

NOTICE OF ADOPTION OF ORDINANCE IN REVISION OF THE  
ORDINANCES OF THE CITY OF EDGE MONT, SOUTH DAKOTA

NOTICE IS HEREBY GIVEN, that the Common Council of the City of Edgemont has adopted Ordinance No. 2012 Entitled "An Ordinance in revision of the Ordinances of the City of Edgemont, South Dakota"; that said Ordinance passed its first reading at a regular meeting of said Common Council held on Tuesday November 6, 2012; that said Ordinance passed its second reading at a regular meeting of said Common Council held on Tuesday November 20, 2012; and was signed by the Mayor and filed with the Finance Officer of said City.

NOTICE IS ALSO GIVEN that pursuant to the provisions of SDCL 9-19-17 this Notice will be published once each week for two successive weeks in the Edgemont Herald Tribune, the official newspaper of said City; that the first publication thereof will be made on November 14, 2012, and the second publication thereof will be made on November 21, 2012; and twenty days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective without publication in a newspaper.

Dated at Edgemont, South Dakota, this 20<sup>th</sup> day of November, 2012.

Published: November 14 & 21, 2012

*Tami Habeck*

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Finance Officer

890-2466



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Chapter 1  
General Provisions

..01.00: Title  
1.02.00. Rules of Construction and Definitions  
1.03.00. Continuance of City's Rights and Obligations  
1.04.00. Penalty  
01.05.00. Appeals  
01.05.00. Validity

01.01.00. Title This Ordinance, hereinafter also referred to as this Code shall be known as the "Revised Ordinances of Edgemont" and may be so cited. It may also be cited as the "Code of Ordinances, City of Edgemont". Source: Ordinance 200.

01.02.00. Rules of Construction and Definitions In the construction of this Code, the following rules shall be observed and the following definitions shall apply, unless such construction would be inconsistent with the manifest of intent of the Council. Source: Ordinance 200.

1. City. The words "the City" or "this City" shall mean the City of Edgemont in the County of Fall River and in the State of South Dakota.
2. Code. The term "Code" or "this Code" shall be taken to mean the Revised Ordinance of Edgemont, in its entirety, including; each and every section thereof. The entire Code is intended by the Council to constitute an Ordinance in revision of the Ordinances of the City, within the meaning of SDCL 9-19-16 and 9-19-17.
3. Computation of Time. In computing any period of time mentioned in the provisions of this Code, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.
4. Council. The words "Council" "Common Council" or "City Council" shall mean the Common Council of the City of Edgemont, constituting the governing body of the City.
5. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.
6. Month. The word "month" shall mean a calendar month.
7. Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships, and bodies of political and corporate as well as to individuals.
8. Signature or subscription. The words "signature" or "subscription" shall include a mark when a person cannot write.
9. Tense. Words used in the past or present tense include the future as well as the past and present. Source: Ordinance 200.

01.03.00. Continuance of City's Rights and Obligations. The City 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 Code takes effect and shall be subject to all its debts, obligations, liabilities, and contracts. Source: Ordinance 200.

1. Unless otherwise provided for, any person violating any of the provisions or failing to comply with any the mandatory requirements of any ordinances of the city is guilty of a Class 2 misdemeanor pursuant to SDCL 22-6-2.
2. The court, in imposing sentence on a defendant who has been found guilty of a misdemeanor as described in subsection 1 of this section, may order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of SDCL 22-6-2.
3. Where the performance of an act is prohibited by an ordinance of this municipality and whether a penalty for the violation of such ordinance is imposed by an ordinance or not, the doing of such act is a Class II misdemeanor.
4. A class II misdemeanor is punishable by thirty days imprisonment in a county jail or up to five hundred dollars fine, or both. SDCL 22-6-2.
5. Where the violation is of a continuing nature, then each day that the violation occurs is a separate offense and each day may be prosecuted as a separate offense.
6. Nothing in this code shall be interpreted to proscribe the City's ability to pursue both civil and/or criminal remedies against the violating party.

Penalties

For all ordinance violations:

First Offense	\$ 25.00
Second Offense	\$ 50.00
Third Offense	\$ 100.00
Fourth Offense	\$ 200.00

Ordinance violations that cause harm to others automatically \$200.00.  
Additional \$10.00 for each week violation exists.

5. Any person violating any of the provisions of this section shall be subject to both criminal and civil sanctions. The city may proceed criminally for a violation of this section with a maximum punishment as provided by ordinance for each day the violation exists.

2014-8-5

01.05.00. Appeals. Any order issued by the City, or agent of the City pursuant to the terms of this Code of the City of Edgemont, may be appealed to the City Council, in writing, and within fifteen (15) days of the issuance of said order. Such written notice of appeal shall be submitted to the City Finance Officer, PO Box A, Edgemont, South

Dakota, 57735. Appeals shall be heard at the next meeting of the City Council. The City Council shall have the power, in passing on appeals, to authorize such exceptions from the terms of the Ordinances of the City of Edgemont, as will not be contrary to the public interest so that the intent of this Ordinance shall be observed.

01.06.00. Validity. Nothing in this Code shall affect the validity of any of the following:

1. Ordinances granting any franchise, right of way, easement, or contract right.
2. Ordinances providing for the issuance of bonds, special assessment certificates, or other evidences of obligation.
3. Ordinances providing for the appropriation of funds.
4. Ordinances establishing or changing street grades, widths, or names as shown on the maps in the office of the Finance officer.
5. Any Ordinance adopted after November 5, 2012.



ORDINANCE 2014-8-5

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF EDGEMONT, PASSED ON NOVEMBER 20, 2012

Code of Ordinances, City of Edgemont, Chapter 01, shall be amended to change Section 01.04.06: penalties for all ordinance violations:

01.04.06 PENALTIES: For Ordinance violations the penalty will be as follows unless otherwise specified:

For Animal Control the penalties shall be as follows: 1<sup>st</sup> offense...\$25.00 (twenty-five dollars)

2<sup>nd</sup> offense...\$50.00 (fifty dollars)

3<sup>rd</sup> offense...\$100.00 (one hundred dollars)

After the 3<sup>rd</sup> offense the animal shall be declared a public nuisance and the City shall have the right to take possession of the animal and determine the appropriate course of action.

For violations of the following ordinances of the City Code the fine shall be as follows:

Code 07.01.01...Destruction of Park Property

Code 07.01.03...Littering in the Park

Code 07.01.04...Driving in the Park

Code 07.01.06...Camping in the Park

Code 11.01.11...No riding on Side Walk

Code 18.01.00...Curfew Violation

Code 19.01.00...Loitering on School Grounds

Code 23.01.01...Unlawful Trash Dumping

Code 23.01.02...No Burning

Code 25.04.00...Tampering with City Property

1<sup>st</sup> offense...\$25.00 (twenty five dollars)

2<sup>nd</sup> offense...\$50.00 (fifty dollars)

3<sup>rd</sup> offense...\$100.00 (one hundred dollars)



For Building Code 2012 or any other violations of the Code of Ordinances, City of Edgemont, the penalty shall be as follows unless otherwise specified:

For violations of Building Code 2012 or any other violations of the Code of Ordinances, City of Edgemont; or any act that is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or the performance of any act is required or failure to do any act, is declared to be unlawful, and no specified penalty is provided, therefore any person who shall be found in violation of Building Code 2012 or any other violations of the Code of Ordinances, City of Edgemont, shall be fined not less than \$1.00 ( one dollar) nor more than \$500.00 ( five hundred dollars ). SDCL: 9-19-3

Each day any violations of Building Code 2012 or any other violations of the Code of Ordinances, City of Edgemont continues shall constitute a separate offense.

Any person violating any provisions of this section shall be subject to both criminal and civil sanctions. The City may proceed criminally for a violation of this section with a maximum punishment as provided by ordinance for each day the violation continues.

The City Council shall have the authority to change the Penalty Schedule by Resolution.

**ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.**

This ordinance shall be effective upon its passage and publication.

Dated this 5<sup>th</sup> day of August, 2014

(SEAL)

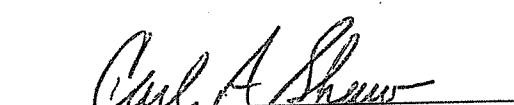
THE COMMON COUNCIL

Edgemont, South Dakota

ATTEST:



Karen S Cain, Finance Officer



Carl A Shaw, Mayor

First Reading: August 5, 2014

Second reading: August 19, 2014

Published: August 28, 2014

Effective: September 17, 2014



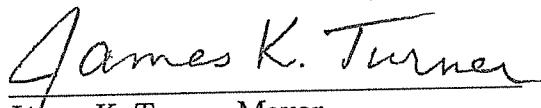
**Ordinance 2012-02-07**

AN ORDINANCE TO AMEND CHAPTER 1 OF THE EDGEMONT MUNICIPAL  
CODE PERTAINING TO THE PARK AND RECREATION BOARD.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EDGEMONT,  
FALL RIVER COUNTY, SOUTH DAKOTA, that Chapter 1 of the Edgemont Municipal  
Code be amended to delete the following:

**Chapter 1, Section 12 of the Edgemont Municipal Code**

PARK AND RECREATION BOARD. The Park and Recreation Board shall have  
representatives from various organizations and shall plan and work on funding and grants for  
recreation and shall make their reports to the city council.

  
\_\_\_\_\_  
James K. Turner

Attest:   
\_\_\_\_\_  
Tami Habeck, Finance Officer

(SEAL)

First Reading: February 7, 2012  
Second Reading: February 23, 2012  
Publication: February 28, 2012  
Effective: March 19, 2012



Ordinance 2012-02-23

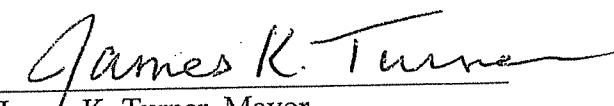
AN ORDINANCE TO AMEND CHAPTER 1 OF THE EDGEMONT MUNICIPAL  
CODE PERTAINING TO THE STANDING COMMITTEES APPOINTED BY THE MAYOR  
AND APPROVED BY THE COUNCIL.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EDGEMONT,  
FALL RIVER COUNTY, SOUTH DAKOTA, that Chapter 1 of the Edgemont Municipal  
Code be amended to read as follows:

**Chapter 1, Section 12 Rule 5.** The following standing committees, to be appointed by the Mayor and approved by the Council, shall consist of three members unless otherwise ordered by the Council:

Finance  
Utilities, Streets and Buildings  
Law Enforcement and Safety  
Park and Recreation  
Personnel  
Union  
Ordinance and Resolution  
Revolving Loan Fund

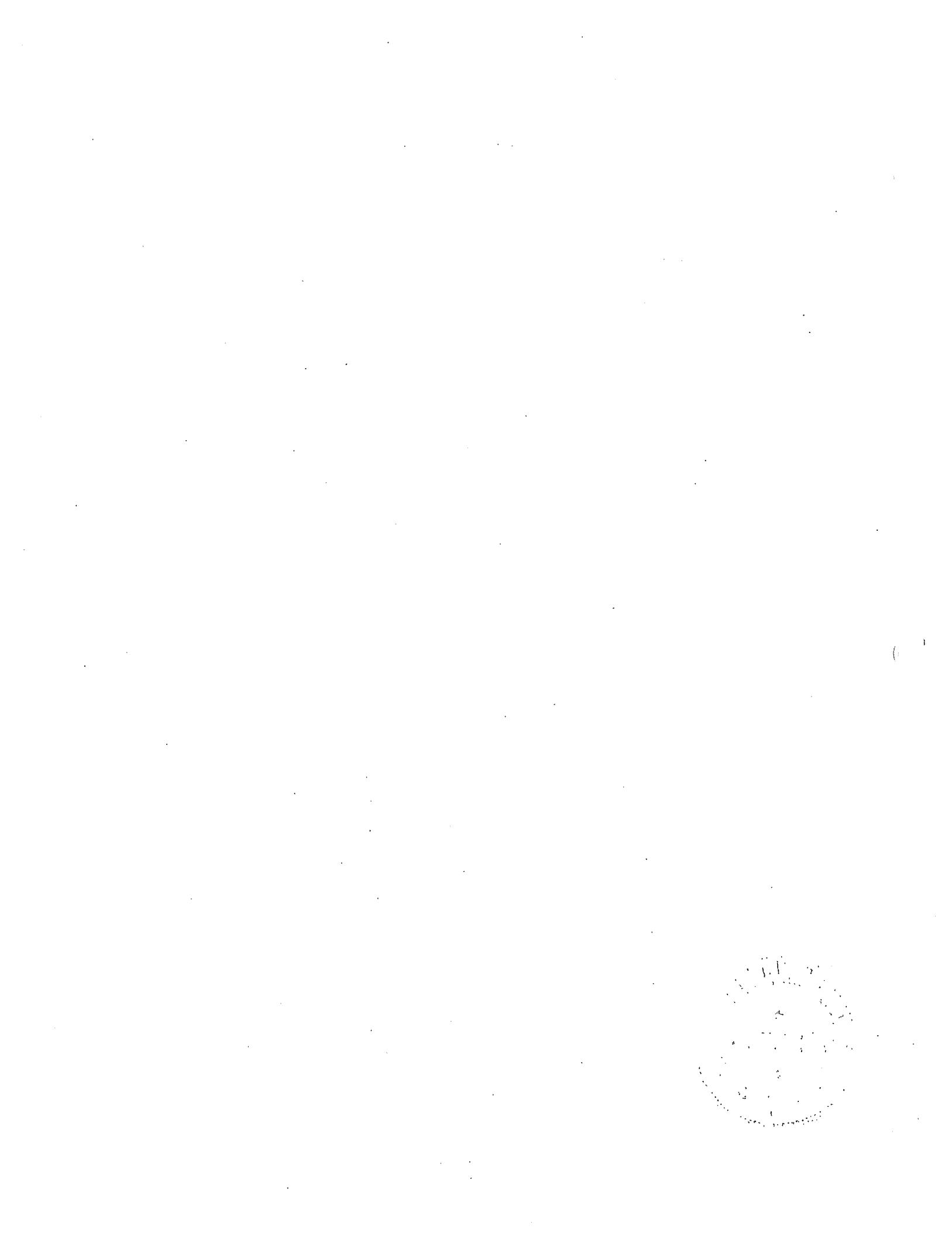
Section 2. That Chapter One, Section 11 regarding the Advisory Board for the Edgemont City Planner be deleted.

  
\_\_\_\_\_  
James K. Turner, Mayor

Attest: Tami Habeck  
Tami Habeck, Finance Officer

(SEAL)

First Reading: February 23, 2012  
Second Reading: March 6, 2012  
Publication: March 14, 2012  
Effective: April 4, 2012



Chapter 2  
City Administration

- 02.01.00. Election of President and Vice- President.
- 02.01.01. Regular Meetings of City Council.
- 02.01.02. Mayor Presides at Council Meetings.
- 02.01.03. Quorum.
- 02.01.04. Quorum Exists.
- 02.01.05. Introduction of Ordinances.
- 02.01.06. Passage of Ordinances.
- 02.01.07. Committee Appointment.
- 02.01.08. Conduct of the Business of Council.
- 02.01.09. Suspending, Amending or Altering Rules.

02.01.00. Election of President and Vice- President. The City Council of the City of Edgemont at the first regular meeting after the annual election of each year shall organize by the election of one of its members as president, and one as vice-president, who shall hold their respective offices for the council year.

The president of the council shall in the absence of the Mayor be the presiding officer of the council, during such absence, or the temporary disability of the Mayor, be acting Mayor and possess all the powers of the Mayor. In the absence of the president of the council, the vice-president shall perform such duties. Source: Ordinance 200.

02.01.01. Regular Meetings of City Council. Regular meeting of the City Council shall be held in the council chambers in the City Hall of the City of Edgemont on the first and third Tuesday of each month, at the hour of seven o'clock p.m. (7:00 p.m.). Source: Ordinance 2008-08-05. SDCL 9-8-8.

If a scheduled meeting should fall on a holiday, the meeting will be held on the Wednesday following the scheduled Tuesday meeting date. Source: Ordinance 2008-08-05.

Special meetings may be called at any time by the Mayor, or by any three members of the council.

When any special meeting is to be called as herein provided, written notice thereof shall be served on each member of the council by delivering him a copy of such notice, or leaving the same at his residence or place of business, or by telephone.

Such notice shall contain the time for holding such meetings and the purpose for which the same is called. Source: Ordinance 200.

02.01.02. Mayor Presides at Council Meetings. The Mayor shall preside at all meetings of the council but shall only be entitled to vote on any question when there is a tie vote thereon unless the vote creates a liability against the city or for the expenditure or appropriation of its money.

The Mayor shall preserve order and decide all questions of order subject to an appeal to the council.

In the absence of the Mayor, the president and vice-president of the council, then the members of the council present shall elect one of their members to preside as Mayor pro-tem. Source: Ordinance 200.

02.01.03. Quorum. At all meetings of the City Council a majority of the members elected shall constitute a quorum, but a minority may attend from day to day and compel the attendance of absent members and may fine any absent member one dollar for each and every offense unless excused by the council.



If no quorum be present within fifteen minutes of the time at which the council was to meet those present shall have the power to send a law enforcement officer, after the absentees and compel their attendance. Source: Ordinance 200.

02.01.04. Quorum Exists. At the time appointed for a meeting of the council the members shall be called to order by the Mayor and the Finance Officer shall call the roll noting the absentees, and announce whether or not a quorum is present.

All motions, except motions to adjourn, lie on the table, and refer to committee, shall be reduced to writing upon the request of the Mayor or any member of the council.

At all adjourned meetings both of regular and special session, the business left over at the preceding meetings shall be taken up in its order, unless some other business is made the special order of the meeting. Source: Ordinance 200.

02.01.05. Introduction of Ordinances. An ordinance may be introduced at any regular meeting or at any special meeting called for that purpose, and shall then lay over at least one week, whether regular, adjourned or special, such ordinance shall be read at length, and then placed upon its final passage without further motion, unless a motion to lay it over until another meeting is made and carried. Source: Ordinance 200.

02.01.06. Passage of Ordinances. For the passage of any ordinance, (except ordinances passed over the Mayor's veto, which shall be passed as hereinafter provided), and any and all propositions to create any liability against the city, or for the expenditure or appropriation of its money, the concurrence of a majority of all the aldermen elected in the city council, shall be necessary to the passage of any such ordinance or proposition and the vote thereon shall be taken by "yeas" or "nays" and shall be entered in the journal and every member of the council who is present when any vote is so required shall vote thereon, unless excused by the council, or unless he shall be interested in the question; provided, it shall require a two-thirds vote of all the aldermen elected to sell any city property. When any ordinance is finally passed by the council, the Finance Officer shall at once submit the same to the Mayor for approval, and when so approved by him the same shall be published in one issue of the official newspaper of the city. And it shall thereafter be in full force and effect unless referred to the people as required by law.

Should any ordinance be vetoed by the Mayor, the same, together with the Mayor's objections thereto, shall be submitted to the council by the Finance Officer at the next meeting, and if two-thirds of the members elected to the city council shall agree by a "yea" or "nay" vote to pass the same, it shall go into effect upon its publication notwithstanding the Mayor's veto thereof; provided that such vote shall be entered on the journal. Source: Ordinance 200.

02.01.07. Committee Appointment. All committees shall be appointed by the presiding officer, unless otherwise provided by the council.

02.01.08. Conduct of the Business of Council. The following rules are hereby adopted for the conduct of the business of the council:

Rule 1: All Resolutions offered shall be in writing and shall be acted upon at once, unless postponed on motion, but the vote shall be a "yea" and "nay" vote, which shall be entered upon the journal by the Finance Officer.

Rule 2: All reports to the council of committees, and officers, shall be made in writing.

Rule 3: The standing committees shall be appointed by the Mayor, and shall consist of three members unless otherwise ordered by the council.

Rule 4: No purchase for the City not authorized by the council or Finance Officer shall be made by any person without a purchase order. All purchases should be signed by the person making the purchase and attached to the bill when presented for payment.

Rule 5: All papers, petitions, etc., presented to the council shall be referred without motion, as the presiding officer shall direct, unless otherwise ordered by the council.

Rule 6: No bills or claims against the city shall be allowed until passed upon and approved by the Finance Committee except salaries and contracts fixed by ordinance.

Rule 7: When there is a motion before the council no other motion shall be received, unless such motion is to adjourn, lay on the table, call the previous question, to refer to committee, or to amend—which several questions shall have precedence in the order given above.

Rule 8: A motion to adjourn shall always be in order, unless the council is engaged in voting, and shall be decided without debate.

Rule 9: The previous question shall be put in the following words: "Shall the main question be now put?", and it shall be admitted on demand of three members and, until decided, shall preclude all further amendment or debate of the main question but shall not preclude pending amendments from being put before the main question.

Rule 10: Any member may call for a division of the question when the same will admit thereof.

Rule 11: Any ordinance, resolution or motion may be amended at any time before the final passage.

Rule 12: Any member may dissent from, and protest against any ordinance, resolution or order of the city council which he may think injurious to the public, or any individual, and have the reason of his dissent entered in the journal. Source: Ordinance 200.

Rule 13: The Finance Officer shall keep a journal of the proceedings of the council, in which he shall make a full and complete record of the matters acted upon at any meeting of the council, whether regular or special. Source: Ordinance 200.

02.01.09. Suspending, Amending or Altering Rules. These rules may be suspended on motion or may be altered or amended by a vote of the majority of the members elected to the council by a "yea" or "nay" vote, duly entered on the journal by the Finance Officer. Source: Ordinance 200.

ORDINANCE 2018-05-01

AN ORDINANCE AMENDING THE EDGE MONT CODE OF ORDINANCES PASSED ON NOVEMBER 20, 2012:  
Chapter 2, CITY ADMINISTRATION, of the Edgemont Code of Ordinances shall be amended to read as follows:

02.01.08. Conduct of the Business of Council. The following rules are hereby adopted for the conduct of the business of the council:

Rule 14: All Council Members shall:

- Demonstrate honesty and integrity in every action and statement
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Edgemont government
- Work for the common good, not personal interest
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others
- Participate in scheduled activities (committee meetings) to increase team effectiveness and review Council procedures such as these protocols
- Represent the City at ceremonial functions at the request of the Mayor
- Be responsible for the highest standards of civility and honesty in ensuring the effective maintenance of intergovernmental relations
- Respect the proper roles of elected officials and City staff in ensuring open and effective government
- Provide contact information to the Finance Office in case a situation arises while the Council Member is out of town
- Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. However, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

Rule 15: Council Members are role models for residents, business people and other stakeholders. Be respectful of other people's time by staying focused and act efficiently during public meetings. The use of any electronic device is not permitted during Council meetings or Executive Sessions.

Rule 16: Treat all staff as professionals. Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City Staff. Never publicly criticize an individual employee, including Council and Appointed Officials.

Rule 17: Consumption of alcohol prior to a Council meeting is prohibited.



