appeal.

The Town Board shall then hold a public hearing within 30 days of the day of notice of the appeal and shall provide said person with a notice specifying the time and place of hearing. The Town Board may provide by resolution for any additional notices that the Town Board may deem necessary. After proper hearing the Town Board shall have the power to affirm or reverse any decision of the Electrical Inspector.

Authority: SDCL 9-33-5

3-3-8 DEFINITIONS:

The following terms, as defined herein, and as used in the code are as follows: (Other terms are defined in Article 100 of the National Electrical Code, as adopted).

- (1) **Building service equipment:** The mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provide sanitation, lighting, heating, ventilating, fire fighting and transportation facilities essential to the habitable occupancy of the building or structure for its designated use and occupancy.
- (2) **Electrical equipment:** All installations of electrical conductors, fittings, devices, and fixtures within or on public and private buildings or structures.
- (3) **Electric Service Equipment:** The Equipment located at the point of entrance of supply conductors to a building which constitutes the main control of supply a means of cut off of electricity, including circuit breakers, switches, fuses and electrical accessories.
- (4) **Apprentice Electrician:** A person learning the trade in the supervision of an electrical contractor, Journeyman Electrician or a Class B. Electrician. he shall not be allowed to perform any electrical work in this city, except when supervised by one of the following electricians.
- (5) **Class B. Electrician:** A person having the necessary qualifications, training, technical knowledge and at least 18 months experience in wiring, installing and repairing electrical apparatus and equipment in accordance with the standard rules and regulations established by the State Electrical Board.
- (6) **Journeyman Electrician:** A person having the necessary qualifications, training, technical knowledge and at least four years experience in wiring, installing ad repairing electrical apparatus and equipment in accordance with the standard rules and regulations established by the State Electrical Board.
- (7) **Electrical Contractor:** A person having the necessary qualifications, training, experience and technical knowledge to plan, lay out and supervise the installation of repair and electrical wiring, apparatus and equipment for electric light, heat and power in accordance with the rules and regulations governing such work; and who undertakes or offers to undertake with another to plan for, lay out and supervise and install or make additions, alterations and repairs in the installation of such work. A person must have had at least two years experience as a Journeyman Electrician before making application for an electrical contractor's permit.

No electrical work, except that done by a homeowner, as hereinafter provided, shall be done within this Town except it be done by one of the above electricians, who have been licensed and registered by the State of South Dakota.

Authority: 9-33-4.1

3-3-9 PERSONS AND FIRMS REGULATED:

It shall be unlawful for any person to lay, construct, install, or cause to be laid, constructed, installed or done, any electrical wiring or apparatus unless said person shall have complied with the provisions of this title. Provided however, a person may do his own work on property belonging to him without obtaining a license.

Authority: SDCL 9-33-5

CHAPTER 3-4 PLUMBING CODE AND REGULATION

3-4-1 ADOPTION OF NATIONAL PLUMBING CODE:

For the purposes of regulating the installation and safety of plumbing and related fixtures, the Town Board hereby adopts that certain plumbing code known as the "National Plumbing Code" (NPC) as adopted by the American Standards Association, being particularly the most recent edition. Three copies of the NPC are now on file in the office of the Finance Officer and the same are hereby adopted and incorporated as fully as if set out at length herein from the date of which this ordinance shall take effect. The provisions of the NEC shall be controlling pertaining to plumbing as defined in the code within the corporate limits of the Town.

Authority: SDCL 36-25-16

3-4-2 AMENDMENTS MADE IN CODE ADOPTED:

If any provisions of this ordinance are in conflict with the National Plumbing Code herein adopted, the provisions of this ordinance shall take precedence.

Authority: SDCL 36-25-16

3-4-3 TITLE AND SCOPE:

This code shall generally be known as the National Plumbing Code (NPC) and may be so cited and will be referred to in this chapter as the "code".

The provisions of this code shall apply to and govern the practice of, 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, private water supply systems, within or adjacent to any building or structure or conveyance; also the practice and materials used for the installation, maintenance, extension, or alteration of the storm sewer sewage system of any premises to their connection with any point of the public disposal or other terminal.

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

Authority: SDCL 36-25-16

3-4-4 DEFINITIONS:

In addition to the terms defined in Chapter 1 of the National Plumbing Code, the following terms shall have their respective meanings for the purposes of this title:

- (1) **Master Plumber:** Any person, who by his knowledge, training or experience is qualified and capable of doing plumbing and is in direct charge of making plumbing installations.
- (2) **Journeyman Plumber:** Any person, who by his knowledge, training and experience is qualified and capable of doing plumbing work, but such work shall be done only under the supervision of a licensed plumber.
- (3) **Apprentice Plumber:** Any person engaged in assisting a Journeyman Plumber in doing plumbing work.

(4) Plumbing Contractor: Any person engaged in the business of installation of plumbing.
Authority: SDCL 31-25-16

TITLE 4 HEALTH AND SANITATION

Chapter 4-1 Board of Health
Chapter 4-2 Dogs and Cats
Chapter 4-3 Garage and Ashes
Chapter 4-4 Nuisances
Chapter 4-5 Noxious Weeds
Chapter 4-6 Animals

CHAPTER 4-1 BOARD OF HEALTH

4-1-1 BOARD OF HEALTH ESTABLISHED; DEFINITION

That a Board of health in and for the Town shall be and is hereby established in and for the town and this Board of Health shall consist of the Town Board. For the purposes of this title, "Board" means the Town Board of Health.

Authority: SDCL 9-32-2

4-1-2 POWERS OF BOARD OF HEALTH:

The Board of health, provided for in section 4-1-1 of this Municipal Code, subject to the control of the State Board of Health and within the territorial limits of the Town, shall have the power:

- a. to enforce any rules and regulations made by the State Board of Health for the prevention of or the spread of contagious disease.
- b. to establish a quarantine and isolate any person afflicted with a contagious, infectious, or communicable disease.
- c. to remove or cause to be removed any dead, decaying or putrid body or and decayed, putrid substance that may endanger the health of persons or domestic animals.
- d. to release any quarantine, to fumigate any premises, and to do any and all things that may be necessary to protect the health of the public in and for the Town.
- e. to enter any building, or place in the town where contagion, infection, filth or other source or cause of preventable diseases, exists or is reasonably expected to exist, for the purpose of investigation, reporting, and enforcement of all rules and regulations to preserve the health, particularly for the enforcement of rules made by the State Board of Health, and
- f. to make regulations respecting the removal of nuisance, filth and other sources or causes of sickness or disease, as they may deem necessary to protect the health in said city,
not inconsistent with the rules by the State board of Health.
- g. to perform all of its duties described at the expense of the said Town.

Authority: SDCL 9-32-2

4-1-3 RULES AND REGULATIONS:

All rules and regulations made by the Board of Health provided for under Section 4-1-1 of this Municipal code, shall be published in any legal newspaper published in Roberts County at least twice, and upon completion of the publication, it shall be deemed a legal notice to all persons, and it shall be binding thereafter. However, the Board may, if it deems necessary, make any order, rule, or regulation to preserve the public health, and upon giving personal notice without any further publication whatever. Whenever the Board shall order the owner or occupant of any real property to remove any filth, dirt, decaying vegetables, or other matters, which in the opinion of the Board are injurious to public health, from its premises, said owner or occupant shall remove the same within 24 hours. If the owner or occupant thereof neglects or fails so to do the board may hire the same to be done at the expense of the Town, and the costs of removing the same shall be certified by the Finance Officer to the Roberts County Auditor as a special assessment against real property from which said matter has been removed, to be collected with the other taxes and assessments against said real property; that any person refusing to comply with any rules or regulations made or established by said Board of Health or violate any other provisions of this section shall be fined up to \$100.00.

Authority: SDCL 9-32-2

4-1-4 ENFORCEMENT:

Whenever the board deems it necessary for the preservation of the health of the inhabitants of the town, they may enter any building or upon any premises in the town for the purpose of examining into the cause or nature of any sickness, or to cause the removal of any filth or nuisance, they shall have the right to do so, and shall they be refused said entry, any member of the Board may make complaint under oath to a court of competent jurisdiction commanding him to take sufficient aid and being accompanied by two Board members, between the hours of sunrise and sunset to repair to the place where such nuisance, filth, source, or cause of sickness complained of may be found, and destroy and remove the same under the directions of said members of the Board.

SDCL 16-12A-16

4-1-5 Segregation

When any person coming from abroad or residing in the Town is or has been lately affected with any contagious disease to the public health, the board may immediately cause such person to be quarantined to a separate house if it can be done without any danger to his health.

Authority: SDCL 34-22-4, 9-32-1

4-1-6 ISOLATION:

If such infected person cannot be removed without danger to his health, the Board shall make provisions where he may be removed to a save distance away from others for the safety of the public.

Authority: SDCL 34-22-4, 9-32-1

4-1-7 HOSPITALIZATION:

When a disease dangerous to the public health as determined by the state Department of Health breaks out in the town, the Board shall immediately provide a hospital or other place of reception for the infected as they judge best for their accommodation, and the safety of the inhabitants of the town. This place shall be isolated and subject to the regulations of the Board, and the Board may cause any sick or infected person to be removed thereto unless his condition will to admit the removal of such person without danger to his health. In that case the house where such sick person remains shall be considered as a hospital and with all its inmates subject to the regulations of the Board. The word "he" wherever used in this chapter shall be construed to include the word "her".

See also: SDCL 9-32-1; Ch. 34-22 generally

4-1-8 EMERGENCY POWERS:

Whenever a contagious disease exists within the Town, the board shall have the authority to make all reasonable rules and regulations to preserve and protect and maintain the public health in said town. In case of emergency, the Board may order all schools, churches or theaters and other places where public gatherings may be held, to be closed for such length of time as it deems necessary.

See also: SDCL 9-32-1; Ch. 34-22 generally

CHAPTER 4-2 DOG AND CAT REGULATION

4-2-1 DOGS MUST BE REPORTED:

Every person who owns, harbors, or keeps any dog or cat within the limits of this town shall, on or before the thirty-first day of December of each year hereafter, report to the Town Finance Officer the number, kind and description of dogs and/or cats owned, harbored or kept by such person.

