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**Title I – Administrative Code**

**Chapter 1.01 – Officers and Board of Trustee’s Members**

Section

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1.0101 – Officers and Board of Trustee’s Members

The annual salaries of the following designated officers and the Board of Trustee’s

Members shall be as fixed from time to time by resolution:

* Municipal Finance Officer
* Attorney
* Chief of Police

1.0102 – Membership and Eligibility of Board of Trustees

The Board of Trustees shall consist of five members elected at large. Each shall be a legally qualified elector of the municipality.

1.0103 – Term

The members of the Board of Trustees shall hold offices for three years and until their successors are elected and qualified.

1.0104 – Vacancy

In case of a vacancy in the Board of Trustees, the same shall be filled by appointment by the remaining members at a special meeting of the board called for that purpose. Such appointee shall hold office until the next annual municipal election, when such vacancy shall be filled by election for the balance of the unexpired term.

1.0105 – Qualifications

The members of the Board of Trustees shall qualify for office within ten days after notice of their election by filing an oath or affirmation of office in the usual form provided by law.

1.0106 – Appointive Officers

There shall be appointed by the Board of Trustees, a Town Attorney.

1.0107 – Citizenship – Ordinance #114 – Amend 1.0107

All officers of the Town shall be citizens of the United States. No officer of the Town except members of the Town Board of Trustees shall be required to be a resident of the Town. (Amended March 5, 2000)

1.0108 – Mode of Appointment, Term and Qualifications

The mode of appointment of all appointive officers, their terms of office, and the manner of their qualification shall be as provided by statute and applicable ordinance. Unless otherwise provided, all appointive officers shall be appointed by the President of the Board of Trustees and confirmed by the Board, and shall qualify by furnishing the bond required conditioned upon the faithful performance of their duties and approved by the Board, and shall take and subscribe to the oath of office.

1.0109 – The President of the Board

The President shall be elected by the Board of Trustees for the term of one year. He/She shall be a member of the board.

1.0110 – Duties of the President

The President of the Board of Trustees shall preside over the meetings of the Board. He/She shall preserves order and decide all questions of order, subject to an appeal to the Board of Trustees. He shall be the chief executive officer of the Town’s governing body.

1.0111 – Municipal Finance Officer

There shall be appointed by the Board of Trustees a Municipal Finance Officer. The Finance Officer shall receive all moneys belonging to the Town, including taxes, licenses, fines, and income from all other sources, and shall receive special assessments as provided by law and keep accurate and detailed accounts thereof in such manner as the governing body may from time to time direct.

It shall be the duty of the Finance Officer to make a monthly report showing the financial condition of the various Town funds. Such report shall show the balance of each fund at the beginning of the period, the amount received during the period covered by the report, the amount expended during the period and the balance on hand in each fund at the close of the period. Each Board Member shall be given a copy of this report as soon as practicable after the first of the month.

The Finance Officer shall keep his/her office at such place as the governing body may direct, keep the corporate seal, all papers and records of the municipality, and a record of the proceedings of the governing body whose meeting it shall be his/her duty to attend. He/She shall draw and countersign all warrants on the treasury in pursuance of orders or resolutions of the governing body and keep a full and accurate account thereof in books provided for their purpose. He/She shall make or cause to be made estimates of the expenses for any work to be done by the Town and countersign all contracts made on its behalf and certificates of work authorized by a committee or the governing body or by a municipal officer.

He/She shall keep regular books of account in which he/she shall enter all indebtedness of the Town and which shall at all times show the financial condition of the Town, the amount of bonds, warrants, certificates, or other evidence of indebtedness which have been redeemed and the amount of each outstanding. He/She shall countersign all bonds, warrants, or other evidence of indebtedness of the municipality and keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof. He/She shall keep an account with all receiving and disbursing officers of the Town, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the governing body.

He/She shall supervise the accounting system for all departments and offices of the municipality in accordance with the recommendations of the State Department of Audits and Accounts. He/She shall keep a list of all certificates issued for work or any other purpose; and before the levy by the governing body of any special tax shall report to the governing body a schedule of all lots which may be subject to the purposed special tax or assessments, and also the amount of such special tax or assessment which it may be necessary to levy on such lots which schedule shall be verified by his/her affidavit.

He/She shall examine all reports, books, papers, vouchers, and accounts; audit and adjust all claims and demands against the Town before they are allowed by the governing body; keep a record of his/her acts and doings; keep a book in which he/she shall enter all contracts with an index thereto, which books shall be open to the inspection of all parties interested; and perform such other duties as may be required by ordinance, resolution, or direction of the governing body.

The Finance Officer shall report to the governing body on the designated days of each year the receipts, expenses, and financial condition of the Town, which a report shall be published within thirty days thereafter in the official newspaper. He/She shall make and keep a list of outstanding Town bonds, to who issued, for what purpose, when and where payable and the rate of interest they respectively bear.

The Finance Officer of the Town of Stickney shall be considered the Budget Director, and it shall be his/her duty to cause said budget to be prepared in the manner hereinafter provided. The Trustee member who acts as the supervisor of the Finance Department shall serve as an assistant to the Finance Officer in the preparation of said budget. All Trustee Members who are serving as supervisors of any Town department shall submit to the Finance Officer, on or before August 1st of each year, a detailed and itemized estimate of the expenses which each supervisor believes will accrue for his/her respective department during the following year. The chairman of all other board or committees for which expenditures will occur during the3 following year shall also submit to the Finance Officer on or before August 1st of each year, a detailed and itemized estimate of such expenses. All other Town officials shall be required to assist in the preparation of said budget at the call of the Finance Officer or supervision of the Finance Department.

It shall be the duty of the Finance Officer, with the assistance of the supervisor of the Finance Department and such other persons as either of the above officers shall request, to prepare a proposed budget for the following year between the dates of August 1st and August 15th. To successfully perform this endeavor, the Finance Officer shall have the duty and power to make all necessary inquiries and investigations in regard to the submitted estimates, and to require the cooperation of all Town officials and other citizens to the extent that they may be of some help in the preparation of the budget, and to hold or call all necessary meetings with supervisors, other officials or citizens, and to request a special meeting of the Board of Trustees if such action is deemed necessary. The Finance Officer shall present the proposed budget to the Board of Trustees as soon as possible.

The Finance Officer shall perform all additional duties previously performed by the Town Treasurer and Town Clerk, and further where the term “Town Treasurer”, “Treasurer”, “Town Clerk”, or “Clerk” appear in previously adopted ordinances, the term “Finance Officer” shall now be used and all duties previously performed by the Town Treasurer and Town Clerk, not repealed by this ordinance, shall now be performed by the Finance Officer.

1.0112 – Attorney

When required by the governing body, the Town Attorney shall furnish an opinion upon any matter related to the affairs of the Town or the official duties of the officers; conduct the prosecution of all actions or proceedings arising out of the violation of an ordinance; and perform such other professional services incident to the office as may be required by ordinance or directed by the governing body.

It the governing body shall require the Town Attorney to render assistance of perform services in connection with any revision of the city ordinances or if the Town Attorney shall represent the Town in any action or proceeding in the county, circuit or supreme court, or if he/she represents the Town in any special election or bond issue he/she shall receive such compensation in addition to his/her salary as may be agreed upon between the governing body an him/her.

1.0113 – Chief of Police

The police force in the Town of Stickney shall consist of the Chief of Police and as many more as the Board of Trustees shall from time to time deem necessary, for the proper protection of the Town.

The said Chief of Police should be vested with authority to carry into effect and enforce all ordinances, rules, and regulations made and prescribed by the governing body of the Town of Stickney.

The Town of Stickney has authority to enter into an agreement with Aurora County, South Dakota, wherein the Chief of Police of Stickney may be designated as the Deputy Sheriff of Aurora County, South Dakota, under the terms and conditions as agreed upon by the respective governing bodies.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Title I – Administrative Code

Chapter 1.02 – Meetings of the Board of Trustees

Section

1.0201 – Meetings of the Board of Trustees- -pg 8

1.0202 – Quorum – pg 8

1.0203 – Voting – pg 8

1.0204 – Adjourned Meeting – pg 8

1.0205 – Parliamentary Rules – pg 8

1.0206 – Meetings Open to Public – pg 9

1.0207 – Salaries of Officers and Employees of the Town – pg 9

1.0208 – Separability – pg 9

1.0201 – Meetings of the Board of Trustees

The regular meeting of the Board of Trustees shall be on the first Monday of each month, at the Town Building, at such hour as the Board shall fix from time to time. If a regular meeting day shall fall upon a holiday, the regular meeting shall be held on the day following. Special meetings of the Board of Trustees may be called by the President of the Board or by any two members at any time; to consider only such matters as shall be mentioned in the call for such meeting, by written notice thereof given to each member of the Board then in Town. Upon demand for such call, the Municipal Finance Officer shall give the notice above specified.

1.0202 – Quorum

A majority of the Board shall constitute a quorum for the transaction of all business.

1.0203 – Voting

No action of the Board shall be effective unless upon a vote of a majority of such quorum. No member present shall be permitted to pass his/her vote on any matter submitted for balloting to any meeting of the Board, except in cases of conflict of interest.

The yeas and nays shall be taken by roll call upon the final passage of all ordinances and resolutions and upon any proposal to create a liability against the Town or for the expenditures of appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings. The affirmative vote of a majority of the members present shall be necessary to the passage of any such ordinances or proposals, and it shall require the affirmative vote of all the Board elected to sell any Town property.

1.0204 – Adjourned Meeting

The Board may take an adjournment of a meeting to a later date, in which event the adjourned meeting shall be considered as a part of the first meeting.

1.0205 – Parliamentary Rules

The Board of Trustees may adopt its own Parliamentary Rules.

1.0206 – Meetings Open to Public

The meetings of the Board shall be open to the public, but it shall be unlawful for anyone to interfere in any way with the deliberations of the Board at such meetings, and no person who is not a member of the Board shall address or deliver any remarks to the Board at such meetings without first asking for and receiving the privilege to do so.

1.0207 – Salaries of Officers and Employees of the Town

The compensation of employees of the Town of Stickney shall be as fixed from time to time by resolution of the Board of Trustees.

1.0208 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title I – Administrative Code

Chapter 1.03 – Corporate Limits

Section

1.0301 – Corporate Limits

1.0301 – Corporate Limits

The corporate limits of Stickney shall extend to all such areas and territory as any have been heretofore duly annexed to the Town or as may hereafter be duly annexed by the Town in accordance with the laws of the State of South Dakota in force at the time of annexation.

Title I – Administrative Code

Chapter 1.04 – Financial Regulations

Section

1.0401 – Payment of Warrants

1.0402 – Warrant Register

1.0403 – Registration of Warrants

1.0404 – Notice to Holder of Warrant

1.0405 – Revenues and Special Funds

1.0406 – Separability – pg 12

1.0401 – Payment of Warrants

All warrants upon the Finance Officer shall be paid out of the fund on which they are drawn in order of the presentation.

1.0402 – Warrant Register

The Finance Officer shall keep a warrant register which shall show in columns arranged for that purpose the number, date, and amount of each warrant presented, the name of the person to whom the warrant was issued, the name of the person presenting the same, the date notice for payment is made, the amount of interest, and the total amount paid thereon.

1.0403 – Registration of Warrants

If there be no funds in the treasury appropriated to pay a warrant presented for payment, the Finance Officer shall enter such warrant in his/her warrant register. He/She shall endorse thereon, Registered for Payment, together with registry number, the date of registration and notation, NOT PAID FOR WANT OF FUNDS, and shall sign such endorsement.

1.0404 – Notice to Holder of Warrant

As soon as funds are received sufficient for the payment of a warrant first in order on the warrant register, the Finance Officer shall notify by mail the holder of such warrant or, in case the holder is not known, then the person who registered the same, that said warrant will be paid upon presentation. Interest shall thereupon cease.

1.0405 – Revenues and Special Funds

All moneys belonging to Town derived from taxation, license, fines, forfeitures, the operation of waterworks or other public utility owned or operated by the Town or from any other source, shall be paid to the Finance Officer and the Board shall designate by the annual appropriation ordinance to what fund or funds such moneys shall be applied.

1.0406 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title I – Administrative Code

Chapter 1.05 – Wards and Precincts

Section

1.0501 – Voting Precincts

1.0501 – Voting Precincts

The Town shall constitute a single voting precinct.

Title II – Fire Code

Chapter 2.01 – Fire Department

Section

2.0101 – Volunteer Fire Department Established – pg 15

2.0102 – Compensation- -pg 15

2.0103 – Officers – pg 15

2.0104 – Duties of Fire Chief – pg 15

2.0105 – Powers of Chief – pg 15

2.0106 – Chief May Remove Buildings- -pg 15

2.0107 – Interfering with Department – pg 15

2.0108 – False Alarm of Fire – pg 15

2.0109 – Duties of Police – pg 16

2.0110 – Fire Apparatus Kept in Town – pg 16

2.0111 – Separability – pg 16

2.0112 – Penalty- pg 16

2.0101 – Volunteer Fire Department Established

There shall be and is hereby established what hall be known as the Stickney Volunteer Fire Department.

2.0102 – Compensation

No member of the company shall receive any compensation for his/her services therein.

2.0103 – Officers

The officers of such fire department shall embrace a Chief, a First Assistant Chief, a Second Assistant Chief, a Secretary, a Treasurer, and such other officers as the said fire department shall deem necessary. The fire department shall be governed by the Constitution and Bylaws thereof heretofore approved.

2.0104 – Duties of Fire Chief

The Fire Chief shall be responsible for the discipline and proper conduct of the fire department, the enforcement of all laws and regulation pertaining thereto, and for the care and condition of the property of the department. He/She shall have command of all members of the fire department and in case of his/her absence, the First Assistant Fire Chief or other officer placed in command shall have the same powers as the Fire Chief would have. At all fires, he/she shall have full power as a police officer. He/She shall make a report to the Board of Trustees at its meeting in each month of all fires that have taken place in the preceding month, giving the causes thereof, and names of owners and occupants, and the amount of loss.

2.0105 – Powers of Chief

The Fire Chief may prescribe limits in the vicinity of a fire within which no person except those residing therein, member of the Fire Department, Police Force, and those admitted by the Chief or officer in charge at any fire may call upon any person present to assist the firepersons in their duties. The Fire Chief shall have the power to cause the removal of all wires or to turn off all currents interfering with the work of the Fire Department.

2.0106 – Chief May Remove Buildings

The Fire Chief, during the progress of any fire, whenever in his/her judgment it becomes necessary to check or control same, shall have power to order any fence, building, or structure of any kind to be torn down and removed. He/She shall have power to cause any building or structure to be blown up for the purpose of checking or extinguishing a fire.

2.0107 – Interfering with Department

No person shall willfully hinder or interfere with any Town Officer or Fireperson in the performance of his/her duty at, going to, or returning from, any fire or while attending to his/her duty as a member of the Fire Department, not willfully or negligently drive any motor vehicle or other vehicle across or upon any hose.

2.0108 – False Alarm of Fire

No person shall knowingly give a false alarm or false report of a fire.

2.0109 – Duties of Police

In the vicinity of a fire, it shall be the duty of the Chief of Police and his/her assistants to preserve order, protect property, and give any other assistance needed.

2.0110 – Fire Apparatus Kept in Town

No fire apparatus shall be taken out of Town unless under such regulations as the Chief may establish, nor shall any fire apparatus be applied to any private use, nor taken from the house where it shall be usually kept, except in case of an alarm of fire, without the permission of the Chief.

2.0111 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

2.0112 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title II – Fire Code

Chapter 2.02 – Bureau of Fire Prevention

Section

2.0201 – Bureau of Fire Prevention

2.0202 – Duties

2.0203 – Compensation

2.0201 – Bureau of Fire Prevention

A Bureau of Fire Prevention is hereby established to be composed of the Chief of the Volunteer Fire Department and the Chief of Police. The Chief of the Volunteer Fire Department shall also be Chief of Fire Prevention and may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

2.0202 – Duties

It shall be the duty of the members of the Bureau of Fire Prevention to enforce all laws and ordinances covered or included in this Title.

2.0203 – Compensation

The Chief of the Bureau of Fire Prevention and any inspectors shall be paid per diem as decided and approved by the Board of Trustees.

Title II – Fire Code

Chapter 2.03 – Fire Regulations

Section

2.0301 – Auto Wrecking Yard Access for Fire Vehicles

2.0302 – Auto Wrecking Yards; Vehicle Tanks Drained

2.0303 – Storage of Inflammable Substance

2.0304 – Bonfires and Outdoor Rubbish Fires

2.0305 – Separability

2.0306 – Penalty- pg 19

2.0301 – Auto Wrecking Yard Access for Fire Vehicles

No auto wrecking yard owner or operator shall keep or store autos for salvage unless alley or lanes at least twenty feet in width separates the salvage autos from all other storage areas in said yard.