Rule 18: If a Council Member excuses themselves, or is removed, from a regular meeting, before the business portion, they will not be paid for that meeting.

The City Council of Edgemont, South Dakota shall have the authority to change the provisions of this Ordinance by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This ordinance shall be effective upon its passage and publication.

Dated this 1st day of May, 2018

(SEAL)

THE COMMON COUNCIL

Edgemont, South Dakota

ATTEST:



Karen S Cain, Finance Officer



Jerry Dibble, Mayor

First Reading: May 1, 2018

Second Reading: May 15, 2018

Published: May 24, 2018

Effective: June 13, 2018



## Chapter 3

### Wards-Election Precincts

03.01.00. Number of Wards.

03.01.01. Ward One.

03.01.02. Ward Two.

03.01.03. Ward Three.

03.01.04. Election Precincts.

03.01.05. Aldermen.

03.01.06. Polling Places.

03.01.07. Election Hours.

03.01.00. Number of Wards. There shall be three wards located within the municipal boundaries of the City of Edgemont. They shall be called respectively Ward One, Ward Two and Ward Three. Source: Ordinance 2011-12-18-01.

03.01.01. Ward One. Ward One shall be located in the northeast portion of the City of Edgemont. The boundary of Ward One shall be east of line beginning at the northern municipal boundary and Sixth Avenue, then south on Sixth Avenue to C Street, then west on C Street to Seventh Avenue, then south on Seventh Avenue to Mogul Way, then east on Mogul way to Fifth Avenue, then south on Fifth Avenue to F Street, then east on F Street until it ends and then continue east across the railroad tracks to the eastern boundary, then north to the northern boundary, then west to the northern municipal boundary and Sixth Avenue. Source: Ordinance 2011-12-18-01.

03.01.02. Ward Two. Ward Two shall be located in the southeast and central portions of the City of Edgemont. The boundary of Ward Two shall be southeast of a line beginning at the intersection of Seventh Avenue and Mogul Way, then east on Mogul Way to Fifth Avenue, then south on Fifth Avenue to F Street, then east on F Street until it ends, then continue East across the railroad tracks to the southeastern most boundary of the City of Edgemont which includes Cottonwood, then follow the east boundary until it ends, then follow the south boundary to Fourth Avenue, then follow the municipal southwest boundary to the intersection of Eighth Avenue and the South side of H Street, then follow the south side of H Street to Sixth Avenue, then north on Sixth Avenue to G Street, then west on G street to Seventh Avenue and then North on Seventh Avenue to the intersection of Seventh Avenue and Mogul Way. Source: Ordinance 2011-12-18-01.

03.01.03. Ward Three. Ward Three shall be located in the western portion of the City of Edgemont. The boundary of Ward Three shall be west of a line beginning at the northern intersection of Sixth Avenue and the municipal boundary, then south on Sixth Avenue to C Street then west on C Street to Seventh Avenue, then south on Seventh Avenue to G Street, then east on G Street to Sixth Avenue, then south on Sixth Avenue to the north side of H Street, then west on the north side of H Street to the western most boundary, then north to the intersection of the northern municipal boundary and Sixth Avenue. Source: Ordinance 2011-12-18-01.

03.01.04. Election Precincts. Each ward shall be an election precinct. Source: Ordinance 2011-12-18-01.

03.01.05. Aldermen. Two aldermen shall be elected from each ward. Source: Ordinance 2011-12-18-01.

03.01.06. Polling Places. The location of the polling place for each ward will be designated by the City Council.

Source: Ordinance 2011-12-18-01.

03.01.07. Election Hours. The polls shall be open from 7:00 o'clock am to 7:00 o'clock pm. Source: Ordinance 2011-12-18-01. Statutory Ref. SDCL 9-13-1.

## Chapter 4

### Qualifications of City Officers

04.01.00. City Officers.

04.01.01. Oath.

04.01.02. Security and Bond of Officers of City.

04.01.00. City Officers. City Officers shall be hired.

04.01.01. Oath. Before entering upon the duties of their respective offices, all offices, whether elected or appointed shall take and subscribe the following oath: "I do solemnly swear that I will support the constitution of the United States, and the Constitution of the State of South Dakota, and that I will faithfully discharge the duties of the office of (naming the office) of the City of Edgemont according to the best of my ability".

Each oath so subscribed will be filed in the office of the City Finance Officer. Source: Ordinance 200.

04.01.02. Security and Bond of Officers of City. All Officers of the City except Aldermen shall before entering upon the duties of the respective offices be provided bond by the City. Source: Ordinance 200.

**BE IT ORDAINED BY THE CITY OF EDGE MONT THAT CHAPTER 4 OF THE EDGE MONT CODE OF ORDINANCES 2012 BE AMENDED AS FOLLOWS:**

Chapter 4

Qualifications of City Officers

04.01.00. City Officers.

04.01.01. Oath.

04.01.02. Security and Bond of Officers of City.

04.01.00. Qualifications of City Officers. The City Officers to be appointed are the City Finance Officer, City Attorney, City Engineer, Building Official and Code Administrator.

All appointments shall be made by the Mayor and approved by a majority vote of the City Council.

The appointments shall be made and approved at the first organizational meeting of the City Council each May.

The Mayor shall have the power to remove from office any appointed officer. After removing an appointed officer, the Mayor shall report the reasons for removal to the City Council at its next regular or special meeting.

The Mayor shall have the power to fill vacancies of an appointed office with approval by a majority vote of the City Council.

04.01.01. Oath. Before entering upon the duties of their respective offices, all officers, whether elected or appointed shall take and subscribe the following oath: "I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of South Dakota, and that I will faithfully discharge the duties of the office of (naming the office) of the City of Edgemont according to the best of my ability".

Each oath so subscribed will be filed in the office of the City Finance Officer.

04.01.02. Security and Bond of Finance Officer. The Finance Officer of the City shall before entering upon the duties of the office, be provided bond by the City.

**ANY ORDINANCES, OR PORTIONS OF ORDINANCES, IN CONFLICT WITH THE PROVISIONS THEREOF ARE HEREBY REPEALED.**

This Ordinance shall take effect from and after its passage and publication as provided by law.

Dated this 7th day of January, 2014



CARL A SHAW

Mayor of the City of Edgemont



**ATTEST:**

A handwritten signature in black ink, appearing to read "Karen S Cain". The signature is fluid and cursive, with "Karen" on top and "S Cain" below it, all enclosed within a single continuous line.

KAREN S CAIN

Finance Officer

(SEAL)

First Reading: January 7, 2014

Second Reading: April 1, 2014

Published: April 9, 2014

Effective: April 29, 2014



## Chapter 5

### Duties of City Officers

05.01.00. Finance Officer to Receive Money for City.

05.01.01. Finance Officer to Give Receipt.

05.01.02. Finance Officers Books Are Subject to Examination by City Council.

05.01.03. How Warrants Are to Be Paid.

05.01.04. Finance Officer Is to Keep a Register of Warrants.

05.01.05. If Warrant Is Unable to Be Paid.

05.01.06. Notification of Warrant to Be Paid.

05.01.07. Finance Office and Attendance of Meetings.

05.01.08. How Finance Officer Shall Handle New Ordinances.

05.01.09. Finance Officer to Keep Books for City.

05.01.10. Finance Officer Responsible For.

05.01.11. Duties of City Attorney.

05.01.00. Finance Officer to Receive Money for City. The Finance Officer shall receive all money belonging to the City, including taxes, license money, and fines together with all special assessments of every kind, and shall keep an accurate account and detailed statement thereof, opening a separate account for the receipts and disbursements of each separate fund. Source: Ordinance 200.

05.01.01. Finance Officer to Give Receipt. The Finance Officer shall give to any person paying any cash into the treasury a duplicate receipt therefore; specifying the date of payment and on what account paid. Source: Ordinance 200.

05.01.02. Finance Officers Books Are Subject to Examination By City Council. The Finance Officer books, accounts and vouchers shall at all times be subject to the examination of the City Council, and he shall at the regular meeting of the City Council in each month, present to the Council in writing a full statement of all receipts and disbursements made by him since him last report, showing in detail the sources of receipts, and also a statement of the conditions on the various funds in the treasury. Source: Ordinance 200.

05.01.03. How Warrants Are To Be Paid. All warrants on the Finance Officer that have been issued and remain unpaid, or that may be hereafter issued shall be paid in the order of their presentation and registration. Source: Ordinance 200.

05.01.04. Finance Officer Is To Keep A Register Of Warrants. The Finance Officer shall provide himself with and keep a warrant register, which register shall show in columns arranged for that purpose the manner, date, and amount of each warrant presented, the name of the person to whom the warrant is issued, the name of the person presenting the same, the date notice of payment is made, the amount of interest and the total amount paid thereon. Source: Ordinance 200.

05.01.05. If Warrant is Unable to Be Paid. It shall be the duty of the Finance Officer, upon the presentation of any city warrant for payment, if there be no funds in the treasury to pay the same, to enter such warrant in the warrant register and he shall endorse thereon, "Presented for Payment", with the date of such presentation and shall sign such endorsement, and thereafter it shall draw interest at the rate set by the bank per annum until paid.

Provided, that it shall be unlawful for the Finance Officer to pay any money from any fund belonging to the City, excepting interest coupons only, except upon a proper warrant drawn thereon, pursuant to order or resolutions of the governing body, signed by the Mayor, which warrant must specify the fund upon which same is drawn. Source: Ordinance 200. Statutory Ref. SDCL 9-14-17.

05.01.06. Notification of Warrant to Be Paid. It shall be the duty of the Finance Officer as soon as the funds are received sufficient for the payment of the first in order on the warrant register to advertise the same by number in the official paper of the City in case the address of owner or holder of the warrant is unknown; otherwise to notify the owner or holder of such warrant by personal notice in writing and interest shall thereon cease and record of the date of such notice shall be kept by the Finance Officer. Source: Ordinance 200.

05.01.07 Finance Office and Attendance of Meetings. The Finance Officer shall keep his office in the City Hall and attend there whenever the business of the City requires his presence. He shall attend all meetings of the Council, and upon request of the Mayor, or three members of the Council, issue a call for a special meeting at any time he or they may request, and state in such call the object of the meeting. Source: Ordinance 200.

05.01.08. How Finance Officer Shall Handle New Ordinances. He shall as soon as any ordinance is approved by the Mayor, or if vetoed, and the same is passed over such veto, prepare a copy of such ordinance and deliver the same to the official paper of the City, and when published once in such paper, he shall record the same in the ordinance book, together with the proof of publication thereof, as herein provided and required. Source: Ordinance 200.

05.01.09. Finance Officer to Keep Books for City. He shall procure and open a set of books in which all the accounts of the city shall be kept, and in which all payments and disbursements shall be charged to the several and proper accounts, and shall at each monthly meeting of the council or at such times as the Council may require, present a balance sheet of the finances of the city, and such other and further information as the Mayor and Council may, from time to time, request of him. Source: Ordinance 200.

05.01.10. Finance Officer Responsible For Filing. He shall keep and file all bonds, petitions, reports, bills, vouchers, ordinances, and other papers, in which the city has any interest in some methodical manner, with a complete index so that the same may be found by any persons having a right to examine the same. The Council shall provide such suitable filing case for the keeping of such papers as it may deem proper. The Finance Officer shall prepare and see to the proper and legal publication of all ordinances and notices of every kind required by law to be published and shall preserve such printed notices, with due proof of the legal publication thereof, as a record of his office. Source: Ordinance 200.

05.01.11. Duties of City Attorney. When required by the governing body or any officer of the municipality, the City Attorney shall furnish an opinion upon any matter relating to the affairs of the municipality or the official duties of such officer, conduct the prosecution of all actions or proceedings arising out of the violations of any ordinance, and perform such other professional services incident to his office as may be required by ordinance or directed by the governing body. Source: Ordinance 200; Statutory Ref. SDCL 9-14-22

1. It shall be the duty of the City Attorney to prosecute or defend in any all courts of the state all cases wherein the City of Edgemont is the Plaintiff or Defendant, and shall be the legal advisor of the City Council or committees, or any city officer, on such legal matters.
2. The City Attorney is hereby authorized and empowered to take appeal in all cases when in his opinion, the interest of the City require it, and to prosecute and defend the same in any court, and for the purpose of carrying into effect the provisions of this section he is hereby authorized to make necessary appeal bond in the name of the City of Edgemont and to do all things necessary in the perfecting of such appeal. Source: Ordinance 200.
3. The City Attorney shall have the right to be heard upon all questions or motions before the City council, and all motions amending, repealing, adopting or in any manner affecting any ordinance in force or to be enacted by the Council. Source: Ordinance 200.

4. The City Attorney shall report to the council quarterly or more often if required, the business of his office, the number of suits brought against the City, the fines imposed and the amount thereof collected by him and paid into the City Treasury. Source: Ordinance 200.



AN ORDINANCE AMENDING CHAPTER 6 OF THE EDGEMONT CODE OF ORDINANCES PASSED ON  
NOVEMBER 20, 2012

Chapter 6 of the Edgemont Code of Ordinances shall be amended to add the following:

Chapter 6

Edgemont Community Cemetery

06.01.00. Edgemont Community Cemetery.

06.01.01. Cemetery Board.

06.01.02. Electing Officers.

06.01.03. Adopting Rules and Regulations.

06.01.04. Administrator Appointed by Mayor.

06.01.05. Superintendent Appointed by Mayor and Confirmed by Council.

06.01.06. Maintenance Performed by City Employees.

06.01.07. Rules and Regulations.

06.01.00. Edgemont Community Cemetery. The City Cemetery shall be known as Edgemont Community Cemetery that shall include the original cemetery and the addition of Sections R, S, & T as platted in the Office of the Fall River County Register of Deeds. The Cemetery shall be maintained forever for the burial of the dead. Source: Ordinance 2007-11-02.

06.01.01. Cemetery Board. The Cemetery Board shall consist of five members recommended by the Cemetery Board, confirmed by the Mayor, and approved by the Common Council. At least one of the members must be from the rural Edgemont community. In addition, there shall be a non-voting representative from the Common Council. Terms shall be for three (3) years or for the remainder of an unexpired term. Source: Ordinance 2007-11-02.

06.01.02. Electing Officers. On an annual basis the Cemetery Board shall elect a President, Vice-President, and Secretary at the January meeting. The board shall meet quarterly. The President may call special meetings. Source: Ordinance 2007-11-02.

06.01.03. Adopting Rules and Regulations. The Cemetery Board shall adopt rules and regulations for the operation of the cemetery, including the duties of the Cemetery Administrator and Cemetery Superintendent. Source: Ordinance 2007-11-02.

06.01.04. Administrator. The Cemetery Administrator shall be the City Clerk. The Administrator has the overall responsibility of administering all aspects of the Cemetery including the sale of lots, arranging grave openings and closings, and providing normal maintenance.

The Cemetery Administrator shall upon payment in full for a lot deliver to the purchaser thereof a proper conveyance executed by the Mayor and attested by the Finance Officer under the seal of the City. It is the purchaser's responsibility to register said conveyance with the County. No sale or assignment of transfer of a lot shall be valid without notification to the City and entered on record by the City. The City shall have the option of repurchasing a lot offered for sale at the original purchase price. The City Administrator shall keep a current map of the Cemetery and deliver said map to the Cemetery information board and to the Trails, Trains & Pioneers Museum. Source: Ordinance 2007-11-02.

06.01.05. Superintendent. The Cemetery Superintendent shall be the supervisor of the City of Edgemont Public Works Department. The Superintendent shall have general supervision and care of the cemetery. The



Superintendent shall supervise all interments and disinterment made in the cemetery. The Superintendent shall be available to those wishing to view or purchase burial lots for the purpose of location and placement.  
Source: Ordinance 2007-11-02.

06.01.06. Maintenance Performed by City Employees. Cemetery maintenance shall be performed by City's Public Works Department employees under the supervision of the Superintendent. The City shall provide all equipment, fuel and supplies for the completion of the maintenance. Routine maintenance shall include cutting the grass, trimming around graves and trees, removing tumbleweeds and rubbish, trimming and removal of unsightly trees and shrubs and periodically emptying trashcans. Source: Ordinance 2007-11-02.

06.01.07. Rules and Regulations.

1. All interments shall be under the supervision of a licensed funeral director. The opening and closing of all graves shall be performed by the City. The City shall be given sufficient notice prior to all grave openings.
2. All full body burials require a casket. Infants and small children who are buried in a combination casket/vault may be buried without a separate outside liner. All other caskets shall be enclosed in a suitable outside liner made either of concrete, steel, fiberglass, or other equally hard material. Cremated remains may be buried without a separate outside liner.
3. There shall be one full body casket burial per grave lot, except that four (4) containers of cremated remains may be placed in one grave lot that is 10' or greater in length. The first container of cremated remains shall be placed in the front of the grave lot.
4. No curbs or curbing of any kind shall be allowed in the cemetery. The cemetery will not allow the use of ledgers, grave covers, surface mausoleums, or surface vaults with covers allowing an exception only to match existing grave covers or markers. Monuments or markers shall be placed at the head of each grave. All monuments and markers must be set in place with the use of survey stakes to ensure the monuments or markers are in line with the others already in place. All monuments or markers must be set on a foundation as determined by the monument company and must be 6" above the surface of the ground. Foundations for monuments or markers shall not exceed the legal description of grave spaces(s). Monuments or markers are not City property. The City shall not be responsible for maintenance or vandalism of said monument or marker.
5. Any damage done to the cemetery by contractors, monument companies or city will be charged to the contractor, Monument Company, or city. Any monument or marker that is set or placed improperly is the responsibility of the monument company to correct. The City is not responsible for errors on monument, i.e. placed and faced wrong, paneled the opposite directions, etc. All cemetery contractors will provide the City with a surety bond in the sum of One Thousand Dollars (\$1000.00) for repayment to the City for damage growing out of willful acts or negligence of the contractor.
6. Anyone desiring a non-commercial monument or marker shall request approval for said monument or marker from the Cemetery Board prior to construction.
7. Floral arrangements, fresh or artificial, shall be removed when wilted, faded, or no longer looking fresh. Ornaments shall not be placed so as to interfere with mowing.
8. Funerals shall not be held on Memorial Day, Sundays or legal holidays unless special permission is obtained from the City.



9. No planting of any tree, bush, or plant is allowed on grave units, lots, or alleyways. As existing plantings located on grave units, lots or in alleyways die, they shall not be replaced. Certain varieties of trees may be donated as living memorials if approved by the Cemetery Board as to location prior to planting.
10. No person shall place papers decayed flowers or any rubbish on any lot, grave, roadway, or cemetery grounds.
11. The cemetery shall be open to all visitors during daylight hours.
12. No person shall disturb the quiet of the cemetery by undo noise or improper conduct.
13. The speed limit within the cemetery shall be as posted at 10mph.
14. Charges for grave lots and opening/closing of graves shall be established by Resolution of the City Council.
15. Section Q shall be closed for future interments with the exception of one (1) pre-arranged burial.

Source: Ordinance 2007-11-02.

The City Council shall have the authority to change the provisions of this Ordinance, Chapter 6 of the Code, by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES, IN CONFLICT WITH THE PROVISIONS OF THE  
ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.

Dated this 19<sup>th</sup> day of May, 2015

(SEAL)

ATTEST:

EDGEMONT COMMON COUNCIL

Edgemont, South Dakota



Karen S Cain, Finance Officer



Carl A Shaw, Mayor

First Reading: May 19, 2015

Second Reading: June 2, 2015

Published: June 11, 2015

Effective: July 1, 2015

Cullen: aye

West: aye

Schepler: aye

Woodward: aye

Strozewski: aye



## Chapter 7

### Park Regulations

- 07.01.00. Purpose.
- 07.01.01. Protection of park property.
- 07.01.02. Protection of trees.
- 07.01.03. Rubbish.
- 07.01.04. Driving in parks.
- 07.01.05. Selling merchandise.
- 07.01.06. Overnight camping.
- 07.01.07. Firearms.
- 07.01.08. Fires.
- 07.01.09. Pets and Animals.
- 07.01.10. Park Hours.

07.01.00. Purpose. The city parks should be a place of peaceful enjoyment for the entire community.

07.01.01. Protection of park property. It is unlawful to deface, damage, or in any way interfere with any structure or property in any city park.

07.01.02. Protection of trees. It is unlawful to interfere with or damage any trees or vegetation in any city park.

07.01.03. Rubbish. It is unlawful to throw or deposit any refuse or garbage of any kind in any city park or any body of water within or adjoining a city park, unless such refuse or garbage is deposited within a proper receptacle.

07.01.04. Driving in parks. It is unlawful to drive any vehicle upon the grass or planting space in a city park, except places provided for parking and driving.

07.01.05. Selling merchandise. It is unlawful to peddle or offer for sale any merchandise in a city park without permission from the City Council.

07.01.06. Overnight camping. It is unlawful for any person or entity to enter or remain upon City properties or right-of-way for the purpose of overnight camping or any overnight stay, unless written permission from the City council has been received for a special event.

07.01.07. Firearms. It is unlawful to carry or discharge any firearm, fireworks, air gun, sling shot, catapult, bows and arrow, or other weapon or dangerous toy.

07.01.08. Fires: It is unlawful to start any fire or permit any person under his control, to start any fire except in fireplaces provided therein for that purpose or in portable electric or gas grills; except where written permission is given by the City Council.

07.01.09. Pets and Animals. All dogs and cats shall be on a leash. Animals, other than dogs and cats, are not permitted, unless the animals are a part of a public demonstration where written permission has been given by the City Council. Any waste products from any animals are the responsibility of the owner.

07.01.10. Park Hours. The parks shall be open to the public between 5:01 a.m. and 9:59 p.m. Parks shall be closed to minors during curfew hours unless accompanied by parent or guardian.



Ordinance 2014-06-17

AN ORDINANCE AMENDING CHAPTER 7 OF THE EDGEMONT CODE OF THE REVISED EDGEMONT CODE  
OF ORDINANCES 2012, PASSED ON NOVEMBER 20, 2012

Chapter 7 of the revised code of ordinances shall be amended to add:

07.01.11: No glass containers of any kind shall be allowed in the City Park.

Any ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed. This ordinance shall be effective upon its passage and publication.

Dated this 17<sup>th</sup> day of June, 2014.