Authority: SDCL 9-29-12; Compare SDCL Ch. 40-34

4-2-2 LICENSE FEE:

The owner shall pay to the Finance Officer, for each spayed or neutered dog and/or cat, the sum of \$5.00 dollars. The owner shall pay to the Finance Officer, for each unneutered male or unspeyed female dog and/or cat, the sum of \$25.00 dollars. As a prerequisite to the licensing of any dog or cat, the owner thereof shall display to the Finance Officer a certificate or letter from a licensed veterinarian showing that such dog and cat for which a license is applied has had a proper inoculation or vaccination for rabies and that said vaccination or inoculation is sufficient to protect said dog or cat against rabies for the ensuing year following the application for such license.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34; Ord 9-2-1-86

4-2-3 FINANCE OFFICER REGISTERS DOGS AND CATS:

It shall thereupon be the duty of the Finance Officer, upon receipt of the money above mentioned to number and register every dog and can so reported. The Finance Officer shall also register a description of such dog or cat and the name of the owner or keeper of such dog or cat.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-4 FINANCE OFFICER ISSUES LICENSE:

The Finance Officer shall issue a dog or cat license therefore, from the first day of January until the thirty-first day of December of the following year. The license shall state the registered number, kind, and description of such dogs or cats, and the year when licensed.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-5 TOWN OF SUMMIT FURNISHES TAG:

The Finance Officer shall provide the dog and/or cat owner or keeper with a metallic tag for each dog and/or cat so reported, numbered, registered, and licensed as herein provided.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-6 OWNER ATTACHES TAG:

Every person being the owner or keeper of any dog and/or cat shall not later than the expiration time for registering and licensing the same as hereinbefore provided, place a collar around the neck of such dog so owned or kept by him on which collar shall be securely fastened the metallic tag above mentioned.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-7 DUPLICATE TAGS:

In case of the loss of any tag, the Finance Officer shall issue a duplicate thereof upon the payment of the actual cost of such tag, upon application being made therefor and upon satisfactory proof that such tag has been lost or destroyed.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-8 UNREGISTERED DOGS OR CATS CAPTURED:

It shall be the duty of Law Enforcement Officer after the license expiration to capture and cause to be captured and conveyed to a dog and cat pound which shall be provided and located by the Town Board, dogs and cats that are found not to be properly registered, licensed, collared, and tagged in compliance with this chapter. The Law Enforcement Officer shall then keep such dogs or cats there with kind treatment and to supply them with sufficient food and water for a period of at least two (2) days, unless sooner reclaimed by the owner or keeper of every dog or cat to exhibit to the police officer the tag on such owner or keeper's dog or cat whenever the police officer demands to see the same.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-9 NOTICE TO OWNER AND REDEMPTION:

Within twenty-four (24) hours after the impounding of any dog or cat the owner shall be notified, or if the owner is unknown, written notice shall be posted for three days at two or more conspicuous places in the Town describing the dog and the time and place of taking. The owner of any such dog impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Town, for the impoundment and maintenance of such dog, not to exceed \$100.00.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34;

4-2-10 DOGS AND CATS DESTROYED:

At the expiration of two (2) days from the date of impounding, if the dog remains unclaimed or if the keeper fails or refuses to comply with the provisions of this chapter, it shall be the duty of the police officer to cause such dog or cat to be destroyed and the body thereof to be removed and properly disposed of.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34;

4-2-11 DOG AND CAT KENNELS: BARKING DOGS:

It shall be unlawful for any person to keep a dog(s) or a dog kennel within fifty feet of the house of a neighbor or to keep within the limits of this city any dog which causes a disturbance by barking or make noises to the annoyance or disturbance of the public.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-12 VICIOUS DOGS AND CATS; DEFINITIONS

A. "*Owner*" means any person, firm, corporation, organization, or department possessing or harboring or having the care or custody of a dog or cat.

B. "*Vicious Dog*" or "*Vicious Cat*" means:

1. Any dog or cat with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
2. Any dog or cat which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance: or

3. Any dog or cat which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog or cat owned or harbored primarily or in part for the purpose of dog and/or cat fighting, or any dog and/or cat trained for dog or cat fighting.

C. A vicious dog and/or cat is "unconfined" if the dog or cat is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog or cat. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-13 CONFINEMENT

The owner of a vicious dog or cat shall not permit the dog or cat to go unconfined.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-14 LEASH AND MUZZLE

The owner of a vicious dog or cat shall not suffer or permit the dog or cat to go beyond the premises of the owner unless the dog or cat is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in such a manner that will not cause injury to the dog or cat interfere with its vision or respiration, but shall prevent it from biting any human or animal.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-15 SIGNS

The owner of a vicious dog or cat shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog or cat on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-16 DOG OR CAT FIGHTING

No person shall possess or harbor or maintain care or custody of any dog or cat for the purpose of dog or cat fighting, or train, torment, badger, bait or use any dog or cat for the purpose of causing or encouraging the dog or cat to attack human beings or domestic animals.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-17 INSURANCE

Owners of vicious dogs or cats must within 14 days of the effective date of this ordinance provide proof to the Finance Officer of public liability insurance in the amount of at least \$5,000.00, insuring the owner for any personal injuries inflicted by his or her vicious dog or cat.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-18 PROCEEDS OF DOG/CAT LICENSES PAID TO FINANCE OFFICER

It shall be the duty of the Finance Officer to record all monies received as paid to it on account of the registering and numbering and licensing of dogs/cats as herein provided. Such remittance shall be made no later than the end of each month following the issuance of any license or

4-2-19 FINANCE OFFICER TO MAKE REPORT:

It shall be the duty of the Finance Officer, at least once every year and more often if required by the Town Board, to make a full report of the number of dogs registered and licensed under this chapter, together with a statement of the amount of money collected by him.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

4-2-20 DOGS/CATS AT LARGE

A. It shall be unlawful for any person or persons to permit or suffer to run at large within the limits of the Town of Summit any dog or cat, whether licensed or unlicensed, and any police officer or person of proper authority is hereby authorized and empowered to impound any such dog or animal found running at large.

B. Any dog shall be deemed running at large within the meaning of this section when such animal is not confined upon the premises of its owner or on a leash in the hands of some attendant, or unless such animal, if loose, is accompanied by its owner or attendant.

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

Upon signed complaint to the Town Board that any person is keeping or harboring any dog or cat which disturbs the peace as herein set forth, it shall be the duty of said Town Finance Officer to notify the owner of said dog in writing of said complaint, and after such owner has been given twenty-four (24) hours notice of such habit, any police officer or person of proper authority is hereby authorized and empowered to go upon the premises and impound any such dog or cat 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.

Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34; Ord 9-2-4-86

4-2-21 IMPOUNDING; DESTRUCTION OF DOGS/CATS OR ANIMALS RUNNING AT LARGE

The Law Enforcement Officer is hereby authorized to employ, whenever he deems it necessary, a sufficient number of persons to capture and convey to the dog/cat pound, and care for, kill and dispose of in the manner herein provided, all dogs/cats or animals found running at large contrary to the provisions of this chapter. All dogs/cats captured and conveyed to the pound, as established by the Town, shall be kept with humane treatment and supplied with sufficient food and water for a period of at least twenty-four (24) hours, unless sooner reclaimed by the owner or keeper thereof as herein provided. When the owner or claimant of any dog/cat so impounded shall desire to redeem such dog/cat from the pound, such dog/cat may be released upon the payment to the person in charge of such pound, of an amount set by the Town Board on file at the office of the Finance Officer, and costs of keeping, and shall exhibit a license for such dog/cat issued in the manner herein provided, and the person in charge of such dog pound shall thereupon release such dog/cat 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 Town Board and

on file at the office of the Finance Officer, and the costs of keeping, and shall procure a license as hereinabove provided. At the expiration of twenty-four(24) hours from the date of impounding such animal, if the same shall fail or refuse to comply with the provisions of this ordinance for the releasing of same, it shall be the duty of the person in charge of such pound to destroy such animal and to cause it to be removed and properly disposed of; provided, that the owner of licensed dogs shall have twenty-four (24) hours notice in writing, after the expiration of said twenty-four (24) hours, before the animal shall be killed or destroyed. It shall be the duty of the persons in charge of said dog pound before destroying any dog under the provisions of this ordinance to sell said dog at a private sale to any person who is willing to pay a sum sufficient to reimburse the Town for all expenses of keeping said dog or cat and the fee set by the Town board and on file at the office of the Finance Officer. Provided, also, that if any animal is of a vicious disposition or has dangerous habits, the Law Enforcement Officer shall notify in writing the owner of or possessor of such dog/cat to confine such animal and if thereafter such owner or possessor fails to comply with such notice, the Law Enforcement Officer is authorized, empowered, and directed to kill or cause to be killed such dog/cat, whether found running at large or upon the premises of the owner of such dog/cat, forthwith, and without impounding the said animal.

Ord. 9-2-5-86

4-2-22 IGNORANCE DOES NOT EXCUSE THE OFFENSE

In any proceeding for violation of the provisions of this chapter relating to dogs or cats, the use of the words herein, "permit or suffer" such dog or cat to disturb the peace, shall not be construed as making ignorance of the offense an excuse for violation, and the knowledge or lack of knowledge of the person or persons committing the act or violating this chapter shall be considered immaterial..

Ord.9-2-6-86

licenses. the funds shall then be credited to the general fund of the town.
Authority: SDCL 9-29-12; Compare: SDCL Ch. 40-34

CHAPTER 4-3 GARBAGE AND ASHES

4-3-1 DEFINITION:

The term garbage as used in this ordinance is defined to be any refuse, accumulation of animal, fruit or vegetable matter or any other substance used in the preparation, cooking, dealing on or storing meats, fowls, fruits or vegetables.

See also SDCL 9-32-12; Compare SDCL 40-10-1

4-3-2 LEAVING GARBAGE EXPOSED:

It shall be unlawful for any owner or occupant of any lot or tenement within the Town to throw, or leave exposed upon any lot, or within any street or alley adjoining said premises, any vegetable, fruit, animal matter or any slop or filth whatsoever, solid or liquid.

Authority: SDCL 9-32-10 to 9-32-12

4-3-3 RECEPTACLES:

It shall be the duty of every owner, tenant, agent, lessee, occupant and person in charge of any building, premises or place of business in the town to provide and keep in good condition, for the exclusive use of such building, premises or place of business, separate receptacles for receiving and holding without leakage, the garbage that may accumulate from the building, premises or place of business or portion thereof which such person may be the owner, tenant, lessee, or occupant in charge; provided, however, that the owner, tenant or occupant of any building, premises or place of business may destroy by burning, or otherwise dispose of garbage produced on the premises, in a manner approved by the Town Board.