2.0302 – Auto Wrecking Yards: Vehicle Tanks Drained

No auto wrecking yard owner or operator shall keep or store autos for salvage unless he/she shall first completely drain the gasoline from the tanks thereof and leave such tanks uncapped.

2.0303 – Storage of Inflammable Substances

No person, firm, or corporation shall keep in store within the corporate limits of the Town of Stickney a greater amount of petroleum, kerosene, gasoline, benzene, naphtha, or other flammable fluid or substance than five barrels at any time, without first obtaining the consent of the Board of Trustees.

2.0304 – Bonfires and Outdoor Rubbish Fires

No person shall kindle or maintain any bonfire or rubbish fire, nor authorize the same without first notifying a member of the Bureau of Fire Prevention and such person shall not leave unattended any such fire otherwise lawfully kept or maintained.

2.0305 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

2.0306 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title III – License Code

Chapter 3.01 – General Provisions

Section

3.0101 – Payment of License Fee- pg 120

3.0102 – Application for License

3.0103 – Issuance of License

3.0104 – Approval of Bonds

3.0105 – Term of Licenses

3.0106 – License Required- pg 21

3.0107 – Revocation- pg 21

3.0108 – Registry Listing- pg 21

3.0109 – Separability- pg 21

3.0110 – Penalty- pg 21

3.0101 – Payment of License Fee

Except as otherwise provided, an applicant for license shall first pay the amount of the license fee to the Finance Officer, taking his/her receipt therefore showing the kind of license for which the fee was paid and the amount paid. Such receipt shall be presented to the Municipal Finance Officer or other licensing officer to whom application for the license is made.

3.0102 – Application for License

Except as otherwise provided, an applicant for license shall make and file application in writing with the Municipal Finance Officer on the form prescribed. Such application shall contain such information as required by the licensing authority or as provided by ordinance, and must show that the applicant is eligible for the license for which application is made. If required, the applicant shall verify the application.

3.0103 – Issuance of License

Except as otherwise provided, all licenses shall be issued by the Municipal Finance Officer, if the issuance of the license is approved by the licensing authority and the applicant has complied with all requirements for issuance of the license. Unless otherwise provided, all licenses shall be signed by the Municipal Finance Officer and shall have affixed thereto the official seal of the Town.

3.0104 – Approval of Bonds

Any bond, liability insurance, or deposit required shall be subject to the approval of the Board, and in case the Board deems the security inadequate, it may require now or additional security.

3.0105 – Term of Licenses

Unless otherwise provided, all licenses shall take effect when issued and shall terminate on December 31st in the year for which issued. Except as otherwise provided, the license charged shall be paid on the basis of a full year.

3.0106 – License Required

No person shall engage in any activity for which a license is required without first having obtained a license therefore as required by ordinance.

3.0107 – Revocation

The Board shall have power to cancel any license issued by the Town, for failure of the licensee to comply with any ordinance or regulation of the Town or State law respecting such license or the manner of exercise thereof or for other good cause after hearing upon notice of the licensee. Upon conviction of a violation of any ordinance of the Town by a licensee relating to the exercise of such license, the Court, in addition to other penalties imposed, may enter its judgment canceling such license.

3.0108 – Registry Listing

The Municipal Finance Officer shall keep a registry listing, under their proper headings, all licenses that have been issued, giving the name of the licensee and the place of business.

3.0109 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

3.0110 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title III – License Code

Chapter 3.02 – Sales Method

Section

3.0201 – Use of Streets and Vacant Lots

3.0202 – License Fee

3.0203 – Applicability

3.0204 – Penalty

3.0201 – Use of Streets and Vacant Lots

No person, firm, or corporation shall sell or offer to sell either at private sale or public auction, any fruit, vegetables, goods, wares, merchandise, or their personal property of any kind or character whatsoever, upon any public street or alley within the corporate limits of the Town of Stickney or upon any vacant lot or lots within said Town on which he/she is not then the fee title owner or lessee without first applying for and securing a license.

3.0202 – License Fee

The license fee shall be a fee of twenty dollars per day

3.0203 – Applicability

The provisions of this Chapter shall not apply to the delivery to local merchants by wholesale dealers, their authorized agents, or representatives of goods, wares, or merchandise in the usual and customary course of trade or business.

3.0204 – Penalty

Any person, firm, or corporation violating any provisions of Section 3.0201 shall be punished by a fine of not less than one dollar nor more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Title III – License Code

Chapter 3.03 – Pool Rooms and Bowling Alleys

Section

3.0301 – License Required

3.0302 – Application for License

3.0303 – License Granted

3.0304 – Hours of Operation

3.0305 – License Fee

3.0306 – Penalty

3.0301 – License Required

No person shall engage in the business of operating a billiard hall, pool hall, or bowling alley without first applying for and securing a license.

3.0302 – Application for License

The application for such license shall be filed with the Municipal Finance Officer together with the required fee.

3.0303 – License Granted

If the Town Board is satisfied that the applicant is a proper person to operate a billiard hall, pool hall, or bowling alley and that the place is a proper place to conduct such a business, it shall approve the issuance of the license. If the Town Board rejects such application, the Finance Officer shall return the license fee.

3.0304 – Hours of Operation

Any billiard hall, pool hall, bowling alley shall be opened or operated during hours set according to state laws of South Dakota.

3.0305 – License Fee

The license fee shall be one dollar per year for each billiard table or pool table. The license fee for bowling alleys shall be one dollar per year for each alley.

3.0306 – Penalty

Any person, firm, or corporation violating any provision of Section 3.0304 shall be punished by a fine of not less than one dollar nor more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Title III – License Code

Chapter 3.04 – Shows and Amusements

Section

3.0401 – Open Air Shows

3.0402 – Circuses, Carnivals, and Shows

3.0403 – Theaters

3.0404 – Mechanical Riding Amusement Devices

3.0405 – Separability- pg 25

3.0406 – Penalty- pg 25

3.0401 – Open Air Shows

No person shall conduct, operate, or exhibit any moving picture show, theatrical performance, or other exhibition of skill or amusement, except circuses, in any tent or on any vacant lot, or on any public grounds, nor in a building or enclosure not built in conformity with the ordinances for such purposes without a license. The license fee therefore shall be $25.00 per day.

3.0402 – Circuses, Carnivals, and Shows

1. Circuses: The license fee for a circus, menagerie, combined circus and menagerie, wild-west show shall be $1.00 per day for each car, coach, truck, or bus used for the purpose of transporting or moving the same, with minimum of $25.00 per day.
2. Carnivals: The license fee for carnival or other exhibition given under canvas where separate admissions are charged for different exhibitions shall be $20.00 per day for five or less separate admissions. A separate admission is an admission fee charged for any exhibition given in a tent or other enclosure under the same management. If a general admission fee is charged admitting to all exhibitions, the license shall be the same as for a circus.
3. Shows: The license fee for all other shows, entertainments, exhibitions, or performances given for profit as a commercial enterprise and not primarily for civil, cultural, educational, or religious purposes or benefit in any place other than in a regular licensed theater shall be $25.00 per day.

3.0403 – Theaters

The license fee per year for an opera house, theater, or moving picture show shall be $10.00.

3.0404 – Mechanical Riding Amusement Devices

The license fee for operating a Merry-Go-Round, Ferris Wheel, or other mechanical riding device for amusement of the public in connection with, or as part of, a traveling circus, carnival, or show shall be $1.00 per day, $5.00 per week, or $10.00 per month for each such riding device. The license fee for operation of each such device not as part of, or in connection with, a traveling circus, carnival, or show shall be $15.00 per month.

3.0405 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

3.0406 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title III – License Code

Chapter 3.05 – Dances

Section

3.0501 – Public Dance Defined- pg 26

3.0502 – Children Not Allowed- pg 26

3.0503 – Certain Dances Prohibited- pg 26

3.0504 – Hours of Operation- pg 26

3.0505 – Separability- pg 27

3.0506 – Penalty- pg 27

3.0507 – Dance License Required- pg 27

3.0508 – Time of Application- pg 27

3.0509 – Contents of Application Fee- pg 27

3.0510 – Duties of the Finance Officer- pg 8

3.0511 – Powers of the Board- -pg 28

3.0512 – Conditions Set by the Board- pg 28

3.0513 – Factors Considered by the Board- pg 29

3.0501 – Public Dance Defined

A public dance is a dance open to the public in which members of the public may participate, irrespective of whether any admission fee is charged.

3.0502 – Children Not Allowed

No person engaged in conducting or operating a public dance hall shall permit or allow any person under the age of fourteen years unaccompanied by his parent or guardian, to be or remain in such public dance or public dance hall when dancing is permitted.

3.0503 – Certain Dances Prohibited

The person conducting or operating a public dance or public dance hall shall not permit any person in attendance threat to dance or participate in any immodest, suggestive, lewd, or immoral dance. No person in attendance at any public dance or public dance hall shall engage in any immodest, suggestive, lewd, or immoral dance.

3.0504 – Hours of Operation

No person shall conduct or operate a public dance at any time or on any day on which the sale of alcoholic beverages for on-sale is prohibited by the laws of the State of South Dakota.

3.0505 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

3.0506 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

3.0507 – Dance License Required

No person shall conduct a public dance no permit a public dance to be conducted on premises subject to his control, except dances sponsored and sanctioned by the Stickney Public School District, unless such person first applies for and obtains a Public Dance License. (Adopted October 25, 1987)

3.0508 – Time of Application

An application for a Public Dance License shall be made at least three weeks prior to the date on which the public dance is proposed to be held. (Adopted October 25, 1987)

3.0509 – Contents of Application Fee

An application for a public dance license shall be made in writing to the Municipal Finance Officer and shall be accompanied by a $5.00 application fee.

The application shall include the following information:

1. The name, address, and telephone number of the person applying for the license.
2. The date, times, and place of the proposed dance.
3. The name of the person or group who will provide music for the dance.
4. A general description of the advertising that will be used relative to the dance and the sponsor’s best estimate of the number of persons expected to attend.
5. The application shall be signed by the person applying for a license.

(Adopted October 25, 1987)

3.0510 – Duties of the Finance Officer

Upon receiving an application for a public dance license, the Municipal Finance Officer shall immediately inform all members of the Town Board of Trustees of the contents thereof.

Upon expiration of one week after the filing of an application for a public dance license, the Municipal Finance Officer shall, unless the Chairman of the Board of Trustees has informed her that the application will be reviewed by the Town Board at a regular or special meeting as set forth in Section 3.0511 of this chapter, issue the license applied for. (Adopted October 25, 1987)

3.0511 – Powers of the Board

If, in the judgment of any two members of the Town Board a license application should be specially considered by the Town Board, the Chairman shall so notify the Municipal Finance Officer and no license shall be issued until after hearing by the Town Board.

The Town Board shall conduct hearing within 10 days of filing any public dance license application that is determined to be specially considered. The hearing may be at a regular or special meeting of the Board. The applicant for a license shall be given reasonable notification of the time and place of the hearing and shall be afforded an opportunity to be present and to be heard.

Upon hearing, the Board may determine either;

1. That the license shall be issued as requested.
2. That no license shall be issued.
3. That the license will be issued with conditions.

(Adopted October 25, 1987)

3.0512 – Conditions Set by the Board

As a condition of issuing a public dance license the Board may require the applicant to comply with reasonable conditions in order to preserve the public peace and order and to insure that the dance is conducted safely and in compliance with applicable law.

Conditions that may be required by the Board shall include, but shall not be limited to, cleanup of streets, alleys, and nearby property after the dance and that the applicant reimburse the Town for extra law enforcement personnel or services that may be required in the judgment of the Board to preserve the peace and enforce the laws. (Adopted October 25, 1987)

3.0513– Factors Considered by the Board

In determining whether to approve an application for a public dance license, the Board shall consider the following factors:

1. The size of crowd and expected ages of the persons attending the dance.
2. The character, reputation, and past history of the person applying for the license.
3. The proximity in time and place of other public functions.
4. The reputation and past history of the person or group providing music for the dance.
5. Such other factors as, in the judgment of the Town Board, may be pertinent to consideration of the application.

(Adopted October 25, 1987)

Title III – License Code

Chapter 3.06 – Licensing of Dogs

Section

3.0601 – Vicious Dogs

3.0602 – Confinement of Certain Dogs and Other Animals

3.0603 – Destroying Dogs

3.0604 – Separability

3.0605 – Penalty- pg 31

3.0601 – Vicious Dogs

No person having in his/her possession any vicious or dangerous dog shall suffer the same to be upon any public street, alley, or ground within the limits of said Town.

3.0602 – Confinement of Certain Dogs and Others Animals

The owner or possessor shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled. Every female dog in heat shall be kept confined in a building or secure enclosure in such manner that such female dog cannot attract another animal. No wild animal may be kept within the Town limits, except under such conditions as shall be fixed by the Town of Stickney, South Dakota, provided, however, that wild animal may be kept for exhibition purposes in accordance with such regulations as shall be established by the Town.

3.0603 – Destroying Dogs

The Chief of Police, or any person designated by the Chief of Police or Town Board, is hereby authorized and directed to kill any dog or wild animal running at large contrary to the provisions of this Code, and he/she shall cause every dog so destroyed to be removed and buried and shall receive the sum of $10.00 for each dog or animal destroyed, removed, and buried to be paid out of the Town Treasury.

3.0604 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

3.0605 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title III – License Code

Chapter 3.07 – Dumping Grounds

Section

3.0701 – Refuse Ordinance- pg 33

3.0702 – “Garbage”- pg 33

3.0703 – “Rubbish”- pg 33

3.0704 – “Refuse”- pg 33

3.0705 – “Premises”- pg 33

3.0706 – “Owner”- pg 33

3.0707 – “Occupant”- pg 33

3.0708 – “Single-Family Residence”- pg 33

3.0709 – “Multiple Family Residences”- pg 33

3.0710 – “Boarding & Rooming House”- pg 34

3.0711 – “Business Place”- pg 34

3.0712 – License Required- pg 34

3.0713 – Application for License- pg 34

3.0714 – Requirements for Hauling Garbage- pg 34

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3.0716 – Hauling of Garbage or Rubbish- pg 35

3.0717 – General Restrictions – Littering- pg 35

3.0718 – Moving Garbage or Rubbish- pg 35

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3.0720 – General- pg 35

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3.0722 – Duty to Provide Refuse Containers for Business Places- pg 36

3.0723 – Duty to Place Refuse in Containers- pg 36

3.0724 – Regulations as to Use of Garbage Containers- pg 36

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3.0735 – Business Places and Commercial Institutions Garbage Rates- pg 38

3.0736 – Sanitation Fund- pg 8

3.0737 – Inspection by Health Officer- pg 8

3.0738 – Penalty for Violation of Ordinance- pg 38

3.0739 – Repealing Clause- pg 38

3.0740 – Saving Clause- pg 38

3.0741 – Necessity of Ordinance- pg 39

3.0701 – Refuse Ordinance

This ordinance shall be known as the Refuse Ordinance of the Town of Stickney, South Dakota.

3.0702 – “Garbage”

The term “garbage” as used in this ordinance shall include all animal and vegetable wastes resulting from the handling, cooking, and consumption of foods originating in kitchens, stores, markets, restaurants, hotels, and other places where food is stored, cooked, and consumed.

3.0703 – “Rubbish”

The term ”rubbish” as used in this ordinance shall mean all combustible and noncombustible waste materials from households, stores, and institutions consisting of tin cans, bottles, papers, straw, leaves, ashes, lawn cuttings, and small tree limbs from any premises within the Town limits.

3.0704 – “Refuse”

The term “refuse” as used in this ordinance shall be interpreted to mean all solid wastes including garbage and rubbish.

3.0705 – “Premises”

The term “premises” as used in this ordinance shall be taken to mean business houses, boarding houses, offices, theaters, hotels, restaurants, cafes, eating houses, tourist courts, trailer courts, apartment buildings, sanitariums, rooming houses, schools, rest homes, private residences, vacant lots, and other places within the Town limits of the Town of Stickney, South Dakota, where refuse, either garbage or rubbish, accumulates.

3.0706 – “Owner”

The term “owner” shall mean the actual owner of the building, either individual, partnership, or corporation, the agent of the owner in charge of said buildings or the person to whom the rental upon said building is paid.

3.0707 – “Occupant”

The term “occupant” shall mean the individual, partnership, or corporation that has the use of or occupies any building or lot or a portion thereof whether the actual owner, tenant, or subtenant. In the case of vacant buildings or lots, or any portion thereof, the owner, agent, or other person having custody of said building or lot shall have the responsibility of the occupant of said building or lot.