(SEAL)

ATTEST:

Karen S Cain

Karen S Cain, Finance Officer

EDGEMONT COMMON COUNCIL

Edgemont, South Dakota

Carl A Shaw

Carl A Shaw, Mayor

First reading: June 17, 2014

Second reading: July 1, 2014

Published: July 10, 2014

Effective: July 30, 2014

McDermand: aye

Schepler: aye

Stalcup: aye

Strozewski: aye

West: aye

Woodward: aye



Chapter 8  
Motor Vehicle Regulations

- 08.01.01. Terms.
- 08.02.01. Speed Limits.
- 08.03.01. Traffic Signs.
- 08.04.01. Right Turns.
- 08.04.02. Left Turns.
- 08.04.03. Starting, Stopping, or Turning Signals.
- 08.04.04. Arm Signals, Mechanical Signals, and Electrical Signals.
- 08.04.05. Manner of Making Signal.
- 08.04.06. Prohibit U-Turns.
- 08.05.01. Obedience to No Turn Signs.
- 08.06.01. Safeguarding of Unattended Vehicle.
- 08.07.01. Stop Sign.
- 08.08.01. Yield Sign.
- 08.09.01. Circumstance under Which Emergency Vehicles May Disregard Traffic Regulation.
- 08.09.02. Particular Regulations Which May be Disregarded.
- 08.09.03. Use of Emergency Signals Required.
- 08.09.04. Duty of Other Motorists upon Approach of Emergency Vehicle.
- 08.09.05. Duty of Operator to Use Care-Liability for Recklessness.
- 08.10.01. Operator License.
- 08.11.01. Vehicle Must Be Licensed.
- 08.12.01. Exhibition Driving.
- 08.12.02. Careless Driving.
- 08.12.03. Reckless Driving.
- 08.13.01. Places Where Stopping Prohibited.
- 08.14.01. Parking in Alleys.
- 08.15.01. Clinging to Moving Vehicles.
- 08.16.01 Pedestrian's Right of Way in Crosswalk.

08.01.01. Terms. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- 1. **Vehicle:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks, provided that for purposes of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.
- 2. **Motor Vehicle:** Every vehicle which is self-propelled by its own power.
- 3. **Authorized Emergency Vehicle:** Vehicles of the fire department, police vehicles, ambulances, and vehicles owned or operated by members of the fire department for emergency purposes.
- 4. **Safety Zone:** The area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-14-1.

08.02.01. Speed Limits. The speed limit on all streets in the City shall be twenty five (25) miles per hour, except as otherwise specifically posted or provided hereinafter. The provisions of this section shall not apply to motor vehicles of the fire department when in use going to a fire, to any police car when operated by the police in the discharge of their official duties, or to the ambulance in use, providing they sound their siren and exhibit red lights.

Source: Ordinance 200; Ordinance 2007-07-393.



08.03.01. Traffic Signs. The street department of the City is hereby authorized to erect at any intersection in the City, stop signs, slow signs, and preventing U turn signs thereon when so ordered by the City Council. Source: Ordinance 200; Ordinance 2007-07-393.

08.04.01. Right Turns. The driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right hand side of the street/highway, and in turning shall keep as closely as practicable to the right hand curb or edge of the street/highway. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-26-17.

08.04.02. Left Turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left hand lane lawfully available to traffic moving in the direction of travel of the vehicle. If practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-26-18.

08.04.03. Starting, Stopping, or Turning Signals. The driver of any vehicle upon a roadway, before starting, stopping, or turning from a direct line, shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement and shall then give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give signal as required in Section 08.04.05 plainly visible to the driver of such other vehicle of the intention to make such movement. A signal of intention to turn right or left, when required, shall be given continuously during and not less than the last one hundred (100) feet traveled by the vehicle before turning. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-26-22.

08.04.04. Arm Signals, Mechanical Signals, and Electrical Signals. The signal required in Section 08.04.03 shall be given either by means of the hand and arm in the manner specified in section 08.04.05 or by an approved mechanical or electrical signal device. Source: Ordinance 2007-07-39; Statutory Ref. SDCL 32-26-23.

08.04.05. Manner of Making Signal. Whenever the signal required by this section is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

1. Left Turn: Hand and arm extended horizontally.
2. Right Turn: Hand and arm extended upward.
3. Stop or Decrease Speed: Hand and arm extended downward.

Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-26-24.

08.04.06. Prohibit U-Turns. No U-Turn may be made between intersections. No vehicle, within a no-passing zone that is designated and marked in accord with SDCL 32-26-38, may be turned so as to proceed in the opposite direction. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-26-25.

08.05.01. Obedience to No Turn Signs. Whenever authorized, signs are erected indicating that no right, left, or U-Turn is permitted, and no driver of a vehicle shall disobey the directions of any such sign. Source: Ordinance 200; Ordinance 2007-07-393.

08.06.01. Safeguarding of Unattended Vehicle. No person driving or in charge of a motor vehicle may permit it to stand unattended without effectively setting the brakes thereon and, if standing upon any grade, turning the front wheels to the curb or side of the street. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-30-5.

08.07.01. Stop Sign. Unless directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to any vehicle which

has entered or is approaching the intersection from another highway and may not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic which may affect safe passage. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-29-2.1.

**08.08.01. Yield Sign.** The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions, or shall stop, if necessary, in a similar manner as provided in SDCL 32-29-2.1 and shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver, having so yielded, may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. However, if the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision is *prima facie* evidence of his failure to yield the right of way. Source: Ordinance 2007-07-393; Statutory Ref. SDCL 32-29-3.

**08.09.01. Circumstance Under Which Emergency Vehicles May Disregard Traffic Regulation.** The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not returning from a fire alarm, may exercise the privileges set forth in Section 08.09.02 but subject to the conditions stated in Sections 08.09.03 and Section 08.09.04. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-31-1.

**08.09.02. Particular Regulations Which May be Disregarded.** The driver of an authorized emergency vehicle may

1. Park or Stand, irrespective of the provision of Section 08.13.01.
2. Proceed past a stop sign, but only after slowing down as may be necessary for safe operation; or
3. Disregard code provisions governing the direction of movement or turning in specified directions.

Source: Ordinance 2007-07-393; Statutory Ref. SDCL 32-31-2.

**08.09.03. Use of Emergency Signals Required.** The exemptions granted in subdivisions 08.09.02 (2) and (3) to an authorized emergency vehicle apply only if the vehicle is making use of audible and visual signals meeting the requirements of law. However, the exemption granted in subdivision 08.09.02 (1) to the authorized emergency vehicle applies only if the vehicle is making use of visual signals meeting the requirements of law. Source: Ordinance 2007-07-393; Statutory Ref. SDCL 32-31-3.

**08.09.04. Duty of Other Motorists upon Approach of Emergency Vehicle.** Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right hand edge or curb of the highway/street, or in case of a one way highway/street, the nearest edge or curb, clear of any intersection of highways/streets, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the authorized emergency vehicle shall have passed. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-31-6.

**08.09.05. Duty of Operator to Use Care-Liability for Recklessness.** The provisions of section 08.09.01 through 08.09.04 shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. Source: Ordinance 2007-07-393; Statutory Ref. SDCL 32-31-5.

**08.10.01. Operator License.** No person shall drive any motor vehicle upon a highway or street in Edgemont unless such person holds a license which legally entitles said person to use the highways of the State of South Dakota. Source: Ordinance 200; Ordinance 2007-07-393.

**08.11.01. Vehicle Must Be Licensed.** No person shall drive any motor vehicle upon highway or street in the City of Edgemont unless such vehicle holds a license which legally entitles said vehicle to use the highways of the State of South Dakota. Source: Ordinance 200; Ordinance 2007-07-393.

**08.12.01. Exhibition Driving.** Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, college, or university in such a manner that creates or causes

unnecessary engine noise, tire squeal, skid, or slide upon acceleration or stopping, that simulates a temporary race; or that causes the vehicle to unnecessarily turn abruptly or sway is guilty of exhibition driving. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-24-9.

08.12.02. Careless Driving. Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, or university carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving as defined in 08.12.03, is guilty of careless driving. Source: Ordinance 2007-07-393; Statutory Ref. SDCL 32-24-8.

08.12.03. Reckless Driving. Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, college, or university carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving. Source: Ordinance 200; Ordinance 2007-07-393; Statutory Ref. SDCL 32-24-1.

08.13.01. Places Where Stopping Prohibited. Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a police officer or traffic control device, no person shall stop or park a vehicle:

1. On a sidewalk.
2. Within an intersection.
3. On a crosswalk.
4. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a marked safety zone.
5. Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic.
6. On any railroad tracks.
7. In any manner that will hinder or obstruct the normal movement of the traffic from either direction.
8. At any place where official signs prohibit stopping.

Source: Ordinance 200, Ordinance 2007-07-393; Statutory Ref. SDCL 32-30-6.1.

08.14.01. Parking in Alleys. No person shall park a vehicle within any alley in such a manner or under such conditions as to leave less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic and no person shall stop, stand, or park a vehicle in such position as to block the driveway entrance of any abutting property. Source: Ordinance 2007-07-393.

08.15.01. Clinging to Moving Vehicles. Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, skateboard, or any toy vehicle shall not attach the same or themself to any moving vehicle upon any roadway. Source: Ordinance 2007-07-393.

08.16.01. Pedestrian's Right of Way in Crosswalk.

1. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
2. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Source: Ordinance 2007-07-393.

2014-11-18-2

2014-07-01-2



ORDINANCE 2014-07-01-2

CHAPTER 8 OF THE EDGEMONT CODE OF ORDINANCES 2012 PASSED IN NOVEMBER 2012 SHALL BE AMENDED AS FOLLOWS:

THE FINE SCHEDULE FOR THIS MUNICIPAL ORDINANCE SHALL BE AS FOLLOWS:

These fines may be changed by the Edgemont City Council by Resolution.

MUNICIPAL CODE	OFFENSE	PAID AT CITY HALL	COURT COST
<u>08.03.01</u>	Failure to stop at a STOP sign	\$54.00	\$120.00
	Failure to yield at a Yield sign	\$54.00	\$120.00
<u>08.04.06</u>	Illegal U-Turn	\$54.00	\$120.00
<u>08.02.01</u>	Speeding:		
	1 – 5 mph over speed limit	\$19.00	\$85.00
	6 – 10 mph over speed limit	\$29.00	\$105.00
	11 – 15 mph over speed limit	\$59.00	\$125.00
<u>08.12.01</u>	Exhibition Driving	\$54.00	\$120.00
<u>08.12.02</u>	Careless Driving	\$54.00	\$120.00
<u>08.12.13</u>	Reckless Driving	\$54.00	\$120.00
<u>08.16.01</u>	Violation of Pedestrian		
	Right of Way	\$54.00	\$120.00
<u>08.14.01</u>	Parked blocking driveway		
	or alley	\$31.50	\$95.00
<u>08.14.01</u>	Parking violation	\$31.50	\$95.00

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.



Dated this 1<sup>st</sup> day of July, 2014.

(SEAL)

ATTEST:

Karen S Cain

Karen S Cain, Finance Officer

EDGEMONT COMMON COUNCIL

Edgemont, South Dakota

Carl A Shaw

Carl A Shaw, Mayor

First Reading: July 1, 2014

Second Reading: July 15, 2014

Published: July 24, 2014

Effective: August 13, 2014

McDermand: aye

Schepler: aye

Stalcup: aye

Strozewski: aye

West: aye

Woodward: aye



**ORDINANCE 2014-11-18-2**

AN ORDINANCE AMENDING CHAPTER 8 OF THE EDGEMONT CODE OF ORDINANCES PASSED ON NOVEMBER 20, 2012

Chapter 8 of the Edgemont Code of Ordinances shall be amended to add the following:

**08.16.02 Truck Traffic within the City of Edgemont:**

1. **Purpose:** The purpose of the amendment is to prevent damage to the streets of the City of Edgemont.
2. **Definitions:** Truck shall mean any vehicle which exceeds twenty-two (22) feet in length and all vehicles whose gross weight is more than fifteen thousand (15,000) pounds.
3. **Use of Certain Streets as Truck Route:** The City Council has designated Highway 471 to Old Highway 18 to Highway 471 South as truck routes to include C Street to 1<sup>st</sup> Street to E Street to Hwy 471.
4. **Owner's Responsibility:** In addition to the driver, the owner of any truck being operated with such owner's permission and consent is liable for any violation of this chapter.
5. **Prohibiting the Use of Certain Streets:** The City Council of Edgemont shall prohibit truck (as defined in #2, above) traffic or parking on any other streets within the City Limits. It is prohibited to perform any repairs or maintenance on said trucks while parked in designated areas. The City of Edgemont shall allow parking at: First Addition, Block 136, Lots 7 thru 13 as designated parking for trucks (as defined in #2, above).
6. **Exceptions to Use of Truck Routes:**
  - a. Delivery or Garbage Trucks
  - b. Emergency Trucks
  - c. Street Repair or Construction Trucks
  - d. Vehicles or Trucks necessary for the delivery of construction materials, including but not limited to: concrete trucks, house moving vehicles, trucks delivering building supplies, gravel or rocks.

The City Council shall have the authority to change the provisions of this Ordinance, Chapter 8 of the Code, by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.

Dated this 18<sup>th</sup> day of November, 2014.

(SEAL)

ATTEST:

Karen S Cain

Karen S Cain, Finance Officer

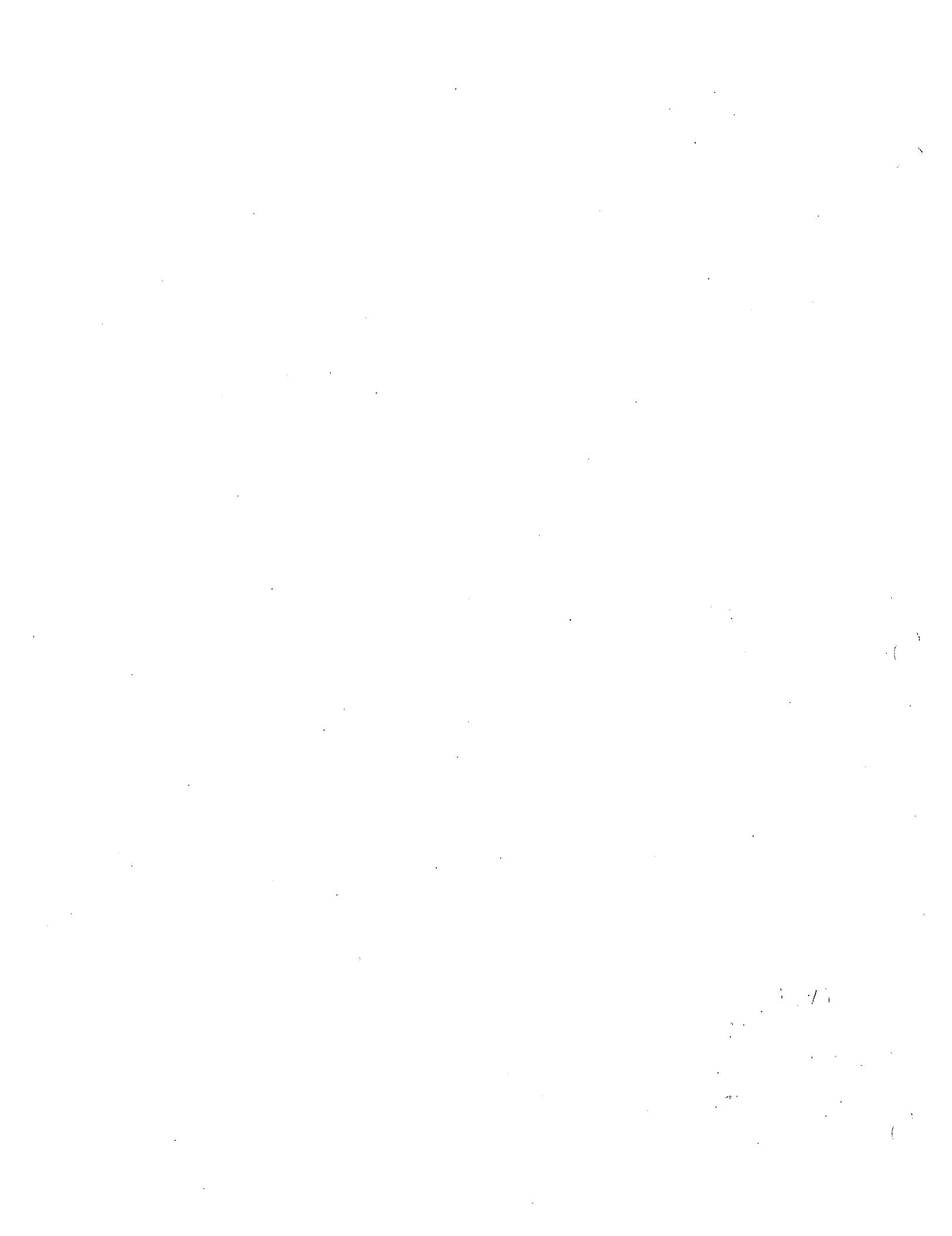
EDGEMONT COMMON COUNCIL

Edgemont, South Dakota

Carl A Shaw

Carl A Shaw, Mayor

First Reading: November 18, 2014



Second Reading: December 2, 2014

Published: December 11, 2014

Effective: December 31, 2014

McDermand: aye

Schepler: aye

Stalcup: aye

Strozewski: aye

West: aye

Woodward: aye



## Chapter 9

### Sales Tax

09.01.00. Purpose.

09.01.01. Effective Date and Enactment of Tax.

09.01.02. Collection.

09.02.01. Use Tax.

09.03.01. Interpretation.

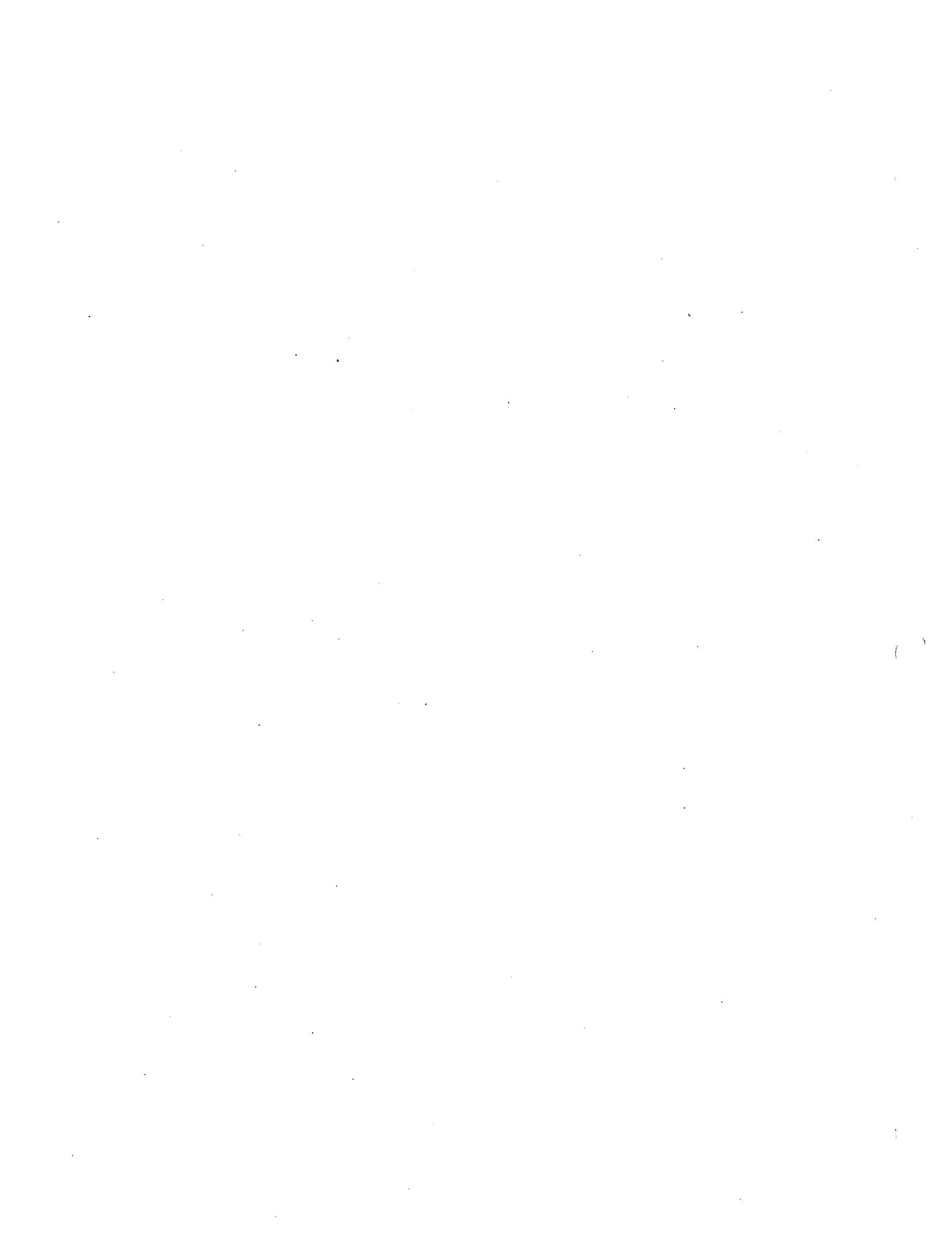
**09.01.00. Purpose.** The purpose of this ordinance is to provide additional needed revenue for the Municipality of Edgemont City, Fall River County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the Municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto. Source: Ordinance 382.

**09.01.01. Effective Date and Enactment of Tax.** From and after the first day of January, 2006, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by two (2%) percent on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Edgemont City, Fall River County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto. Source: Ordinance 382.

**09.01.02. Collection.** Such tax is levied pursuant to authorization granted SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue and Regulation in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue and Regulation of the State of South Dakota shall lawfully prescribe. Source: Ordinance 382.

**09.02.01. Use Tax.** In addition there is hereby imposed an excise tax on the privilege of use, storage, and consumption within the jurisdiction of the municipality of tangible personal property or services purchases from and after the first of January, 2006, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46 and acts amendatory thereto. Source: Ordinance 382.

**09.03.01. Interpretation.** It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax. Source: Ordinance 382.



## Chapter 10

### Municipal Gross Receipts "B & B" Tax

10.01.00. Purpose.

10.01.01. Effective Date and Enactment of Tax.

10.01.02. Collection.

10.01.03. Interpretation.

10.01.04. Use of Revenue.

**10.01.00. Purpose:** The purpose of this ordinance is to provide additional needed revenue for the Municipality of Edgemont, Fall River County, South Dakota, by imposing a municipal gross receipts tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52A, and acts amendatory thereto.

**10.01.01. Effective Date and Enactment of Tax:** From and after the first day of July, 2005, there is hereby imposed a municipal gross receipts tax of One Percent (1%) upon the gross receipts from the sale of leases or rentals of hotel, motel, campsites or other lodging accommodations within the municipality for periods of less than twenty-eight (28) consecutive days, the sale of alcoholic beverages as defined in SDCL 35-1-1, establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption, and ticket sales or admissions to places of amusement, athletic and cultural events. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Edgemont, Fall River County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts mandatory thereto.

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

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

**10.01.04. Use of Revenue:** Any revenues received under this ordinance may be used only for the purpose of land acquisition, architectural fees, construction costs, payment for civic center, auditoriums or athletic facility buildings, including the maintenance, staffing and operations of such facilities, and the promotion and advertising of the municipality, its facilities, attractions and activities.