Authority: SDCL 9-32-11

4-3-4 WRAPPING IN PAPER OR PLASTIC:

It shall be unlawful for anyone to place or cause to be placed in any receptacle, provided or intended to receive or hold garbage, any refuse, substance or thing other than garbage as defined in this chapter. All garbage shall be drained of all liquids and wrapped in paper or plastic before being placed in such receptacle; provided, however, that the Town Board may adopt rules and regulations dispensing with the wrapping of garbage in paper when the receptacles are emptied frequently that they deem such wrappings unnecessary.

Authority: SDCL 9-32-11

4-3-5 RECEPTACLE, HOW MADE:

Every receptacle provided or intended to be used to receive and hold garbage shall be water tight, and made of galvanized iron or other suitable metal or material, with a watertight tight fitting cover, which shall be maintained in place so as to prevent the ingress and egress of flies.

Authority: SDCL 9-32-11

4-3-6 WHERE KEPT:

Such garbage receptacle shall be kept outside of the buildings and within the lot line, adjacent to the alley if possible, and it shall be unlawful to place or keep such garbage receptacle in the street, alley or public place.

Authority: SDCL 9-32-11

4-3-7 ASHES:

It shall be unlawful for any person, firm, corporation, or any other entity to deposit ashes upon the public streets of the platted portion of the Town.

Authority: SDCL 9-32-11

4-3-8 MUNICIPAL GARBAGE COLLECTORS:

The Town Board may enter into an annual or multiyear contract with automatic annual renewals with some responsible person to haul and collect the said garbage. The garbage collector shall have exclusive rights to haul and collect such garbage with the Town during the term of this contract. However, the said Town Garbage Collector shall make a showing to the Town Board that he is properly equipped and insured and capable of performing his part of the contract. The Town Board may appropriate and provide such compensation as may be required to obtain a fair and reasonable contract.

Authority: SDCL 9-32-11

4-3-9 DUTY OF GARBAGE COLLECTOR:

It shall be the duty of the Town Garbage Collector to thoroughly clean up all the garbage in the immediate vicinity of the place from which said garbage is removed, and to see that none of the garbage is dropped or liquid matter permitted to escape from the receptacle in which it is being hauled, on to the streets, or alleys of the said city; and to keep all garbage receptacles emptied at whatever regular intervals may be deemed necessary.

Authority: SDCL 9-32-11

4-3-10 RATES AND CHARGES:

The charge for garbage collection provided by the Town shall be set annually by the Town Board. Said charge to be payable bi-monthly. These charges to be effective as of January 1, each year. Garbage service shall be mandatory for all subscribers to water or sewer service.

Authority: SDCL 9-32-11

CHAPTER 4-4 NUISANCES

4-4-1 NUISANCES, DEFINED AND PROHIBITED:

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 nuisance.

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

Authority: SDCL 9-29-3; Compare: SDCL 21-10-1

4-4-2 SPECIFIC NUISANCES; ADDITIONAL REMEDIES:

The maintenance of such conditions as defined in the following sections of this chapter shall each be deemed to constitute a nuisance. The penalty for nuisances are as defined in the general penalty provisions of this Code. Such a penalty shall be in addition to any other remedies authorized by this Code or state statute.

Authority: SDCL 9-29-3; Compare: SDCL 21-10-1

4-4-3 GARBAGE AND REFUSE:

Depositing, maintaining, or permitting to be maintained or to accumulated upon any private or public property, any household waste water, sewage, garbage, tin cans, excrement, or any decaying fruit, vegetable, fish, meat, or bones or any foul, putrid, or obnoxious liquid substance.

Authority: SDCL 9-29-3

4-4-4 IMPURE WATER:

Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted.

Authority: SDCL 9-29-13

4-4-5 UNDRESSED HIDES:

Undressed hides kept longer than twenty-four (24) hours, except at the place where they are to be manufactured, or in a storeroom basement whose construction is approved by the County or State Health Department.

Authority: SDCL 9-29-13

4-4-6 MANURE:

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

Authority: SDCL 9-29-13

4-4-7 BREEDING PLACES FOR FLIES:

The accumulation of manure, garbage or anything whatsoever in which flies breed.

Authority: SDCL 9-29-13

4-4-8 STAGNANT WATER:

Any excavation in which stagnant water is permitted to collect.

Authority: SDCL 9-29-13

4-4-9 WEEDS:

Permitting weeds or other noxious matter to grow to maturity on any private property, including

vacant lots.

Authority: SDCL 9-29-13; See also: SDCL 38-22-16

4-4-10 DEAD ANIMALS:

For the owner of a dead animal to permit it to remain undisposed of longer than twenty-four (24) hours after its death.

Authority: SDCL 9-29-13

4-4-11 PRIVIE, CESSPOOLS AND CISTERNS:

Erecting or maintaining any privy or cesspool except such sanitary privies or cesspools, the plans or which are approved by the State Health Department. No person shall maintain upon any property within the town any cistern or cesspool that is not securely covered. Any cistern or cesspool, no longer in use shall be filled with dirt.

Authority: SDCL 9-29-13

4-4-12 GARBAGE HANDLING IMPROPERLY:

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

Authority: SDCL 9-29-13

4-4-13 RODENTS; DEFINITION OF JUNK:

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

Junk is defined to mean old ferrous or non ferrous metals, old cordage, ropes, fabrics, old rubber or old bottles or other glass, bones, wastepaper and other waste or discarded materials which may be prepared to use again in some other form, but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.

Authority: SDCL 9-29-13; See also: SDCL 38-22-16

4-4-14 BONFIRES IN PUBLIC PLACES:

Only the burning of leaves will be allowed upon public notification by the Town Board on a designated two week period. It is the finding of the Town Board that for the immediate preservation of the public peace, health, and safety, and the support of the municipal government and its existing public institutions that this ordinance shall take effect upon publication.

Authority: SDCL 9-29-13; See also: SDCL 38-22-16

4-4-15 PARKING LIVESTOCK TRUCKS OR TRAILERS IN RESIDENTIAL DISTRICTS:

Parking or permitting livestock trucks or trailers to remain on any street, area, or public ground in a residential district where such truck or trailer gives off an offensive odor is contaminated with manure or other filth.

Authority: SDCL 9-29-13

4-4-16 NUISANCES, HOW ABATED:

100

The Finance Officer shall give written notice to any person creating, permitting or maintaining any nuisance forthwith, and if such person shall neglect or refuse to do so within a reasonable time after such action, he shall be deemed guilty of a violation of this Chapter. The Finance Officer or Town Trustee shall cause to be removed or abated any such nuisance upon the expiration of a reasonable time after the serving of such notice and the Town may recover the expense so incurred from the person maintaining such nuisance, in a civil suit instituted for such purpose.

Authority: SDCL 21-10-5

4-4-17 ICEBOXES - PROHIBITING ABANDONMENT IN PLACES ACCESSIBLE TO CHILDREN:

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structures or within any unoccupied or abandoned building, dwelling or other structures under his or its control in a place accessible to children any abandoned or discarded icebox, refrigerator, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.

Authority: SDCL 9-29-13

4-4-18 ICEBOXES - KEEPING DECLARED NUISANCE:

The keeping of any discarded iceboxes, refrigerators or other containers as set forth in section 4-4-17 of this Code shall be and the same is hereby declared to constitute a public nuisance and the same shall be abated as provided by section 21-10-6 of the South Dakota Codified Laws or acts amendatory thereto and the abatement of such nuisances shall not, in any manner, affect the penalty provisions of this ordinance.

Authority: SDCL 9-29-13

4-4-19 PUBLIC NUISANCE DEFINED; ELECTION OF REMEDIES:

A public nuisance consists of unlawfully doing an act, or omitting to perform a duty within the jurisdiction of the city which either:

- A. Annoys, injures or endangers the comfort, repose, health 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 or stream or any public park, square, street road or highway; or
- D. It, in any way renders other persons insecure in life, or the use of property affecting at same time the entire community or a neighborhood or any other considerable number of people. The extent of the annoyance or damage inflicted upon the individuals may be unequal.

In addition to or in lieu of the above penalty, the Town may remedy a public nuisance by abatement or by commencement of a civil action. Abatement shall consist of removing, or, if necessary, destroying the thing which constitutes the nuisance, without committing a breach of the peace or doing unnecessary injury. For a public nuisance which results from a mere omission of the wrongdoer, which and cannot be abated without entering upon his land, reasonable notice must be given him before entering to abate it.

Authority: SDCL 9-29-13; See also: SDCL Ch. 21-10

CHAPTER 4-5 NOXIOUS WEEDS

4-5-1 WEEDS - 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.

Authority: SDCL 9-32-12, 9-30-5

4-5-2 NOTICE TO DESTROY:

The Finance Officer, upon notice from the Town Board, is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the city or the agent of such owner or the occupant of such premises, to cut, destroy or remove any such weeds, grass or deleterious or unhealthful growths or other noxious matter found growing, lying, or located on such property or upon the sidewalk abutting same. Such notice shall be by certified mail addressed to said owner, agent or occupant at his last know address.

Authority: SDCL 9-32-12, 9-30-5

4-5-3 ACTION UPON NONCOMPLIANCE:

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within fifteen (15) days after the mailing thereof, the 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 as provided in 4-5-5 of this Code.

Authority: SDCL 9-32-12, 9-30-5

4-5-4 WEED REMOVAL COSTS:

If the owner or occupant of the land fails to cut the weeds, as provided for in the preceding section, the Town shall cut the weeds. The cost to the landowner shall be fifty (50) dollars for the first hour of cutting and twenty-five (25) dollars for each additional hour of cutting, with a fifty (50) dollar minimum charge.

Authority: SDCL 9-32-12, 9-30-5

4-5-5 COST ASSESSED:

The 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 Town Finance Officer upon the completion of the work in destroying such weeds and abating said nuisance and the Town Finance Officer shall thereupon certify said account showing the amount, the description of the property and the owner thereof to the County Assessor who shall thereupon add such assessment to the general assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

Authority: SDCL 9-32-12, 9-30-5

CHAPTER 4-6 ANIMALS

4-6-1 CRUELTY TO ANIMALS:

No person shall cruelly or immoderately beat, torture, or injure any domestic animal, nor overload any working animal, nor shall any person willfully or negligently mistreat or abuse or neglect in a cruel or inhuman manner any such animal.