3.0708 – “Single-Family Residence”

The term “single-family residence” as used in this ordinance shall be taken to mean the premises providing living quarters for one family, including full kitchen facilities for such singular family.

3.0709 – “Multiple Family Residences”

The term “multiple family residences” as used in this ordinance shall be taken to mean those premises providing individual living quarters for more than one family with full kitchen facilities for each family residing therein.

3.0710 – “Boarding and Rooming House”

The term “boarding and rooming house” as used in this ordinance shall be taken to mean those premises where meals and sleeping facilities or either of them are provided on a weekly or other basis, including the operator’s family.

3.0711 – “Business Places”

The term “business places” as used in this ordinance shall be taken to mean business houses, apartment houses, offices, theaters, hotels, motels, restaurants, cafes, bowling alleys, bars, pool halls, and all such recreation centers, tourist courts, trailer courts, sanitariums, service stations, hospitals, schools, rest homes, or any other premises used for commercial purposes.

3.0712 – License Required (Amended February 8, 1995

Power of Board

No person, firm, or corporation shall engage in the business of collecting or hauling garbage or rubbish from any place in the Town without first having been granted a license to do so by the Board of Trustees. ~~Provided, however, that the Board of Trustees may refuse to issue any licenses whatsoever pursuant to this chapter if the Board determines it to be in the best interest of the Town to provide garbage hauling service by the Town.~~

The Board of Trustees shall have the authority to provide garbage hauling service directly by the Town either by employees of the Town or through an independent contractor employed by the Town. Such authority may be exercised by the Board by Resolution determining that it would be in the best interests of the Town to provide garbage hauling service.

If the Board elects to provide garbage hauling service by the Town then the Board shall have The power to revoke all outstanding licenses issued pursuant to this chapter.

3.0713 – Application for License

Any person desiring to engage in the business of collecting or hauling garbage or rubbish in the Town shall make application to the Finance Officer for the license required by this chapter, and shall specifically agree to comply with all of the ordinances of the Town and the statutes of the State of South Dakota. The Chief of Police shall inspect all vehicles to be used by such applicant and, if found to comply with the ordinances and the applicable state and federal laws, may recommend to the Board of Trustees that a license be issued to the applicant as a hauler of garbage or as a hauler of rubbish or both. He shall attach to each approved vehicle a certificate attesting to such inspection and approval with certificate shall contain any use restrictions or conditions deemed necessary in the safe guarding of the health and sanitation of the Town by the Chief of Police. No license shall use in his/her business any vehicle, unless the same has been inspected and approved by such Chief of Police.

3.0714 – Requirements for Hauling Garbage

No person shall haul any garbage as herein defined unless the vehicle in which the same is transported is equipped with a covered box, the floor and all four sides of the same to a height of at least 12 inches from the floor, to be water tight, and so arranged as not to permit, at any time or place, any of the garbage so hauled to fallout, leak, or escape from the vehicle in which it is being conveyed; such box must be cleaned and sterilized with an accepted sterilizing agent for each day, whichever is least frequent, providing, however, that in the discretion of the Chief of Police, the use of water-tight, steel barrels equipped with tight metal covers may be substituted for the water-tight box herein contained, and provided further that all vehicles used in transporting and hauling garbage shall meet all the applicable laws and regulations that may be applied by the state of South Dakota.

3.0715 – Requirements for Hauling Rubbish

No person shall haul any rubbish, as herein defined, unless the vehicle in which the same is transported is equipped with a box, entirely and permanently enclosed so as to prevent, at all times and places, any of the rubbish so hauled from falling, flowing, or escaping from the vehicle in which it is transported and provided further that such vehicles shall meet all the applicable laws and regulations that may be applied by the state of South Dakota.

3.0716 – Hauling Garbage and Rubbish

The Board of Trustees may direct that any person hauling garbage or rubbish from the Town limits of the Town of Stickney, South Dakota, must haul the same to an approved sanitary landfill site, approved by the state of South Dakota, whether said landfill site is operated within or without the Town limits of the Town of Stickney, South Dakota, then said garbage and rubbish shall be hauled to an approved sanitary landfill, said landfill to be arranged for by the person holding a license to haul garbage from the Town of Stickney, South Dakota.

3.0717 – General Restrictions – Littering

No person shall place, throw, or deposit, or cause, suffer, or permit to be placed, thrown, or deposited any garbage or rubbish as herein defined in any street, alley, or public ground in the Town, except in containers or receptacles approved by this chapter.

3.0718 – Moving Garbage or Rubbish

No person shall move any article over any street or alley within the Town, unless such article is entirely supported on wheels, except when such operation is specifically authorized by the Chief of Police.

3.0719 – Burning Rubbish

No rubbish shall be burned, except in furnaces or incinerators located within buildings. No rubbish shall be burned on any street or alley in the Town.

3.0720 – General

All other rules and regulations deemed necessary for the proper operation and enforcement of this ordinance shall be made by the Chief of Police and the Board of Trustees for the Town of Stickney, South Dakota.

3.0721 – Duty to Provide Refuse Containers for Residences

Every tenant, occupant, or person in possession of any residence, apartment, or rooming house in the Town shall furnish and provide for use in connection therewith, one or more refuse cans or other receptacles, as may be necessary to hold the accumulating garbage therefore between collection periods. Such refuse cans or receptacles shall be kept and maintained at a place on said premises, and on the collection day of said garbage and rubbish, said cans shall be placed upon the street near the premises, so as to make it conveniently accessible there from. It is further provided that no refuse can or receptacle shall contain more than thirty gallons in capacity.

3.0722 – Duty to Provide Refuse Containers for Business Places

Every owner or person in charge of any restaurant, hotel, grocery store, wholesale or food processing establishment, or any other business or commercial place having garbage or rubbish as defined by this title shall furnish and provide for use in connection therewith a garbage or refuse container. Such regulation containers shall be constructed of metal and shall have metal covers for all openings and shall be emptied often enough to prevent the same from giving off an odor or stench.

3.0723 – Duty to Provide Refuse in Containers

The tenant, occupant, or person in charge of any residence, apartment, rooming house, or business establishment, shall place and keep in the containers provided for in this chapter, all garbage which may accumulate or originate on said premises.

3.0724 – Regulations as to Use of Garbage Containers

All garbage containers provided for in this chapter shall be kept, maintained, and used in accordance with the following regulations:

1. Garbage containers shall be provided with tightly fitting covers or sealed in such a manner as to prevent spillage, and attraction of insects and flies and shall be left open only when necessary.
2. No liquids or water shall be placed in refuse containers.
3. No refuse containers shall be located where water from an adjoining roof may fall thereon.
4. The vicinity of refuse containers shall be kept free from garbage and other putrescrible matter which attracts flies.
5. Only garbage and rubbish as defined in this chapter shall be placed in refuse containers.

3.0725 – Ashes

Ashes and other refuse may be placed in containers that need not have covers.

3.0726 – Accumulation and Abatement of Refuses

The places or premises of excessive accumulations of garbage and rubbish, such as killing and dressing plants for fowl and animals, are to be excluded from the service provided by the Town Garbage Department, and such accumulations shall then be removed and disposed of at the expense of the owner or person having same in charge and shall secure from the Chief of Police a written permit for removal and disposal of the same. The said permit shall be issued only after the Chief of Police has satisfied himself/herself that the licensee is capable of complying with the requirements of this chapter. The permit may be revoked by the Chief of Police when deemed necessary for public welfare.

3.0728 – Heavy Accumulations

Heavy accumulations such as broken concrete, ashes, sand, gravel, trees, automobile frames, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the same under the direction of the Chief of Police.

3.0729 – Manure

Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animal or fowl pens shall be removed and disposed of at the expense of the persons controlling the same in the manner of by the method directed by the Chief of Police.

3.0730 – Residential Service (Amended February 8, 1995)

The Town of Stickney, South Dakota, will endeavor to provide the service for the collection from the residential areas of the Town not less than once weekly, all garbage and rubbish; provided it shall be the duty of the person in possession or control of any premises to place the required containers or receptacles on the street in a location easily accessible for the collector as directed by the Chief of Police or his/her agent or the Board of Trustees. It is further provided that garbage collection and rubbish collection for business establishments, as hereinbefore defined, within the Town Limits of the Town of Stickney, South Dakota, shall be provided for at least twice weekly. It is further provided that no residential garbage service will be picked up in any alley located within the Town of Stickney, South Dakota.

Notwithstanding any other provision of this chapter, if the Board elects to provide garbage hauling service by Town as authorized by section 3.0712 of this chapter, such service shall be provided in accordance with such schedule and subject to such regulations as the Board may, by resolution, from time to time provide.

3.0731 – Disposal of Garbage

Any person granted a license under this ordinance shall dispose of all said garbage and rubbish collected under this program in an approved sanitary landfill located within the State of South Dakota, said sanitary landfill to be arranged for by the person holding such license. The Town of Stickney, South Dakota, is under no obligation to provide such a sanitary landfill.

3.0732 – Dumping of Garbage

No dumping of garbage or rubbish shall be at any other place than that designated by the Board of Trustees and approved by the Chief of Police, and such place shall be an approved sanitary landfill, as approved by the state of South Dakota.

3.0733 – Residence Service Rates (Amended February 8, 1995)

~~Where garbage and rubbish are deposited in regulation containers or receptacles, as provided therein, there shall be a monthly charge assessed and collected from each residential premise without exception within the city limits in an amount to be determined and set by the Board of Trustees. This rate set for residential service shall not be applicable to any business place as hereinabove defined. No temporary stoppage of collection service because of owners absent from the Town shall be made for less than one month unless the premises are vacant and without occupancy of any kind.~~

There shall be a monthly garbage collection charge assessed and collected from each residential premises without exception within the municipal limits of the Town. The amount of such charge shall be determined from time to time be the Board, by Resolution. Such charge shall be suspended for any period during which the premises are unoccupied for one calendar month or more.

3.0734 – Who Liable, Statements, Payments, and Suspension for Service

(Amended February 8, 1995)

The person residing in or on the premises served shall be liable for the payment of the charges herein fixed, but to facilitate collection thereof, the person in whose name the water service is charged shall be billed therefore and shall pay it with the water bill, if such bill is sent, otherwise on a separate statement, and payment shall be made at the office of the Finance Officer or in any other manner provided for by the Board of Trustees. Payment shall become delinquent thirty days after the end of the period in which such service is billed and if an account is not paid before it comes delinquent, the Town has the right to discontinue the service for the person owing such delinquent account and shall not resume collection service until such account has been paid in full.

Non-payment of garbage collection charges provided for in this chapter shall be grounds for cut-off or disconnect from municipal water and sewer service as if charges for water and sewer had not been paid for the same period for which garbage collection charges have been assessed.

3.0735 – ~~Business Places and Commercial Institutions Garbage Rates~~ Business Service Rates

(Amended February 8, 1995)

~~The rates charged for the collection of garbage from commercial institutions, as the hereinbefore defined and business places shall be set by the person holding the license to collect garbage and rubbish within the Town limits of the Town of Stickney, South Dakota. However, the individual, partnership, or corporation who is hauling garbage is responsible for the collection for such hauling and such sums of money are not to be deemed moneys of the Town, but are and remain the personal property of the person hauling the refuse, garbage, or rubbish for said business place or commercial institution.~~

There shall be a monthly garbage collection charge assessed and collected from each business place without exception within the municipal limits of the Town. The amount of such charge shall be determined from time to time by the Board, by Resolution. Such charge shall be suspended for any period during which the premises are unoccupied for one calendar month or more.

3.0736 – Sanitation Fund

A fund to be known as the “Sanitation Fund” shall be established for accounting purposes within the General Fund of the Town. All money and credits collected under this ordinance, including fines and fee for violations of the same, shall be credited to the Sanitation Fund.

3.0737 – Inspection by Health Officer

The Chief of Police shall periodically make inspections of all alleyways, buildings, and premises and if a violation of the provisions of this ordinance is found, he/she shall notify in writing the owner, tenant, or agent of such premises of such violation and said owner, tenant, or agent shall have ten days in which to correct the violation.

3.0738 – Penalty for Violation of Ordinance

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon the conviction thereof, shall be fined in the sum of not less than ten dollars nor more than two hundred dollars, and each day that any such person shall violate any of the provisions of this ordinance shall constitute a separate offense and be punishable as such.

3.0739 – Repealing Clause

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3.0740 – Saving Clause

If any part of this ordinance shall be held invalid for any reason, such holding shall not affect the validity of the remaining parts of this ordinance.

3.0741 – Necessity of Ordinance

This ordinance is necessary and expedient for the promotion of health, the suppression of disease, the immediate preservation of the public health, and the public safety and shall take effect upon passage and publication thereof. This ordinance is necessary for the immediate support of the municipal government and its existing public institutions and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

(Amended February 8, 1995)

3.0742 Churches

The term “Business Place” shall not be deemed to include the premises of any Church used regularly and exclusively as a house of worship and for related activities. In recognition of the services provided to the community by its regularly established churches, garbage service shall be provided without charge and as a courtesy to such churches at any time that the Town has elected to provide garbage hauling service directly.

At any time that the Town has elected not to provide garbage hauling service directly, any church which is exempt from garbage hauling charges pursuant to this section shall be responsible for arranging for the removal of garbage at its own expense.

Section 7.

If any portion of this ordinance is determined by any court to be invalid, for any reason, such invalidity shall not affect the remainder of this ordinance which shall continue in full force and effect.

Title III – License Code

Chapter 3.08 – Solicitations for Charitable and Religious Purposes

Section

3.0801 – Charitable Solicitations – Permit Required – Exemptions

3.0802 – Fee for Charitable Solicitations Permit

3.0803 – Penalty

3.0801 – Charitable Solicitations – Permit Required – Exemptions

No person shall solicit contributions for any charitable purpose within the Town without a permit from the President of the Board authorizing such solicitations provided, however, that the provisions of this section shall not apply to any established person organized and operated exclusively for religious or charitable purposes, and if the solicitations by such established persons are conducted amount the members thereof by other members of officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.

3.0802 – Fee for Charitable Solicitations Permit

Before a permit is issued, there shall be paid to the Finance Officer the sum of twenty five dollars as a permit fee.

3.0803 – Penalty

Any person, firm, or corporation violating any provision of this chapter shall be punished by a fine of not less than one dollar nor more than one hundred dollars, or by imprisonment in the County Jail for not more than thirty days, or by both such fine and imprisonment, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Title III – License Code

Chapter 3.09 – Application for Permit

Section

3.0901 – Permit Application – General

3.0901 – Permit Application – General

Except as otherwise provided in this title, all applications for permits covered by this title shall be made in writing to the Municipal Finance Officer and no permit shall be issued until all information requested by the Finance Officer in said application shall have been furnished by the applicant. Application blanks shall be furnished by the Municipal Finance Officer.

Title IV – Offenses

Chapter 4.01 – Animals

Section

4.0101 – Animals Running at Large

4.0102 – Cruelty to Animals

4.0103 – Housing Prohibited

4.0104 – Noises

4.0105 – Unlawful Keeping and Public Nuisance

4.0106 – Separability- pg 43

4.0107 – Penalty- pg 43

4.0101 – Animals Running at Large

No person owning or having possession, charge, custody, or control of any horse, cow, mule, donkey, swine, sheep, goat, or dog shall cause, permit, or allow in the same to stray, run, or in any other manner to be at large in or upon any unenclosed lot or place, public or private, in the Town, nor shall an6y person owning or having possession, charge, custody, or control of any animal cause, permit, or allow the same to be staked out or to herd or graze any animal upon any unenclosed private lot or land in the Town in such manner that the rope or other attachment by which the animal is tethered may permit such animal to be or to go beyond the boundaries of the unenclosed private lot or land. Any animal suffered or permitted to be at large or otherwise to be within the Town in violation of the provisions of this section, is hereby declared to be a nuisance and a menace to public health and safety, provided, however, that dogs, horses, mules, donkeys, and oxen may be permitted upon the street or other public places of the Town if under the immediate care and control of the owner or other person having the care, custody, and control thereof.

4.0102 – Cruelty to Animals

No person shall cruelly treat any animal in the Town in any way, any person who inhumanely beats, underfeeds or overloads, or abandons any animal shall be deemed guilty of a violation of this section.

4.0103 – Housing Prohibited

No person shall cause or allow any stable or place where any animal is, or may be, kept to become unclean, or unwholesome, and it shall be unlawful to keep any live swine or pigs in the Town.