## Chapter 11

### Roads, Streets, and Sidewalks

- 11.01.01. Duties of Utility Foreman.
- 11.01.02. Recording of Labor and Material.
- 11.01.03. Hindering.
- 11.01.04. Sidewalk Repair and who is Responsible.
- 11.01.05. Construction of Walks.
- 11.01.06. City Responsible for Crosswalks.
- 11.01.07. Clean Sidewalks and Snow Removal.
- 11.01.08. No Vehicles on Sidewalks.
- 11.01.09. Permit for Material to Be Placed In Street.
- 11.01.10. No Construction on Sidewalk.
- 11.01.11. No Riding on Sidewalks.
- 11.01.12. Railings for Stairways.
- 11.01.13. Permit Needed to Erect Posts.
- 11.01.14. No Littering on Sidewalks or Roads.
- 11.01.15. Notification When Repairing Sidewalks.
- 11.01.16. Keeping Sidewalks and Roads Weed Free.
- 11.01.17. No Molesting Passersby.
- 11.01.18. If Excavating Near Street, Alley, or Pathway Railing Must Be Installed.
- 11.01.19. Street and Avenue Names Changes.
- 11.02.00. Curb Stops.
- 11.02.01. City will Register Warrants.
- 11.02.02. Property Owner to Apply for Exemption.

11.01.01. Duties of Utility Foreman. The Utility Foreman shall have general supervision, charge, and control of the streets and alleys thereof. The Utility Foreman at least quarterly will inspect all streets, alleys, sidewalks, crosswalks, gutters, sewers, culverts, and bridges in the City, and make a full report in writing to the City Council as to the condition thereof with such recommendations and improvements thereof as he may deem proper. If the City Council takes any action thereon, the Utility Foreman shall carry out their instructions. Source: Ordinance 200

11.01.02. Recording of Labor and Material. It shall be the duty of the Utility Foreman to keep a complete record of the labor employed and the material purchased in carrying out the orders of the City Council or the committee thereof duly authorized thereto. He shall have charge of all tools, materials, and other property owned by the City. He shall make a report when requested to do so by the City Council. No bills for materials furnished for his department shall be allowed by the Council unless first certified as being correct by the Utility Foreman. Source: Ordinance 200.

11.01.03. Hindering. No person shall hinder the Utility Foreman or any employee of the City in lawfully making any improvements or repairs in or upon the streets, roads, or alleys, nor upon any sidewalks. Nor shall any person without proper authority tear up or injure any street, road, alley, sidewalk, or any public improvements in the City. Source: Ordinance 200.

11.01.04. Sidewalk Repair and who is Responsible. It is hereby made the duty of any owner, agent, or occupant of all property fronting or adjoining upon any of the streets of the City of Edgemont, or places used as such, to construct and maintain and keep in good repair in front of or adjoining such property a good and substantial sidewalk, of the width and character hereinafter provided. Source: Ordinance 200.

11.01.05. Construction of Walks. All walks and crosswalks must be constructed according to the established grade now on record. Source: Ordinance 200.

11.01.06. City Responsible for Crosswalks. All crosswalks connecting the walks at the various streets and alleys shall be built by the City. Source: Ordinance 200.

11.01.07. Clean Sidewalks and Snow Removal. The owners, agents, or occupants of houses, stores, or other buildings or grounds, on any street, shall keep the sidewalks and gutters in front of or adjoining such property clean and free from all obstructions, and after any fall of snow shall cause the snow thereon to be immediately removed from such sidewalk fronting their respective lots or adjacent thereto into the street. All persons must comply with provisions of this section within twelve hours after the same may be placed upon the sidewalk or the fall of snow thereon. Source: Ordinance 200.

11.01.08. No Vehicles on Sidewalks. No person shall place, leave or keep on any public road, alley, street, sidewalk, or other public ground in the City of Edgemont, any wagons, automobiles, or other vehicle except when the same shall be in actual use; nor shall any person place, leave, or keep any article in any of the public streets or place which may obstruct the free use of said street or other public grounds except as hereinafter provided. Source: Ordinance 200.

11.01.09. Permit for Material To Be Placed In Street. A person wishing to place building material in any public place for the purpose of building or repairing any building may upon application to the Building Official secure a permit to place such building material upon the public street but at the expiration of the permit, unless it be extended, he shall remove or cause to be removed from such public place all materials or rubbish resulting there from. Source: Ordinance 200.

11.01.10. No Construction on Sidewalk. No person shall directly maintain any building that the same shall stand in whole or in part, upon any public street, road, alley or sidewalk in said city provided that no windows, cornices or other projections from the building above the first story may extend over the adjoining street, road, alley, or sidewalk not to exceed three feet; and no person shall construct any basement or cellar stairways extending into the public street, road, alley, or sidewalk or any steps area or Other appurtenances to any building nor shall any person on any street place or maintain any pipe leading from the eaves in such position that the water discharged thereby may flow over or upon any public sidewalk. Source: Ordinance 200.

11.01.11. No Riding on Sidewalks. No person shall ride, drive, or lead any horse or other animal upon any public sidewalk in the City of Edgemont or draw or cause to be drawn thereon any vehicle ordinarily drawn by horses, or any automobile or other motor vehicle unless it be necessary to do in entering or leaving the premises. Motorized handicapped vehicles will be allowed on all city sidewalks. No person shall ride any bicycle or velocipede on any sidewalk in the City of Edgemont. Source: Ordinance 200.

11.01.12. Railings for Stairways. The owner of any building in said City having a stairway leading from an adjacent sidewalk to the cellar or basement of such building, shall guard such stairway with a substantial railing not less than three feet high, and any person who shall make or cause to be made any permanent opening in any sidewalk for the purpose of letting light into any basement or cellar or to any other purpose shall guard the same with a substantial railing not less than three feet high or with a substantial cover, but no such railing shall occupy more than two feet of the sidewalk, measuring from the inner side thereof without a special permit therefore, granted by Council. Source: Ordinance 200.

11.01.13. Permit Needed to Erect Posts. No persons or corporation shall erect any poles or posts to carry telegraph, telephone, or electric light wires or for any other purpose whatsoever in any street or alley in this City without first having obtained a permit therefore issued by City Council. Source: Ordinance 200.

11.01.14. No Littering on Sidewalks or Roads. No person shall throw into or upon or place in any street, alley, or sidewalk in the City of Edgemont any trash, wastepaper, or other material that will annoy the public or impede the passage on the street or sidewalk. Source: Ordinance 200.

11.01.15. Notification When Repairing Sidewalks. Whenever the City Council of the City of Edgemont deems it necessary to construct or repair any sidewalk in the City, they shall require the Utility Foreman to notify in writing all property owners to construct or repair any sidewalk at his own expense within the time designated in the notice. Nonresident owners will also be notified by publication in the official newspaper of the City for not less than two consecutive weeks. Source: Ordinance 200.

If said work is not done and the sidewalks not built within the time prescribed by the City Council which, must be a reasonable time allowed, the City Council may order the same to be done by the Utility Foreman at the expense of the lot, lots or parcel of land adjoining said sidewalks, and said expense shall be assessed upon and against said lot or parcel of land so chargeable by the Utility Foreman and returned by him to the City Council. Said assessments not paid shall become a lien upon said lot, lots or parcel of land as in the case of City, County, and State Taxes. If said assessment is not paid before the 18<sup>th</sup> day of August in any one year, the assessment shall be certified to the Fall River County Auditor before September 1<sup>st</sup> of each year for which the same may be delinquent. This shall be transmitted to the County Treasurer and collected in like manner as any other City, County, and State Taxes. Source: Ordinance 200.

11.01.16. Keeping Sidewalks and Roads Weed Free. It shall be unlawful for the owner or occupant of any real estate within the City of Edgemont to allow weeds or grass to grow in front or alongside of any such real estate in such a manner as to interfere with or hamper the free passage of pedestrians along the street or sidewalk. Source: Ordinance 200.

11.01.17. No Molesting Passersby. No person shall upon any street, alley, or sidewalk in this City or at the entrance of any building or any such street, alley, or sidewalk wrongfully hinder, impede, or molest any passerby or use any rude, obscene, vulgar, indecent or threatening language to any passerby or by any indecent act, gesture or noise molest, annoy, or insult or put in fear any person passing or attempting to pass on such street, alley, or sidewalk or through the entrance to such building. Source: Ordinance 200.

11.01.18. If Excavating Near Street, Alley, or Pathway Railing Must Be Installed. It shall be unlawful for any person to make or cause to be made any excavation on any lot, lots or parcel of land adjacent to any street, alley, or traveled path or roadway in this City, unless the same be securely guarded by a railing at least three feet high and so tight that no child can fall or pass through it to prevent injury to any person passing along such street, alley, or traveled path or roadway. Source: Ordinance 200.

11.01.19. Street and Avenue Names Changes. Changing names of streets and avenues:

1. All thoroughfares of the City of Edgemont running North and South except alleys shall be called Avenues, and all thoroughfares running East and West shall be called Streets.
2. The Avenues of the City of Edgemont shall be numbered consecutively commencing with the First (1<sup>st</sup>) Avenue west of the Rail Road Tracks, which shall be known as First Avenue and continuing west shall be Second (2<sup>nd</sup>) Avenue, Third (3<sup>rd</sup>) Avenue; Fourth (4<sup>th</sup>) Avenue, through Tenth (10<sup>th</sup>) Avenue.
3. The Streets of the City of Edgemont shall be lettered consecutively commencing with Highway 18, which shall be known as "A" Street, and continuing southward as "B" Street, "C" Street, "D" street is now Mogul Way, through "H" Street.
4. Names of all other streets and avenues of the City of Edgemont shall remain as designated on the official plat of the City of Edgemont as now recorded. Source: Ordinance 200.

11.02.00. Curb Stops. All curb stops for water lines and all sewer line stubs will be installed prior to curb, gutter and street improvements where lots are platted and water and sewer lines currently exist. Source: Ordinance 200.

11.02.01. City will Register Warrants. The city will register warrants with willing lending institutions to pay initial costs. Such warrants will be retired as property is developed and fees are paid. Source: Ordinance 200.

11.02.02. Property Owner to Apply for Exemption. Any property owner who does not intend to develop structures on property affected by this ordinance shall immediately apply to the city for an exemption, should property so excepted ever be developed, the property owner will pay the required tapping fee plus pay all replacement costs for fill, base course material, surface material and labor associated with the damage to the new city street. Source: Ordinance 200

## Chapter 12

### Water Works

- 12.01.00. Water Usage Rates.
- 12.01.01. Use of Water for Heating and Cooling.
- 12.02.00. Water Restrictions.
- 12.03.00. Landlord Responsible for Utility Bill.
- 12.03.01. Deposits.
- 12.03.02. Penalty.

**12.01.00. Water Usage Rates.** The City Council shall have authority to set rates by resolution. Utility rates shall be posted at City Hall.

**12.01.01. Use of Water for Heating and Cooling.** It shall be unlawful to use water from city sources to heat or cool any residence, place of business or any other structure without written consent of the City Council. Written plans must be submitted prior to a meeting of the City Council. Such use will be immediately terminated upon evidence of any health or safety hazard created by the use. Such use may also be terminated for cause by a 2/3 majority vote of the City Council. The procedures for non-emergency termination shall be: The council will direct the Mayor to write a cease and desist order to the building owner and occupant and will mail the same by certified letter. Use of water for heating and cooling will terminate ninety (90) days from receipt of letter. Within thirty (30) days of receipt of the letter the building owner may appeal the decision to the Common Council. The Council will set and hold a public hearing within thirty (30) days of receipt of the letter of appeal and hear arguments for and against the termination.

**12.02.00. Water Restrictions.** Summer water restrictions have been established by the Edgemont City Council. They will be in effect from June 1 through September 30. In addition, the Mayor has the authority to declare an emergency and order whatever water restrictions he deems necessary and appropriate. City officials are instructed to cite any offenders of the Mayors proclamation and all actions shall be reviewed and confirmed by a simple majority of the City Council at its next regular meeting. Should the Council determine that an emergency does not exist, it can overrule the Mayor at the meeting, but no pardon for violating the proclamation can be granted retroactively. Source: Ordinance 226

Summer water restrictions will be as follows:

1. Outside watering of even numbered houses being allowed to water on even numbered days and residents of odd numbered houses being allowed to water on odd numbered days with no one being allowed to water on the thirty first (31st) of any month.
2. Automatic sprinkler systems may be set to water from midnight (12 a.m.) to five a.m. (5a.m.).
3. Watering of the athletic field at the school is exempt from these restrictions with watering hours to be supervised by the City official;
4. The restrictions may be waived only by Council approval.

**12.03.00. Landlord Responsible for Utility Bill.** The City will bill renter for the utility bill as long as the bill is kept current; and the City utility bill is the ultimate responsibility of the landlord; and that if the utility bill is not paid, the utility services will be terminated until such time the bill is paid in full. Source: Ordinance 265.

**12.03.01. Deposits.** Prior to turning on utility service, each residential property owner shall pay a deposit that shall be returned after one year of zero past due balances. Prior to turning on utility service, each residential renter shall pay a deposit that shall be returned when they move from the City of Edgemont, and their bill is current. All

businesses, including low and medium commercial water usage, will be subject to a deposit. The Finance Officer is directed to place the deposit fees collected in the Water Fund Account.

12.03.02. Penalty. Utility bills are due and payable by the tenth (10th) of the month following consumption of water. If the utility bill is not paid by the first (1st) of the following month the water will be turned off and garbage pickup will be discontinued until the amount due, together with any costs, are paid to the City. All fees related to late or unpaid balances are to be set by resolution.



ORDINANCE 2014-07-15-01

AN ORDINANCE OF THE CITY OF EDGE MONT, SOUTH DAKOTA; PROVIDING  
COLLECTION OF DELINQUENT UTILITY BILLS BY ASSESSMENT AGAINST THE  
PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGE MONT, SOUTH  
DAKOTA:

Section 1: All charges for utility usage shall be a charge against the owner, and if such charges shall not be paid when due, the city shall have the right to disconnect water service to the premises and to collect the delinquent charges. Any charges, and any interest and penalties thereon, for water delivered to any real property within the city or under its jurisdiction, which are due and unpaid on the first day of October of each year may be certified by the city municipal finance officer to the auditor of the county in the manner provided by applicable state statute, together with any taxes levied for corporate purposes, and all amounts so certified shall be payable and delinquent at the same time and incur penalty and interest and shall be collected by the same procedure as real estate taxes on the same property."

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE  
HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.

Adopted this 15<sup>th</sup> day of July 2014.

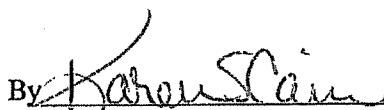
EDGE MONT COMMON COUNCIL  
CITY OF EDGE MONT, SOUTH DAKOTA

By

  
Carl A. Shaw

Carl A. Shaw, Mayor

ATTEST:

By   
Karen S. Cain, Finance Officer

(SEAL)

First Reading:	July 15, 2014
Second Reading and Adoption:	August 5, 2014
Publication:	August 14, 2014
Effective Date:	September 3, 2014

McDermand: aye	Schepler: aye
Stalcup: aye	Strozewski: aye
West: aye	Woodward: aye



ORDINANCE 2014-11-18-1

AN ORDINANCE AMENDED CHAPTER 12 OF THE EDGEMONT CODE OF ORDINANCES PASSED ON NOVEMBER 20, 2012.

PROHIBITING THE TRANSFER OF WATER FROM ONE RESIDENCE TO ANOTHER AND PROVIDING FOR PENALTIES.

Chapter 12 of the Edgemont Code of Ordinances shall be amended to add the following:

12.02.01. Water Restriction from Conveying Water from One Residence to Another. It shall be unlawful for any person receiving city water to transfer and/or convey city water, by whatever means, to another residence. It shall be unlawful for any person maintaining a residence within city limits to receive city water, by whatever means, from any other person or resident of the city.

Violations of this provision shall result in a Class II Misdemeanor as provided for in 01.04.00.

(source: SDCL 22-6-2)

The City Council shall have the authority to change the provisions of this Ordinance, Chapter 12 of the Code of Ordinances, by resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

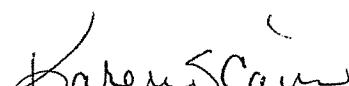
This Ordinance shall become effective upon its passage and publication.

Dated this 18<sup>th</sup> day of November, 2014.

(SEAL)

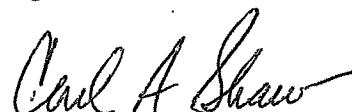
EDGEMONT COMMON COUNCIL

ATTEST:



Karen S Cain, Finance Officer

Edgemont, South Dakota



Carl A Shaw, Mayor

First Reading: November 18, 2014

Second Reading: December 2, 2014

Published: December 11, 2014

Effective: December 31, 2014

McDermand: aye

Schepler: aye

Stalcup: aye

Strozewski: aye

West: aye

Woodward: aye



## ORDINANCE 2018-07-17-1

AN ORDINANCE AMENDING CHAPTER 12 OF THE EDGEMONT CODE OF ORDINANCES PASSED ON NOVEMBER 20, 2012.

Chapter 12 of the Edgemont Code of Ordinances; Water Works; shall be amended as follows:

**12.04.00 Service Lines:** All water works service lines, fixtures and clean-outs extending from the premises served to the curb stop (meter pit) in the public right-of-way is the responsibility of the property owner to service and maintain. All water service lines and fixtures installed and connected to the municipal water main shall be kept in good working order, and properly protected from frost and other damage at the expense of the owner.

**12.05.00 Water, Sewer and Sanitation Connection Required:** No person shall occupy any structure within the City of Edgemont unless said structure is connected to the City of Edgemont's water, sewer and sanitation services. Any violation of this Ordinance may result in the City declaring the structure to be a public nuisance and a menace to the public welfare, comfort, and safety and health of the community. Any person having charge of any structure which is near any street in which the common sewer is or may be laid, shall within fifteen (15) days after written notice connect his/her dwelling or house with the water, sewer and sanitation services from the City of Edgemont, if the said structure shall accommodate humans. Said notice shall be signed by the City, served by any law enforcement officer, and any person disregarding such notice shall be guilty of a misdemeanor.

**12.05.01 Connection Penalty:** Any act or omission made unlawful or prohibited by any provision of this chapter shall be punishable by a fine not to exceed two hundred dollars (\$200.00), and in the event such violation shall be continuing in nature, such fine shall be imposed at a rate not exceeding two hundred dollars (\$200.00) per day. Further, such fine shall be in addition to and not in lieu of any other, further, additional, or different remedies available to the City pursuant to the Code of Ordinances for the City of Edgemont.

**12.05.02 Additional Penalties:** In addition to those penalties described in section 12.02.01, 12.03.02 and 2014-07-15-01, any property owner and/or utility user who violates ordinance sections 12.02.01, 14.04.00 or is more than 90 days past due for paying for any City utility service is, at the discretion of the City, subject to having their sewer service capped at the sewer main. Prior to being allowed to tap into the sewer line after same has been capped pursuant to this ordinance, the property owner or water user must pay a flat fee of \$400 to cover the cost to the City of tapping the sewer along with all other overdue amounts, including interest and penalties established by other ordinance or resolution of the Council, prior to the reestablishment of sewer service to the offending property. The cost of tapping into the sewer system after disconnection pursuant to this ordinance shall be the responsibility of the property owner and/or utility user, and shall be subject to written pre-approval from the City of Edgemont, all applicable building codes then in effect and inspection by the City of Edgemont.



The City Council of Edgemont, South Dakota shall have the authority to change the provisions of this Ordinance by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall become law upon its passage and publication.

Dated this 17<sup>th</sup> day of July, 2018.

(SEAL)

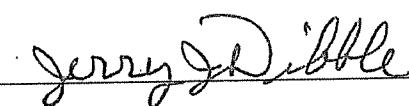
EDGEMONT COMMON COUNCIL

ATTEST:

Edgemont, South Dakota



Karen S Cain, Finance Officer



Jerry Dibble, Mayor

First Reading: July 17, 2018

Second Reading: August 7, 2018

Published: August 16, 2018

Effective: September 5, 2018

Leehey: aye      Schepler: aye      Shook: aye

Strozewski: absent      Woodward: aye      Worden: aye



## **Resolution Number 2025-11-18**

WHEREAS, the Edgemont City Council, (hereinafter "Council"), is empowered to construct, operate and maintain a public water and sewer system; and

WHEREAS, the Council is empowered to prescribe, fix, establish and collect fees, rates and other charges (hereinafter referred to collectively as "Rates") for the use of the facilities and services furnished by the water and sewer system, to retire outstanding bonds, certificates or other forms of debt, and to provide a margins of safety over and above the total amount of any such expenses; and

WHEREAS, the Council has established separate resolution Rates for Residential Customers (hereinafter referred to as a "Customer"); and

WHEREAS, private plumbing systems can occasionally fail, causing a plumbing leak underground or behind walls that is not readily visible to or detectable by a Residential Customer and resulting in a substantial increase in water consumption (hereinafter referred to as a "Concealed Leak"); and

WHEREAS, in recognition of the financial impact these occurrences have on Residential Customers, the requirement under the City of Edgemont's outstanding utility bonds that all Customers pay for the service provided, and the need to have a uniform billing adjustment policy, the Council finds it necessary to establish a written policy for adjustments to Customer utility bills; and

WHEREAS, the Council desires such a policy be equitable, encourage Customers to proactively inspect and promptly repair any defects on the plumbing side of the meter, and discourage ineligible and/or repeat request for billing adjustments.

NOW THEREFORE, BE IT RESOLVED that the City of Edgemont does establish the following:

1. For residential customer adjustment purposes, the average cost of water shall be determined based on the average consumption for the past twelve (12) months, and the consumption charge in the City of Edgemont rate resolution in effect at the time of billing, multiplied by the total amount of usage registered by the water meter. The available consumption data shall be used to calculate an average for new Customers with less than twelve (12) months of consumption history.
2. In all cases, within seventy-two (72) hours of the correction of the Concealed Leak, the Customer must present a written request for an adjustment to the Council. The request must include the cause of the leak, the date the leak was repaired, and a copy of the paid receipt for supplies and/or labor associated with repairing the leak, and the cause must have been corrected.

3. Customers shall pay the monthly bill unless the Council has approved other arrangements. Adjustments shall appear as a credit on future billing statements. Upon written request by the Customer, the Council may issue a refund for any remaining credit balance, exclusively at the Council's discretion.
4. The Council shall compare the current usage to the usage for the twelve (12) month period prior to the Concealed Leak to determine that the water usage has returned to normal.
5. No credit adjustment shall be provided for more than one (1) month.
6. No water adjustments will be made for leaks occurring in toilets, hot water heaters, water softeners, washing machines, valves, spigots, running hoses or any other items or plumbing fixture or pipe which can be visually inspected periodically to ensure proper working condition.
7. No credit adjustment shall be provided for more than one (1) month per account per calendar year.
8. Accumulated late charges incurred during a billing investigation may be adjusted upon Council approval.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Edgemont to be affixed this 18<sup>th</sup> day of November, 2025.