Authority: SDCL 9-29-11; Compare: SDCL 40-1-2

4-6-2 ANIMALS RUNNING AT LARGE:

No person shall allow any animal to run at large.

Authority: SDCL 9-29-12

4-6-3 FOWL IN TOWN:

No person shall be allowed to keep any ducks, geese, chickens, pigeons or other domestic fowl within the Town of Summit.

Authority: SDCL 9-29-12

4-6-4 HORSES, COWS, GOATS, SHEEP IN TOWN:

No person shall keep any horse, cow, goat, or sheep within the Town of Summit.

Authority: SDCL 9-29-12

4-6-5 PIGS IN TOWN PROHIBITED:

No person shall place, keep or maintain any live hogs within the town, excepting such hogs as are kept in the yard or pens of the railway companies for shipping purposes, or in pens, houses or yards of the stockyards, packing houses, or butcher shops and kept for the purpose of immediate shipment or slaughter.

Authority: SDCL 9-29-12, Ord. 17-1-5

4-6-6 PICKETING ANIMALS:

No person shall, within the town, stake out any domestic animals in such a manner as to permit them to approach within one hundred (100) feet of any dwelling house or building used for human habitation other than that of the owner of such animal.

Authority: SDCL 9-29-12

(Reserved)

TITLE 5 COMMERCIAL REGULATION

Chapter 5-1 General Provisions
Chapter 5-2 Alcoholic Beverages
Chapter 5-3 Malt Beverages
Chapter 5-4 Local Taxation
Chapter 5-5 Cable Television

CHAPTER 5-1 GENERAL PROVISIONS:

5-1-1 LICENSE REQUIRED:

It shall be unlawful for any vendor to sell, display, or offer for sale, any food, beverage, goods, or merchandise and any activity involving the general public without first obtaining permission to do so from the Town Board.

Authority: SDCL 9-34-7 to 9-34-8; See also: SDCL Ch. 37-13

CHAPTER 5-2 ALCOHOLIC BEVERAGES:

5-2-1 LICENSE REQUIRED:

No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend or otherwise prepare within the Town or within one mile of its territorial limits, any alcoholic beverage as defined by statute, without having a license therefore as required by State statute.

Authority: SDCL 35-3-1; See also: SDCL Tit. 35 generally

5-2-2 NON-INTOXICATING LIQUOR -- RESTRICTIONS:

Every licensee authorized to sell, offer, or keep for sale non-intoxicating beer or wine in the town of Summit shall keep the premises, upon which such business is conducted, in such condition that view through windows of such premises shall be completely unobstructed either by curtains, advertising, window glazing, or any other obstruction whatsoever. no non-intoxicating beer or wine shall be served in any booth on such premises wherein all the occupants are not within view of every other occupant in the room and observable from any and all points in the said room.

Authority: SDCL 9-29-7

5-2-3 ALCOHOLIC BEVERAGES -- SALES:

No person shall sell any alcoholic beverages between the hours of 1:00 A.M. and 7:00 AM. or on Sunday after 1:00 A.M. or on Memorial day after 1:00 A.M. or at anytime on Christmas Day, except that on Sundays malt beverages may be sold from 12:00 Noon to 12:00 Midnight of said day. Furthermore, all drinks are to be off the bar and tables at 1:30 A.M., and the establishment closed to customers at 1:30 A.M.

Authority: SDCL 9-29-7

4-5-6 RECOVERY BY TOWN:

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 Town Board, said amount may be recovered in a civil action against the owner or occupant of such property.

Authority: SDCL 9-32-12, 9-30-5

CHAPTER 5-3 MALT BEVERAGES

5-3-1 MARK-UP PAID TO TOWN

The Town of Summit shall charge and collect a mark-up of fifteen (15) % above the municipality's costs of malt beverages, plus freight, for all malt beverages sold within the Town. The mark-up percentages shall apply to all malt beverages, whether purchased for on-sale or off-sale purposes.

Authority: SDCL Ch. 35-4

5-3-2 METHOD OF COLLECTING MARK-UP

Malt beverage licenses shall obtain malt beverages direct from their wholesalers and any payment for the malt beverages shall be made directly to the wholesalers. Invoices shall be provided to the Finance Officer who monthly shall determine the mark-up, and bill the malt beverage licensee. Payment shall be due within five (5) days of the mailing of the bill.

Authority: SDCL Ch. 35-4

5-3-3 REVOCATION OF LICENSE; FAILURE TO COMPLY

Failure to provide invoices, falsification of invoices, or failure to pay the mark-up within the time provided for in 5-3-4 of this Code shall be grounds for revocation of the malt beverage license.

Authority: SDCL Ch. 35-4

5-3-4 REVOCATION OF LICENSE; PROCEDURE

Before the licenses heretofore granted under the provisions of this chapter may be revoked, the licensee shall be given ten (10) days advance notice of a hearing before the Town Board. The Board may revoke a malt beverage license only for good cause as enumerated in 5-3-3 of this Code. A majority vote of the Council membership is required for the revocation of a malt beverage license.

Authority: SDCL Ch. 35-4

CHAPTER 5-4 SALES, SERVICE AND USE TAX

5-4-1 PURPOSE

The purpose of this chapter is to provide addition needed revenue for the Town, Roberts County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, under SDCL Ch. 10-52, and acts amendatory thereto. The funds so collected under this Town Code Chapter shall be placed in a separate fund and used for Capitol Improvement purposes as authorized by the Town Board of the Town.

Authority: SDCL 10-52-2

5-4-2 EFFECTIVE DATE AND ENACTMENT OF TAX

From and after the first day of January, 1993, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business, a tax measured by One Percent (1%) on the gross receipts of all persons engaged in business within the jurisdiction of the Town, Roberts County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL Ch. 10-45 and acts amendatory thereto.

Authority: SDCL 10-52-2; See Also: SDCL Ch. 10-45, ORD 19-10-12-92

5-4-3 COLLECTION

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

Authority: SDCL 10-52-2; See Also: SDCL Ch. 10-45

5-4-4 USE TAX

In addition there is hereby imposed an excise tax on the privilege of use, storage, and consumption within the jurisdiction of the town of Summit, on tangible personal property or services purchased from and after the first day of January, 1998, 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 Ch. 10-46, and acts amendatory thereto.

Authority: SDCL 10-52-2; See Also: SDCL Ch. 10-46

5-4-5 INTERPRETATION

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

Authority: SDCL 10-52-2; See Also: SDCL Ch. 10-46

CHAPTER 5-4-6 MUNICIPAL SALES AND SERVICE TAX

Section 1. **PURPOSE.** The purpose of this ordinance is to provide additional needed revenue for the Municipality of Summit, Roberts County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

Section 2. **EFFECTIVE DATE AND ENACTMENT OF TAX.** From and after the 1st day of January, 1993, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by One Percent (1%) on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Summit, Roberts County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. **USE TAX.** In addition there is hereby imposed as excise tax on the privilege of use, storage and consumption within the jurisdiction of the municipality of tangible personal property or services purchased from and after the 1st day of January, 1993, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46, and acts amendatory thereto.

Section 4. **COLLECTION.** Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue in accordance with the same additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Section 5. **INTERPRETATION.** It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 6. **PENALTY.** Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$100.00 or imprisoned in the municipal jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 7. **SEPARABILITY.** If any provision of this is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

CHAPTER 5-5 CABLE TELEVISION

TOWN OF SUMMIT, SOUTH DAKOTA

SECTION I. For convenience, the Town of Summit is designated and referred to as "Town" and said Town & County Cable, Inc., P.O. Box 2, Aberdeen, South Dakota 57401, is designated and referred to as "Grantee". Any reference to either includes their respective successors and assigns. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION II. There is hereby granted to Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to install, maintain and operate in the Town a cable television system for the purpose of offering audio, visual and data services, and to that end and for those purposes, said Grantee is hereby granted the right to occupy and use the streets, alleys, and public places of the Town as now or hereafter constituted, and easements for compatible uses, for the purpose of constructing, operating and maintaining over, upon and under the same, said system. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION III. This franchise shall not be exclusive and shall not be construed to prevent the Town from granting to any other party the right to use the streets, alleys, and public grounds of the Town for a like purpose. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION IV. The Town reserves any right it may have, under its police power to control or regulate the use of said streets, alleys, and public grounds by Grantee.

Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION V. That due to the limited number of potential subscribers of Summit, the Town agrees that Grantee shall not be required to pay a franchise or similar type fee during the term hereof. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION VI. The facilities used by the Grantee shall have a minimum capacity of twelve (12) channels. Grantee shall not be required to service residents of areas of the Town that are beyond four hundred feet (400') from the main distribution lines except upon payment by such residents of the capital cost incurred by Grantee in bringing service to such residents. The Town shall provide Grantee with suitable space, without cost, in and adjacent to a municipally-owned building or in or adjacent to a privately-owned building, to locate its headend facilities and satellite receive dish or dishes. Grantee shall have access to such space at all times.

Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION VII. The Grantee shall, on the request of any person wishing to remove a building or any person who wishes to remove trees or structures from their property, temporarily raise or lower its wires to permit the moving of buildings or tree removal. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION VIII. All cable and passive equipment installed by Grantee at a subscriber's location shall remain the property of Grantee and Grantee shall have the right, but shall not be obligated, to remove said cable and equipment upon termination of service to the subscriber.

Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION IX. The Grantee may assign this Ordinance to another person with the prior approval of the Board, which approval shall not be unreasonably withheld. A copy of the assignment, together with an acceptance of the terms of this Ordinance by the assignee shall be filed with the Town. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION X. Grantee shall at all times maintain on file with the Finance Officer a schedule setting forth all rates and charges to be made to subscribers for basic CATV service, including installation charges. The monthly rate set forth in the rate schedule shall be payable in advance.

In consideration of Grantee building a cable television system in the Town, the Board hereby waives, for the term hereof, any right it may now or hereafter have to regulate the rates charged by Grantee. In the event a later governing body of the Town undertakes, by whatever method, the regulation of Grantee's rates, then Grantee may, at any time at its option, remove all of its facilities in the Town, including the cable and all equipment used to provide cable television service to the residents of the Town.