4.0104 – Noises

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

4.0105 – Unlawful Keeping and Public Nuisance – Ordinance #99-1 – Amend 4.0105

The keeping of chickens, ducks, geese, turkeys, pigeons, or other fowl and keeping of cattle, horses, mules, donkeys, swine, sheep, and goats within the Town is unlawful and a public nuisance. (Amended August 2, 1999)

4.0106 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0107 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.02 – Weapons, Firearms, Fireworks, and Explosives

Section

4.0201 – Discharging Firearms Prohibited

4.0202 – Fireworks- pg 44, 45

4.0203 – Sling Shots Prohibited- pg 45

4.0204 – Hunting- pg 45

4.0205 – Separability- pg 45

4.0206 – Penalty- pg 45

4.0201 – Discharging Firearms Prohibited

It shall be unlawful for any person to discharge or shoot off any gun, pistol, rifle, air gun, carbon-dioxide gun, or any other firearm, or use for any purpose any such device for throwing or forcing through the air, missiles, or projectiles of any character whatever, within the limits of the Town of Stickney, South Dakota, or in any public park belong to said Town, provided that this section shall not apply to any regularly authorized shooting gallery in said Town, nor shall this section apply to sheriffs, their deputies, or police officers of this Town while engaged in the lawful conduct of their duties, not to any citizen discharging a firearm when lawfully defending his/her person or property.

4.0202 – Fireworks

No person shall have in his/her possession, except between the 27th day of June and the 5th day of July, any fireworks within the Town, provided however, that nothing in this section shall be held to apply to the possession or use of signaling devices by railways or public officials in the course of their duties, provided further that the provisions hereof shall not apply to any person giving a display of fireworks in any public park, or upon any other place in the Town under, and in accordance with, a permit to be issued as hereinafter provided that nothing herein shall be deemed to apply to the possession, sale, or use of flashlight composition by photographers, dealers in photographic supplies or by any other person using such flashlight composition for the purpose of taking pictures, that the provisions hereof shall not apply to prohibit the sale or use of blank cartridges for ceremonial purposes, athletic, theatrical, or sporting events though a permit to use the same shall be obtained from the Deputy Sheriff prior to their use, that the provisions hereof shall not apply to the discharge or firing of target pistols, guns, or rifles in any gun club, at any duly authorized outdoor target range, and that the provisions hereof shall not apply to toy pistol paper caps containing not more than twenty five hundredths grain explosive compound to each paper cap, nor to items known commonly as “sparklers”

Any person desiring to give a display of fireworks in any public park or in any open place within the Town shall obtain therefore a written permit from the Deputy Sheriff. A similar permit shall be required to be obtained by any person seeking to establish or maintain any indoor or outdoor target range within the Town.

“Fireworks” as used in this section, shall mean pyrotechnics or fireworks containing phosphorous, sulfocyanide, mercury, chlorate of potash and sulfur, or chlorate of potash and sugar, and the following named fireworks: firecrackers, flash crackers or salutes, blank cartridges, cherry bombs, sky rockets including all devices which rise in the air during discharge, roman candles including all devices discharging balls of fire into the air, chasers including all devices which dart or travel above the surface of the ground during discharge, snakes, boa constrictors, and snake nests containing bichloride of mercury, all articles for pyrotechnic display which contain gun powder articles, commonly known as son of a gun, devil on the rock, cricket sticks, and automatic torpedoes which contain arsenic, explosives known as devil on the walk, or any other article of similar character which explodes through means of friction, or by fuse, and all other fireworks, except cap pistol paper caps containing not more than twenty five hundredths grain explosive compound to each paper cap.

4.0203 – Sling-Shots Prohibited

No person shall manufacture, sell, keep for sale, give away, carry on his/her person, or in a vehicle, whether concealed or not, nor attempt to use the same against any person or property, any weapon of the kind usually known as a sling-shot, bolo, or sling.

4.0204 – Hunting

It shall be unlawful for any person to engage in killing any animal other than as prescribed by law in the Town.

4.0205 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0206 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.03 – Offenses as to Property

Section

4.0301 – Damaging Public Property

4.0302 – Damaging Private Property

4.0303 – Separability

4.0304 – Penalty

4.0301 – Damaging Public Property

It shall be unlawful for any person to cut, mark, burn, tear down, deface, remove, or destroy any building or any portion of any building, walking bridge, fence, tree, plant, shrubs, ornamental structure or object, post, pipe, stone, wire, or any other property belong to, or used by, the Town or located on, above, under, or along its streets, sidewalks, parks, public places, buildings without lawful authority.

4.0302 – Damaging Private Property

No person in the Town shall maliciously injure, deface, or destroy any real property or personal property of another.

4.0303 – Damaging Street Lighting Equipment

No person shall break, injure, or in any way molest any street lighting equipment or apparatus.

4.0304 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0305 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.04 – Offenses against Public Welfare

Section

4.0401 – Assault and Battery Prohibited- pg 47

4.0402 – Throwing Stones and Missiles- pg 47

4.0403 – Drawing Deadly Weapons Prohibited- pg 47

4.0404 – Disorderly Conduct- pg 47

4.0405 – Disturbing the Peace- pg 47

4.0406 – Obscene Written or Printed Matter- pg 48

4.0407 – Resisting an Officer- pg 48

4.0408 – Separability- pg 48

4.0409 – Penalty-pg 48

4.0401 – Assault and Battery Prohibited

No person shall, in the Town, attempt or offer with force or violence to do corporal hurt to the person of another, nor shall any person use force or violence upon the person of another, except that it be a case of justifiable or excusable assault or battery as defined by the laws of the state of South Dakota.

4.0402 – Throwing Stones or Missiles

No person shall throw stones or other missiles at person, vehicles, or at animals.

4.0403 – Drawing Deadly Weapons Prohibited

No person, except an officer of the law, in the execution of his/her duty, or a person in self defense shall draw a pistol, gun, revolver, knife, or other deadly or dangerous weapon upon another person within the Town.

4.0404 – Disorderly Conduct

It shall be unlawful for any person, upon the public streets or in any public place, in the Town, to fight or offer to fight, quarrel, talk or sing in a loud or unusual manner, nor shall any person roam the streets or public places rioting, swearing, or uttering profane or obscene language.

4.0405 – Disturbing the Peace

It shall be unlawful for any person to disturb the peace of any person or neighborhood by loud or unusual noise, to pursue any amusement calculated to impede travel or frighten any animal, injure, or endanger any property, injury or annoy any person, to run any auto or vehicle race on the public streets or highways, to loiter or stroll about in any manner tending to produce disturbance, or to refuse to go immediately to his/her home when so ordered by the Chief of Police or by any police officer, or by any offensive behavior disturbing to peace of any person, assembly, or congregation.

4.0406 – Obscene Written or Printed Matter

It shall be unlawful for any person, within the corporate limits of the Town of Stickney to exhibit, sell, or offer for sale, or to give away any obscene book, pamphlet, picture, engraving, photographic film, or negative or recording tape.

4.0407 – Resisting an Officer

It shall be unlawful for any person in the Town of Stickney, South Dakota, to resist of obstruct any police officer in the performance of any official duty, or in any way aid or assist any person to resist or escape from any such officer, or assist any person to escape from any lawful confinement in said Town.

4.0408 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0409 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.05 – Public Nuisances

Section

4.0501 – Nuisance Prohibited

4.0502 – Public Nuisance Defined

4.0503 – Specific Health Nuisances: Abatement- pg 49, 50

4.0504 – Smoke and Dust Nuisance- pg 50, 51

4.0505 – Summary Abatement of Nuisances

4.0506 – Separability- pg 51

4.0507 – Penalty- pg 51

4.0501 – Nuisance Prohibited

No person shall, in the Town, create, maintain, or commit, or permit to be created, maintained, or committed any public nuisance as hereinafter defined.

4.0502 – Public Nuisance Defined

A nuisance consists in unlawfully doing an act or omitting to perform a duty, within the Town, which act or omission either:

1. Annoys, injures, or endangers the comfort, repose, health or safety of others.
2. Offends decency.
3. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage, any street or highway.
4. In any way render other person insecure in life, or in the use of property, and which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

4.0503 – Specific Health Nuisances: Abatement

The following specific acts when committed in the Town of Stickney, South Dakota, are declared to constitute health nuisances:

1. Imperfect plumbing – any imperfect, leaking, unclean, or filthy sink, water closet, urinal, or other plumbing fixture in any building used or occupied by human beings.
2. Garbage and refuse – depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any household waste water, sewage, garbage, tin cans, offal, or excrement; any decaying fruit, vegetables, fish, meat, or bones; any oyster or claim shells, or any foul putrid of obnoxious liquid or substance.
3. Impure water – any well or other supply of water used in food establishments, pasteurization plants, slaughter houses, or for drinking or household purposes, which is polluted or which is so constructed or situated that it may become polluted.
4. Undressed hides – undressed hides kept longer than 24 hours, except at the place where they are to be manufactured, or in a storeroom or basement whose construction is approved by the Health Officer.
5. Manure – The accumulations of manure, unless it is in a properly constructed fly-proof pit, bin, or box.
6. Breeding Place for Flies – the accumulation of manure, garbage, or anything whatever in which flies breed.
7. Stagnant Water – any water or liquid in which mosquito larvae may exist.
8. Weeds – permitting weeds, especially thistles, creeping jennies, and those whose pollen is known to cause hay fever, to grow to maturity on any private property, parking lots, or vacant lots.
9. Poison Ivy – Permitting ivy to be or grow upon any private property nearer than fifteen feet from the sidewalk or any public street.
10. Dead Animals – for the owner of a dead animal to permit it to remain indisposed of longer than 24 hours after its death.
11. Polluting Creeks – throwing or leaving any dead animal or decaying animal or vegetable matter or any slops of filth whatever, either solid or fluid, into any pool of water or tributary thereof, or allowing any horses, mules, cows, goats, sheep, or other livestock to wade or be in or on the bank thereof.
12. Privies and Cesspools – erecting or maintaining any privy or cesspool.
13. Garbage Handling – improperly throwing or letting fall on or permitting to remain on any street, alley, or public ground any garbage, rubbish, or filth.
14. Bonfires in Public Places – burning, causing or permitting to be burned in any street, alley, or public ground any dirt, filthy, manure, garbage, sweepings, leaves, ashes, papers, or rubbish of any kind, provided, however, that upon obtaining permission from the Town Health Officer or Town employee authorized by the Town Health Officer to grant such permission, a bonfire may be made under such conditions as the Town Health Officer or his/her representative may specify, provided further that such permission shall not be granted in any area where bonfires may be prohibited by the Fire Code of this Ordinance.
15. Burning of Garbage – burning upon any private or public property, except upon the public dump, any garbage, offal, excrement, fresh or decaying fruits, vegetables, fish, meat, bones, or any foul, putrid, or obnoxious liquid or substance.
16. Keeping of Certain Rodents – the keeping of propagating of white rates and other rodents within Town.
17. Health Nuisances – how abated. The Health Officer shall give notice to any person creating, permitting, or maintaining any nuisance to abate such nuisance forthwith, and if such person shall neglect or refuse to do so within reasonable time after such notice, he/she shall be deemed guilty of misdemeanor. The Health Officer may 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 reasonable expenses incurred from the person maintaining such nuisance in a civil suit instituted for such purpose.

4.0504 – Smoke and Dust Nuisance

No person shall construct, maintain, or use any chimney unless the same shall be so constructed, operated, or used so that the dust, sparks, cinders, coal, ashes, smoke, or fumes there from shall not become injurious or dangerous to the health, comfort, or to the property of individuals or the public, nor materially impair the comfort of persons within said Town. All such stacks now or hereafter used and operated shall be constructed and arranged in such manner and of such material as to be safe from causing fires, and shall be of such height from the ground as not in any manner to cause a violation of this section. Whenever any such stack or chimney is causing or in danger of causing violation of this section, the owner or person responsible therefore shall at once cause such stack or chimney to be reconstructed or repaired of proper and safe material or arresting device, or to be raised to such hiehgt, or to be arranged within a reasonable time so that such smokestack or chimney will be in compliance with the provisions of this section. The Town may, when any smokestack or chimney is dangerous to the health or safety of the inhabitants, or injurious to such a degree as to be a nuisance, order the same torn down or extended up or otherwise remedied so that it shall comply with this section. The Building Inspector shall report all cases of violations of this section, together with his/her recommendations thereon. This law shall be operative within the Town and within one mile from Town limits, and procedure under this law shall be that provided in the Uniform Building Code.

4.0506 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0507 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.06 – Miscellaneous Offenses

Section

4.0601 – Peddlers- pg 52

4.0602 – Spitting on Sidewalks and in Public Places

4.0603 – It shall be Unlawful for Any Person to Loiter

4.0604 – Women or Children – Insulting or Ridiculing

4.0605 – Separability- pg 53

4.0606 – Penalty- pg 53

4.0601 – Peddlers

The practice of going in and upon private residences in the Town of Stickney, South Dakota, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or peddling or hawking the same, is hereby declared a nuisance, and is punishable as such nuisance as a violation of this section.

4.0602 – Spitting on Sidewalks and in Public Places

No person shall expectorate upon any street, sidewalk, or upon the floor of any public conveyance or any theater, depot, church, school, or any other public building within the Town.

4.0603 – It shall be Unlawful for Any Person to Loiter

It shall be unlawful for any person to loiter, stand, or sit in or upon any public street, alley, sidewalk, or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner annoy or molest persons passing along the same.

4.0604 – Women or Children – Insulting or Ridiculing

It shall be unlawful for any person to wantonly or willfully insult, annoy, or publicly ridicule any woman or child, or to, in the presence of any woman or child, use vulgar, profane, or obscene language, or to publicly apply vulgar, profane, or obscene epithets to or concerning any woman or child, or to, upon the street or in any public place, wantonly or willfully, attempt to irect public attention to or concerning any woman or girl in a manner intended or likely to expose her to ridicule or unusual notice, or to cause her annoyance or mortification, or to against her will or consent, quarrel with, attempt to quarrel with, or accompany her.

4.0605 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0606 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title IV – Offenses

Chapter 4.07 – Offenses Relating to Public Places

Section

4.0701 – Crowds Obstructing Streets and Sidewalks- pg 54

4.0702 – Obstructing Streets- pg 54

4.0703 – Deposits on Streets- pg 54

4.0704 – Goods on Sidewalks- pg 54

4.0705 – Noisy Advertisements- pg 54

4.0706 – Signs, Injury, or Alterations- pg 55

4.0707 – Signs on Sidewalks- pg 55

4.0708 – Water Freezing on Streets- pg 55

4.0709 – Barbed Wire Fence: Prohibited- pg 55

4.0710 – Separability- pg 55

4.0711 – Penalty- pg 55

4.0701 – Crowds Obstructing Streets and Sidewalks

It shall be unlawful for persons to gather in crowds or groups or for any person to stand on, or to permit any vehicle or animal to remain on, any public street or sidewalk in the Town, in a manner so as to obstruct free passage thereon or to annoy any person passing along the same.

4.0702 – Obstructing Streets

It shall be unlawful to erect or maintain any building, fence, or structure which encroaches upon any public street, or upon any public property.

4.0703 – Deposits on Streets

It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waster material or any glass, or other articles which may do injury to any person, animal, or property.

4.0704 – Goods on Sidewalks

It shall be unlawful for any person to place any goods, wares, or merchandise for exhibition or sale upon public street, alley, sidewalks, or any public grounds in the Town of Stickney, South Dakota, or place or be caused to be places thereon, any goods, wares, or merchandise, or bottles, cans, packages, barrels, or other containers, at any time for exhibition, sale or any other purpose, or place or cause to be placed thereon, any advertising sign, bicycle rack, popcorn stand or rack, or any other moveable property, article, or material which in any manner obstructs or interferes with the free use of such public street, road, alley, sidewalk, or public ground.

4.0705 – Noisy Advertisements

No person shall be allowed to advertise within the corporate limits of the Town, an auction business, theater, or any other public entertainment, by loud calling or ringing of bells, or using amplifiers or other loud speaking equipment, or by the use of any noisy devise of any kind, provided that his section shall not apply to the ringing of church bells, or school bells or to the use of other signals in case of fire, or Civil Defense.

4.0706 – Signs, Injury, or Alterations

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, and no person shall nail, paste, paint, or otherwise affix in any manner, any sign, advertisement, picture or design whatever, upon any bridge, viaduct, sidewalk, crosswalk, curb, or upon the railing of approaches of any bridge, viaduct, or sidewalk, or upon any telephone, telegraph, electric light, or fire alarm pole or post.

4.0707 – Signs on Sidewalks

No person shall paint any sign or other advertising matter upon the sidewalks of this Town.