EDGEMONT COMMON COUNCIL  
Edgemont, South Dakota

Rheta Reagan  
Rheta Reagan, Mayor

ATTEST:

Aaron Eberle  
Aaron Eberle, Finance Officer

(SEAL)



Chapter 13

Garbage

13.01.00. Definitions.  
13.02.00. Commercial, Manufacturers and Industrial Units.  
13.03.00. Rules and Regulations for the Pickup, Storage, and Transportation of Garbage.  
13.04.00. Garbage Collection Charges and Billing.  
13.05.00. Fee Schedule.

13.01.00. Definitions.

1. Municipal Solid Waste (MSW) or Garbage shall be defined as the nonhazardous waste normally generated but excludes yard waste, bulky waste, green waste, construction and demolition wastes, automobiles, ashes, street sweepings and sewage sludge. The term "MSW" may be used interchangeably with "Garbage" and shall carry the same definition as Garbage. MSW includes refuse, cans, glass bottles, jars, paper, cardboard, and other materials and similar items that are capable of being recycled.
2. Person as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies and all other entities of any kind capable of being sued or suing.
3. Family Domestic unit shall be deemed to be any single family unit, irrespective of the number of persons constituting such family. In a multiple dwelling residence or apartment house, each independent family shall be deemed a family domestic unit. A Family Domestic unit shall be termed as a residence for the purpose of billing.
4. Small Commercial unit shall be occupants or owner of hotels, restaurants, garages, buildings or other places of business that produce no more MSW than a Family Domestic unit. A Small Commercial unit shall be termed as a residence for the purpose of billing.
5. Large Commercial unit shall be occupants or owner of hotels, restaurants, garages, buildings or other places of business that produce more MSW than a Family Domestic unit or a Small Commercial unit shall be termed Commercial.
6. Manufacturer unit shall be occupants or owners of any business where a product is produced from raw materials with industrial machines shall be termed Commercial.
7. Industrial unit shall be occupants or owner of any business where a product is produced for sale shall be termed Commercial.
8. Receptacle required for a Family Domestic unit or a Small Commercial unit shall be galvanized, or plastic of permanent color. All receptacles must be in good repair (void of cracks or holes). There can be no more than three 35 gallon capacity containers for each Family Domestic unit or Small Commercial unit. The City or its agent may require standardized and uniform receptacles at any time.
9. Banned items (items which shall be banned from garbage collection) will include the following items at such time said items are regulated by federal, state, or local mandates. All hazardous waste, infectious waste, and toxic waste, ashes, grass clippings, branches, and other yard waste; lead acid batteries, waste oil, tires; white goods (appliances); metal, construction waste (including but not limited to wood, cement, rock, asbestos, shingles, siding, paint or glass), furniture or insecticides.
10. Hazardous waste shall be any waste which is defined as hazardous by federal, state or local laws or regulations, or which is deemed as posing a hazard to the landfill, human health or environment.



11. Infectious waste shall be deemed to include material containing pathogens of sufficient virulence and quantity that exposure to such material by a susceptible host could result in an infectious disease. Such materials shall include, but are not limited to, the following:

- a. Isolation waste material generated by contact with hospitalized patients who are isolated to protect others from communicable diseases as defined by the Center for Disease Control.
- b. Cultures and stocks of infectious agents and associated biologicals, specimen cultures from medical or pathological laboratories, cultures and stocks of infectious agents from research or industrial laboratories, waste from the production of biologicals, and discarded live and attenuated vaccines, together with any culture dishes and devices used to transfer, inoculate, or mix cultures or other such agents.
1. Human blood and blood products, all waste human blood and blood products such as serum, plasma, and other blood components.
2. Pathological waste consisting of tissue, organs, body parts, or body fluids that are removed during surgery or autopsy.
3. Contaminated sharps, including hypodermic needles, syringes, pasteur pipettes, pipettes, broken glass, scalpel blades, and other similar items which may have come in contact with infectious agents during use in patient care, medical research, or pathological investigations.
4. Contaminated animal carcasses, body parts, and bedding, including all such materials exposed to pathogens in research and production of biologicals.
5. Miscellaneous contaminated waste including materials contaminated by contact with pathogens during surgery, autopsy, laboratory testing or experimentation, materials which were in contact with the blood or patients, and all other materials contaminated by contact with pathogens.
- c. Infectious waste shall not include material which has been rendered noninfectious by autoclaving, incineration, or other processes recognized and accepted by the medical profession, or material determined to be not infectious by a responsible, authorized licensed practitioner at the facility at which such wastes were generated.

12. Toxic waste shall be deemed to be any waste which is defined as toxic by federal, state or local law or regulation, or which is deemed a toxic hazard to the landfill, human health, or the environment.

13.02.00. Commercial, Manufacturers and Industrial Units. All Commercial, Manufacturers and Industrial units that produce more garbage in one week than a Single Domestic unit or Small Commercial unit will contract for their own garbage services. Those Commercial, Manufacturers and Industrial units that produce the same as a Family Domestic unit or Single Commercial unit shall use receptacles as defined in 13.01.00 The City or its agent may require standardized and uniform receptacles at any time.

13.03.00. Rules and Regulations for the Pickup, Storage, and Transportation of Garbage.

1. It shall be unlawful for any person or establishment to allow garbage or refuse to accumulate and collect in the City of Edgemont beyond the period of one (1) week.
2. No person or company shall place any hazardous, infectious or toxic waste into any container for the collection by the City or its agents. Garbage in transit shall not be allowed to spill, fall or be dragged upon private property or the streets or alleys within the City.
3. It is unlawful for any person or his agent, to deposit, throw, or place any garbage rubbish, ashes, leaves, offal, refuse or any other waste products of any kind, in or upon any street, alley, park or other public place.
4. It shall be unlawful for any person to allow debris which is of such a nature as to constitute a fire menace or fire hazard or constitutes a rodent harbor, or is a menace to the life, health, comfort, or convenience of the community to remain upon any private property in the City of Edgemont, said violation shall be removed within 15 days, after notice by the City to remove same has been received in writing.
5. Garbage needs to be at designated collection area by 7 A. M. the day of collection.

13.04.00. Garbage Collection Charges and Billing. The City shall make a charge for garbage to be billed on a monthly basis for the collection of MSW within the City. Any and all persons to whom water service is furnished by the City will be charged for garbage collection with the sole exception of Large Commercial units. Each billing

charge shall be based upon three 35 gallon containers per unit or the standardized and uniform receptacles required by the City or its agents.

13.05.00. Fee Schedule. The Common Council shall adopt and revise by Resolution a fee schedule or schedules for collection and disposal of municipal solid waste.

## Chapter 14

### Sewer

- 14.01.00. Sewer Charges Based on Water Usage.
- 14.02.00. Discharge Prohibited.
- 14.02.01. Discharge pipe/hose.
- 14.02.02. Disconnection.
- 14.02.03. Inspection.
- 14.02.04. Future Inspections.
- 14.02.05. New Construction.
- 14.02.06. Nonrefundable Fee.
- 14.02.07. Winter Discharge.
- 14.03.00. No Construction of Privy, Septic or Cesspool.
- 14.03.01. Shall Install Toilet.
- 14.03.02. Sewer to be provided at Developers Expense.
- 14.03.03. Service Connections.
- 14.04.00. Only One Building per Sewer Line.
- 14.04.01. Lines Must Meet State Plumbing Code.
- 14.04.02. Authority Vested in City Official.
- 14.05.00. Utility Bill Responsibility of Landlord.

14.01.00. Sewer Charges Based on Water Usage. All residential, commercial, or industrial property owners shall pay sewer charges based on the gallons of water used per month based on the fee schedule to be set by resolution:

14.02.00. Discharge Prohibited. Except as otherwise expressly authorized, no water from any roof surface, sump pump, footing tile, swimming pool, any other natural precipitation, cooling water or industrial process water shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require sump pumps or footing tiles shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one, which provides for year round discharge capability to the outside of the dwelling, building, or structure. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge. Source: Ordinance 374.

14.02.01. Discharge pipe/hose. Any discharge pipe/hose from a sump pump system shall discharge water on to the residents own property or City street. In no event shall said outlet pipe/hose from a sump pump system discharge water on another person's real estate or in a manner as to cause it to go upon another person's property. Said outlet pipe/hose from a sump pump shall not be cut into the curb or gutter on any street or alley without first obtaining permission from the City of Edgemont. Any such alteration of a curb or gutter without permission will result in the City repairing said curb or gutter to its original condition and assessing the cost of same, together with reasonable attorney fees, against the subject premises. Any person, property owner or other legal entity violating any term or condition of this Code is guilty of a Class II Misdemeanor punishable by such amount of jail time or fine, or both, as prescribed for Misdemeanors is South Dakota statutes. Source: Ordinance 374.

14.02.02. Disconnection. Before April 1, 2005, any person, firm, or corporation having a roof surface, groundwater sump pump, footing tile, swimming pool, cooling water or unpolluted industrial process water now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner. Source: Ordinance 374.

14.02.03. Inspection. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the City or a designated representative of the City to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a City inspection report from a City approved licensed plumber certifying that their property is in compliance. Source: Ordinance 374.

14.02.04. Future Inspections. Any property with a sump pump found not in compliance with this Code but subsequently verified as complaint shall be subject to an annual re-inspection to confirm continued compliance. Any property found not to be in compliance upon re-inspection, or any person refusing to allow their property to be re-inspected within thirty (30) days after receipt of mailed written notice from the City of the re-inspection, shall be subject to the nonrefundable fee set forth in this Code.  
Source: Ordinance 374.

14.02.05. New Construction. All new dwellings with sumps for which a building permit is issued after April 1, 2005 shall have a pump and shall be piped to the outside of the dwelling before a certificate of occupancy is issued.  
Source: Ordinance 374.

14.02.06. Nonrefundable Fee. A nonrefundable fee of one hundred (\$100.00) dollars per month is hereby imposed on every sewer bill mailed on and after July 1, 2005, to property owners who are not in compliance with this Code or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during any re-inspection to have violated this Code will be subject to the one hundred (\$100.00) dollars per month nonrefundable fee for all months between the two most recent inspections. Source: Ordinance 374.

14.02.07. Winter Discharge. The City Official is authorized to issue a permit to allow a property owner to discharge water into the sanitary sewer system. The permit shall authorize such discharge only from November 15th to March 15th, shall require the owner to permit an inspection of the property on March 16th or as soon thereafter as possible to determine that discharge into the sanitary sewer has been discontinued and shall subject the owner to the one hundred (\$100.00) dollars monthly nonrefundable fee in the event that the owner refuses an inspection or has failed to discontinue the discharge into the sanitary sewer. The nonrefundable fee will commence with the April water billing and continue until the property owner established compliance with this Code. A property owner is required to meet at least one of the following criteria in order to obtain the permit.

1. The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property.
2. The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding.
3. The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

Following ten (10) days written notice and an opportunity to be heard, the City Official may require a property to discharge their sump pump into the sanitary sewer from November 15th to March 15th if surface water discharge is causing ice condition on streets. Source: Ordinance 374.

14.03.00. No Construction of Privy, Septic or Cesspool. The construction of any privy, septic tank, or cesspool is hereby prohibited within the corporate limits of the City of Edgemont. Source: Ordinance 259.

14.03.01. Shall Install Toilet. Each household or building used for human occupancy shall install suitable toilet facilities at owner's expense and shall connect those facilities to the Sanitary Sewer System, unless variance is granted by the City Council. Source: Ordinance 259.

14.03.02. Sewer to be provided at Developers Expense. As per subdivision regulations, all new tracts of land annexed into the City shall first be provided with sanitary sewer at developer's expense. All new homes constructed shall be attached to the sanitary sewer where sewer exists within reasonable distance prior to its occupancy. Source: Ordinance 259.

14.03.03. Service Connections. All service connections shall be made only after written permission by the City of Edgemont. All costs incidental to the installation and connection shall be borne by the building's owner. Source: Ordinance 259.

14.04.00. Only One Building per Sewer Line. Only one building may be attached to each service line. Old service lines may be used after inspection and written permission by the City of Edgemont. Source: Ordinance 276.

• 14.04.01. Lines Must Meet State Plumbing Code. All sewer service lines shall be installed according to the State Plumbing Code. Where such drain will not permit gravity flow, an approved sump pump shall be required. Source: Ordinance 276.

• 14.04.02. Authority Vested in City Official. Authority for compliance with this ordinance shall be vested in the City Official or his agent except that compliance with the South Dakota Plumbing Code shall be the responsibility of the State Plumbing Boards West River Inspector and the local Building Inspector. Source: Ordinance 276.

• 14.05.00. Utility Bill Responsibility of Landlord. The City Utility Bill is the ultimate responsibility of the landlord; and if the utility bill is not paid, the utility services will be terminated until such time the bill is paid in full. Source: Ordinance 288.

• Revised 2014-8-5



**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE, PASSED ON NOVEMBER 20, 2012**

Chapter 14 of the Code shall be amended to add:

**14.04.01 Sewer Lines Must Meet State Plumbing Code.** All sewer lines shall be installed according to the State Plumbing Code, including the installation of a **back flow preventer**. Where such drain will not permit gravity flow, an approved sludge pump shall be required. **All new residential/commercial construction or replacement must be made with schedule 40 pipe.**

**14.04.02 Vested in City Official.** Authority for compliance with this ordinance shall be vested in a City Official except that compliance with the South Dakota Plumbing Code shall be the responsibility of the State Plumbing Board's West River Inspector and a City Official.

**14.05.00 Utility Bill Responsibility of Landlord.** The City Utility Bill is the ultimate responsibility of the landlord. If the utility services bill is not paid by the second billing cycle, the utility services will be terminated until such time as the bill is paid in full.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.

Adopted this 5<sup>th</sup> day of August, 2014.

EDGEMONT COMMON COUNCIL  
CITY OF EDGEMONT, SOUTH DAKOTA

By \_\_\_\_\_

Carl A Shaw  
Carl A Shaw, Mayor



ATTEST:

By Karen S Cain

Karen S Cain, Finance Officer

(SEAL)

First Reading: August 5, 2014

Second Reading and Adoption: August 19, 2014

Publication: August 28, 2014

Effective Date: September 17, 2014

McDermand: aye

Schepler: aye

Stalcup: aye

Strozewski: aye

West: aye

Woodward: aye



## ORDINANCE 2018-07-17-2

AN ORDINANCE AMENDING CHAPTER 14 OF THE EDGEMONT CODE OF ORDINANCES PASSES ON NOVEMBER 20, 2012.

Chapter 14 of the Edgemont Code of Ordinances; Sewer; shall be amended as follows:

**14.06.00 Service Lines:** All wastewater service lines, fixtures and clean-outs extending from the premises served to the sewer main in the public right-of-way is the responsibility of the property owner to service and maintain. All wastewater service lines and fixtures installed and connected to the municipal water main shall be kept in good working order, and properly protected from frost and other damage at the expense of the owner.

**14.07.00 Water, Sewer and Sanitation Connection Required:** No person shall occupy any structure within the City of Edgemont unless said structure is connected to the City of Edgemont's water, sewer and sanitation services. Any violation of this Ordinance may result in the City declaring the structure to be a public nuisance and a menace to the public welfare, comfort, and safety and health of the community. Any person having charge of any structure which is near any street in which the common sewer is or may be laid, shall within fifteen (15) days after written notice connect his/her dwelling or house with the water, sewer and sanitation services from the City of Edgemont, if the said structure shall accommodate humans. Said notice shall be signed by the City, served by any law enforcement officer, and any person disregarding such notice shall be guilty of a misdemeanor.

**14.07.01 Connection Penalty:** Any act or omission made unlawful or prohibited by any provision of this chapter shall be punishable by a fine not to exceed two hundred dollars (\$200.00), and in the event such violation shall be continuing in nature, such fine shall be imposed at a rate not exceeding two hundred dollars (\$200.00) per day. Further, such fine shall be in addition to and not in lieu of any other, further, additional, or different remedies available to the City pursuant to the Code of Ordinances for the City of Edgemont.

**14.07.02 Additional Penalties:** In addition to those penalties described in section 12.02.01, 12.03.02 and 2014-07-15-01, any property owner and/or utility user who violates ordinance sections 12.02.01, 14.04.00 or is more than 90 days past due for paying for any City utility service is, at the discretion of the City, subject to having their sewer service capped at the sewer main. Prior to being allowed to tap into the sewer line after same has been capped pursuant to this ordinance, the property owner or water user must pay a flat fee of \$400 to cover the cost to the City of capping the sewer along with all other overdue amounts, including interest and penalties established by other ordinance or resolution of the Council, prior to the reestablishment of sewer service to the offending property. The cost of tapping into the sewer system after disconnection pursuant to this ordinance shall be the responsibility of the property owner and/or utility user, and shall be subject to written pre-approval from the City of Edgemont, all applicable building codes then in effect and inspection by the City of Edgemont.



The City Council of Edgemont, South Dakota shall have the authority to change the provisions of this Ordinance by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall become law upon its passage and publication.

Dated this 17<sup>th</sup> day of July, 2018.

(SEAL)

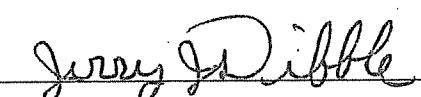
ATTEST:

EDGEMONT COMMON COUNCIL

Edgemont, South Dakota



Karen S Cain, Finance Officer



Jerry Dibble, Mayor

First Reading: July 17, 2018

Second Reading: August 7, 2018

Published: August 16, 2018

Effective: September 5, 2018

Leehey: aye      Schepler: aye      Shook: aye

Strozewski: absent      Woodward: aye      Worden: aye



## Chapter 15

### Amusements

#### 15.01.00. Prohibited Activities on Licensed Premises.

##### 15.01.01. Definitions.

##### 15.01.02. Unlawful Behavior for a Performer or Entertainer.

##### 15.01.03. Contact with an Entertainer or Performer.

##### 15.01.04. Performance and Physical Contact on Stage.

##### 15.01.05. Area of Stage.

##### 15.01.06. Violation of Ordinance and Penalties.

#### 15.01.00. Prohibited Activities on Licensed Premises.

##### 15.01.01. Definitions

1. An "Exotic Performer or Entertainer" is one who wears the fully opaque covering required by this ordinance but who could not be described as "fully clothed" and who includes in his performance activities of "sexual enticement" as that term is defined in SDCL 22-24-27(15) but which are also without serious literary, artistic, political, or scientific value.
2. "Licensed Premises" are any premises which are licensed for the sale of alcoholic beverages, including malt beverages.
3. "License" is any person, association, partnership, corporation, club, or other entity which possesses a license for the sale of alcoholic beverages, including malt beverages.
4. "Patron" is any person present on Licensed Premises who is not in the employ of the Licensee. It is not necessary for a person to actually make a purchase on the premises to be a patron.
5. A "Performer" or "Entertainer" is any person who is present on Licensed Premises with the consent of the Licensee for the purpose of entertaining any patrons who may also be present. The term includes those who are paid to perform (professionals) as well as those who are not paid (amateurs).
6. The term "Stage" refers to that portion of the licensed premises in which an Entertainer may perform and which may not, during any such performance, also be occupied by any patron who has not been specifically invited on stage by the performer to participate in the performance.
7. The term "Sexual Activity" shall mean any act of masturbation, homosexuality, sexual intercourse, or any other physical contact which falls within the definition of "sexual conduct" set forth as SDCL 22-24-27(14). Source: Ordinance 200.

15.01.02. Unlawful Behavior for a Performer or Entertainer. It is unlawful for any performer or entertainer while on licensed premises and in the presence of any other person to do or perform any one or more of the following:

1. To fail to conceal, with an opaque covering, the sexual parts of his or her body, to include the genitals, pubic area, and anus of any person, or the nipple and areola of the female breast;
2. To expose any device, costume, or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body, or the nipple and areola of the female breast;



3. To move in a manner which either constitutes actual sexual activity without a partner or between partners of the same or differing sexes or simulates such sexual activity.
4. To move in a manner which either constitutes actual sexual activity between a human being or either sex and any other animal species, or which simulates such activity.
5. To apply any substance, including water, to their own or any other person's clothing or costume, including a T-Shirt, which, although usually opaque, is thereby rendered less than fully opaque?

Source: Ordinance 200.

15.01.03. Contact with an Entertainer or Performer. It is unlawful for any patron to have physical contact with an entertainer during the course of a performance on licensed premises except under the following conditions:

1. The entertainer shall have invited the patron to participate in the performance, and
2. The contact which takes place does not involve any act by the patron which can be described by any one of the five subsections of 15.01.02 of this chapter. Source: Ordinance 200.

15.01.04. Performance and Physical Contact on Stage. It is unlawful for any exotic entertainer to perform on licensed premises in any area other than that which the license has designated as the stage or to have physical contact with a patron while performing except under the following conditions:

1. The entertainer shall have invited the patron on stage as a form of audience participation, and
2. Any contact which takes place between the entertainer and patron does not involve any act on the part of the performer which can be described by any one of the five subsections of 15.01.02 of this chapter.

Source: Ordinance 200.

15.01.05. Area of Stage. All licenses shall post in a location clearly visible to patrons a written statement indicating whether or not there is a designated stage area on the premises and, if so, the posting shall include a diagram which clearly designates what area constitutes the stage. If a stage area is designated, it may not be larger than two hundred (200) square feet. Ordinance: 200.

15.01.06. Violation of Ordinance and Penalties. Any violation of this Ordinance shall constitute grounds upon which the Common Council may proceed to suspend or revoke the license for sale of alcoholic beverages, including malt beverages for the premises where the violation took place.

1. It shall not be necessary for a separate ticket to be issued for a violation of any section of this Ordinance in order for the Common Council to proceed with an action to suspend or revoke a license for the sale of alcoholic beverages, including any license for the sale of malt beverages.
2. It is the express intent of the Common Council that proceedings for the suspension or revocation of the license of any premises on which a violation of this Ordinance takes place may be in addition to and independent of any other penalties which may be imposed under this Chapter. Source: Ordinance 200.

## Chapter 16

### Alcoholic Beverages

#### Sections:

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16.01.00. Definition of Terms. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- 1. "Alcohol Beverage." Any distilled spirits, wine, and malt beverages as defined in this Chapter. Source: Ord.2012-04-17; Statutory Authority: SDCL 35-1-1.
- 2. "Distilled Spirits." Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use, containing not less than one-half of one percent (0.5%) of alcohol by weight. Source: Ord. 2012-04-17; Statutory Authority: SDCL 35-1-1(16).
- 3. "Malt Beverage." A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley and hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of un-malted or prepared cereals, other carbohydrates or products prepared there from, and with or without the addition of carbon dioxide, and without or without other wholesome products suitable for human consumption, containing not less than one-half percent of alcohol by weight. Source: Ord.2012-04-17; Statutory Authority: SDCL 35-1-1(8).
- 4. "Off-sale." The sale of any alcoholic beverage, for consumption off the premises where sold. Source: Ord. 2012-04-17 Statutory Authority: (SDCL 35-1-1(12)).
- 5. "On-sale." The sale of any alcoholic beverage for consumption only upon the premises where sold. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(14).
- 6. "On-sale Dealer." Any person who sells, or keeps for sale, any alcoholic beverage for consumption on the premises where sold. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(14).
- 7. "Package." The bottle or immediate container of any alcoholic beverage. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(15).
- 8. "Package Dealer." Any person, other than a distiller, manufacturer, or wholesaler, who sells, or keeps for sale, any alcoholic beverage for consumption off the premises where sold. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(16).
- 9. "Retailer or Retail Dealer." Any person who sells alcoholic beverages for other than resale. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(18).
- 10. "Retail License." Any on- or off-sale license issued under the provisions of this Chapter. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(18).
- 11. "Sale." The transfer, for a consideration, of title to any alcoholic beverage. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(18).
- 12. "Wine." Any liquid either commonly used or reasonably adapted to use, for beverage purposes, and obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar and containing not less than one-half of one percent of alcohol by weight but not more than twenty-four percent (24%) of alcohol by weight. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(25).