The Grantee shall not discriminate in rates between customers of the same category except to the extent permitted by the Cable Communications Policy Act of 1984, as amended, and Federal Communications Commission regulations. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION XI. This franchise shall continue and remain in full force and effect for a period of fifteen (15) years from the date on which this Ordinance becomes effective as provided by law.

The Grantee shall have the right, upon giving sixty (60) days written notice to the Finance Officer, to terminate service in the Town in the event it is, in the opinion of Grantee, not economically feasible to continue such service. Upon such termination, Grantee shall have the right to remove its equipment and facilities. Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

SECTION XII. Within thirty (30) days after passage and final approval of this Ordinance, Grantee shall file with the Finance Officer its written acceptance of this franchise.

Authority: SDCL 9-35-18-24, Ord 16-1-1, Dated 5-3-88

FIRST READING: FEBRUARY 1, 1988

SECOND READING: MARCH 7, 1988

ADOPTED: APRIL 4, 1988

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EFFECTIVE DATE: MAY 3, 1988

TOWN OF SUMMIT

By Melvin Fiones

President

ATTEST:

Connie Brus

Finance Officer

TITLE 6 OFFENSES

Chapter 6-1 Offenses Against The Public Welfare
Chapter 6-2 Property Offenses

CHAPTER 6-1 OFFENSES AGAINST THE PUBLIC WELFARE

6-1-1 DISORDERLY CONDUCT:

No person shall be guilty of disorderly conduct if, with the purpose of causing public danger alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

- A. Commits an act in a violent and tumultuous manner towards another whereby that other person is placed in danger of his life, limb, or health;
- B. Commits and act in a violent and tumultuous manner towards another whereby the property of another is placed in danger of being damaged or destroyed;
- C. Causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.

Authority: SDCL 9-29-3; Compare: SDCL 22-13-1

6-1-2 CARRYING CONCEALED WEAPONS:

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

Authority: SDCL 9-29-3; Compare: SDCL 22-14-8

6-1-3 RESISTING, ESCAPING FROM OR ASSAULTING AN OFFICER:

No person shall resist or obstruct any police officer while he is in the performance of any official duty, nor in any way aid or assist any person to resist or escape from any such officer, nor assist any person to escape from any lawful confinement. No person shall assault or strike any police officer, nor in any way interfere with a police officer in the discharge of his duty.

Authority: SDCL 9-29-3; Compare: SDCL Ch. 22-14

6-1-4 IMPERSONATING OFFICER:

No person who is unauthorized shall exercise the duties conferred by law upon a policeman; wear a policeman's badge or represent himself as being a policeman or peace officer, or attempt to exercise the duties of a policeman or peace officer.

Authority: SDCL 9-29-3; Compare: SDCL 22-11-8

6-1-5 PUBLIC NUDITY; CROSS-DRESSING:

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

Authority (in part): 9-29-9; Compare SDCL Ch. 22-24

6-1-6 DISTURBING THE PEACE:

No person shall use any profane, vulgar or obscene language which tends to incite the person to whom it is directed physical violence, upon any street or other public place.

Authority: SDCL 10-52-2; See Also: SDCL Ch. 10-45

6-1-7 FALSE EMERGENCY ALARMS PROHIBITED:

No person shall knowingly make or give any false alarm of fire or other emergency by calling or causing to be called the Fire Department, the Police Officers or any authorized emergency vehicle.

Authority: SDCL 9-29-2; Compare: SDCL 22-11-9, 22-11-9.1

6-1-8 DISCHARGE OF FIREARMS OR AIR RIFLES:

It shall be unlawful for any person except a public officer in the performance of his duty, to discharge or fire any gun, air rifle, sling shot, bow and arrow, or other dangerous weapons within the limits of the town.

Authority: SDCL 9-29-3; Compare: SDCL 22-14-7, Ord 8-2-12

6-1-9 FIRECRACKERS AND FIREWORKS:

It shall be unlawful for any person or persons to use or cause to be used, or burn, or ignite, or cause to be burned or ignited, any firecracker, Roman candle, torpedo, sky rocket, or powder, either alone or combined with any other substance, or to use, burn or ignite or cause to be used, burned, or ignited any explosive or combustible material or matter of any kind, including all kinds of fireworks anywhere in the Town of Summit. Except an organized display by a group of adults with permission from the Town Board.

Authority: SDCL 9-33-1

6-1-10 CURFEW

6-2-6 DESTROYING PROPERTY:

No person shall willfully damage, deface, break, destroy or interfere with the property of the town or of any other person.

See also: SDCL 9-29-3

6-2-7 FENCES:

No person shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained in the Town, any fence of any character or material, exceeding seven (7) feet in height, above the sidewalk or the surface of any lot or parcel of land. The fence so constructed, erected or maintained, shall not exceed five (5) feet in height when the same is within forty (40) feet of the street line; and, provided further, no fence or any part thereof shall be constructed of barbed wire.

The five (5) feet height limitation only applies when the fence in question is within forty feet from the street line and the fence runs parallel to the street.

Authority: SDCL 9-29-14

CHAPTER 6-2 PROPERTY OFFENSES

6-2-1 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, or card placed, posted extended or erected by the Town.

See also: SDCL 9-29-3

6-2-2 TRAFFIC SIGNS; INJURING OR PLACING UNAUTHORIZED PROHIBITED:

No person shall deface, injure, move, obstruct or interfere with any official traffic sign or signal, or street sign, or parking meter.

No person shall place, maintain, or display upon or in view of any street an 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 Town Maintenance person is hereby empowered to remove the same or cause the same to be removed without notice.

See also: SDCL 9-29-3

6-2-3 INTERFERENCE WITH ELECTRIC LIGHT POSTS AND APPARATUS:

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

See also: SDCL 9-29-3

6-2-4 UNAUTHORIZED CONNECTION WITH GAS, WATER OR ELECTRICAL PIPE OR WIRE:

No person shall, without lawful authority, connect or cause to be connected with any service pipe, wire or other conductor of any gas, water or electrical energy, any pipe, wire or other device for the purpose of obtaining gas, water or electrical current therefrom; nor shall they with intent to defraud, connect or cause to be connected with any meter installed for the purpose of registering the amount of gas, water, electricity supplied to any customer, any pipe, wire, or other device or disconnect, changer or in any manner so interfere with any such meter or any pipe, wire or appliance connected therewith, that such meter will not measure or register the full amount of gas, water, or electricity supplied to any customer.

See also: SDCL 9-29-3

6-2-5 INTERFERENCE WITH TOWN PROPERTY:

No person shall climb on or in any manner interfere with any building, water tower, bridge or structure belonging to the town, without being authorized by the Town Board and no person shall in any manner injure or deface any such structure.

See also: SDCL 9-29-3

TITLE 7

STREETS AND SIDEWALKS

Chapter 7-1 Sidewalks and Their Construction
Chapter 7-2 Material in Streets
Chapter 7-3 Offenses, Sidewalks
Chapter 7-4 Offenses, Streets
Chapter 7-5 Trees

CHAPTER 7-1 SIDEWALKS AND THEIR CONSTRUCTION

7-1-1 CONSTRUCTION:

All public sidewalks, hereafter constructed within the Town of Summit, shall be of the following widths: all walks constructed on Main Street within the fireproof building limits shall be of a width of ten (10) feet; and other walks shall be of a width of four (4).

SDCL 9-45-1, ORD. 13-1-1-86

7-1-2 BUILDING AND REPAIRS:

It shall be the duty of the owner of any lot or lots within the Town of Summit, when requested to do so in writing by the Town Council, to build and maintain in good repair, a sidewalk in front of his premises.

SDCL 9-45-1, ORD. 13-1-2-86

7-1-3 TOWN MAY BUILD SIDEWALKS:

In addition to the penalty hereinafter prescribed and provided for any violation of any of the provisions of this chapter, the Town Council may, if the lot owner fails or refuses to build any sidewalks when requested under the provisions of this chapter, cause such sidewalks to be constructed and the costs of the same to be levied against the abutting real estate and collected in the manner provided by law for collecting special assessments or as prescribed in Chapter 9-46, South Dakota Compiled Law, as amended.

SDCL 9-45-1, ORD. 13-1-3-86

7-1-4 MATERIAL:

No public sidewalk or part of such sidewalks within the Town of Summit shall be constructed unless the same be of cement or concrete.

SDCL 9-45-1, ORD. 13-1-4-86

7-1-5 PENALTY:

Any person violating any part of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and costs.

SDCL 9-45-1, ORD. 13-1-5-86

7-1-6 DISTANCE FROM PROPERTY LINE:

That the distance said sidewalks be placed shall be of the regular and exact distance of one foot from the property line thereof or abutting lots.

Authority: SDCL 9-46-1

7-1-7 SNOW REMOVAL:

It shall be the duty of every owner and occupant of the premises within the Town to remove all snow and ice from the sidewalks abutting on said premises as soon after the same has accumulated as can reasonably be removed, and in case of failure of the owner or occupant, or either of them, to remove such snow and ice as soon as it can reasonably be removed, the Town Board of the said town may hire the same to be removed at the expense of the town and the costs so incurred by the town for removing such snow and ice shall be charged to the owner of the abutting property and shall be certified by the Town Finance Officer as a special assessment levied and taxed against the lot or parcel on which sidewalk abuts, and to be collected by the County Treasurer as other taxes and assessments made by the town for the benefit for the Town; provided that the mayor shall not hire any one to remove such snow or ice from the sidewalk without first giving notice to the owner or occupant of the premises, if it is occupied or if the owner resides in the city at least three hours beforehand of his intention to hire said snow and ice removed from said sidewalk.

Authority: SDCL 9-30-5, SDCL 9-45-1, ORD. 13-1-7-86

7-1-8 RIDING BICYCLE ON SIDEWALKS:

It shall be unlawful for any person or persons to ride any bicycle upon any of the sidewalks of or in the Town, unless such person be physically handicapped as determined by a licensed physician.

Authority: SDCL 9-30-2, SDCL 9-45-1, ORD. 13-1-8-86

CHAPTER 7-2 MATERIAL IN STREETS

7-2-1 PERMITS:

The Town Board may grant a permit in writing to any person to place lumber, brick, stone, or other material for building in any public street, road, alley, or public ground adjacent to the building to be erected or repaired for a space of time not exceeding three (3) consecutive months providing such material does not occupy or obstruct the free use of more than one-third (1/3) in width of any sidewalk, street, alley, or passageway. At the expiration of such permit, the President may for good cause renew the same for a like or shorter period of time.