4.0708 – Water Freezing on Streets

No person shall pour, place, throw, or otherwise discharge water upon any street or alley in the Town, during a time when the temperature of said Town is below freezing.

4.0709 – Barbed Wire Fence: Prohibited

The use or erection of barbed wire or electrical fence is prohibited in the Town.

4.0710 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

4.0711 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.01 – Names, Grades, and Widths of Streets

Section

5.0101 – Names of Streets and Avenues

5.0102 – Street Grades

5.0103 – Roadway Widths

5.0104 – Separability

5.0101 – Names of Streets and Avenues

The names of the streets and avenues in the Town heretofore designated are hereby fixed and adopted in accordance with and as shown by the map of the Town now on file in the office of the Municipal Finance Officer, where is hereby designated and adopted as the official map of Stickney, South Dakota.

5.0102 – Street Grades

The grades of the streets and avenues in Stickney as heretofore established and as shown on the street profiles on file in the office of the Municipal Finance Officer are hereby established and designated as the official grades of the streets of Stickney, South Dakota, and the profiles on file as aforesaid in the office of the Municipal Finance Officer are hereby adopted as the official record of the street grades in Stickney.

5.0103 – Roadway Widths

The width of the roadways between curb lines for vehicular traffic on the various streets and avenues in Stickney heretofore established are hereby fixed and established in accordance with the official record of the width of roadways in the Town as now on file in the office of the Municipal Finance Officer and are hereby adopted as the official record of the width of roadways in Stickney, South Dakota.

5.0104 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title V – Public Places, Ways, and Improvements

Chapter 5.02 – Parks and Parkways

Section

5.0201 – Town Park Development

5.0202 – Control of Parks and Parkways

5.0203 – Picnic and Recreational Areas

5.0204 – Animals in Parks or Parkways

5.0205 – Disorderly Conduct and Loafing in Parks

5.0206 – Traffic

5.0207 – Hours- pg 57

5.0208 – Trimming Trees- pg 58

5.0209 – Dangerous Trees Removed- pg 58

5.0210 – Separability- pg 58

5.0211 – Penalty- pg 59

5.0201 – Town Park Development

The City Maintenance Person shall be the Superintendent of Parks. Such Superintendent of Parks shall perform such duties as may be assigned to him/her by the governing body in the management and control of parks and park property.

5.0202 – Control of Parks and Parkways

All lots, parcels of ground, or tracts of land, whether inside or outside of the corporate limits of Stickney, and designated as city parks, and all parkways on streets or boulevards, shall be under the control and jurisdiction of the Stickney Park Department.

5.0203 – Picnic and Recreational Areas

All persons using any picnic, recreational, or playground area and equipment in any city park, shall be responsible for the proper care of such equipment and shall clean up all litter and refuse caused by their occupancy before leaving such area.

5.0204 – Animals in Parks and Parkways

No person shall allow any horse, cow, goat, or other animal to be at large in any city park or parkway in the Town of Stickney, nor shall any person lead, drive, or ride any horse upon any lawn flower bed, sidewalk, or any other area in any Town park, or upon any parkway.

5.0205 – Disorderly Conduct and Loafing in Parks

No person shall act in a disorderly, unchaste, or lewd manner or habitually loaf or sleep on the ground or on benches within the Town parks.

5.0206 – Traffic

All ordinances governing travel or traffic upon the streets of Stickney shall be applicable within and upon all Town parks.

5.0207 – Hours

All Town parks shall be closed to the public each day from 10:00 pm until daylight the following morning, except upon special permission from the Chief of Police in charge of the area.

5.0208 – Trimming Trees

All trees standing on any lot or street, or trees overhanging any sidewalk or street in the Town of Stickney, shall be trimmed so that the space from the sidewalk or street to the lower branches on any or all such trees, shall not be less than ten feet.

It shall be the duty of the owner, or occupant of any lot, parcel of ground, or tract of land abutting or borderly upon any sidewalk adjoining his/her property, to keep all trees upon said property trimmed in conformity with this section, and if the owner or occupant shall fail or refuse to comply with the requirements of this section after being notified by the Park Superintendent, said officer may have the said trimming done and report the reasonable costs to the Municipal Finance Officer and such amount shall be assessed against the adjoining property.

The owner or occupant of any lot, parcel of ground, or tract of land shall keep all trees standing on such lot, parcel or ground, or tract of land, trimmed so that the branches and leaves thereof do not obstruct or interfere with any street light, wire, post, or equipment of the Town in any street in the Town.

5.0209 – Dangerous Trees Removed

The owner of any property upon which, or in the parking adjoining which, there is any tree constituting a hazard to persons or property, shall remove the same at his/her own expense. In case such owner shall neglect or refuse to remove such tree after being notified by the Park Superintendent, the tree may be removed by the Park Development, and the reasonable cost for such moving shall be reported to the Finance Officer and such amount shall be assessed against the property.

5.0210 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

5.0211 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.03 – Sidewalk Snow Removal

Section

5.0301 – Duty of Owner or Occupant

5.0302 – Removal by Town

5.0303 – Method of Assessment

5.0304 – Separability- pg 61

5.0305 – Penalty- pg 61

5.0301 – Duty of Owner or Occupant

It shall be the duty of the owner or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk free from snow and ice at all times. When it is impossible to take the snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or occupant shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel.

5.0302 – Removal by Town

Cost assessed. If the owner or person in possession or in charge of said lots, parcels, or plots of ground, fails or refuses to remove the snow or ice from such sidewalk within six hours after written or verbal notice to such person to make such removal, the Town shall remove, or cause to be removed, said snow or ice, and assess the cost thereof against the fronting or abutting property.

5.0303 – Method of Assessment

The President of the Board shall cause an account to be kept against each lot, parcel, or plot of ground, for the removal of snow from the sidewalk each year, and the same shall be certified to the Clerk of the Board on or before the 15th day of May each year. The Finance Officer shall prepare an estimate of the assessment against each lot for the removal of snow for the preceding winter and fall and submit the same to the Board of Trustees for its approval on or before the first day o June each year, and shall publish in the official newspaper a notice to property owners of the time and place when the Board of Trustees will meet for the purpose of approving such estimate.

Upon the day so names, the Board of Trustees shall meet, and if they find said estimate correct, shall approve the same as modified and corrected and file such assessment with the Finance Officer. From the date of such approval and filing, the same shall be a special lien against, the various pieces of property described in said assessment and shall be collected in like manner as special assessments are not collected from public improvements.

5.0304 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

5.0305 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.04 – Sidewalk Construction

Section

5.0401 – Supervision of Sidewalk Construction

5.0402 – Specifications for Sidewalks

5.0403 – Width of Sidewalk

5.0404 – Notice to Owners

5.0405 – Construction or Repair by Town

5.0406 – Liability of Owner for Failure to Repair- pg 63

5.0407 – Separability- pg 63

5.0408 – Penalty- pg 63

5.0401 – Supervision of Sidewalk Construction

The building and construction of all sidewalks within the streets shall be done under the supervision of the Town Maintenance Person, and shall be laid and constructed according to the lines and grades furnished by the Chief of Police.

5.0402 – Specifications for Sidewalks

The construction of sidewalks, whether done by the owner for the fronting or abutting property, by the Town direct, or through a contractor, shall be according to the specifications for sidewalks on file in the Chief of Police’s Office. All sidewalk construction and repair shall be of concrete.

5.0403 – Width of Sidewalk

The width of all sidewalks in the residential district shall be five feet and the outer edge of such sidewalk shall be six feet from the property line. In the business district, sidewalks shall be constructed from the curb line to the property line.

5.0404 – Notice to Owners

Whenever the Town Board shall deem it necessary to construct, rebuild, or repair any sidewalk, it shall notify all owners of lots adjoining such sidewalk to construct, rebuild, or repair the same at their own expense within a time designated. Such notice shall be in writing and either being served personally on each said owner or by publication once in each week for two consecutive weeks. It shall set forth the character of the work and the time within which it is to be done. Such notice may be general as to the owners, but must be specific as to the description of such lots.

5.0405 – Construction or Repair by Town

If such sidewalk be not constructed, reconstructed, or repaired in the manner and within the time prescribed, the Town Board by resolution may cause the same to be done and the cost thereof assessed against the lots, plots, or parcels of land fronting or abutting upon the sidewalk so constructed, reconstructed, or repaired as provided in SDCL9-46-4, 5, and 6.

5.0406 – Liability of Owner for Failure to Repair

Any owner of real property who shall fail to keep in repair the sidewalks in front or along such property if he/she resides thereon, of if he/she does not reside thereon, to repair the same forthwith when notified, shell be held liable to the Town for any damage cause by such neglect.

5.0407 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

5.0408 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.05 – Weeds

Ordinance #2003-1 – Amend Chapter 5.05 – Weeds, Grass, and Vegetation

(Adopted July 7, 2003)

Section

5.0501 – Definitions- pg 64

5.0502 – Duty to Cut, Curb, and Grub Weeds, Grass, and Vegetation- pg 64

5.0503 – Notice to Abate: Cut, Curb, or Grub Weeds, Grass, and Vegetation- pg 65

5.0504 – Action Upon Non-Compliance- pg 65

5.0505 – Cost Assessed- pg 65

5.0506 – Recovery by City- pg 65

5.0507 – Exception- pg 65

5.0508 – Separability- pg 66

5.0509 – Penalty- pg 66

5.0501 – Definitions

The following named weeds, grass, and vegetation shall be deemed dangerous and unhealthy and are declared to be nuisances: ragweed, pusley, pigweed, nettle, thistle of any kind, sunflower, goldenrod, tumbleweed, burdock, cocklebur, sandbur, wild oats, sticktight, milkweed, mustard, barberry, creeping Jennies, quack grass, and any and all other variety of weeds and vegetation deemed to be noxious, obnoxious, dangerous, and unhealthy or deemed to be a nuisance by the city maintenance officer or health officer and all other weeds and grasses growing upon any lot or parcel of land in the Town of Stickney to a greater height than 10 inches or which have gone or are about to go to seed are deemed to be and are hereby declared a nuisance.

5.0502 – Duty to Cut, Curb, or Grub Weeds

Permitting weeds, grass, and vegetation to grow as defined above on any lot, parcel of land, or area including vacant lots is hereby declared to be a nuisance and it shall be the duty of the occupant, person in charge, or owner or holder of any lot, parcel of land, or area within the Town of Stickney or the agent of such owner or the occupant of such lot, piece of land, or area on such lot, parcel of land, or area or upon any sidewalk abutting the same, to prevent the growth of any weeds, grass, vegetation, or deleterious, unhealthful growths or other noxious matter as defined above that may be growing, lying, or located thereon, and to cut, curb, or grub the same as hereinafter provided.

5.0503 – Notice to Abate: Cut, Curb, or Grub Weeds, Grass, Vegetation

If any occupant, person in charge, or owner or holder of any lot, parcel of land, or any grass lot or lawn in front of the same, within the Town shall fail or neglect to cut, curb, or grub any weeds, grass, vegetation as defined above, the President of the Board may by proper notice to any such person require all noxious weeds and vegetation to be cut, curbed, or grubbed by giving a general notice to the occupant, person in charge, or property owners to destroy such weeds. This notice may be given by the Municipal Finance Officer by publication once a week for two consecutive weeks in the official newspaper of the Town of Stickney. In the alternative, the Town Maintenance Officer or Health Officer is hereby authorized and empowered to notify in writing the owner or occupant of any such lot, parcel of land, or area within the Town or the agent of such owner or occupant of such premises, to cut, destroy, or remove any such weeds, grass, vegetation, 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, occupant or agent at his last known address.

5.0504 – Action Upon Non-Compliance

Upon failure, neglect, or refusal of any owner, occupant, or agent so notified to comply with said written notice by certified mail from the Town Maintenance Officer or Health Officer within a reasonable time after the mailing thereof, or within 10 days after the last publication of said notice by the President of the Town Board, The Town Board is hereby authorized and empowered to provide for the cutting destroying, or removal of such weeds, grass, vegetation, or deleterious matter or other noxious growths and to defray the cost of the destruction thereof by special assessment the expense thereof, shall be certified to the Municipal Finance Officer as follows.

5.0505 – Cost Assessed

The Municipal Finance Officer shall cause an account to be kept against each lot or parcel of land for the destruction of noxious weeds, gross, vegetation, and other deleterious matter as defined above upon said lot or parcel of land herein provided and shall thereupon certify said account showing the amount, the description of the property and the owner thereof to the Assessor who shall thereupon add such assessment to the County or general assessment against said property and shall certify such special assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes and when collected, shall be transferred into the general fund of the Town. Said assessment shall be subject to review and equalization the same as assessment or tax for general purposes.

5.0506 – Recovery by City

In lieu of spreading the cost of the destruction of such noxious weeds, grass, vegetation, 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.

5.0507 – Exception

The following shall be considered an exception to this Chapter: Property located directly adjacent to and surrounding the lagoon of the Town of Stickney.

5.0508 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

5.0509 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.06 – Junk Enclosure

Ordinance #2002-2 – Amend Chapter 5.06 – Junk Enclosure and Regulation of Junk Vehicles

(Adopted June 4, 2002)

Section

5.0601 – Prohibition

5.0602 – Construction

5.0603 – Maintenance

5.0604 – Location- pg 67

5.0605 – Junk Motor Vehicle Defined- pg 68

5.0606 – Parking of Junk Motor Vehicles on Public Rights of Way Prohibited- pg 68

5.0607 – Parking of Junk Motor Vehicles on Private Property Prohibited: Exceptions- pg 68

5.0608 – Removal Procedure- pg 68, 69

5.0609 – Separability- pg 70

5.0610 – Penalty- pg 70

5.0601 – Prohibitions

It is prohibited within the Town of Stickney for any person, firm, corporation, or company to permit or allow the storage or the accumulation of junk whether upon his/her own premises or upon premises under his/her control unless said junk is inside of a structure on said premises or unless said junk is enclosed by a fence as described in Section 5.0602.

5.0602 – Construction

The fence shall consist of lumber or other rigid building material. It shall be substantially uniform in height, constructed with safe posts and supporting members and except for supporting members, the lower line of the fence shall not be in excess of six inches above the ground level and the height of the fence as measured from the lower line shall not be less than six feet. If strips of fencing material are sued, the strips shall not be less than four inches in width and shall not have more open space than one-half inch between such strips.

5.0603 – Maintenance

The fence as described in 5.0602 of this ordinance shall be painted and shall be maintained in a state of good repair.

5.0604 – Location

The fence as described in this ordinance shall be set in, not less than one foot from the property line. In the event that the premises upon which junk is stored is adjacent to or is traversed by a railroad track, then that portion of the premises adjacent to and parallel to such railroad track shall not be required to be fenced.

5.0605 – Junk Motor Vehicle Defined

1. A “motor vehicle” is any truck, automobile, snowmobile, motorcycle, tractor, farm vehicle, motor home, or other vehicle designed or ever modified to be propelled by power other than muscular power.
2. A “junk motor vehicle” is any motor vehicle as defined in sub-section 1 of this section which is:
   1. Not mechanically sound to the extent of being drivable on its own power.
   2. Not drivable by reason of flat or un-inflated tires or the removal of any part necessary for the safe operation of the vehicle.
   3. Any motor vehicle required to be registered by state law as a condition of being operated on public highways that is not currently registered and displaying a current registration plate.

5.0606 – Parking of Junk Motor Vehicles on Public Rights of Way Prohibited

No person shall park any junk motor vehicle or permit any junk motor vehicle owned by him to be parked on any street, alley, or other public right of way in the Town of Stickney.

5.0607 – Parking of Junk Motor Vehicles on Private Property Prohibited: Exceptions

No person shall park any junk motor vehicle or permit any junk motor vehicle owned by him to be parking on any private property except:

1. If it is stored in a fully enclosed garage, shed, or other structure
2. If it is parked inside an enclosure fence as specified in section 5.0602 of this Chapter.
3. A junk motor vehicle that is intended in good faith by the owner to be repaired may be parked on private property for a period not to exceed 120 consecutive days.