13. "Wholesaler." Any person who sells alcoholic beverages to retailers for resale. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-1(24).

#### 16.01.01. General Provisions.

1. No person shall produce, transport, store or sell any alcoholic beverage except as authorized under the provisions of this Chapter and SDCL Title 35. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-4.
2. No person may transact any business authorized by this Chapter without a license as provided by this Chapter and SDCL Title 35. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-5.
3. A bottle club, is an establishment not licensed for the sale of alcoholic beverages, which allows persons to bring their own alcoholic beverages on the premises for the purpose of consumption and where the proprietor sells or provides soft drinks, mix, or ice on the premises, or charges for bringing such alcoholic beverages, soft drinks, or ice on the premises, is prohibited. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-5.1.
4. No person shall consume any intoxicating liquor or to mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale dealer where the alcoholic beverage was purchased from the dealer for on-sale purposes. For the purpose of this section "public place" means any place, whether in or out of a building, commonly and customarily open to or used by the general public and any street or highway. Source Ord. 2012-04-17 Statutory Authority: SDCL 35-1-5.3.
5. Prior authorization for persons to consume or blend alcoholic beverages, but not to engage in the sale thereof, in or upon property described by the municipality, which property is publicly owned, or owned by a nonprofit corporation, may be authorized by the governing body for a period not to exceed twenty-four hours, and hours of authorized consumption shall not exceed those permitted for on-sale licensees. Source Ord. 1812-04-17, Statutory Authority: SDCL 35-1-5.3.
6. Certain uses exempt from tax. Any person who produces for personal, family, or similar use two hundred gallons or less of malt beverage each year or any person who produces for person, family, or similar use two hundred gallons or less of wine each year is exempt from any license required by this title and is exempt from any tax or fee imposed by this title. The malt beverage or wine produced pursuant to this section may not be sold or offered for sale. Source Ord. 1812-04-17, Statutory Authority SDCL 35.1.5.4.
7. It shall be unlawful for any person occupying a motor vehicle located upon a public highway or the right of way of a public highway of a public highway to consume any alcoholic beverage or have a package or any receptacle containing any alcoholic beverage in his 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. Source: Ord. 1812-04-17, Statutory Authority: SDCL 35-1-9.1.

16.02.00. Alcoholic Beverages, Except for Malt Beverages. The provisions of this section, unless the context otherwise clearly requires, shall be construed to relate to all alcoholic beverages, including distilled spirits, wines and malt beverages, other than malt beverage licenses issued pursuant to Section Three of this Chapter. Source: Ord. 2012-04-17

16.02.01. Classes of Alcoholic Beverages-License and Fees. Classifications and fees for on-sale and off-sale dealers shall be as follows:

1. On-sale dealer, any person who sells or keeps for sale any alcoholic beverage, other than pursuant to another license under this Chapter, for consumption on the premises where sold. License fee is one thousand two hundred dollars (\$1,200.00).

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-2(4)

2. Wine retailers, being both package dealers and on-sale dealers. License fee is five hundred dollars (\$500.00). Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-2(12).

3. Off-sale dealer, any person who sells or keeps for sale any alcoholic beverage, for consumption off the premises where sold. License fee is not more than four hundred dollars (\$400.00). Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-2(3).

4. Off-sale package wine dealers in table wines, sparkling wines, sacramental wines, and distilled spirits produced from product provided to an artisan distiller by the respective farm winery to be operated in conjunction with a farm winery established pursuant to Section 15:09:091. License fee is not more than one hundred and fifty dollars (\$150.00). Source: Ord. 2012-04-17 Statutory Authority SDCL 35-4-2(18).

16.02.02. Off-Sale License Not to Deliver. No off-sale licensee shall make any delivery of alcoholic beverages outside of the premises described in his license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-74.

16.02.03. Service by On-Sale Licensee Restricted to Premise. No on-sale licensee shall serve alcoholic beverages except on the premises authorized by his license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-75.

16.02.04. Persons Under Twenty-One Barred from On-Sale Premise. Exception. No on-sale licensee shall permit any person less than twenty-one (21) years old to loiter on the licensed premises or to sell, serve, dispense, or consume alcoholic beverages on such premises. However, an on-sale licensee licensed pursuant to 16.02.01 may permit persons eighteen years old or older to sell or serve or dispense alcoholic beverages if less than fifty percent of the gross business transacted by the establishment is from the sale of alcoholic beverages and the licensee or an employee that is at least twenty-one years of age is on the premises when the alcoholic beverage is sold or dispensed. For the purposes of this section, the term, to sell and serve alcoholic beverages means to take order for alcoholic beverages and to deliver alcoholic beverages to customers as a normal adjunct of waiting tables. The term does not include tending bar or drawing or mixing alcoholic beverages. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-79.

16.02.05. Minimum Age for Selling Beverage on Off-Sale Premises. No off-sale licensee shall permit any person less than twenty-one (21) years old to sell, serve, or dispense alcoholic beverages on the licensed premises unless such sales of alcoholic beverages constitutes less than fifty percent of the gross business transacted by that establishment. If alcoholic beverage sales constitute less than fifty percent of the gross business transacted by the establishment, the licensee may permit person eighteen years old or older to sell, serve or dispense alcoholic beverages. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-79.1.

16.02.06. Times when On-Sale Service Prohibited. No on-sale or off-sale licensee licensed under 16.02.01(1) and 16.02.01(3) may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. or any time Christmas Day. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-81.

16.02.07. Times when Service by Malt Beverage Retailer or Package Dealers Prohibited. No on-sale or off-sale licensee licensed under 16.02.01 may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages between the hours of two a.m. and seven a.m. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-81.2.

16.02.08. Package Purchasers from On-Sale Dealer Prohibited. No person shall buy from any on-sale dealer any alcoholic beverage in a package, whether sealed or unsealed, or whether full or partially full. Source: Ord. 2012-04-17: Statutory Authority SDCL 35-4-85.

16.02.09. Persons to whom Sale of Beverages Prohibited. No licensee shall sell any alcoholic beverage:

- 1) To any person under the age of twenty-one years, or,
- 2) To any person who is obviously intoxicated at the time. Source: Ord. 2012-04-17, Statutory Authority: SDCL 35-4-78.

16.02.10. Intoxication not to be permitted on Licensed Premises. No licensee may permit any person to become intoxicated on the premises described on the license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-2-6.6.

16.02.11. Misdemeanor to Consume to Mix Alcoholic Beverages in Public Place other than Licensed On-Sale Premises – Exception. It is unlawful for any person to consume any distilled spirits in any public place, other than upon the premises of a licensed on-sale dealer. The term, public place, means any place, whether in or out of a building, commonly and customarily open to or used by the general public, and any street or highway. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-5.3.

16.03.00. Malt Beverages. The following classifications and fees are established for the sale of malt beverages:

1. Malt beverage retailers. Any person who sells or keeps for sale, other than resale, malt beverages as both package dealers and on-sale dealers. The license fee is three hundred dollars. Source: Ord. 2012-04-17 Statutory Authority: 35-4-2(16).
2. Malt beverage package dealers. Any person who keeps for sale or sells malt beverages for consumption off the premises where sold. The license fee is two hundred dollars. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-2(17).

16.03.01. Malt Beverages Pursuant. The provisions of this section unless the context otherwise clearly requires, shall be construed to relate only to malt beverages licensed pursuant to Section 16.03:00 of this Chapter.

16.03.02. Service by On-Sale Licensees Restricted to Premises. No licensee under this Section shall sell any malt beverages except from premises specifically designated or described in his license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-75.

16.03.03. Person to whom sale of Beverages Prohibited. No licensee shall sell any alcoholic beverage:

1. To any person under the age of twenty-one years, or,
2. To any person who is obviously intoxicated at the time. Source: Ord. 2012-04-17, Statutory Authority: SDCL 35-4-78.

16.03.04. Persons under Twenty-One Barred from On-Sale Premises. No on-sale licensee shall permit any person less than twenty-one (21) years old to loiter on the licensed premises or to sell, serve, dispense, or consume alcoholic beverages on such premises. However, an on-sale licensee licensed pursuant to 16.02.00 may permit persons eighteen years old or older to sell or serve or dispense alcoholic beverages if less than fifty percent of the gross business transacted by the establishment is from the sale of alcoholic beverages and the licensee or an employee that is at least twenty-one years of age is on the premises when the alcoholic beverage is sold or dispensed. For the purposes of this section, the term, to sell and serve alcoholic beverages means to take order for alcoholic beverages and to deliver alcoholic beverages to customers as a normal adjunct of waiting tables. The term does not include tending bar or drawing or mixing alcoholic beverages. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-79.

16.03.05. Minimum Age for Selling Beverages on Off-Sale Premises of Licensee Licensed under Subdivision 35-4-2(17) – Exception. No off-sale licensee shall permit any person less than twenty-one (21) years old to sell, serve, or dispense alcoholic beverages on the licensed premises unless such sales of alcoholic beverages constitutes less than fifty percent of the gross business transacted by that establishment. If alcoholic beverage sales constitute less than fifty percent of the gross business transacted by the establishment, the licensee may permit person eighteen years old or older to sell, serve or dispense alcoholic beverages. Source: Ord. 2012-04-17 Statutory Authority SDCL 35-4-79.1.

16.03.06. Time when Service by Malt Beverage Retailers or Package Dealers Prohibited. No package dealer or retail licensee licensed under 16.03.03 may sell, serve, or allow to be consumed on the premises covered by the

license, alcoholic beverages between the hours of two a.m. and seven a.m. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-81.2.

16.03.07. Intoxication not to be permitted on Licensed Premises. No licensee may permit any person to become intoxicated on the premises described on the license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-2-6.6.

16.04.00. Sale of Alcoholic Beverages. It is a Class 1 Misdemeanor, pursuant to SDCL 35-9-1, to sell or give for use as a beverage any alcoholic beverage to any person under the age of eighteen years unless;

1. It is done in the immediate presence of a parent or guardian or spouse, who is at least twenty one years of age, while not on the premises of an establishment licensed for the retail sale of alcoholic beverages pursuant to SDCL 35-4-2 or at a special event for which an alcoholic beverage license has been issued; or
2. It is done by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-9-1.

16.04.01. Restrictions on Alcohol to Persons Eighteen Years or Older but Under Twenty-One. It shall be unlawful to sell or give for use as a beverage any alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one years of age unless;

1. It is done in the immediate presence of a parent or guardian or spouse over twenty-one years of age; or
3. It is done by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-9-1.1.

16.04.02. Purchase, Possession or Consumption of Beverage by Minor. It shall be unlawful for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume alcoholic beverages except pursuant to Section 16.04.02 or when consumed in a religious ceremony and given to the person by an authorized person, or to misrepresent his or him age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages for any licensee licensed under this Chapter. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-9-2.

16.05.00. Special Alcoholic Beverage Licenses. Special alcoholic beverage licenses may be issued in conjunction with special events:

1. A special malt beverage retailer's license may be issued in conjunction with a special event with the municipality to any civic, charitable, educational, fraternal or veteran's organization or any licensee licensed pursuant to Sections 16.02.01(1) or 16.03.00(1) in addition to any other license held by the special events license applicant.

2. A special on-sale wine retailers license in conjunction with a special event within the municipality to any civic, charitable, educational, fraternal or veterans organization or any licensee licensed pursuant to Sections 16.02.01(1) or 16.02.01(2) in addition to any other licenses held by the special events license applicant.

3. A special on-sale license in conjunction with a special event within the municipality to any civic, charitable, educational, fraternal or veterans organization or any licensee licensed pursuant to Sections 11.02.018(1) in addition to any other licenses held by the special events license applicant, or

4. A special off-sale package wine dealers license in conjunction with a special event within the municipality to any civic, charitable, educational, and fraternal or veteran's organization or any licensee licensed pursuant to Sections 16.02.018(2) or 16.02.02(3) in addition to any other licenses held by the special events license applicant.

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-124.

16.05.01. Fee. A license issued pursuant to this section shall be issued to the organization and location specified on the application. Source: Ord. 2012-04-17 Statutory Authority SDCL 35-4-125.

16.05.02. Length of License. A license issued pursuant to this section shall be for a period not to exceed fifteen consecutive days. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-124.

16.05.03. Council to approve or disapprove. Applications for special licenses shall be made on forms available from the City Finance Office. The application shall be verified by the oath of the applicant, if an individual, and if a business entity, by an officer of the business entity. The applicant must provide documentation that it is eligible for the license for which application is being made. The application shall be submitted to the City Finance Officer, who shall submit such application to the Common Council. The Common Council may approve or disapprove the application based on the suitability of the applicant and the location of the proposed license. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-124.

16.05.04. Publicly owned property. The municipality may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to this Section. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-124.

16.05.05. 4 Special event licenses per year. The number of special licenses that may be issued to any person or business entity within any calendar year is four. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-124.

16.05.06. Public Dances. If an organization receiving a license pursuant to this Section conducts a street dance in conjunction with the special event, the organization shall provide qualified security personnel to maintain order during the dance. Source: Ord. 2012-04-17: Statutory Authority: SDCL 9-34-15.

16.06.00. Consumption of Alcoholic Beverages on Public Property. The application process for the license to consume on property owned by the public or nonprofit corporation is the same as for a special license in Section 16.05.03. Upon application the municipality may allow the consumption of alcoholic beverage on property owned by the public or by a nonprofit corporation within the municipality. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. There will be a fifteen dollar application fee. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-1-5.3.

16.07.00. Sale and Consumption of Alcoholic Beverages on Abutting Sidewalk. The consumption and sale of alcoholic beverages on a sidewalk or walkway subject to a public right-of-way abutting licensed premises, provided that the license holder derives more than fifty percent of its gross receipts from the sale of prepared food for consumption on the premises, is permitted under certain conditions:

1. The hours of authorized sale and consumption are the same as the licensed premises.
2. The sidewalk or right of way abuts the licensed premises, and
3. The sidewalk or right of way does not abut a federal-aid eligible highway unless approved in accordance with the applicable requirements for the receipt of federal aid.

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-77.1.

16.08.00. Full Service On-Sale Restaurant License. The terms used in this section, mean:

1. "Bar," any permanently installed counter within the restaurant area from which alcoholic beverages are regularly served to customers by a person which is tending bar or drawing or mixing alcoholic beverages.
2. "Full-service restaurant," any restaurant at which a waiter or waitress delivers food and drink offered from a printed food menu to patrons at tables, booths, or the bar. Any restaurant that only serves fry orders or foodstuffs such as sandwiches, hamburgers, or salads is not a full-service restaurant.
3. "Restaurant," any area in a building maintained, advertised and held out to the public as a place where individually processed meals are prepared and served primarily for consumption in such area and where at least sixty percent of the gross revenue of the restaurant is derived from the sale of food and nonalcoholic beverages. The restaurant shall have a dining room, or rooms, a kitchen, and the number and kinds of employees necessary for the preparing cooking, and servicing of meals. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-110.
4. "Current Fair Market Value," the documented price of the on-sale license most recently sold between January 1, 2003 and January 1, 2008, through an arm's length transaction, less the value of any real or personal property included with the transaction. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-117.

16.08.01. Documentation in Support of Initial Application for Full – Service Restaurant On-Sale License. An applicant for a full-service restaurant on-sale license shall provide sufficient documentation to the governing body upon an application form provided by the municipality to prove that the primary source of revenue from the operation of the restaurant will be derived from the sale of prepared food and nonalcoholic beverages and not from the sale of alcoholic beverages. The supporting documentation concerning the primary source of revenue submitted pursuant to this section is confidential. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-112.

16.08.02. Renewal of Full-Service Restaurant On-Sale License.—Annual Report. The full-service restaurant licensee shall submit on forms provided by the municipality an annual report. Forms shall include an oath verifying the validity of the information provided in the report. The report and the supporting documentation submitted pursuant to this section are confidential. The report shall include the annual gross sales of the licensee for the following two categories:

1. Food and nonalcoholic beverage sales
2. Total gross revenues.

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-113.

16.08.03. Conditions of renewal. When renewing a full-service restaurant on-sale license, the municipality shall condition the license renewal upon documents that at least sixty percent of gross revenue from the preceding twelve months operation of the full-service restaurant was derived from the sale of food and nonalcoholic beverages. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-113.

16.08.04. On-Premise Consumption Required. A full-service restaurant on-sale licensee may only serve alcoholic beverages for on-premise consumption in the bar and dining room area of the restaurant. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-114.

16.08.05. Advertisement of Full-Service Restaurant. No licensee that has a full-service restaurant on-sale license may allow smoking on the licensed premises. A restaurant that has a full service restaurant on-sale license may only be advertised or held out to the public as primarily a food eating establishment. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-115.

16.08.06. Certain Licensees to Report Amount Paid for Other Licenses. The license fee charge for a full-service restaurant on-sale license shall be at or above the current fair market value for such license as determined herein.

However, any fair market value so established shall be a minimum of one dollar for each person residing within the municipality as measured by the last preceding decennial federal census.

1. The license fee shall be initially established by Resolution of the Common Council within ninety days of the adoption of Ordinance 2008-09-4. Subsequent changes to the license fee shall not be made for a period of ten (10) years from the effective date of Ordinance 2008-09-04 unless a growth in population reported by the federal decennial census requires an increase in the fee.
2. Within 90 days of the effective date of Ordinance 2008-09-04, each licensee within the municipality who owns an on-sale license issued pursuant to SDCL 35-4-2(4) or (6) as of January 1, 1808, and who purchased the license or had the license transferred to such licensee at any time between January 1, 2003, and January 1, 2008, shall report the amount originally paid for the on-sale license to the City of Edgemont Finance Officer on forms provided by the City. Any form submitted pursuant to this provision shall be signed under oath and shall include the documents establishing the amount originally paid for the on-sale licensee. If the transaction for the purchase of the on-sale license included real or personal property, the full market value of the real or personal property on the date of the original sale shall be deducted from the total transaction price to determine the amount paid by the licensee for the on-sale license. The burden of establishing the amount paid for the license shall be on the licensee. Any licensee contesting the fair market value of the license on the date of purchase may file an objection to the report. The objection shall be filed with the municipality within thirty days of the date the license fee is set. The determination of the governing board may be appealed to the circuit court.

Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-117

**16.08.07. Registration that Full-Service Restaurant On-Sale License is for Sale.** The municipality shall maintain a registry of each full-service on-sale restaurant license that is being offered for sale and the municipality shall furnish a copy of the registry to anyone who requests a new full-service restaurant on-sale license. The existing full-service restaurant on-sale licensee is responsible for registering with the municipality that the full-service restaurant on-sale license is for sale. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-117;

**16.08.08. Registry of Full-Service Restaurant On-Sale Licenses.** The municipality may only issue a new license under this section if no on-sale license is on the registry or a person desiring to purchase an on-sale license listed on the registry provides documentation showing that the person is unable to purchase the on-sale license at the price established in Section 16.08.06 of this Code and on terms satisfactory to both the potential buyer and seller. The price of any on-sale license registered with the municipality under Section 16.08.07 shall be sold at the current fair market price set by the City pursuant to the Resolution adopted in accordance with Section 16.08.06 of this Code. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-4-118.

**16.09.00. Farm Wines.** The terms used in this section mean:

1. "Farm Winery." any winery producing table, sparkling, or sacramental wines as defined in subdivision (2) or wine as defined in subdivision (3), with a majority of the ingredients grown or produced in South Dakota: Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-12-1(1).
2. "Table, Sparkling, and Sacramental Wines." any beverage made without rectification or fortification and containing not more than twenty -four percent alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey: Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-12-1(2).
3. "Wine." any beverage made without rectification, except for the purpose of fortification, from the fermentation of grapes, grape juice, other fruit bases, or honey without adding brandy or alcohol, and containing not less than one half percent and not more than twenty-four percent alcohol by volume. Source: Ord. 2012-04-17 Statutory Authority: SDCL 35-12-1(3).

16.09.01. Farm Winery License. The Secretary of the Department of Revenue may issue a farm winery license to the owner or operator of a farm winery located in South Dakota producing wines as defined in Section 16.09:00(2)or(3). Source Ord. 2012-04-17 Statutory Authority: SDCL 35-12-2

16.09.02. On-Sale License. The holder of a farm winery license is eligible for an on-sale license issued pursuant to Section 16.02.01 subject to the quota established by municipal ordinance. Source Ord. 2012-04-17 Statutory Authority: SDCL 35-12-11.

16.09.03. Off-Sale License. The holder of a farm winery license may also hold on the premises where the wine is produced, an off-sale license issued pursuant to Section 16.02.01(4). Source Ord. 2012-04-17 Statutory Authority: SDCL 35-12-12.

16.10.00. Artisan Distiller Definitions. The terms used in this Section mean any distiller located in South Dakota that produces, rectifies, or blends fifty thousand gallons or less of distilled spirits annually. Source Ord. 2012-04-17 Statutory Authority: SDCL 35-13-1(1).

16.10.01. Artisan Distiller License. The Secretary of the Department of Revenue may issue an artisan distiller license to an artisan distiller. Source Ord. 2012-04-17 Statutory Authority: SDCL 35-13-2.

16.10.02. On-Sale Licenses. The holder of an artisan distiller license may hold on the premises where the distilled spirits are produced, an on-sale license issued pursuant to Section 16.02:01 subject to the quota established by municipal ordinance. Source Ord. 2012-04-17 Statutory Authority: SDCL 35-12-12.

16.11.00. Licenses Authorized. The City Council of the City of Edgemont may approve no more than six applications for off-sale liquor licenses and no more on-sale liquor licenses than allowed by state law for alcoholic beverages within the City of Edgemont during any calendar year. Source Ord. 2012-04-12.

16.11.01. No Debt Owing City. No application for off-sale or on-sale liquor licenses shall be considered by the City Council unless all personal and real estate taxes and utility bills of applicants are paid in full and receipt for payment shall accompany the applications. Source Ord. 2012-04-17

16.11.02. Fewer Licenses Permitted. Nothing shall prohibit the City Council of the City from limiting approval of any applications for off-sale or on-sale liquor licenses to a fewer number set out in 16.11.00. Source Ord. 2012-04-12.