Authority: SDCL 9-46-1, Ord 13-2-1-86

7-2-2 LIGHTS, GUARDS:

The person holding a permit as above specified, shall at all times keep any material deposited thereunder adequately protected and guarded to prevent injury therefrom; and during the night time, he shall keep lighted lanterns or other adequate lights so placed as to easily disclose such material to the users of such street, road, or alley.

Authority: SDCL 9-46-1, Ord. 13-2-2-86

7-2-3 CLEANING STREETS OF RUBBISH:

Every person to whom the permit has been issued under section 7-2-1 shall remove or cause to be removed all such material and the rubbish resulting therefrom before the expiration of the time limit specified in such permit or the renewal thereof.

Authority: SDCL 9-46-1, Ord. 13-2-3-86

CHAPTER 7-3 OFFENSES, SIDEWALKS

7-3-1 INURING SIDEWALKS, STREETS, ETC.:

No person, without proper authority, shall tear up, break, or injure any pavement, crosswalk, sidewalk, or other improvement in any street, road, alley, or public ground.

Authority: SDCL 9-46-1, Ord 13-3-1-86

CHAPTER 7-4 OFFENSES, STREETS

7-4-1 EXCAVATION NEAR THE STREET:

Any person or persons who shall make, or cause to be made, any excavations adjacent to any street, alley sidewalk, or public path or roadway in the Town of Summit, shall securely guard the same so as to prevent any person, person, or animals from falling therein or receiving injury therefrom.

SDCL 9-46-1, Ord 13-4-1-86

7-4-2 LIVESTOCK IN STREETS:

No person shall allow any horses, mules, cows, hogs, or other livestock under his care or control to be loose on the streets or alleys of the Town of Summit except when being driven through such streets and in charge of one or more competent drivers.

SDCL 9-46-1, Ord 13-4-2-86

7-4-3 HINDERING STREET IMPROVEMENT:

No person shall hinder or obstruct the maintenance operator or any employee of the Town of Summit in lawfully making any improvements or repairs on any public street, road, or public grounds.

SDCL 9-46-1, Ord 13-4-3-86

7-4-4 BLOCKING STREETS:

No person or persons shall block or cause to have blocked any street or streets without permission of the Town Board.

SDCL 9-46-1, Ord 13-4-4-86

CHAPTER 7-5 TREES:

7-5-1 TREE LINE:

The tree line of the right distance to plant trees on either side of the street shall be the exact distance of thirteen (13) feet from abutting lots on streets eighty (80) feet wide and ten and one half (10 1/2) feet from abutting lots on streets sixty-six (66) feet wide.

Authority: SDCL 9-45-1

7-5-2 KINDS OF TREES:

The kinds of trees that may be planted along said streets are forest trees and ornamental trees excepting cottonwood and box-elder.

Authority: SDCL 9-45-1

7-5-3 OWNERS MAY PLANT TREES:

Any lot owner abutting on any street or streets of the Town shall have the right and power to plant trees, in accordance with the proceeding sections on the public streets of the incorporated town, in front of their respective lots.

Authority: SDCL 9-45-1

7-5-4 EXISTING TREES:

Trees which have been otherwise heretofore planted in good faith which are now healthy in condition are to remain untouched, unless the owner consents to their destruction.

Authority: SDCL 9-45-1

7-5-5 VIOLATIONS; AS NUISANCE:

Any person or person, firm or corporation which plants trees on the streets of Summit otherwise than in the method herein provided is hereby declared guilty of a misdemeanor and is punishable by a fine not to exceed \$100.00 and the trees so planted are declared to be a nuisance and may be removed accordingly.

Authority: SDCL 9-45-1, 9-29-13, See also: SDCL C. 21-10

(RESERVED)

TITLE 8 TRAFFIC REGULATION

Chapter 8-1 Operation of Motor Vehicles
Chapter 8-2 Obstruction of Public Thoroughfares
Chapter 8-3 Motor Vehicle Traffic Control Devices
Chapter 8-4 Snowmobiles and Other Vehicles

CHAPTER 8-1 OPERATION OF MOTOR VEHICLES

8-1-1 FOLLOWING TOO CLOSELY:

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-26

8-1-2 WHAT TO DO ON APPROACH OF POLICE OR FIRE DEPARTMENT, OR OTHER EMERGENCY VEHICLE, ETC.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Title and the laws of the State of South Dakota, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right hand edge or curb of the highway or street, or in case of a one way highway the nearest edge or curb, clear of any intersection of highways or streets, and shall stop and remain in such position unless otherwise directed by a police or traffic officer or until the authorized emergency vehicle shall have passed. This Section shall not operate to relieve the driver to an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-26

8-1-3 VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK:

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway or alley, or as may be specifically allowed in this title.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-26;

8-1-4 BACKING AROUND CORNER 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.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-26

8-1-5 RECKLESS DRIVING:

It shall be unlawful for any person to drive any vehicle upon any highway, street or alley of this Town in a careless and heedless manner in disregard of the rights and safety of others, or without due circumspection and at a speed or in a manner so as to endanger or likely to endanger any person or property. Authority: Ch. 9-31; Compare: SDCL Ch. 32-26

8-1-6 CARELESS DRIVING:

It shall be unlawful and it shall constitute careless driving for any person to drive any vehicle upon any highway, street or alley of this town carelessly and without due caution, at a speed or in a manner so as to endanger or likely to endanger, any person or property, but not amounting to reckless driving as defined in the previous section.

Authority: SDCL Ch. 9-31; Compare Ch. 32-24-8

8-1-7 EXHIBITION DRIVING:

Any person who drives a vehicle within the city limits in such a manner that creates or causes unnecessary engine noise, or tire squeal, skid or slide upon acceleration or stopping; or that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of Exhibition driving.

8-1-8 U-TURNS AT INTERSECTIONS:

At any intersection where traffic is controlled by a traffic 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 so as to proceed in the opposite direction.

Authority: SDCL Ch. 9-31; Compare Ch. 32-24-9

8-1-9 U-TURN PROHIBITED:

No person shall make a U-turn by operating a motor vehicle in the middle of any block or at any other place other than at an intersection where said U-turns are not prohibited.

Authority: SDCL Ch. 9-31; Compare Ch. 32-26

8-1-10 SLOW DRIVING:

No person shall drive or operate any vehicle at an unnecessarily slow rate of speed as to hinder or retard traffic.

Authority: SDCL Ch. 9-31; Compare Ch. 32-26

8-1-11 STEALING RIDES AND TRAILING SLEDS OR BICYCLES:

It shall be unlawful for any person to cause to be attached or permit bicycle or any sled of any kind occupied by children to be trailed behind any vehicle or motor vehicle in the town and no person shall ride, trespass upon, seize hold of, or drag, slide or in any manner trail behind any vehicle.

Authority: SDCL Ch. 9-31; Compare Ch. 32-24

8-1-12 SPEED LIMITS:

Any person operating a motor vehicle within the town shall drive at a safe reasonable speed at all times, and under no circumstances in excess of 25 miles per hour on Main Street within the business district, nor in excess of 15 miles per hour on any street bordering on the school grounds or zoned as a school zone, nor in excess of 25 miles per hour in residential areas unless otherwise posted.

Authority: SDCL Ch. 9-31; Compare Ch. 32-25

8-1-13 PARKING OF MOTOR VEHICLES IN TOWN

All words and phrases defined in this section and used herein are to be understood as thus defined; all words and phrases which are not defined herein, but, which are defined by state statute. All words which are not defined herein and are not defined in the SDCL have their ordinary and usual meaning.

Definitions:

a. "parallel parking" shall mean that motor vehicles and motor vehicle trailers are stopped or parked parallel to the curb, gutter, sidewalk, or edge of the roadway, and vehicles shall be parked no nearer than 3 feet of the front or rear of any other vehicle.

b. "diagonal parking" shall mean that a motor vehicle shall be stopped or parked to the curb, gutter, sidewalk, or edge of the roadway at the angle of forty-five (45) degrees and parked within six (6) inches of the curb, gutter, or sidewalk on or along said street upon which said vehicles are parked; vehicles shall be parked no nearer than one (1) foot to any other vehicle.

All persons parking vehicles upon the streets and avenues of this Town are required to park the same as "parallel parking", except that they shall park said vehicles as "diagonal parking" on Main Street between Avenues, and elsewhere as indicated by signs.

No vehicle shall be stopped, left, or parked within fifteen feet of a fire hydrant.

There shall be no parking at any space where the curb is marked with red or yellow paint and/or labeled "No Parking", or between the "No Parking" signs. "No Parking" signs shall have the words "No Parking" painted thereon, with an arrow pointing from one sign to the other which shall designate the "No Parking" space between such signs; such "No Parking" signs shall be installed by the police department upon authority from the Town Board.

No semi-trailer, semi-truck, or trailer shall be parked on any street or avenue in a residential district for a period in excess of two hours. Such restriction shall not apply to trucks loading or unloading cargo, which may be parked on streets or avenues long enough to complete their loading or unloading operations, nor to any machinery or equipment in use on any repair, maintenance, or construction project on any street, avenue, alley, or public place.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-30

8-1-14 PARKING VEHICLES OFF STREET FOR SNOW REMOVAL:

During the winter months, it shall be unlawful for any person to leave his or her motor vehicle parked on any street or alley within the town for any great length of time or in such a manner as to interfere with snow removal and clearing of streets and alleys of snow. All vehicles which interfere with snow removal will be towed away at the owner's expense.

Authority: SDCL Ch. 9-31; Compare: SDCL Ch. 32-30

CHAPTER 8-2 OBSTRUCTION OF PUBLIC THOROUGHFARES

8-2-1 OBSTRUCTION OF THOROUGHFARES

No person shall park or leave unattended any motor vehicle upon the paved or improved, or main traveled portion of any street, road, or highway within the jurisdiction of the town, when it is practical to park or leave such vehicle standing off the paved or improved or main traveled portion of the street, road, or highway.