5.0608 – Removal Procedure

1. It shall be the duty of the Town maintenance supervisor to report monthly to the Town Board the description, location, license number, if any, of all motor vehicles in the Town:
   1. Which are parked on any street, alley, or other public rights of way which are subject to registration by state law and which do not display a current registration plate.
   2. Which appear to have been parked in the same place on any street, alley, or other public right of way for more than 72 consecutive hours.
   3. Which appear to have been parked in the same place on private property (other than within an enclosure as specified in section 5.0607 sub-section 1 or 2) for more than 120 consecutive days.
   4. Which the maintenance supervisor reasonable suspects to be parked on a street, alley, or other public right of way in violation of this ordinance.
2. The Town Board shall cause notice to be given in connection with any vehicle which is identified to it pursuant to subjection 1 of this section.
   1. By certified mail, return receipt requested, to the last registered owner of the vehicle, if it is a vehicle subject to registration.
   2. By certified mail, return receipt requested, to the person having charge of the vehicle or having charge of the property on which it is parked, if known.
   3. By placing a notice on the vehicle, by taping it to a window or otherwise securing it in conspicuous place, so long as such notice can be placed without committing a trespass.
3. The notice shall inform the recipient substantially of the following:
   1. A description of the vehicle and that the vehicle may be illegally parked in violation of Town Ordinances.
   2. Of the date, time, and place of a hearing to be held before the Town Board to determine whether the vehicle is illegally parked.
   3. That if the vehicle is determined by the Town Board to be an illegally parked junk vehicle, it will be ordered to be removed.
   4. That notice of an order to remove a vehicle will be made orally at the hearing and that no further notice will be given.
   5. That any vehicle that is ordered to be removed by the Town Board must be removed within 15 days of such order.
   6. That any vehicle ordered to be removed by the Town Board that is not removed within 15 days shall be towed and impounded on the order of the Chairman of the Town Board (who may delegate such authority to the maintenance supervisor, the Chief of Police, or any member of the Town Board) and that a fine in the amount of $250.00 will be imposed as to any vehicle not removed as required.
   7. That any vehicle towed and impounded on the order of the Chairman of the Town Board shall be towed, impounded, and stored at the expense of the owner or other person claiming such vehicle.
   8. That if the owner or person having control of the vehicle fails to appear at the hearing, a determination will be made that the vehicle is a junk motor vehicle and that it is parked in violation of Town Ordinances.
4. Upon a determination by the Town Board that a vehicle is illegally parked pursuant to this ordinance, notice shall be given thereof, orally to any person who is represented at the hearing provided for in this ordinance, that such vehicle must be removed and legally parked within the municipal limits or otherwise removed from the municipal limits of the Town, not later than 12:00 o’clock midnight of the 15th day following the hearing. A failure to so remove a vehicle shall be punished by a imposition of a fine of $250.00
5. Any vehicle subject to removal under the terms of sub-section 4 of this ordinance that is not removed within the time set forth in that sub-section shall be removed by towing at the direction of the Chairman of the Town Board or his designee. All towed vehicles shall be impounded by the towing agency, under the authority of the Town Board. No such towed vehicle shall be released except upon payment of (1) the fine imposed by sub-section 4 or this ordinance; and (2) the reasonable charges of the towing agency for towing and storage of the vehicle.
6. Any towed vehicle not claimed by the owner or other person within 10 days of towing may be released by the Chairman of the Town Board or his designee, to the towing agency, for disposition as an abandoned vehicle.

5.0609 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

5.0610 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

Title V – Public Places, Ways, and Improvements

Chapter 5.07 – Swimming Pool

Section

5.0701 – The Town of Stickney May Open and Operate a Swimming Pool

5.0702 – Management

5.0703 – Swimming Pool Fund

5.0704 – Authority of Lifeguards and Ticket-takers

5.0705 – Refusal of Leave Pool- pg 72

5.0706 – Power of Lifeguards and Ticket-takers to Suspend Pool Privileges: Appeal- pg 72

5.0707 – Trespassing After Hours Prohibited- pg 72

5.0708 – Separability- pg 72

5.0701 – The Town of Stickney May Open and Operate a Swimming Pool

The Town of Stickney may open and operate a swimming pool for the benefit of the public.

5.0702 – Management

The Board of Trustees shall designate the days of the year and hours of the day when the pool will be open. It shall hire the necessary lifeguards and instructors and determine their compensation. The Board shall determine the admission fee and adopt other rules and regulations for the successful operation of the pool.

5.0703 – Swimming Pool Fund

There is hereby established a Swimming Pool Fund. All receipts from the swimming pool shall be paid into said fund and all the necessary expenditures for the successful operation of the pool will be paid from such fund.

5.0704 – Authority of Lifeguards and Ticket-takers

The person or persons employed by the Town from time to time as lifeguards and ticket-takers for the swimming pool operated by the Town of Stickney shall have responsibility and authority over the swimming pool facility, bath house, and adjacent areas, for the purpose of insuring the safe and orderly use of the swimming pool facilities by the public. Lifeguards and ticket-takers shall have the authority to give such orders, commands, and instructions to all persons present at or suing the swimming pool, bath house, or adjacent areas as may be necessary or proper, in their judgment, to insure the safe and orderly use of the swimming pool facilities. Any person who fails or refuses to obey any order, command, or instruction of a lifeguard or ticket-taker, or who commits any act which, in judgment of a lifeguard or ticket-taker seriously threatens the safe and orderly use of the swimming pool facilities, may be expelled from the swimming pool, bath house, and adjacent areas by verbal command of a lifeguard or ticket-taker. Provided that the authority of the lifeguards and ticket-takers shall be, at all times, subject to the authority of the President and any member of the Town Board appointed by the President to have oversight of the swimming pool and subject to such rules and regulations as may be promulgated by the City Counsel for the governance of the swimming pool.

5.0705 – Refusal to Leave Pool

Any person who fails or refuses to immediately leave the swimming pool, bath house, and adjacent areas when verbally commanded to leave by a lifeguard or ticket-taker shall be guilty of the offense of REFUSING TO LEAVE POOL. Any person convicted of REFUSING TO LEAVE POOL shall be fined in an amount not to exceed one hundred dollars or imprisoned in the county jail for a period not to exceed thirty days, or both such fine and imprisonment.

5.0706 – Power of Lifeguards and Ticket-takers to Suspend Pool Privileges: Appeal

If, in the judgment of a lifeguard or ticket-taker, any person habitually refuses to obey orders, commands, or instructions of the lifeguards or ticket-takers, or habitually disobeys the rules promulgated by the Town Board for the governance of the swimming pool, such person may be suspended by such lifeguard or ticket-taker from the privilege of using the swimming pool facilities for any period of time up to and including the duration of the current swimming session.

Any person whose swimming pool privileges are so suspended shall, upon request, be afforded an opportunity for a hearing before the Town Board, which may affirm, revoke, or modify the order of such lifeguard or ticket-taker.

5.0707 – Trespassing After Hours Prohibited

No person shall be present in the swimming pool, the bath house, or any place within the fence enclosing the swimming pool, except during the times when the swimming pool is open to the public under the authority of a lifeguard. Any person who violates this ordinance shall be guilty of the offense of trespassing after hours and shall be fined in an amount not to exceed one hundred dollars or imprisoned in the county jail for a period not to exceed thirty days, or a combination of both such fine and imprisonment. Provided, however, that this section shall not be deemed to apply to the officers, employees, or agents of the Town of Stickney who may lawfully be present in the swimming pool facilities for the purpose of performing maintenance on the swimming pool facilities or for other lawful purposes authorized by the President of the Town Board.

5.0708 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title V – Public Places, Ways, and Improvements

Chapter 5.08 – Capital Improvement Programs

Section

5.0801 – Capital Improvement Programs

5.0802 – Separability

5.0801 – Capital Improvement Programs

The Town of Stickney, South Dakota, shall annually update a priority schedule of necessary municipal capital improvements. These improvements shall be projected for a period of five years and so prepared as to show the general description, justification, estimated cost of each individual capital improvements. The priority schedule shall also include a proposed method of financing, and the year in which the project is to be undertaken.

5.0802 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title VI – Sewers and Sewage Code

Chapter 6.01 – Sewer and Sewage Code

Ordinance #2003-11 – Amend Chapter 6.01 – Sewer and Sewage Code

(Amended February 4, 2004)

Section

6.0101 – Sewage System- pg 75

6.0102 – Sewer Service Charge- pg 75

6.0103 – Collection of Sewer Service Charge- pg 75

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6.0109 – Sewer Connections at Owner’s Expense- pg 76

6.0110 – Owner’s Duty to Maintain Private Sewer Lines and House Connections- pg 77

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6.0112 – Separability- pg 77

6.0113 – Penalty- pg 77

6.0114 – Discharge of Surface and Ground Water into Sanitary System Prohibited- pg 77

6.0101 – Sewage System

The Town of Stickney, South Dakota, shall maintain and operate a system for the collection, treatment, and disposal of sewage and other domestic, commercial, and industrial wastes.

6.0102 – Sewer Service Charge

There shall be charged to each sewer user receiving sewer services a sewer charge in the following amount: Within the corporate limits of the Town of Stickney - $22.00 per month for each user. Outside of the corporate limits of the Town of Stickney - $33.00 per month for each user. (Amended January 4, 2005)(Amended November 9, 2010)

6.0103 – Collection of Sewer Service Charge

The sewer charge shall be collected with and part of the water bill and shall be credited to the Sewer Fund. If any such charge is not paid when due, the Town may forthwith disconnect the premises from the water system and such premises shall not be again connected until payment of the sewer surcharge and a fee of $50.00 for reconnection. The Town shall also have a lien upon the lot or parcel of land to which such sewer service has been furnished for the amount of such sewer surcharge, which may be enforced by certified to the County Auditor or collection as other general municipal taxes are certified and collected by an action at law against the owner of said property, or the person in possession thereof receiving the benefit of such sewer service or both.

6.0103.5 – After Hours Service Calls

There shall be charged in additional to any other authorized charge, the sum of $25.00 to any account owner who requires the Department to make water calls or sewer service calls after %:00 P.M. on any day, or after 12 noon on Saturdays, or at any time Sundays or holidays; and such charge shall be made as well for any call required at any time for services requiring more than ordinary inspection, or turning on or off water service. All such charges are to be added to the appropriate water bill.

6.0104 – Connection Fee

Any owner, person, firm, or corporation in possession of premise in the Town of Stickney, South Dakota, requesting sewer services and connection along any established sewer line will be charged the sum of $100.00 for the permit to connect to the sanitary sewer.

6.0105 – Application of Permits

Any owner, person, firm, or corporation in possession of any premises desiring to use the Town sanitary sewer is required to submit his/her application for a permit to connect with the sanitary sewer to the Municipal Finance Officer upon a form approved by the Town Board. The Finance Officer shall upon exhibition of said application and receipt of $100.00 permit fee grant a written permit to the applicant, authorizing any authorized contractor to make the said connection, under the supervision of the City Maintenance person.

6.0106 – Sewer to Lot Line

The Town of Stickney will, up the Finance Officer’s receipt of the $100.00 permit fee and application made by the party requesting a sewer connection, make all excavation and furnish all necessary material to bring the sewer to the curb of the Town streets of Stickney adjoining property of owners or person is possession requesting sewer service except that where sewer service is available in the alleys, the Town will bring the sewer to the lot line abutting such an alley.

6.0107 – Permit Required

No person, owner, firm, or corporation shall be permitted to hook up to or maintain a connection with the Stickney Sanitary Sewer without make proper application for a permit and tendering the permit fee hereinbefore provided.

6.0108 – Connection to Sewers

The owner of any house or building, occupied, or used by any person shall, within 30 days from the time of receiving from the Town, a written notice to do so, connect such house or building tot eh Stickney Sanitary Sewer. The connection must be made as to comply with all the rules and regulations of the Town in regard to the construction and use of sewers and be inspected and approved by the Chief of Police.

6.0109 – Sewer Connections at Owner’s Expense

All sewer connections from the public sewer to the user’s property shall be at the expense of the owner or user and the Town shall be responsible for no expense in connection therewith.

6.0110 – Owner’s duty to Maintain Private Sewer Lines and House Connections

If any person, firm, or corporation shall fail to properly maintain a private sewer line or any house service sewer line, the supply of Town water may be shut off from the premises served as provided for in the Water Code.

6.0110.5 – Returned Check Fee

A fee in the amount of $30.00 will be added to the next monthly billing for any returned checks to cover returned service charge fees

6.0111 – Sewer Tampering

No person shall open any manhole or catch basin along any sewer without prior authorization from the Chief of Police.

6.0112 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

6.0113 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than two hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

6.0114 – Discharge of Surface and Ground Water into Sanitary System Prohibited

No person shall cause or permit any source water, ground water, or seepage to be in any manner discharged or deposited into the sanitary sewer system, whether by sump pump, floor drain, or otherwise. A violation of this section shall be subject to the penalty provisions of Section 6.0113 hereof. (Adopted March 4, 1996)

Title VII – Traffic Code

Chapter 7.01 – Traffic Regulations

Section

7.0101 – Speed Limit- pg 78

7.0102 – Every Person Operating a Motor Vehicle- pg 78

7.0103 – No Person Shall Place, Drive, or Ride Any Property, Etc.- pg 78

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7.0101 – Speed Limit

No person shall operate a motor vehicle upon the streets or alleys of the Town of Stickney, South Dakota, at a speed greater than 20 miles per hour.

The speed limit on the road bisecting the Town, commonly known as U.S. Highway 281, shall be as follows to conform to the stat speed limit filed June 6, 1978: Beginning 45/100 of a mile south of the intersection of Main Street and U.S. Highway 281 in the Town of Stickney, then north 35/100 of a mile 45 miles per hour; then north 35/100 of a miles 35 miles per hour, then north 20/100 of a miles 45 miles per hour.

7.0102 – Every Person Operating a Motor Vehicle

Every person operating any vehicle, motor or otherwise, upon the streets or alleys of the Town of Stickney shall at all times keep such vehicle upon the right side of such street or alley.

7.0103 – No Person Shall Place, Drive, or Ride Any Property, Etc.

No person shall place, drive, or ride any property, vehicle, or animal on any sidewalk in this Town unless it is in crossing the same to go into any alley or upon a lot where no other crossing or other means of access exists.

7.0104 – Parking

No person shall park any motor vehicle on Main Street in the Town of Stickney or within one block thereof unless the right front wheel shall be within 12 inches of the curb line of said street, the longitudinal axis of such motor vehicle to be at an angle of 45 degrees from such curb line. No person shall park any motor vehicle in an alley in said Town or within 16 feet of any fire hydrant. No person shall park or leave any motor vehicle upon any street or alley within such Town, when the motor or engine of such vehicle shall be running unless such motor vehicle shall be attended by some person legally capable of operating such vehicle.

7.0105 – Stop Sign and Stopping

The driver of any vehicle approaching Main Street in the Town of Stickney upon intersecting street or driveway, and intending to cross or turn into said Main Street, shall bring such vehicle to a full stop immediately before entering onto Main Street. The Board of Trustees shall cause to be displayed stop signs at each approach on Main Street.

7.0106 – Left Hand Turns

No person, while driving or operating any vehicle up the streets of the Town of Stickney, shall turn such vehicle in what is commonly known as a U-Turn or left hand turn at any point on such street except at an intersection thereof with a cross street or avenue, or at an established private driveway.

No person shall make a U-Turn at any intersection which has been marked with a sign prohibiting U-Turns.

7.0107 – Caution

No person shall run or operate any motor vehicle upon the streets or alleys of the Town of Stickney in a reckless, careless, or negligent manner.

7.0108 – Stop Signs at Through Highways and Hazardous Intersections

The Board of Trustees may designate main traveled highways or arterial highways and streets and hazardous intersections by erecting at the entrance thereto from intersecting highways, signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highways, and whenever such signs shall have been so erected, it shall be unlawful for the driver of any vehicle to fail to come to a full stop in obedience thereto and to proceed before such main traveled or designated highway is free from oncoming traffic which may affect safe passage. All such signs shall be illuminated at night or so placed as to be illuminated by headlights of an approaching vehicle or street lights.

7.0109 – Pedestrians’ Rights and Rules

No pedestrian shall go from one side of the street to the other except on regular crosswalks upon any street in the business section or on any through street. A pedestrian shall use the right half of the crosswalk when crossing a street.

7.0110 – Pedestrians’ Right of Way

The operator of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block or entrance to an alley. Whenever any vehicle has stopped at a crosswalk or intersection to permit a pedestrian to cross a roadway the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

7.0111 – Careless Driving

No person shall drive a vehicle within the Town of Stickney carelessly or heedlessly in disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

7.0112 – Exhibition Driving

No person shall drive a vehicle within the Town of Stickney in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slid upon acceleration or stopping, unnecessary horn honking, or that simulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway.

7.0113 – Open Container

It shall be unlawful for any person to have a package or any receptacle containing an alcoholic beverage in his/her possession in a motor vehicle unless the seal of the original package remains unbroken or the alcoholic beverage is so removed that no occupant of the motor vehicle shall have access to it while the vehicle is in motion.

7.0114 – 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 except as may be specifically allowed in this Title.