Chapter 17

Licenses

17.01.00. Illegal Not to Have License for Business.

17.01.01. Peddler.

17.01.02. Circuses or Shows or Carnivals.

17.01.00. Illegal Not to Have License for Business. It shall be unlawful for any person to engage in the practice of any trade, business, or occupation within the corporate limits of the City of Edgemont, provided license is required, without first having obtained the proper license therefore, provided however, that the provisions of this Chapter shall not apply to any public officer who in pursuance of legal process may sell or offer for sale any kind of property at public auction, nor shall it include or apply to any person selling farm products which have been raised by said vendor in or on such garden tract or farm as said vendor may personally be operating, conducting, or farming in the State of South Dakota; nor to any persons who sell commodities manufactured by themselves within the bounds of the County of Fall River, South Dakota; nor to entertainments given for public or charitable purposes. Source: Ordinance 200.

17.01.01. Peddler. Every hawker and peddler of dry goods, fancy articles, notions, patent, medicines, or goods, wares or magazine subscription salesperson and/or merchandise of any kind or description whatsoever shall pay a license fee. Whenever any hawker or peddler shall be means of a concert, gift, enterprise, or other entertainment, seek to attract a crowd on the street, or in any building or other room thereon, in order to dispose of his goods, wares, and/or merchandise, he shall pay a license fee. Every hawker and peddler of farm products including vegetables, meats, fruits, eggs, and/or dairy products, shall pay a license fee. No license shall be issued for less than four (4) hours.

17.01.02. Circuses or Shows or Carnivals. Circuses, Shows or Carnivals shall pay a license for each day or part of a day, and for each side show exhibition, concert, or entertainment traveling with said show or circus, for which a separate fee of admission is charged, whether the same be in the same tent or conducted in a separate tent after the main performance is over, theatrical performance or concerts not given in a licensed hall. Source: Ordinance 200.

Ordinance 2013-03-17

AN ORDINANCE AMENDING CHAPTER 17 OF THE EDGEMONT CODE OF ORDINANCES.

Chapter 17 of the Edgemont Code of Ordinances shall be amended to add:

17.01.03. Contractors Licenses

17.01.03.01. Contractors Licenses. It shall be unlawful for any person or persons representing or operating under the auspices of a firm or corporation to conduct, carry on or engage in the business of residential or commercial contracting work which requires a building permit to be obtained from the City of Edgemont or act in the capacity of a contractor of the same without first being approved by the City of Edgemont and having had issued to them a valid contractor's license by the City Building Official.

17.01.03.02. Classes of Licenses. There shall be three (3) classes of contractors licenses issued.

- A. Class A Contractors License: General Contractor in charge of any construction project exceeding \$35,000.00
- B. Class B Contractors License: General Contractor in Charge of any construction project less than \$35,000.00.
- C. Class C Contractors License: Any individual or company for hire to provide the services of Paving, Siding, Tree Service, Dry Wall/Sheet Rock, HVAC, Sprinkler system installation, Landscape contractor, State certified electrical contractor or State certified plumber.

17.01.03.03 Licensing Requirements. The applicant shall provide proof of S.D. Contractors license and S.D. Sales tax/Excise Tax Number at time of application.

ANY ORDINANCES, OR PORTIONS OF ORDINANCES, IN CONFLICT WITH THE PROVISIONS THEREOF ARE HEREBY REPEALED.

This Ordinance shall be effective upon its passage and publication.

Dated this 10th day of April, 2013.

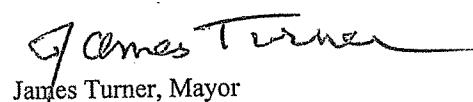
(SEAL)

ATTEST:



Tami Habeck, Finance Officer

EDGEMONT COMMON COUNCIL  
Edgemont, South Dakota

  
James Turner

James Turner, Mayor

First Reading: March 19, 2013  
Second Reading: April 10, 2013  
Published: April 17, 2013  
Effective: May 7, 2013

Bennett: aye	Eberle: aye
Evans: aye	Patrick: aye
Stewart: aye	Strozewski: aye



Ordinance 2013-03-17

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(SEAL)

EDGEMONT COMMON COUNCIL  
Edgemont, South Dakota

ATTEST:

Tami Habeck Finance Officer

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Bennett: aye	Eberle: aye
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## Chapter 18

### Minors

18.01.00. Minors.

18.01.01. Minors Barred from Loitering.

18.01.02. The Term "An Authorized Person".

18.01.00. Minors. It shall be unlawful for any minor under the age of eighteen years, unless an emancipated adult, to be upon any of the streets, alleys, or other public places within the City of Edgemont, South Dakota, between the hours of ten (10) p.m. and five (5) a.m. of the following day, unless accompanied by a Parent or an authorized person having him or her in charge; or unless such a Minor is upon some errand or legitimate business by written permission by a Parent, Guardian, or Employer; in which event, said Minor shall not loiter on the way, or make any undue noise to disturb the peace and quiet of the City. Any such Minor who shall violate any of the provisions of this section shall be subject to detention by any Police Officer without process, and shall be taken and delivered by a Police Officer into the Custody of one or more of his Parents, or of his or her Guardian or Employer. Source: Ordinance 353.

18.01.01. Minors Barred from Loitering. It shall be unlawful for any Parent, Guardian, or Person having the Custody or Control of any Minor under the age of eighteen years to allow or permit such Minor to loiter in any place where the Minor's presence is prohibited by law; or to allow or permit any Minor under the age of eighteen years to be abroad in or upon any of the streets, alleys, or other public places in the City of Edgemont, South Dakota, between the hours of ten (10) p.m. and five (5) a.m. of the following day, unless accompanied by an authorized person having charge of such Minor, or unless such Minor is on an errand or legitimate business by written permission of a Parent, Guardian, or Employer. Source: Ordinance 353.

18.01.02. The Term "An Authorized Person." This means a Person twenty one years of age or older, authorized by written permission by a Parent, Guardian, or Employer of the Minor, or person authorized via power of attorney executed by a parent or legal guardian, to have said Minor in his or her charge. Written authorizations or permissions will expire every twenty four (24) hours. Source: Ordinance No 353.



Chapter 19

Loitering on School Grounds

19.01.00. Loitering on School Grounds

19.01.00. Loitering on School Grounds. Within the City of Edgemont, South Dakota, it shall be unlawful for any person to:

1. Annoy, disturb, or otherwise prevent the orderly conduct of classes and activities of any school.
2. Annoy, disturb, assault, or molest any student or employee of any school while in or about any school building or school grounds.
3. Conduct himself in a lewd, wanton, or lascivious manner in speech or behavior in or about any school building or school grounds.
4. Park or move a vehicle in the immediate vicinity of, or on the grounds of any school for the purpose of annoying or molesting the students or employees; or in an effort to induce, entice, or invite students into such vehicles for immoral or unlawful purposes. Source: Ordinance 200.



Chapter 20

Vagrants

20.01.00. Defining Vagrants.

20.01.01. Violations.

20.01.00. Defining Vagrants. A vagrant is an idle person, having no legitimate means of support, who does not seek or desire lawful employment, and who subsists through charity of others or by unlawful means.

Whenever it shall, in a prosecution under this section be shown that any person who is able to work:

1. Wanders about in idleness or lives in idleness without property sufficient for his support.
2. Leads an idle, immoral, or profligate life and does not work.
3. Loafs, loiters, or idles in the city or upon a public street, or about any public place without any regular employment and without sufficient property for their support.
4. Trades or barters stolen property.
5. Unlawfully sells or barters any spirituous, vinous, malt, or other intoxicating liquors.
6. Attends or operates any gambling device to procure money or other things of value.
7. Engages in unlawful calling.
8. Begs in public place or from house to house, or induces children or others to do so.
9. Falsely represents himself as a collector of alms for a charitable institution or purpose.

Source: Ordinance 200; Statutory Ref. SDCL 9-29-10

10. All prostitutes and street walkers, and all keepers, occupants, lessees, tenants, and pimps of houses used for prostitution and gambling shall be deemed and hereby declared to be vagrants. Source: Ordinance 200.

20.01.01. Violations. Anyone violating above sections is subject to fine. Source: Ordinance 200.

## Chapter 21

### Nuisances

#### Maintenance code

#### Precedence statement

21.01.01. Declaration of Public Interest.

21.01.02. Definitions.

21.01.03. Storing, Parking, or Dismantled Vehicles a Public Nuisance.

21.01.04. Storing, Parking, or Dismantled Vehicles on Public Property Prohibited.

21.01.05. Removal.

21.01.06. Notice to Owner.

21.01.07. Duty of Private Property Owners.

21.01.08. Certified Letter to Property Owner.

21.01.09. Racing or Antique Vehicles.

21.01.10. Public Nuisances Prohibited.

21.02.00. Fireworks.

21.02.01. Fireworks Sale Prohibited.

21.02.02. Fireworks Use Prohibited.

21.03.00. Abatement of Nuisance.

21.01.01. Declaration of Public Interest. Nuisances constitute a hazard to the health and welfare of the people of the City of Edgemont in that such vehicles can harbor noxious diseases; furnish shelter and breeding places for vermin and present physical dangers to the safety and well-being of children and other citizens. These nuisances also constitute blight on the landscape of the City of Edgemont and therefore are a detriment to the environment. Source: Ordinance 386.

21.01.02. Definitions. As used in this article the following words, terms, and phrases shall have the meanings herein ascribed:

1. Motor Vehicle: Any self-propelled or towed vehicle including but not limited to automobiles, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, trailers, campers, and boats. Source: Ordinance 386.
2. Junk Motor Vehicles: Any motor vehicle which does not have current license plates affixed to the vehicle or which is wrecked, dismantled, partially dismantled, inoperable, or discarded on public or private property. Source: Ordinance 386.
3. Abandoned Motor Vehicle: Any motor vehicle which is left unattended on any public street, alley, highway, or any public parking lot or other public place or left on private property without the permission of the landowner or tenant for more than seventy two (72) consecutive hours. Source: Ordinance 386.
4. Antique Vehicle: Any motor vehicle which is thirty (30) or more years old and is being held for antique collection purposes. Source: Ordinance 386.
5. Covered: The terms or phases shall have the meaning that no parts of the vehicle shall be showing or visible except for the lower half of the vehicle wheels and tires. Source: Ordinance 386.
6. Appropriate Cover: Any covering that is manufactured, designed, or intended for covering objects, which is of a neutral color and does not cause attraction to its presence. Source: Ordinance 386.
7. Vermin: Small common harmful or objectionable animals that are difficult to get rid of. Source: Ordinance 386.

21.01.03. Storing, Parking, or Dismantled Vehicles A Public Nuisance. Storing, parking, or leaving dismantled or other such motor vehicles is declared a public nuisance. The presence of an abandoned, wrecked, dismantled, inoperative, junk or partially dismantled motor vehicle or parts thereof, on private or public property, is hereby declared a public nuisance, except as follows:

1. This section shall not apply to any motor vehicle enclosed within a building or covered with an appropriate cover to screen it from view when vehicle remains on private property.
2. Or to inoperable vehicle stored in conjunction with a properly zoned vehicle repair business, provided that all such vehicles are under a dated work estimate and invoice signed by the vehicle owner authorizing repair.
3. Or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways and covered with an appropriate cover to screen it from view when vehicle remains on private property.
4. Or to any motor vehicle retained on private property by the owner for antique collection purposes and covered with an appropriate cover to screen it from view when vehicle remains on private property.
5. Or to any operable motor vehicle which has current license plates affixed to vehicle.

Source: Ordinance 386.

21.01.04. Storing, Parking, or Dismantled Vehicles on Public Property Prohibited. Storing, parking, or leaving dismantled or other such vehicles on public property is prohibited. No person shall park, store, leave or permit the parking, storing, or leaving of any abandoned or junk motor vehicle of any kind, whether attended or not, upon any public property within the City. Source: Ordinance 386.

21.01.05. Removal. Whenever the City or an agent of the City finds an abandoned motor vehicle or junk motor vehicle on public property he/she shall give written notice that the vehicle will be removed to a garage or place of safety unless the owner removes the vehicle from public property within seventy two (72) hours of the receipt of the notice. After the expiration of the seventy two (72) hour period, the vehicle may be removed by the removal agency to a garage or place of safety. Nothing in this section precludes the City or an agent of the City from immediately removing a motor vehicle which causes an obstruction or hazard to traffic. Source: Ordinance 386.

21.01.06. Notice to Owner. It shall be the duty of the City or agent of the City to notify, by certified mail, the registered owner, and if encumbered, the lien holder, of the removal, storage, and present location of any motor vehicle removed under the provisions of this Ordinance and that the vehicle can be recovered by payment of all costs incident to its removal and storage. Source: Ordinance 386.

21.01.07. Duty of Private Property Owners. No person owning, in charge of, or in control of any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned or junk motor vehicles of any kind to remain on such property longer than thirty (30) days. Source: Ordinance 386.

21.01.08. Certified Letter to Property Owner. Whenever it comes to the attention of the City or agent of the City that any person has an abandoned or junk motor vehicle on his property, a notice in writing shall be served by certified mail upon such person ordering the removal of such motor vehicle in the time specified in this section. The notice shall contain the request for removal within thirty (30) days after the mailing of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this chapter.

Upon the failure, neglect or refusal of any owner to comply with the notice provided within thirty (30) days after the mailing thereof, the City is empowered to provide for the removal of such motor vehicle and defray cost of such

removal by a special assessment against the owner of said property. This cost will be submitted to the County Auditor for collection and monies will be reverted back to the municipality who had the expense. Source: Ordinance 386.

21.01.09. Racing or Antique Vehicles. No owner or occupant of private property shall retain thereon an uncovered motor vehicle in operating condition specifically adopted or designed for operation on drag strips or raceways or an uncovered motor vehicle retained on private property for antique collection purposes, except as specified by 21.01.03. Source: Ordinance 386.

21.01.10. Public Nuisances Prohibited.

1. No person or persons, owners, occupant, or person in charge of any house, building, lot or premises, in any area in the City, shall create, maintain, or commit, or permit to be created, maintained, or committed, any public nuisance as defined in Subsection 2, or as enumerated in Subsection 3, of this section.
2. Within the meaning of this section, a public nuisance consists in unlawfully doing an act, or omitting to perform a duty, within the corporate limits of the City, which act or omission either:
  - a.) Annoys, injures, or endangers the comfort, repose, health, or safety of others; or
  - b.) Offends decency, or
  - c.) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage of any lake or navigable rivers, bay, stream, canal, or basin, or any public park square, street or highway, or
  - d.) In any way renders 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.
3. Prohibited nuisances shall include, but are not limited to, the following enumerations, which are hereby deemed and declared nuisances:

a.) Weeds. Permitting noxious weeds to exist or grow on any private property or vacant lot constitutes a nuisance. Noxious weeds shall include but not be limited to the following; leafy spurge, Canada thistle, perennial sow thistle, hoary cress, Russian knapweed, purple loosestrife, salt cedar, st.johnswort, spotted knapweed, black henbane and common tansy. Also considered noxious weeds shall be those specifically stated as such by the South Dakota Dept. of Agriculture.

The owner, tenant, or any person responsible for yard maintenance of said private property or vacant lot shall be responsible for removal of said noxious weeds. This responsibility shall include any public right of way adjacent to such property or vacant lot. No criminal penalty or billing shall be imposed under this section unless the city causes notice be given to the owner or tenant or person responsible for such property that has noxious weeds to be removed within seventy two (72) hours of receiving notice. City personnel shall either hand-deliver to the property owner, tenant or person responsible of such property notification that they are in violation of this section, giving them seventy-two (72) to comply herewith or mail such notice by certified mail, return receipt requested.

b). Lawn Maintenance The property owner, tenant or person in possession of any property located within the city shall maintain the lawn so that grass and/or weeds shall not be permitted to grow more than an eight-inch height. The only exceptions permitted hereto are for large tracts of land over one acre or lands that the owner intends to keep in its naturally wild state, so long as exemptions of such

tracts does not hinder the safety of the public by impairing the vision of drivers operating motor vehicles on adjacent public thoroughfares. Such exemptions shall only be granted by the city council upon a specific request for exemption by the property owner, tenant or person in possession of such property.

c). Dead or diseased trees or other vegetation. The city shall have the right to inspect and cause the removal of any dead or diseased trees or other vegetation on private property within the city if such trees constitute a hazard to life or property or harbor pests, which constitute a threat to other trees within the city. The city shall notify the owners of such trees, in writing, to remove such trees within such reasonable time as shall be determined by the city. Removal shall be made by the owners at their own expense. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners or to assess the costs thereof against the property.

d.) Household waste including but not limited to items such as paper, rags, trash, garbage, discarded clothing, shoes, curtains, linen, and other apparel, tin cans, aluminum cans, plastic containers, glass containers, cleaning utensils, cooking utensils, and discarded household fixtures, when such items are stored, collected piled or kept on private or public property, and in view of adjacent properties or public right of ways.

e.) Used building materials and waste, including but not limited to, such items as lumber, plaster, old iron or other metal, concrete, brick and tile, piles of rock, and scrap or salvage building materials, when such items are stored, collected, piled, or kept and are not stored inside a building; except for building materials that are temporarily stored for work on the premises authorized by a valid building permit obtained for the premises, provided that such used or waste building materials shall not remain of the premises more than thirty (30) day after the expiration of the building permit.

f.) Household appliances, fixtures, and furniture including but not limited to items such as stove, refrigerators, freezers, sinks, cabinets, and other kitchen appliances, bedroom furniture, mattresses, tables, chairs, clothes washing and drying machines, bathroom appliances and fixtures, light fixtures, washtubs, when such items are stored, collected, piled, or kept and are not stored inside a building, except that patio furniture and other furniture designed for outdoor use.

g.) Dismantled motor vehicles, motor vehicle bodies, tires, and disassembled parts thereof, disassembled bicycles and bicycle parts, and other mechanical machines or motors or parts thereof when such items are stored, collected, piled, or kept and are not stored inside a building, in compliance with sections one (1) and two (2) of this Ordinance of the City of Edgemont.

h.) Carcasses of animals and hides. All carcasses of animals remaining exposed one (1) hour after death, excepting legally caught and tagged game, which shall be twenty four (24) hours; and all green or salted hides left deposited in any open place.

i.) Liquid Refuse. All slop, foul or chemically polluted water, liquor or beer washings, all filth, refuse or offal, discharged through drains or spouts or otherwise thrown or deposited in or upon any street, alley, sidewalk, public way, lot, park, public square, public enclosure, or any pond or pool of water.

j.) Vegetables or vegetable matters emitting noxious odors. All vegetables, vegetable matters, or other articles that emit or cause an offensive, noxious or disagreeable smell or odor; and any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin, or other disease carrying pests, animals, or insects, except that the presence of earthworms in a compost pile shall not constitute a nuisance.

- k.) Any other condition the City Council shall deem and declare to be a nuisance.
- 4. No person shall or place any bill or poster or placard upon any public or private building or premises without the consent of the owner thereof.

21.02.00. Fireworks. The term "fireworks" as referred to in this ordinance shall include firecrackers, torpedoes, roman candles, detonating canes, blank cartridges, skyrockets, or other pyrotechnic displays, but shall not include or apply to toy cap pistols, toy cannons and caps, nor to ammunition for firearms, not to dynamite and devices used for exploding the same used in any industry.

21.02.01. Fireworks Sale Prohibited. It shall be unlawful for any person, firm, or corporation to furnish, sell, offer for sale, keep or display for sale any fireworks within the City of Edgemont, South Dakota, at any time.

21.02.02. Fireworks Use Prohibited. It shall be unlawful for any person to keep, use, discharge or fire, any fireworks within the limits of the City of Edgemont, South Dakota, at any time, except as hereinafter provided. Provided, however that the Mayor may, by and with the association or corporation, to put on a public fireworks display on the day of public rejoicing or celebration under such supervision as the Council may prescribe, or the City may itself, under the supervision of the Sheriff's Department, put on such a public display on any such day of general celebration. Source: Ordinance 386.

21.03.00. Abatement of Nuisance and Criminal and Civil Sanctions.

- 1. A public nuisance may be abated without civil action by the City of Edgemont or officer authorized thereto by law. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his land, reasonable notice shall be given to him before entering to abate it. The City of Edgemont may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. Source: Ordinance 386.
- 2. Any person violating any of the provisions of this chapter shall be subject to both criminal and civil sanctions. The city may proceed criminally for a violation of this section with a maximum punishment as provided by ordinance for each day the violation exists.

## Ordinance 2023-12-5

### AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES PASSED ON NOVEMBER 15, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE EDGEMONT CITY COUNCIL OF THE CITY OF EDGEMONT, FALL RIVER COUNTY, SOUTH DAKOTA, amends Chapter 21 of Edgemont Code of Ordinances as follows:

Section 21.02.00: The term Approved Fireworks as referred to in the Ordinance shall refer to stationary "cones and fountains" and novelty devices, i.e. party poppers, snappers, sparklers, toy caps and flutter sparklers.

No consumer fireworks legally or illegally sold in the State of South Dakota that are thrown, propelled or otherwise travel may be discharged.

Additionally, no consumer fireworks that explode or provide a "report" such as, but not limited to firecrackers, aerial mortars, bottle rockets, sky rockets and the like may be discharged within Edgemont City Limits.

Section 21.02.01: The sale of fireworks shall be unlawful within the city of Edgemont without the prior approval of the Edgemont Common Council.

Section 21.02.02: Discharge of Approved Fireworks is limited to July 4<sup>th</sup> from 10:00 am to 11:59 pm and New Years Eve from 11 pm to 12:01 am.

Fireworks may only be permitted when the Buffalo Gap Grasslands Fire Danger is low or moderate. Discharge of approved or unapproved fireworks at any other time is a violation of this chapter and subject to the general penalty provision.

Section 21.02.03: No person may discharge approved or unapproved fireworks within the city of Edgemont carelessly, recklessly and in disregard of the rights of safety of others, or in any manner so as to endanger or be likely to endanger any person or property.

Section 21.02.04: No person may discharge any approved or unapproved fireworks within any private or public area within the City of Edgemont that is posted, or marked no trespassing or with signs prohibiting the discharge of fireworks.

Section 21.02.05: The City of Edgemont reserves the right to allow the supervised and controlled public display of fireworks by an organization or association of persons, provided that such organization or association, prior to making such display of fireworks, shall make a written application to the Edgemont Common



Council and secure a written permit for the display. The application for the permit shall set forth the name of the organization or association of persons desiring the permit, proof of insurance proper permit fee, location and date of the proposed display of fireworks and how and by whom it will be supervised. The permit application shall be reviewed by Edgemont Common Council and Edgemont Volunteer Fire Department Chief before approval. There will be no discharge of fireworks within the Edgemont City Park or other city owned properties without permission of Edgemont Common Council.