Authority: SDCL Ch. 9-30

8-2-2 EXCEPTIONS

Under no circumstances shall any person park or leave unattended any motor vehicle, whether attended or unattended, upon any street, road, or highway within the jurisdiction of the town, unless a clear and unobstructed width of not less than twenty (20) feet upon the main traveled portion of such street, road, or highway opposite such standing vehicle be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of two hundred (200) feet in each direction upon such street, road or highway.

Authority: SDCL Ch. 9-30

8-2-3 REMOVAL OF OBSTRUCTING VEHICLES

Whenever any peace officer shall find a vehicle standing upon a street, road, or highway in violation of the provisions of 8-1-1 to 8-1-2 of this Code, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under said sections.

Authority: SDCL Ch. 9-30

CHAPTER 8-3 MOTOR VEHICLE TRAFFIC CONTROL DEVICES

CHAPTER 8-4 SNOWMOBILES AND OTHER VEHICLES

8-4-1 DEFINITION:

All vehicles having two or more wheels for the purpose of transporting persons or property including snowmobiles, bicycles, cars, trucks, motorcycles, motor scooters, motor bicycles, go carts, tractors and all other vehicles used or operated on the public roads.

Authority: SDCL 9-30-2, 9-31-1

8-4-2 LICENSES:

All vehicles and persons operating such vehicles shall be licensed as required by state law when such vehicles or operators are using the public streets, avenues, alleys and public grounds within the town.

Authority: SDCL 9-30-2, 9-31-1

8-4-3 OPERATION OF VEHICLES:

All vehicles being operated upon the streets, alleys and public grounds of the town, shall be operated in a careful and prudent manner at all times, and the operator of such vehicle shall obey and be subject to the laws and rules of the road.

Authority: SDCL 9-30-2, 9-31-1

8-4-4 SNOWMOBILES AND ALL TERRAIN VEHICLES PROHIBITED:

Snowmobiles and all terrain vehicles are prohibited from using public streets, avenues, alleys and public grounds within the Town of Summit, except for the shortest route to outside the town boundaries and return to residence.

Authority: SDCL 9-30-2, 9-31-1

TITLE 9 UTILITIES REGULATION

Chapter 9-1 Sewers - General Provisions
Chapter 9-2 Private Sewers
Chapter 9-3 Building of Sewers
Chapter 9-4 Sewer Charges
Chapter 9-5 Water System and Supply

CHAPTER 9-1 SEWERS - GENERAL PROVISIONS

9-1-1 DEFINITIONS:

"Sewage" - means any combination of water-carried from residences, business buildings, institutions and industrial establishments.

"Sanitary sewage" - means water-carried wastes from toilets, sinks, baths, household laundries or tubs and similar facilities.

"Garbage" - means solid wastes from the preparation, cooking and dispensing of food, or from handling, storage and sale of foods or produce.

"Properly shredded garbage" - means wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be freely carried under flow condition normally prevailing in municipal sewers, with no particle greater than 1/2 inch in dimension.

"Industrial waste" - means any liquid wastes from industrial processes as distinct from sanitary sewage and garbage.

"Sewer" - means a pipe or conduit for carrying storm water, sanitary sewage or both.

"Sanitary sewer" - means a sewer which carries sanitary sewage.

"Sewage disposal plant" - means any arrangement of devices or structures for treating sewage in order to eliminate or reduce its odor or other harmful or obnoxious characteristics.

"Municipal sewer" - means a sewer operated by the municipality for the benefit of the citizens of the municipality generally.

"Private sewer" - means a sewer designed to serve a single user, provided that a special permit may be granted by the Superintendent for such use of such sewer by one or more additional users.

"Building drain" - means that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning outside the inner face of the building wall.

"Building sewer" - means the extension from the building drain to the municipal sewer or other place of disposal.

"Sewer system" - means all facilities for collecting, pumping, treating and disposing of sewage.

"Superintendent" - means the official charged with the duty of superintending the municipal sewer system or his authorized deputy, agent or representative.

"Suspended solids" - means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; which are removable by laboratory filtering.

"Watercourse" - means any natural or artificial channel in which a flow or surface water occurs, either continuously or intermittently.

"Residential premises" includes all buildings or structures occupied and used exclusively as a home by not more than two families.

"Commercial premises" include all buildings or structures, which are not residential premises as herein defined.

Authority: SDCL 9-32-9

9-1-2 USE OF MUNICIPAL SEWER REQUIRED:

Whenever a municipal sanitary sewer is constructed within one hundred feet (100') of the property line of any premises, the Town Board shall notify the owner of any building used for human occupancy, employment, recreation or similar uses on such premises of said fact and direct them to install a sewer to dispose of all sewage and wastes from the premises and to connect it with the municipal sewer in accordance with this ordinance, and the owner shall comply with said order within ninety (90) days after receipt of such notice. If such owner fails to provide for such sewer after notice to do so, the town may provide for the installation of such sewer and charge the cost against the property as a special assessment.

Authority: SDCL 9-32-9

9-1-3 DEPOSIT OF GARBAGE:

No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the municipality, or any area under the jurisdiction of the municipality, any human or animal excrement, garbage or other similar waste.

Authority: SDCL 9-32-10 and 9-32-11

9-1-4 DISCHARGE OF INDUSTRIAL WASTE:

No person shall discharge into any sewer outlet within the municipality or any area under the jurisdiction of the municipality, any sanitary sewage, industrial wastes or other polluted waters, unless suitable treatment has been provided in accordance with this ordinance.

Authority: 9-32-8

9-1-5 PRIVIES PROHIBITED:

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Authority: SDCL 9-32-6

CHAPTER 9-2 PRIVATE SEWERS

9-2-1 CONSTRUCTION:

Where a municipal sanitary sewer is not available, a private owner may construct and connect a private sewage disposal plant complying with the provisions of this article.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-2 PERMIT

Before commencement of construction of a private sewer or construction of a disposal plant, the owner shall first obtain a written signed by the Superintendent. The application for such permit shall be made on a form furnished by the municipality which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Town Board. A permit and inspection fee of \$5.00 shall be paid to the municipal Finance Officer at the time that the application is filed.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-3 INSPECTION:

A permit for a private sewer shall not be final until the installation is completed to the satisfaction of the Town Board. They shall be allowed to inspect the work at any stage of construction. The applicant shall notify the Town Board that the work is ready for final inspection before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of the notice by the Town Board.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-4 COMPLY WITH STATE REGULATIONS:

The type, capacities, location and layout of a private sewage disposal plant shall comply with all recommendations of the Department of Public Health of the State of South Dakota. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge into any municipal sewer or sewer outlet.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-5 CONNECTION WITH MUNICIPAL SEWER REQUIRED, WHEN;

Whenever a municipal sewer becomes available to a property served by a private sewer, a connection shall be made to the municipal sewer in compliance with this ordinance, and any septic tanks, cesspools or other private sewage system shall be filled with suitable material.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-6 MAINTENANCE:

The owner shall operate and maintain the private sewer and sewage disposal plant in a sanitary manner at all times at no expense to the municipality.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-7 JURISDICTION OF STATE HEALTH OFFICER:

Nothing herein shall be construed as limiting the jurisdiction and powers of any duly authorized Health Officer.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-2-8 CONNECTIONS, COSTS ASSESSED:

All extensions of the municipal water system and of the municipal sanitary sewer shall be made in accordance with applicable South Dakota state law and the cost thereof shall be assessed as provided by law against the property benefited by such extension.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

CHAPTER 9-3 BUILDING OF SEWERS

9-3-1 PERMIT REQUIRED:

No unauthorized person shall uncover, make any connections with an opening or use or alter any municipal sewer without first obtaining a permit in writing from the Finance Officer.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-3-2 APPLICATION FOR PERMIT: CONTENTS AND FEES:

Any person desiring sewage service from the municipal sewer for premises not heretofore connected shall supply to the Finance Officer for a permit. The owner, agent or person acting for the owner, may make application for a permit furnished by the municipality. The application shall be supplemented by any plans, specifications and other pertinent information. A permit and inspection fee of \$10.00 shall be paid to the Finance Officer at the time the application is filed.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-3-3 COSTS:

It shall be the duty of the owner of any real property fronting or abutting on any street or avenue of the Town of Summit or any other person, firm or corporation, who shall lay, construct, repair, or cause to be laid, constructed, or repaired, any water connections or service lines from the water main lines, or any sewer connections or service lines from the sewer main lines, or both such water and sewer connections and service lines, in said streets or avenues to their real property or to any other real property, whether owned by them or not, to pay the full cost of such laying, construction, and repair. Where necessary to the preservation of the pressure or flow-in or integrity or maintenance of the water main lines or sewer main lines in said Town, the Town, through its Board of Trustees and authorized agents, may at any time without notice to any person, perform repairs on such connections or service lines, and such cost thereof shall be paid by the owner or owners of the real property whereon the repairs are made, or, if the repairs are made in a street or avenue, then such cost shall be borne by the owner or owners of any real property fronting or abutting on such street or avenue. The Town of Summit shall not be liable for any of the foregoing costs and any said owner, person, firm, or corporation shall indemnify the Town of Summit for such costs and any loss or damage that may directly or indirectly be caused by such laying, construction, or repair or such water or sewer connections or service lines. before laying, constructing, or repairing any such water or sewer connections or service lines, or both of them, such owner, person, firm, or corporation shall obtain a permit from the Finance Officer of said Town of Summit authorizing such laying, construction, or repairs.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-3-4 INSPECTION:

The applicant for a sewer permit shall notify the Town Board when the building sewer is ready for inspection. The connection shall be made under the supervision of the Town Board. The Town board or other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspecting, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-3-5 CERTAIN PRACTICES PROHIBITED:

No person shall discharge or cause to be discharged any of the following described waters or wastes into any municipal sewer:

- a. Any liquid or vapor having a temperature higher than 150 degrees F.
- b. Any water or waste which may contain more than 100 parts per million, by weight, or fat, oil or grease.
- c. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- d. Any garbage, except properly shredded garbage.
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.
- f. Any waters or wastes containing toxic or poisonous substances in sufficient quantities to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or to create any hazard in the waters of the sewage disposal plant.
- g. Any waters or wastes containing solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- h. Any noxious malodorous gas or substance capable of creating a public nuisance.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-3-6 STATE REGULATIONS TO GOVERN:

All sewers hereinafter constructed shall comply with the standards set forth in the National Plumbing Code which has heretofore been adopted by the State Department of Health, a copy of which said National Plumbing Code is now on file in the office of the Finance Officer of the Town.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48; See Also: SDCL 36-25-10

CHAPTER 9-4 SEWER CHARGES

9-4-1 ESTABLISHMENT OF RATES:

There is hereby established just and equitable rates, charges and rentals for treatment and disposal services and benefits as authorized by the statutes of the State of South Dakota. Said charges shall from time to time be at least sufficient to produce net revenues adequate to pay the principal of and interest on the bonds payable from revenues of the sewage disposal plant as such principal and interest become due, and to create and maintain required reserve therefore, and said rates and charges shall be revised whenever necessary for such purpose. Said rates, charges and rentals shall be based on minimum monthly charges.