7.0115 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

7.0116 – Penalty

Any person, firm, entity, or corporation violating any provision of this Chapter shall, upon conviction thereof, be guilty of a Class II misdemeanor and shall be punished by a fine not to exceed $200.00. Each day that a violation of this Chapter exists shall constitute a separate offense punishable as set forth herein. (Amended August 17, 2005)

7.01125 – Engine Compression Brakes: Definitions

Dynamic braking devices are a devise used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. Such devises are commonly referred to as a dynamic engine brake system, engine compression brakes, Jacob’s brakes, or “jake brakes.” (Adopted August 17, 2005)

7.01126 – Prohibited Noises

It shall be unlawful for any person within the Town of Stickney or within one mile of its territorial limits to make, or cause to be made, loud, or disturbing noises with any mechanical devises operated by compressed air and used for purposes of assisting braking on any vehicle.

(Adopted August 17, 2005)

7.01127 – Exceptions

Such prohibition shall not apply if an emergency situation exists, and the use of the engine compression brakes is necessary for the protection of persons or property. (Adopted August 17, 2005)

7.01128 – How Enforced

Appropriate signs notifying all trucks equipped with a dynamic engine brake restriction shall be posted in conspicuous areas of the Town of Stickney. (Adopted August 17, 2005)

Title VIII – Water Code

Chapter 8.01 – Regulations

Section

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8.0101 – Definitions

The term “Water Department” when used in this Chapter shall mean that depart of the Town Government having charge and control of the Municipal Water Plant and any and all property pertaining thereto of the Town of Stickney, South Dakota.

The term “Superintendent of Water and Sewers” shall mean the Chief of Police who will have under his/her special charge the water and sewer departments of the Town.

8.0102 – General Rules and Regulations

The following rules and regulations are hereby established for the governing of the Water Department of the Town of Stickney and the control of all persons doing any plumping in and upon any of the mains, connections, or appliances appertaining to the Town Waterworks.

Any person applying for and receiving water from the waterworks system belong to the Town, receives such water on the express condition that such water is taken subject to all rules, regulations, and penalties provided by the Town for any infraction of said rules and regulations.

The rules and regulations prescribed by this Chapter shall not be considered as a contract between the Town and any parties affected thereby in a manner as to prohibit the Board from altering or amending the same, or from establishing such additional and reasonable regulations as may from time to time appear to be necessary.

No person, firm, corporation, or association shall willfully and wantonly waste any metered water in the Town of Stickney.

If any plumber fails to obey all regulations set forth in the Water Code, it shall be within the authority of the Superintendent of the Water Department to refuse any more permits to said plumber until all violations have been corrected.

8.0103 – Approval Required

It shall be unlawful and it is prohibited for nay plumber, owner, or occupant of any premises, or any person, to turn on the water or to cause the water to be turned on connecting the plumbing and water pipes, installations and fixtures on any premises, or any part thereof, with the water distribution system of the Town of Stickney unless such plumbing and water pipes, installations and fixtures shall first have been inspected and approved by the Water Superintendent of the Town of Stickney as being in conformity with the ordinances and regulations of the Town of Stickney. No water meter shall be installed by the Water Department in any premises without the prior inspection and approval of the plumbing and water pipes, installations and fixtures thereon by the Water Superintendent. In even the water is turned on to any premises without the prior inspections and approval of the plumbing and water pipes, installations and fixtures therein by the Water Superintendent as herein provided, then the Water Department may cause the water distribution system of the Town of Stickney to said premises to be shut off and the water shall not be turned on again to said premises without the approval of the Water Superintendent.

8.0104 – Unlawful Connections

It shall be unlawful for any person to lay any water service pipe or introduce into or about any building or any grounds any water pipes, or do any plumbing work in any building or on any grounds for the purpose of connecting such pipes or plumbing, either directly or indirectly to the Town water mains, or make any additions to or alterations of any water pipes, water closet, stopcock, or other fixtures or apparatus for the supply of any premises with water from the Town water means without first obtaining permit to do such work.

8.0105 – Test Completion

In no case shall any plumber or person, after the completion and test of any plumbing work, if it be the first introduction of service pipe, leave the water turned on in the premises.

When the plumbers make repairs to pipes or fixtures on any premises, they shall leave the water turned on or turned off as they found it to be when they entered upon the premises to make such repairs. When a plumber drains the water pipes in any building or removes a water meter for any reason, the Water Department shall be notified immediately.

8.0106 – Guarding Excavations

No person shall leave any excavation open unless the same shall be properly guarded and barricaded in the daytime, and in the night time it shall be further guarded by lighted red lanterns, flares, or torches at the excavations, which shall be kept lighted from half an hour after sundown until an hour before sunrise.

8.0107 – Tap Fees

At the time of making application as hereinbefore provided, the applicant shall pay to the Municipal Finance Officer an additional sum to cover the coast of making the tap upon the water main as follows: For making each ¾ inch tap, the sum of $100.00, for making taps one inch or larger, suing a tapping sleeve and valve, the charge shall be the actual cost of labor and material, plus 10%.

No corporation stops will be inserted in the Town Mains larger than 1 ¼ inch in diameter. If a service larger than 1 ¼ inch is desired, it must be a series of taps up to and including 2 inches or a tapping sleeve and valve larger than 2 inches. (Amended January 21, 2004)

8.0108 – Service Pipe Connections

All work to be done in laying of the pipe from the main or other distributing pipe into said premises and all labor connected therewith by the provisions of this Chapter, except the making of the tap itself, shall be done at the expense of the owner or consumer, who shall at all times save the Town harmless and indemnify said Town against all accidents or damage to person or property arising from neglect in performance of the said work.

For copper pipe, use copper coupling. All property owners who shall discontinue an old service for any reason shall at his/her own expense have said old service disconnected at Town Min and if said property owner fails to do so, there shall be no water service to said premises. It shall be the duty of all plumbers in the event they replace an old service, to disconnect any discontinued service line serving said premises from Town Main. All service lines, including private lines, must run parallel, or at right angles, to the street.

8.0109 – Plastic or Copper Service Pipes

Every service pipe must be of lead or copper and laid with sufficient waving and in such manner as to prevent rupture in settlement. When lead pipe is used, it shall be of the quality designated “double extra strong” and have the following minimum weight per lineal foot:

¾ inch diameter – 4 pounds per foot

1 inch diameter – 5 pounds per foot

All copper pipe used for underground service shall be type “K” soft copper.

No service line stop or fittings shall be less than ¾ inch in diameter

The following sizes of taps in water mains shall not be exceeded:

Pipe size in inches: 3 – 4 – 6

Tap size in inches: ¾ - 1 – 1 ¼

Where more than one tap is required, such taps shall be placed at least 18 inches apart on the main, and in no case shall a tap be made closer than 24 inches from face of bell.

Service pipes must be extended from one premise to another. All underground couplings on copper pipe shall be of the flare type.

8.0110 – Depth of Service Pipe

Service pipes shall in no case be laid at a less depth than 5 feet below the lowest part of the gutter, except in the case of a lawn sprinkler system.

8.0111 – Service Ditch Inspection

No water service ditch shall be filled or service pip covered until the same shall have first been inspected by the Superintendent of Water and Sewer or his/her authorized assistants, and all persons making such service shall give at least 5 hours notice to the depart of the time such service pipe will be ready for inspection, and it shall be the duty of the said Superintendent, within reasonable time of such notice, to inspect such service and if, in his/her judgment, such service connections are properly connected and materials are of quality specified in this Chapter, he/she shall give permission for the trench to be filled, but if he/she shall find the same to be improperly made, the work must be rectified and corrected according to his/her directions.

8.0112 – Trench Refilling

All trenches and excavations made by any person in the streets, alleys or public grounds, or under the sidewalks in the Town for the purpose of making a sewer or water connection, shall be partially filled with dirt, wet down with water, and thoroughly tamped or puddle; and such process continued until all of the earth removed from the excavation is put back into the trench, leaving the road or street in a smooth, even, and firm condition.

8.0113 – Stop Cocks and Waste Cocks

There shall be a brass curb stop in each service pipe. Such stop shall be of the inverted ground key type and be under the exclusive control of the Water Department, said curb stop to be place in the pipe on the outer side of the sidewalk or at the alley line, where it is readily accessible at all times, and no person not a direct employee of the Town shall open or close or otherwise interfere with said curb stop. In no case shall a curb stop be places on private property. There shall also be a stop cock in every cellar or basement served, of the compression stop and drain type, to enable consumers to turn the water off in case of accidents to the pipes on the premises and to drain the pips to prevent freezing.

No drains shall be placed or maintained in curb stops.

8.0114 – Stop Boxes

All curb cocks shall be provided with a box or tube of approved pattern, and the top of each box or tube be placed on the level with the grade of the sidewalk; and no premises shall be supplied without said box being in good order. In case of neglect or refusal of the occupant or owner to provide or repair the box within a reasonable time after being notified, the Water Department shall cause it to be done and charge the expense thereof plus 10% against the premises.

Contractors of any kind doing any kind of work in the Town Streets shall be responsible for breaking of valve boxes, curb boxes, or any appurtenances connected with the Water Systems.

8.0115 – Separate Cut-Off Box

Each separate building, or water consumer location, must have its own separate cut off, placed at the outside edge of the sidewalk or in the alley; provided that when two or more buildings are already supplied through one service connection and one cut off, such service may be continued until separate service and cut offs are orders; but if the water rent for any of the said buildings shall become delinquent and so remain for a period of thirty days, the water supply may be cut off from all of the said buildings and shall not be again turned on until such delinquent rent and a penalty of $5.00 for turning on and off, is paid. The Water Department may order separate service connections for any such building already supplied through one service if or whenever the Town Main has been laid in the Street adjacent to said building. (Amended January 21, 2004)

8.0116 – Control Valve – Private Lines

On all private water lines connected to a Town water main, there shall be installed at the expense of the owners and at the direction of the Superintendent of Water and Sewer, a control valve between the Town water main and the lot line so that the water may be shut off from said private line.

8.0117 – Service Pipe Responsibility

The Water Department will not be responsible for service pipes and fixtures. All service pipes and fixtures on the premises and up to the tap of the Town main shall be installed and kept in good working order, and properly protected from frost and other danger, at the expense of the owner or person in possession of the premises served. If such owner or person shall fails to properly repair any leaky service pipe or other apparatus promptly upon receipt of due notice from the Superintendent, his/her assistants, or any person authorized by him/her, the water may immediately be shut off from said premises and remain shut off until the necessary repairs have been made. The Town shall not be liable for any damage resulting from shutting off water for repairing or for any other purpose, or for any variation in pressure. No reduction will be made from the regular water rates because of leaking fixtures.

If a service line develops a leak between the Main and the curb box on any service pipe and is not immediately repaired, the Superintendent of the Water Department may cause said service pip to be repaired and assess the actual cost of repair plus 10% to the property.

8.0118 – Sewer Repair Procedure

If any person shall fail to promptly and properly repair any leaky, clogged, or inadequate private sewer line or house service sewer line, or if any person shall fail to promptly and properly empty or repair any septic tank, after being notified by the Superintendent of Water and Sewers to do so, the supply of Town Water may immediately be shut off from the premises of all water users on that line and shall remain shut off until the necessary repairs have been made. The Town shall not be liable for any damage resulting from the shutting off of the water, and no deductions shall be allowed from the regular water rates during the period that the water is shut off. The water supply shall not again be turned on to the premises until all work ordered by the Superintendent of Water and Sewers has been satisfactorily completed and a fee of $5.00 paid for turning water off and on.

8.0119 – Fire Protection

When the proprietors of lumber yards, garages, shops, halls, stores, hotels, or public buildings, regular customers of the water works, wish to lay larger pipes with hydrants and hose couplings, to be used only in case of fires, they will be permitted to connect with the street main at their own expense, upon granting of permit by the Superintendent and will be allowed to use the water for fire purposes only, free of charge. All water lines laid for private fee fire protection must be cast iron not less than 150 pounds class and must be four inches inside diameter or larger.

8.0120 – Sprinkling

All water used for air cooling systems, streets, lawn or garden sprinkling is subordinate to domestic use or fire protection, and may be restricted at any time, should a scarcity of water or an emergency of any kind so require.

8.0121 – Pipe Substitution

The service pipes not of lead or copper, not connected in the said Town, shall not be repaired when the same become leaky, but lead or copper pipe shall than be substituted therefore. The expense of such replacement shall be paid by the owner of the property on which such service pipes are laid, and he/she shall be liable therefore.

8.0122 – Service Connections before Paving

All person owning property abutting upon streets and alleys upon which paving is ordered, shall cause water connections to be installed to the lot line of such property at such time in advance of paving work as may be ordered by the Town Board, provided that if such water connections are not installed, the Town shall cause the same to be installed and actual cost plus 10% assessed to said property as provided for sewer connections in Chapter 8.01.

8.0123 – Replacing Iron Service Pipe

All persons who premises have been connected with the water mains in the said streets, alleys, or avenues as provided for lead or copper pipe connections in this chapter, shall before work of paving commences, and at such time in advance thereof as may be ordered by the Town Board, cause said connections as above provided.

8.0124 – One Meter to Each Service

The supply of water though each separate service must be recorded by one meter only, for which only one bill will be rendered by the Town. If additional or auxiliary meters are desired for recording the subdivisions of each supply, they must be furnished and set by the owner or consumer at his/her own expense and he/she must assume all responsibility of maintaining and reading the same.

8.0124.5 – Installation of Water Meters

1. All water meters shall be the property of the Town of Stickney, It shall be the duty of the Town Maintenance Supervisor to install or have a plumber install water meters on the premises supplied with water by the Town for a fee set by the Town Board and on file with the Finance Officer.
2. Any and all repairs to said water meter shall be made at the expense of the owner of the premises or use and may be charged against the rental account of such owner or user and become payable as water rent. (Adopted June 4, 2007)

8.0125 – Meters – How Placed

Wherever possible, meters shall be located in the cellar or basement of the building to be supplied with water and provided with a stop and waste between the meter and the mina, provided, that the Superintendent of Water and Sewers may permit the locating of the meters in other places when, in his/her opinion, such meter shall be safe from frost or other destructive conditions. No meter will be allowed in a pit under the floor of a dwelling or building, unless there is a trap door directly over the meter pit, unless special permission is obtained to do otherwise. The bypass around the meter shall have an approved valve that can be locked or sealed by the Water Department. There shall also be a valve on each side of the meter.

The correct size of meter to be used on any service shall be determined by the Superintendent of the Water Department.

8.0126 – Meter Pits

All meters located outside of buildings must be placed in pits. All such meter pits shall be constructed by the property owner or water user according to plans and specifications furnished by the Water Department and placed in the location selected by the Superintendent of Water and Sewers. There also must be a regulation curb stop in each meter pit.

8.0127 – Meter Responsibility

Each owner or water user must provide at his/her own expense a suitable place for the water meter, safe from damage due to frost, hot water, steam, or other causes and accessible for examination. In all cases where the meter is injured by freezing or use of torch, or otherwise damaged by the act or neglect of the occupant of the premises, or of his/her agents or servants, the cost of repair of replacing the same shall be paid by the owner or occupant and in case of neglect or refusal to pay the same on demand, the water supply may be turned off or meter removed, or both, and shall not be again turned on until such cost and penalty of $20.00 for turning water off and on is paid.

The owner or occupant of premises where the water meter is located shall see that the meter is kept free from obstruction on or around the same and conveniently accessible during all the reasonable hours of the day for the purpose of reading, inspecting or repairing such meter.

If the consumer or property owner refuses to grant access to any water meter or refuses to keep free access to said water meter for the purpose of reading or checking by the Water Department, the water may be shut off from such property and not be turned on again until such violations have been corrected and an extra charge of $20.00 has been paid. (Amended August 17, 2005)

8.0128 – Meters Failing to Register

In cases where the water meters fail to register the amount of water passing through them by being stopped up or from any cause whatever, the quantity used shall be determined and the charge based upon the average amount used during the same period of the preceding year. If figures for the preceding year are not available, the quantity used shall be estimated as being equal to the amount used during the identical time period immediately following the repairing or replacing of the meter and the charge will be made on that basis.

In case of breakage or stoppage or any other irregularity in the meter installed by the Town, the owner or consumer is to immediately notify the Water Department.

8.0129 – Testing Meters at Request of User

Upon the written request of any owner or consumer, the Water Department will test the meter supplying the premises. If the test of the meter shows that it fails to register correctly within 2%, the Water Department shall make a charge or allow a credit in proportion to the error, for all water registered in excess of the minimum amounts allowed by the established rates.

8.0130 – Check Valve Between Meter and Boiler

Where a meter has been placed on a pipe connection to a boiler or other hot water apparatus, a check valve must be placed and maintained between such meter and the boiler or hot water apparatus, when so ordered by the Superintendent, which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for such damage.

8.0131 – Denial of Town Liability

The Town will not be responsible for damages caused by the breaking of meters or for any accidents resulting from variation in the water pressure or the ram of the water in the mains.

8.0132 – Interference – Violations

Every person who shall break or deface the seal of any water meter or who shall obstruct or injure the action of any water meter, or who shall make any connection by means of a pipe used for the delivery of water to the consumer in such a manner as to take water from said main or pipe knowingly without its passing through the meter, or who shall use any water obtained, or who shall with intent to defraud make any connection or reconnection with such main or pipe, to turn on or off, or in any manner interfere with any valve, stopcock, or other applications connected therewith, shall, upon conviction thereof, be punished as provided by this Chapter.

8.0133 – Water Rates

1. All water used from the waterworks system shall be metered and paid for by the consumer or owner of the premises served at the following rates:
   1. Within the corporate limits of the Town of Stickney
      1. First 1000 gallons or fraction thereof per month - $10.00
      2. Additional water over 1000 gallons per hundred - $0.40
   2. Outside of the corporate limits of the Town of Stickney:
      1. First 1000 gallons or fraction thereof per month - $15.00
      2. Additional water over 1000 gallons per hundred - $0.60

(Amended January 21, 2004)

1. The owner or occupant of the premises where the meter is installed shall deposit, with the City Finance Officer, $75.00. Said deposit shall be made in advance of installation and is to insure the payment of all water charges and any other charge occasioned by such water service. The deposit shall be returned to the owner or occupant when he/she ceases to use water in the Town of Stickney and upon the return of the meter in good, working order, providing all water charges are paid in full. (Amended June 4, 2007)
2. All services must be metered. The only exception permitted will be temporary service or when the installation of a water meter is impracticable. In such case, a written permit will be issued by the Finance Officer upon recommendation of the Deputy Sheriff. Such permit shall have an expiration date not to exceed one year from date of issue and shall include the monthly rate to be charged as follows:

* A minimum fee of $7.50 per month.

1. The minimum charges are in effect continuously unless the services are shut off at the user’s request or because of overdue and unpaid rents. After every such shut off, a turn on fee of $20.00 will be collected with any back payments due; the $20.00 turn on fee will be added to the next monthly billing. (Amended August 17, 2005)
2. The Town of Stickney reserves the right to apply the $75.00 water meter deposit to any unpaid bill of a consumer who relocates to a different property within the Town of Stickney and, also reserves the right to request an additional advanced water meter deposit of $75.00 for each subsequent location within the Town of Stickney. (Adopted June 4, 2007)

8.0134 – Flat Rates

All services must be metered. The only exception permitted will be temporary service where the installation of a water meter is impracticable. In such cases, a written permit will be issued by the Municipal Finance Officer upon the recommendation of the Superintendent of Water and Sewers. Such permit shall have an expiration date not to exceed six months from date of issue and shall include the monthly rate to be charged. Monthly payments must be made in advance, and the Finance Officer, by written notice, may terminate the permit at any time.

8.0135 – Non-Payments of Rentals

1. Water charges shall be paid at the office of the Municipal Finance Officer, and if not paid on or before the first of the following month after they become due, they shall become delinquent and the water may be shut off without notice. The water shall not be turned on again until all back water changes have been paid and the reconnect fee authorized by Section 8.0133(4) has been paid.
2. No person shall turn on the water to any premises from which the water has been turned off as herein provided without written authorization of the Water Department. If it is necessary to dig up a curb stop or corporation stop to shut off water for non-payment of a water bill, said cost shall be added to the water bill in addition to all other charges.
3. The owner of private property which property has upon it pipes connected with the city waterworks to convey water upon such property shall as well as the lessee or occupant of the premises, be liable to the Town of Stickney for the rents or rates of all water from said waterworks used upon said premises; which may be recovered in an action against such owner, lessee, or occupant, or against and/or all of them.
4. The owner shall be prohibited from entering into a new lease agreement for the lease of the property wherein there remains an unpaid water bill, with the same lessee(s) or new lessee(s) until such time as the unpaid water bill is paid in full.

8.0135.5 – Extra Charges for Non-Payment of Bill

All past dues rents shall be sent one notice. Any extra notices sent for legal purposes shall be added to the billing, including all postage and an extra charge of $2.50 for cost of service and bookkeeping.

8.0136 – Interfering with Fire Hydrants

No person except as authorized by the Superintendent of the Water Department, except the Fire Department in the discharge of their duties, shall open to take any water from any fire hydrant belonging to the town nor shall any person in any way interfere with, injure, break, or deface any fire hydrant. If any person requests any fire hydrant to be removed from its existing location and it is the opinion of the Water Department Superintendent and the Town President of the Board that the present location of said fire hydrant is satisfactory as far as the town is concerned, the person requesting the moving of said hydrant shall pay the entire cost of moving fire hydrant. Any person damaging a fire hydrant or water main or any connection thereto shall notify the Water Department or the Chief of Police at once, and the notify person responsible for the damage shall pay the cost of repairs or replacements.

8.0137 – Repair Shut Offs

The Town reserves the right at any time to shut off the water on any main for the purpose of repairing, making connections, extensions, or cleaning the same, and it is expressly provided that no claim shall be made against the Town by reason of such break in service. The Water Department, before shutting off water as provided in this Section, shall give reasonable notice thereof to water users affected.

8.0138 – Changing Pipes

Pipes and appurtenances already put in which are not in accordance with the provisions of this Chapter, must be made to comply with the rules laid down in this Chapter, and if not complied with in a reasonable time, the water supply will be shut off.

8.0139 – Cross Connections

No plumber or any other person shall make any cross connection to the water system of the Town with any other water system, supply from a well, cistern, or any other source whatsoever. Nor shall any plumber or any other person make any cross connection to the water system of the Town and any drain pipe, sewer pipe, or septic tank.

8.0140 – Emergencies

Should a privately owned water line break, the Department may shut off all water supply to all water users on that line forthwith, and all water service may be terminated by the Department until the break is adequately remedied, as shown by Department inspection of such repair work.

8.0141 – After Hours Service Calls

There shall be charged in addition to any other authorized charge, the sum of $5.00 to any account owner who requires the Department to make water calls or sewer service calls after 5:00 PM on any day or after 12 noon on Saturdays, or at any time Sundays or holidays, and such charge shall be made as well for any call required at any time for services requiring more than ordinary inspection, or turning on or off water service. All such charges are to be added to the appropriate water bill.

8.0141.5 – Returned Check Fee

A fee in the amount of $30.00 will be added to the next monthly billing for any returned checks to cover returned service charge fees. (Adopted January 21, 2005)

8.0142 – Liability for Damages – Interpretations

This Chapter shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, or installing any water service equipment or piping, for damages to person or property caused by any defect therein or negligence in the handling thereof, nor shall the Town be held as assuming any such liability by reason of any inspection or re-inspection authorized herein or by reason of any approval issued as herein provided, or by reason of the approval or disapproval by the Town or any employee thereof, of any equipment or installations as authorized herein.

8.0143 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

8.0144 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than two hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment. (Amended August 17, 2005)

Title IX – Alcoholic Beverages

Chapter 9.01 – Traffic in Alcoholic Beverages

Section

9.0101 – Traffic in Alcoholic Beverages- pg 94

9.0102 – Hours of Operation- pg 94

9.0103 – Employees- pg 94

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9.0107 – Possession of Alcoholic Beverages in a Public Place- pg 95

9.0108 – Purchase, Possession, or Consumption of Beverages by a Minor- pg 95

9.0109 – Penalty- pg 95

9.0110 – Separability- pg 95

9.0101 – Traffic of Alcoholic Beverages

1. No person shall sell, offer for sale, keep for sale, exchange distill, manufacture, produce, bottle, blend, or otherwise concoct or transport within the Town or within one mile of its territorial limits any alcoholic beverages as defined by statute, without having a license therefore duly issued pursuant to the provisions of SDCL Chapter 32.
2. The Town of Stickney, South Dakota, shall own and operate for profit an On-Sale and Off-Sale Liquor Store, as authorized by SDCL Chapter 35.

9.0102 – Hours of Operation

The hours and days of operation of the Town Liquor Store shall be determined from time to time by resolution of the board of Trustees. Provided, however, that in no event shall the Town Liquor Store be open at any hours or on any date prohibited by South Dakota Law.

9.0103 – Employees

The Town Board shall hire a manager who will be solely responsible for the operation of the said Liquor Store. As many other permanent and temporary employees shall be hired as the manager and Board deem necessary for the successful operation of said Liquor Store.

9.0104 – Compensation

The manager and employees of the Liquor Store shall receive such compensation as the Board of Trustees shall determine.

9.0105 – Liquor Store Fund

There is hereby established a Liquor Store Fund. All receipts of the Liquor Store shall be paid into said fund and all necessary expenditures in the operation of the store will be paid from said fund.

9.0106 – Business Practices

It is hereby acknowledged that said Liquor Store is operated for profit and the said manager is hereby authorized to operate said store in such a manner that will return the largest possible profit to the Town. However, this section does not authorize the said manager to operate the store in a way that would violate any federal or state law or town ordinance.

9.0107 – Possession of Alcoholic Beverages in a Public Place

No person shall possess, consume, dispense, or deliver, any alcoholic beverage in any public place except on the premises of a licensed on-sale dealer. Provided, however that this section shall not be deemed to prohibit possession of an alcoholic beverage in a container on which the original seal is unbroken.

For purposes of this section “public place” shall have the meaning set forth in SDCL 35-1-5.3.

9.0108 – Purchase, Possession, or Consumption of Beverages by a Minor

It shall be unlawful for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume, except when consumed in a religious ceremony and given to said minor by an authorized person, alcoholic beverages, except low-point beer, or to misrepresent his/her again for the purpose of purchasing or attempting to purchase such alcoholic beverages from any licensee as defined by this Title.

9.0109 – Penalty

Any person, firm, or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, of by imprisonment in the country jail for not more than thirty days or by both such fine and imprisonment.

9.0110 – Separability

Except as may be otherwise expressly provided in this Title, all powers and authorities conferred by this Chapter shall be cumulative and additional to, and not in derogation of, any powers and authorities otherwise existing. Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this Chapter or the application thereof to any person or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other persons and circumstances but shall be confined in its operation to the provisions of the particular ordinance Section or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall not have been rendered.

Title X – General Provisions

Chapter 10.01 – Interpretation Rules and General Regulations

Section

10.0101 – Establishing General Rules of Construction- pg 96

10.0102 – General Penalties- pg 97

10.0103 – Officers and Employees- pg 97

10.0101 – Establishing General Rules of Construction

1. Title – This ordinance shall be known as the 1964 REVISED ORDINANCES OF STICKNEY. It may also be cited for legal purposes as ORDINANCE NO. 41, TOWN OF STICKNEY. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter heading, its Article heading, if any, and to the penalty clause relating thereto, as well as to the Section itself, when reference is made in this ordinance by title in any legal document or ordinance of the Town.
2. Construing to Words – Whenever any word in any Section of this ordinance importing the plural number is used, in describing or referring to any matters, parties, or person, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party, or person is referred to in this ordinance by words importing the singular number only, or the masculine gender, several matters, parties, or persons, and females as well as males, and bodies corporate shall be deemed to be included. The words, “persons, firm, or corporation”, shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words, “this ordinance”, shall be held and taken to mean the entire Ordinance Revision, including each and every Section thereof. The word “Town” whenever used in this ordinance shall be held and taken to mean the Town of Stickney, South Dakota. The word “Board” whenever used in this ordinance shall be held to mean the Board of Trustees of the Town of Stickney, South Dakota. The words “written” and “in writing” may include printing. Provided, that these rules of construction shall not be applied to any Section of this ordinance which contains any express provisions excluding such construction or where the subject matter or content of such Section may be repugnant thereto.
3. Variation in Grammatical Construction and Terminology – No variation in punctuation, either formal or informal, consistent or not, shall affect the validity of this ordinance; nor shall obvious or apparent defects in spelling or typography be construed as to invalidate any portion hereof; so long as the purpose and intent of such ordinance section is clear.
4. Duties Performed by Agents – Wherever in this Ordinance any act is required to be done by an Officer in the line of his/her general duties, or by a department head or inspector, the same shall be construed to permit the doing of such act by the agent or subordinate of such person.

10.0102 – General Penalties

In all cases where the same offense is made punishable or is created by different clauses or sections of this ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or a penalty so as to bar any other penalty being enforced.

Whenever in this ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this ordinance, and there shall be no fine or penalty declared for such breach shall be fined not more than $100.00 or imprisoned in the County Jail not longer than 30 days, or shall receive both such fine and imprisonment. For violation of any ordinance of the Town which by nature does not require intent exercisable only by natural person, a corporation may be fined and/or punished by appropriate penalties in addition to any punishment provided by ordinance for its agents who violate any municipal ordinance while acting as such agents.

10.0103 – Officers and Employees

Whenever reference is made in this ordinance to a city officer or employee by title only, this shall be construed as though followed by the words “of the Town of Stickney” and shall be taken to mean the officer or employee of this Town having the title mentioned or performing the duties indicated.

No provision of this ordinance designated the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this ordinance for a failure to perform such duty, unless the intention of the Board to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty.

Title X – General Provisions

Chapter 10.02 – Legislative Effect and Repeal

Section

10.0201 – Separability- pg 98

10.0202 – Continuance of Right and Obligation- pg 98, 99

10.0203 – Catch lines of Sections- pg 99

10.0204 – Vested Rights- pg 99

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10.0211 – Publication and Effect- pg 100

10.0201 – Separability: General Provision

Notwithstanding any other evidences of intent, it is hereby declared to be the controlling intent of the governing body of the Town of Stickney that if any provisions of this ordinance or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Code, Title, or Chapter or its applications to other person and circumstances but shall be confined in its operation to the provisions of the particular Ordinance, Title, Chapter, Section, or Subsection thereof; or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

10.0202 – Continuance of Right and Obligations

The Town of Stickney shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this ordinance takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

The occupants of offices provided for in this ordinance and employees, at the time this ordinance takes effect, shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election, and qualification, of their successors, but subject to the provisions of this ordinance. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The official survey of the Original Town site of the Town of Stickney; the official Town Datum for establishing official benchmarks within the Town; and the Governmental Seal of the Town; as heretofore established by previous ordinance, or ordinances, shall continue in effect upon adoption of this Ordinance in Revision.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

10.0203 – Catch Lines of Sections

The catch lines of the several Sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the Section and shall be deemed or taken to be titles of such Sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catch lines, are amended or re-enacted.

10.0204 – Vested Rights

Nothing in this ordinance shall be so construed as to impair any vested rights or valid obligation existing when it takes effect.

10.0205 – Franchise

Ordinances heretofore adopted granting any franchise, right of way, easements, or contract right shall not be affected by this ordinance.

10.0206 – License Fees

Whenever in this Code an annual License Fee is required to be paid, such fee shall be construed to be required to be paid commencing January 1, 1964, or on the next regular licensing renewal date, whichever is later in time; and no further fee shall be charged for the 1964 or for the fractional year remaining between the date of adoption or Ordinance 41 and said next licensing renewal date.

No refunds shall be permitted on any License Fees heretofore paid the Town, and any license heretofore provided which has been eliminated by Ordinance 41 or by enactment thereof, shall cease and terminate as of the effective date of adoption of this revision.

The waiver of fee contemplated by this Section shall not apply to license applicants newly applying for to license applicants previously licensed whose grace periods for renewals have expired.

10.0207 – Bonds

Ordinances providing for the issuance of Bonds, special assessment certificates, or other evidences or obligation, shall not be affected by this ordinance.

10.0208 – Appropriations

Ordinances providing for appropriations shall not be affected by this ordinance.

10.0209 – Streets

The various ordinances establishing or changing streets grades, widths, or names and as shown on the maps in the Finance Officer’s office shall be considered as a part of this ordinance.

10.0210 – Repeal

All ordinances and part of ordinances in conflict with the provisions of this ordinance or related to the subject matter of this ordinance and not re-enacted as a part of this ordinance, except as stated in this Chapter, are hereby repealed.

10.0211 – Publication and Effect

This ordinance shall be printed and published in book form and shall take effect as provided by law.

Notice of Adoption of Ordinance in Revision

Notice is hereby given that the Board of Trustees of the Town of Stickney have adopted Ordinance No. 80, entitled “An ordinance in Revision of the Ordinances of the Town of Stickney, South Dakota.”