Authority: SDCL 9-32-9; See also: SDCL Ch. 9-48

9-4-2 RATES AND CHARGES:

The charge for sewage treatment and disposal service provided by the town shall be reviewed and set annually.

Owners who rent or lease premises shall be liable to the town for any and all unpaid sewage treatment and disposal services incurred by any tenant and any such delinquent bills shall, after the same have been due and unpaid for 30 days, be billed to the owner of the premises.

Authority: SDCL 9-48-2

CHAPTER 9-5 WATER SYSTEM AND SUPPLY

9-5-1 CONTROL:

The Water System shall be under the control of the Town Board. At the first meeting of the Town Board in May, after the regular Municipal election, the Town Board may appoint a committee of three members, to have the supervision of the waterworks system, subject to the control of the entire Town Board.

Authority: SDCL 9-47-1

9-5-2 WATERWORKS FUND:

The account known as "Water Fund" kept by the Finance Officer, shall be continued and all money received from the collection of water rents, for taxation for the upkeep of the waterworks system, from the sale or property of material connected with the waterworks, from any appropriation made by the Town Board for the purpose of construction or extension of waterworks or from any source whatever connected with the management and operation of the waterworks system shall be placed in said fund, and all salaries and disbursements connected with the management and operation of the waterworks systems shall be paid from this fund.

Authority: SDCL 9-22-16

9-5-3 WATER SUPPLY:

The town does not guarantee a constant supply of water to any consumer and shall not be liable for damages for any failure to supply the same, nor shall it be liable for any claim or damage by reason of the breaking of any service pipe, stop cock or other equipment, or if for any reason, the supply of water shall be shut off to make repairs, connections or extensions, or for any other purpose that may be found necessary. The right is reserved to cut off the water supply to any person at any time.

Authority: SDCL 9-47-1

9-5-4 FIRE HYDRANTS:

All hydrants erected for the purpose of extinguishing fire are hereby declared to be public hydrants and no person or persons except members of the Fire Department, or person expressly authorized by the Town Board and then only the exercise of authority delegated by the said Town Board, shall open any of said hydrants or attempt to draw water from the same, or at any of the hydrants.

Authority: SDCL 9-47-1

9-5-5 UNAUTHORIZED USE:

It shall be unlawful for any person authorized to open hydrants to delegate his authority to another, or let or suffer another person to take wrenches or tools furnished to him or suffer the same to be taken from any hose house except for the purpose strictly connected with the Fire Department or as they accompany carts or wagons on occasions of fire.

Authority: SDCL 9-47-1

9-5-6 INJURY TO SYSTEM:

It shall be unlawful to break, injure mar, deface, interfere with or disturb any building, machine, apparatus, fixtures, attachments or appurtenances of the waterworks, or any hydrant, stop cock

box, meter, water supply or service pipe or any part thereof, or deposit anything in any stop cock box, or commit any act tending to obstruct or impair the intended use or any of the above property, without the permission of the Town Board, excepting cases herein or otherwise provided by ordinance.

Authority: SDCL 9-47-1; See also SDCL 9-12-1 generally

9-5-7 CONNECTIONS; ASSESSMENT OF COSTS:

All extensions of the municipal water system and of the municipal sanitary sewer shall be made in accordance with applicable South Dakota state law and the cost thereof shall be assessed as provided by law against the property benefited by such extension.

Authority: SDCL 9-47-1

9-5-8 ONLY ONE SERVICE TO TAP, EXCEPTIONS:

Not more than one house or premise shall be supplied from one tap or upon one service pipe except by written permit issued by the Town Board, and not then, in any case, unless provision is made so that such premises can be shut off independently of every other house or premises.

Authority: SDCL 9-47-1

9-5-9 ONE FAMILY TO TAP, EXCEPTIONS:

No consumer shall supply water to other families nor suffer them to take water off the premises, or after water is introduced to any premises shall any person make any taps or connections, extensions or attachments beyond the premises where first installed without first filing a regular application therefore and approved by the Town Board.

Authority: SDCL 9-47-1

9-5-10 RUNNING WATER:

All persons using water shall keep the hydrants, taps, faucets, hose, closets, urinals, bath or other fixtures allotted to their use, closed except when obtaining water for use, and shall be responsible for any damage or injury that may result to other persons or property from improper use of water.

Authority: SDCL 9-47-1

9-5-11 KEEPING SERVICE IN REPAIR;

All persons taking water shall keep their own service pipe, stock cocks and apparatus in good repair and protected from frost at their own risk and expense, and shall prevent all unnecessary waste of water and it is expressly stipulated that no claim shall be made against the town by reason of the breaking of any service pipe or cock, or if for any cause the water supply should fail or from damage arising from shuttering off the water to repair mains, making connections or extensions or any other purpose that may be deemed necessary and the right to cut off the supply of water at any time is hereby reserved, any permit granted or regulation to the contrary notwithstanding.

Authority: SDCL 9-47-1

9-5-12 INSPECTIONS:

Every person taking water supplied through the water system shall permit the Finance Officer, or any other authorized person at all reasonable hours of the day, to enter their premises or buildings to examine the pipes and fixtures and the manner in which the water is used. They must frankly and without concealing, answer questions put them concerning and relative to the use of water on such premises.

Authority: SDCL 9-47-1

9-5-13 WATERING YARDS ETC.:

The use of hose for sprinkling yards, gardens and streets or for washing windows and sidewalks is prohibited in the case of fire, and in case of threatened shortage of water, may be prohibited altogether by action of the Town Board during such emergency.

Authority: SDCL 9-47-1

9-5-14 WATER RATES:

The rates for the use of water service provided by the Town shall be reviewed and set annually.

Authority: SDCL 9-47-1

9-5-15 WATER SERVICE TO RENTAL PROPERTIES; LATE PAYMENTS

Owners who rent or lease premises shall be responsible for having accessible curb stops per city specifications, and in the case of apartments or other multiple family dwellings, a separate curb stop for each unit is required. Owners of such rental properties shall be ultimately liable to the town for any unpaid water bills of the owner's tenant, and if such bill remains due and unpaid after thirty days, said delinquent amounts owing the town shall then be billed to the owner of the premises in question.

Authority: SDCL Ch. 9-47

9-5-16 DELINQUENT BILLS - NOTICE TO CUSTOMER

After ten days of postmark of the bill, if the bill remains unpaid, a 1 ½% percent penalty shall be added to the bill and the Finance Officer may send an informal notice, notifying the customer that the bill remains unpaid.

If said bill remains unpaid for thirty days or longer, the customer shall be sent a notice by certified mail or registered mail stating:

- A. That the bill remains unpaid;
- B. That the customer may appear before the Town Board at a designated time and place to show cause why the bill has not been paid.
- C. That as an alternative, the customer may reach an agreement with either the President or the Finance Officer as to a payment plan before said hearing date;
- D. That service will be discontinued after said hearing should the Town Board find no grounds for not doing so.

Notices shall be sent at least five days prior to the hearing. In the event that a renter occupies the building or part thereof receiving service, the notice shall be sent both to the owner and the renter if the Town is aware that a landlord/tenant relationship exists. Refusal of the customer to accept notice or the post office's statement that delivery cannot be made because the customer cannot

be found or that the notice was unclaimed shall constitute service upon the customer.
Authority: SDCL 9-45-1

9-5-17 PAYMENT PLANS

The President and the Finance Officer are hereby authorized to enter into agreements with customers as to a mutually satisfactory payment plan for delinquent bills. Failure by a customer to comply with the terms of an agreement entered into with the town shall cancel said agreement and the Town may proceed with the procedures under this ordinance for termination of service.

Authority: SDCL 9-45-1

9-5-18 TERMINATION OF SERVICE

Should no payment plan be reached or the delinquent customer fail to show cause why service should not be terminated, the Town Board after the time set for said hearing shall order that the service be terminated without further notice to the customer. Termination of service shall be accomplished at any time, day, or month of the year for cause as determined by the Town Board.

Authority: SDCL 9-47

9-5-19 PENALTY

Should termination of service be necessary before service is resumed, the Town shall be paid in full for delinquent bills and the customer shall be assessed a penalty in an amount established by the Town Board.

Authority: SDCL 9-47, Ord 9-5-16

9-5-20 RECORDS:

The Finance Officer shall keep a correct and accurate record of all payments and accounts for water used, or other supplies or labor furnished by the town and shall collect the same when due.

Authority: SDCL Ch. 9-47

TITLE 10 GENERAL CODE PROVISIONS

Chapter 10-1 General Code Provisions

CHAPTER 10-1 GENERAL CODE PROVISIONS

10-1-1 PENALTIES:

Except where other penalties or punishment is provided, any act which is prohibited, declared to be unlawful or by this 1997 Municipal Code required to be done, which is a violation of this or any other ordinance shall be, shall be punishable by a fine or up to one hundred (\$100.00) dollars.

Authority: SDCL 9-19-3, Ord 1-5-5-86

10-1-2 REPEAL:

This ordinance repeals all prior ordinances in conflict herewith excepting franchises, appropriation ordinances and ordinances providing for levies for the payment of bonded indebtedness.

Authority: SDCL 9-19-3

10-1-3 SEVERABILITY:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to this ordinance which can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Authority: SDCL 9-19-3

10-1-4 CITATION:

This Ordinance No. 22 in revision of the Ordinances of the Town of Summit, may be cited as "The 1997 Municipal Code of the Town of Summit, South Dakota." When references to "this Code", "Code", or "this ordinance," are made in this ordinance, they shall be interpreted to mean the 1997 Municipal Code of the Town of Summit, South Dakota, unless the context clearly requires otherwise.

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