**Section 21.02.06:** A violation of this chapter shall be a class II misdemeanor, (30 days in jail or \$500.00 or both.) SDCL 22.6.2.

In addition, any person starting a fire could be charged under SDCL 22.33.9.3 Reckless burning statute - class 4 felony.

The city of Edgemont shall have the authority to change this ordinance by resolution. Any ordinance or parts of ordinances in conflict with the ordinance are hereby receded. This ordinance shall become effective upon its passage and publication.

Dated this 2<sup>nd</sup> day of January, 2024, at Edgemont, Fall River County, South Dakota.

By:

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Rheta Reagan  
Mayor

Attested:

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Aaron Eberle  
Finance Officer

1<sup>st</sup> Reading: December 19, 2023  
2<sup>nd</sup> Reading: January 2, 2024  
Date Adopted: January 2, 2024  
Date Published: January 11, 2024  
Effective Date: January 31, 2024



*Replaced*

Ordinance 2016-11-1

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORINANCES PASSED  
ON NOVEMBER 20, 2012.

Chapter 21 of the Edgemont Code of Ordinance shall be amended as follows:

Section 21.01.00: The term **Fireworks** as referred to in this Ordinance shall include any fireworks that are legal within the State of South Dakota.

Section 21.01.01: The sale of fireworks shall be unlawful within the City of Edgemont without the prior approval of the Edgemont Common Council.

Section 21.01.02: A person may shoot or discharge any fireworks, legal within the State of South Dakota, only during the period beginning July first (1st) and extending through July fifth (5<sup>th</sup>); and during the period beginning December thirty-first (31st) and extending through January first (1st). It shall be deemed unlawful for any person to discharge any fireworks at any time other than between the hours of nine AM (9 AM) and 10:01 PM with the exception of the actual holiday (July 4<sup>th</sup> & New Year's Eve) which shall be allowed between the hours of nine AM (9 AM) and 12:01 AM. All debris from fireworks discharge must be cleaned up and properly disposed of within 24 hrs. **Fireworks shall be used only when the fire danger is moderate or low.**

Section 21.01.03: No person may discharge any fireworks within the City of Edgemont, carelessly, recklessly and heedlessly in disregard of the rights of safety of others, or in any manner so as to endanger or be likely to endanger any person or property.

Section 21.01.04: No person may discharge or caused to be discharged any fireworks within any private or public area within the City of Edgemont that is posted, or marked as to no trespassing or with signs prohibiting the discharge of fireworks. There shall be no discharge of fireworks with in the Edgemont City Park without the prior approval of the Edgemont Common Council.

Section 12.01.05: A violation of this chapter shall be punishable by a fine of up to two hundred dollars (\$200).



The City of Edgemont shall have the authority to change this Ordinance by Resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH THE ORDINANCE ARE HEREBY REPEALED.

This Ordinance shall become effective upon its passage and publication.

Dated this 1<sup>st</sup> day of November, 2016

(SEAL)

ATTEST:



Karen S Cain  
Karen S Cain, Finance Officer

EDGEMONT COMMON COUNCIL

Edgemont, South Dakota



Carl A Shaw  
Carl A Shaw, Mayor

First Reading: November 1, 2016

Second Reading: November 15, 2016

Published: November 24, 2016

Effective: December 14, 2016

Cullen: aye

Schepler: aye

Strozewski: aye

West: aye

Woodward: aye



## Chapter 22

### Animals and Fowl

- 22.01.00. Purpose.
- 22.01.01. Definitions.
- 22.01.02. Exceptions.
- 22.01.03. Licensing.
- 22.01.04. Pet Licenses-Kennel.
- 22.02.00. Citations.
- 22.02.01. Term of License.
- 22.02.02. Interference.
- 22.02.03. Livestock Prohibited.
- 22.02.04. Harboring Undesirable Animals.
- 22.02.05. Biting and Diseased Animals.
- 22.02.06. Animal Offenses:
- 22.02.07. Abuse of Animals.
- 22.02.08. Hunting, Trapping, and Destruction.
- 22.02.09. Investigation.
- 22.02.10. Impoundment-Disposition.
- 22.02.11. Violation.
- 22.03.00. Deer Feeding Prohibited.

22.01.00. Purpose. The purpose of this chapter is to define the types of animals allowed, and prohibited, within the City of Edgemont, enumerate the exceptions and guidelines for these exceptions, describe the licensing requirements of the City of Edgemont, describe the types of animals that need to be licensed and terms of such licenses, establish rules regarding livestock within the City limits, describe those animals considered to be undesirable, and policies related thereto, and to generally describe and enumerate offenses caused by animals, abusive animals, destruction, impoundment, and penalties for such violations. Source: Ordinance No. 372; Statutory Ref.: SDCL 9-29-1; 9-29-11; 9-29-12.

#### 22.01.01. Definitions.

- 1. “Animal Control Officer” shall mean any person employed, contracted, or appointed pursuant to SDCL 40-2-5 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals.
- 2. “At Large” shall mean any pet that is off the property of its owner and not under control of a competent person with the use of a leash, lead, or tether or is securely confined in a vehicle.
- 3. “Castrated Animal” shall mean any male animal that has undergone surgery to prevent reproduction; owner must provide proof of such surgery.
- 4. “Feral Animals” shall mean livestock or pets not effectively controlled by any person and exhibiting predatory, scavenger, or vicious tendencies.
- 5. “Inhumane Treatment and Neglect” shall mean any act of mistreatment, torture, cruelty, neglect, abandonment, mutilation or inhumane slaughter of an animal that is not consistent with generally accepted training, use, and husbandry procedures for the species, breed, physical condition, and type of animal.
- 6. “Kennel” shall mean any person, group of persons, or corporation engaged in the commercial business of buying, selling, breeding, or boarding animals. A Humane Society, veterinarian office, or retail pet store is exempt from the provisions of this section.

7. "Livestock" shall mean animals or birds of a type which are typically kept for draft, production of food, or the hides, plumage, or pelts of which are generally marketable. This includes, but is not limited to cattle, buffalo, sheep, goats, swine, poultry, mink, chinchilla, nutria, horses, donkeys, and burros.
8. "Neglect of Animal" shall mean the failure to provide food, water, protection from the elements, adequate sanitation, adequate facilities, or care generally considered to be standard and accepted for the animals' health and well-being consistent with the species, breed, physical condition, and type of animal.
9. "Owner" shall mean any person, partnership, or cooperative owning, keeping or harboring one or more animals.
10. "Pets" shall mean mammals of a type generally housed in or near a human habitation and kept for companionship, protection, hunting, or show. Service Animals are not pets. No residence within city limits may keep or harbor more than four (4) pets (not including fish and birds) over the age of six (6) months at one time.
11. "Public Nuisance" means any animal which:
  - a.) Molest passerby's or passing vehicles
  - b.) Attacks other animals
  - c.) Trespasses on school grounds
  - d.) Damages private or public property
  - e.) Is repeatedly at large
  - f.) Barks, whines, or howls in an excessive, continuous, or untimely fashion
12. "Restraint" shall mean any animal secured by a leash or lead, secured in a vehicle, or within the real property limits of its owner.
13. "Spayed Animal" shall mean any female animal that has undergone surgery to prevent conception. Owner must provide suitable proof of such surgery.
14. "Torture" shall mean every act, omission, or neglect whereby unnecessary, unjustifiable, or unreasonable physical pain or suffering of an animal is caused, permitted, or allowed to continue; includes acts of mutilation.
15. "Vaccinations" means the inoculations of a dog or cat by a licensed veterinarian and as required by veterinarian standards with rabies and distemper/parvo vaccine licensed by the United States Department of Agriculture.
16. "Vicious Animals" shall mean animals with an existing propensity to attack or bite human beings or other animals that are known or should reasonably be known to the owner. For the purpose of this ordinance, a vicious dog is any dog which when unprovoked in a vicious or terrorizing manner approaches in an apparent attitude of attack and bites, inflicts injury, assaults, or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places; (or) any dog which on private property when unprovoked in a vicious or terrifying manner, approaches in an apparent

attitude of attack and bites, inflicts injury, or otherwise attacks a serviceman, journeyman, deliveryman, or other employed person who is on private property by reason of permission of the owner or occupant of such property, or who is on private property by reason of a course of dealing with the owner of such private property.

17. "Wild Animals" shall mean mammals, reptiles, or birds of a type not commonly domesticated which are indigenous to this or other areas and not subject to immediate human control or restraint. This includes, but is not limited to, any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lynx, or any other warm blooded animal which can normally be found in the wild state.
18. "Unnatural Food Source" shall mean any amount of grain, fruit, vegetables, nuts, hay, salt, mineral, food blocks, or other similar edible material which has the effect of attracting deer for the purpose of eating the material. Unnatural food does not include growing plants or the natural remainders of the growing plants.
19. "Proper Enclosure" is a secure confinement, as determined by the board, any agent or officer of a humane society, or any peace officer indoors or in a securely enclosed or locked facility, suitable to prevent a dangerous animal from escaping and to prevent any physical threat to the well-being of any other animal or human while not constituting inhumane treatment. Source: Ordinance 2007-11-396.

22.01.02. Exceptions. A maximum of four (4) pets over the age of six (6) months per residence (not including fish and birds) may be kept, maintained, harbored, or in custody of a person within city limits only if all of the following criteria are met:

1. The owner, keeper, or custodian of the pet(s) has applied for and received a license for said pet(s) as required herein.
2. A registration tag bearing the legible number of the license for the animal(s) is securely fastened to the animal's collar or harness and is clearly visible.
3. The animal(s) is restrained by a leash, lead, tether, or chain fastened to an immobile object held in the hand of a person capable of controlling the animal or is confined within a building, kennel, pen, run, or proper enclosure from which it cannot escape. Source: Ordinance 2007-11-396; Amending Ordinance 372.

22.01.03. Licensing. Licenses, as herein required, shall be issued for individual animals, when the following prerequisites are satisfied as to each animal.

1. Application is made to the City Finance Officer, or his designee, within twenty (20) days after obtaining an animal from the age of six months, or older, on the form provided; except that this requirement will not apply to a nonresident keeping an animal with the city limits for not longer than thirty (30) days.
2. Applicant warrants that the animal is not vicious, and will not be permitted to run at large.
3. Veterinarian's certificate that the animal has been vaccinated against rabies and distemper/parvo as required by veterinarian standards is presented.
4. The current license fee is satisfied. The Common Council shall adopt and revise by resolution a fee schedule. Source: Ordinance 2009-11-03-2

5. Upon acceptance of the license application fee, the licensing authority shall issue a durable tag, stamped with an identifying number, and year of issuance. Dogs must wear identification tags on collars at all times when off premises of the owner. Every owner of a licensed cat shall be required to produce evidence of license issued for such cat upon request by the animal control officer, law enforcement officer, and/or city employee.
6. The licensing authority shall maintain a record of the identifying numbers of all tags issued.
7. All pets must be licensed annually, on or before January 15<sup>th</sup> of the new fiscal year. Failure to license pets annually, or upon acquisition, shall result in a fine and the owner shall pay for license fees, and required shots.
8. Unlicensed animals shall be regarded as strays, and shall be adopted out or disposed of in a humane manner at the discretion of the veterinarian. Feral cats may be disposed of immediately at the discretion of the veterinarian.

22.01.04. Pet Licenses-Kennel. A kennel is not allowed within city limits without the prior approval of the Edgemont Common Council.

1. Application is made to the City Finance Officer, or his designee, on the form provided.
2. Applicant warrants that the animals are not vicious, and will not be permitted to run at large.
3. Veterinarian's certificate that each animal has been vaccinated against rabies, distemper and parvo, as required for the specific species of pet and as required by veterinarian standards, is presented.
4. The current license fee is satisfied.
5. Presentation of a veterinarian's certificate, or receipt, if the animal has been neutered or spayed.
6. The licensing authority shall maintain a record identifying each pet currently held under the valid kennel license.

7. All residents holding a valid kennel license must renew such license annually, on or before January 15<sup>th</sup> of the new fiscal year, presenting applicable documents as before mentioned for each animal. Failure to renew the kennel license during the given time will result in a fine. In addition, the owner shall pay for license fees, and required shots.

22.02.00. Citations. The animal control officer, law enforcement officer, and/or city employee is authorized, empowered, and directed to issue citations, with fines, for any violation of the provisions of this section. The fine will be issued to the owner, and all fines are to be paid to the licensing authority within seventy-two (72) hours after receiving such notice.

Owners of animals that are issued citations shall pay the fee as stated in the bond schedule

22.02.01. Term of License. Licenses issued pursuant to this chapter shall expire at midnight on December 31<sup>st</sup> of the year in which issued. No citation shall be issued for failure to license animals until two (2) weeks after the lapse of a previous valid license. Source: Ordinance 372.

22.02.02. Interference. No person shall interfere with, hinder or molest the animal control officer, law enforcement officer, and/or city employee in the performance of any lawfully ordained duty of their office. No person shall seek

to release any animal in the custody of such officers, or where the pet is contained in an animal shelter except as herein provided. Source: Ordinance 372.

22.02.03. Livestock Prohibited. No person shall keep, maintain, harbor, have in custody or under control, or permit upon property owned or occupied by such person, any livestock within the city limits except for special events which must have the prior approval of the City Council. Source: Ordinance 372.

22.02.04. Harboring Undesirable Animals. No person shall permit any wild, feral, or vicious, animals of any type to remain upon property owned, or occupied, by said person within the City.

No person shall keep, or permit to be kept, on his premises any wild, feral, or vicious, animals for display or for exhibition purposes, whether gratuitously, or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

The licensing authority shall have the power to release, or order the release, of any wild animal found to be kept at a residence within the City.

The sole exception to this prohibition is a guard dog that is professionally trained, and fully controlled by voice command, or a dog that is enclosed within a pen so that it is inaccessible to children or other pets.

Source: Ordinance 372; Statutory Ref. SDCL 9-29-1; 9-29-13; 9-32-1.

22.02.05. Biting and diseased animals. The City of Edgemont shall, in the case of an animal bite, follow the procedures stated in the current Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinaries, Inc. and endorsed by the Center for Disease Control.

Whenever any pet, or other animal, bites or attacks a person or other animal, the incident shall be immediately reported to the animal control office, law enforcement officer, and/or a city employee. Upon a report that an animal has bitten any person, child, or other animal, and is acting in a strange or uncharacteristic manner, or appears to be in ill health, the animal control officer, local law enforcement officer, and/or city employee shall investigate, and shall order that the animal be impounded by the City for a period not exceeding ten (10) days, or euthanized. Such impoundment shall be at the expense of the owner of the animal, or of the City if the owner cannot be ascertained.

An animal that has attacked, or bitten, any person shall remain impounded until: (1) owner can verify license and rabies vaccination, and (2) the owner can show to the satisfaction of the animal control officer, or law enforcement officer that the animal will be kept under restraint and cause the public no further damage.

It shall be the duty of every physician, or practitioner, to report to the animal control office, law enforcement officer, and/or a city employee the names and address of persons treated for bites inflicted by pets or animals, together with such other information as will be helpful in rabies control.

When reports give a positive diagnosis of rabies, the animal control office, law enforcement officer, and/or a city employee may designate an area as quarantined for a period of thirty (30) days, and upon the indication of such quarantine no pet, or animal, capable of transmitting rabies shall be taken into the area or be permitted to be taken out of the area during the period of quarantine.

Any animal which has bitten any person may be euthanized by order of the Mayor, or law enforcement officer, if after review of the incident, a greater risk to human life exists by not doing so.

No owner of such pet involved in a biting incident may euthanize, sell, give away, or otherwise dispose of such pet until a full release of the incident has been issued by the animal control officer or law enforcement officer.

Any animal which is determined to be vicious, and endangers the public, and its owner cannot, or will not, keep it under restraint may be euthanized by order of the Mayor, or law enforcement officer.

Any officer of the licensing authority may lawfully destroy, or cause to be disposed, any animal in his charge when, in the judgment of the officer, such animal appears to be injured, disabled, diseased past recovery, contagious, aggressive toward other animals or human, if owner of such animal cannot be located within twenty four (24) hours.

Source: Ordinance 372; SDCL 9-29-12; 9-32-1.

**22.02.06. Animal Offenses.** No person shall permit animals owned, or kept, by such person to:

1. Run at large, or leave the real or personal property owned, or leased, by such person, unless physically restrained or controlled by a leash, lead, tether, or other attachment.
2. Emit, or produce, sound of a nature generally considered noisome, noxious, irritating, or a public nuisance.
3. Defecate upon public property, or private property, owned by another person unless such deposit is promptly and effectively disposed of.
4. Allow any female animal in heat to come into contact with another animal not planned for breeding. While in heat, the female animal shall be confined in a building or secure enclosure.
5. Allow any dangerous, fierce, or vicious animals to run at large. If the animal is found to be running at large, and cannot be safely taken up and impounded, such animal may be slain by an officer or agent of the city.
6. Allow any animal to attack any person, or persons, or clothing of said persons, in a vicious manner. This animal may be destroyed immediately to protect the safety of that person or persons. Should the animal not be destroyed, and the owner or custodian of the animal is located, the owner may be fined in accordance with ordinances governing the endangering of safety.

Source: Ordinance 372; Statutory Ref. SDCL 9-29-12; 9-29-13; 3-32-1.

**22.02.07. Abuse of Animals.** No person shall engage in or allow to continue, the willful or negligent mistreatment, abuse neglect, or inhumane treatment of any animal. No person shall inflict pain, or suffering, of any kind upon any animal. No person shall tease, molest, bait, or in any way bother any pet. This section shall not apply to the animal control officer, law enforcement officer, and/or city employee in the performance of their duty.

Excreta shall be removed from primary enclosures as often as necessary to prevent contamination, and to reduce disease hazards or odors. No person may intentionally administer poison to any animal, or intentionally expose any poisonous substance so that it may be taken by any animal. No owner shall fail to provide his pets with sufficient food, water, proper shelter, protection from the weather, and veterinary care as needed to prevent suffering.

Source: Ordinance 372; Statutory Ref. SDCL 9-29-11.

**22.02.08. Hunting, Trapping, and Destruction.** No person shall hunt, trap, or otherwise injure, or destroy any bird or pet within the City. This provision shall not apply to licensed veterinary physicians, city animal control officer, law enforcement officers, or the use of live traps by the citizenry. Source: Ordinance 372; Statutory Ref. SDCL 9-29-1; 9-29-11.

**22.02.09. Investigation.** For the purpose of discharging the duties imposed by this ordinance, and to enforce its provisions, the animal control officer, law enforcement officer, and/or city employee are empowered to enter upon

any premises upon which any animal is kept, or harbored, and to demand the exhibition of such animal, and the license of such animal.

It is further provided that the animal control officer, law enforcement officer, and/or city employee may:

1. Enter upon the premises where any animal is kept in a reportedly cruel or inhumane manner
2. Demand to examine such animal and to take possession of such animal, which in his opinion, requires humane treatment or veterinary care.

Such animal in need of humane treatment or veterinary care shall be impounded. Any veterinary care necessary shall be provided by a licensed veterinarian, and the expenses of such care, and impoundment, shall be held as a lien on the animal to be paid before the animal can be lawfully recovered. The owner of such animal may regain possession upon payment of any fines imposed, and all bills for veterinary care provided during impoundment. Such owner shall be informed that if inhumane treatment occurs a second time, the animal shall again be seized, and destroyed if necessary, without being held for three (3) days, or if said animal is deemed not dangerous, or undesirable due to the inhumane treatment sustained, such animal may be placed with a person deemed to be a responsible and caring owner, or released to the custody of any Humane Society to be placed for adoption to a responsible person. Under no circumstances shall said inhumanely treated animal be returned to the former owner, or any agent of the former owner. Source: Ordinance 372.

#### 22.02.10. Impoundment; Disposition.

1. Any animal found in the City, in violation of City Ordinances, may be impounded by any animal control officer, law enforcement officer, and/or city employee and placed in the animal shelter specified by the City Council. Upon impoundment of any animal, the animal shall remain in the custody of the animal shelter until the animal is redeemed by the owner or person in charge, adopted, or destroyed in a humane manner. The animal control officer, law enforcement officer, and/or city employee shall, within twenty four (24) hours of the impounding of such animal, make a reasonable attempt to contact the owner of the animal(s) having been impounded, and notify the owner that the animal is being kept in the custody of the shelter. Any owner reclaiming an animal must pay an impoundment fee for each day the animal has been impounded, plus any applicable fines. If the owner of the animal is unknown, the animal control officer, law enforcement officer, and/or city employee shall note in the animal control log located at the city office the description of the animal; stating the time and place the animal was apprehended, and the place where it is being kept, and how the same may be recovered by the owner.
2. Unless a licensed animal is redeemed by the owner, or person having charge thereof, and all fines and charges for its keep and necessary care are paid, the animal shall be adopted or destroyed in a humane manner, after the expiration of at least three (3) days from the time when notice that the animal was apprehended was provided to owner having charge thereof.

Unless the owner of an unlicensed animal registers and licenses the animal, as provided by City Ordinance, the animal shall be adopted or destroyed in a humane manner, after the expiration of at least three (3) days from the time when notice that the animal was apprehended was provided to owner having charge thereof.

If the owner of an impounded animal is unknown, the animal shall be released for adoption or destroyed not sooner than three (3) days after impoundment. However, any animal which has been diagnosed by a licensed veterinarian to be suffering from rabies, or dangerous contagious disease, shall not be released but shall be destroyed forthwith, or otherwise held or disposed of, according to the veterinarians' recommendations.

3. Any animal apprehended under this ordinance, in need of emergency veterinary care, where the City is unable to immediately identify, contact, and communicate with the owner within one hour, shall be provided with such care at the expense of the owner. The owner is deemed to have consented to such veterinary care as the veterinarian determines in his sole discretion is required. Any animal impounded and not reclaimed by its owner within three (3) days from the time of the impoundment may be adopted or humanely destroyed. The animal control officer, law enforcement officer, and/or city employee may authorize the licensed veterinarian to provide the minimum care of any animal; or to destroy any sick or injured, wild, or feral animal which has been impounded if its condition is such as to make its earlier destruction necessary or desirable. All animals destroyed shall be destroyed in a humane manner.
4. An animal that has been impounded, licensed or unlicensed, will be disposed of in a humane way after the third day of impoundment. Fines, impoundment costs, and disposal costs shall be assessed to the owner of the pet or to the City if the owner cannot be ascertained.

Source: Ordinance 372; Statutory Ref. SDCL 9-29-12; 9-29-13

22.02.11. Violation. Except as otherwise provided, any person violating any section within this chapter shall be guilty of a misdemeanor, and shall be punished by a fine. Each day's violation, failure, refusal, or neglect to comply with any provision of this chapter, or regulation promulgated hereunder, shall constitute a separate and distinct offense. Source: Ordinance 372.

22.03.00. Deer Feeding Prohibited.

1. No person within the corporate limits of the City shall place upon City or private property, or cause to remain thereon, any unnatural food source. It shall be affirmative defense to any prosecution hereunder that such unnatural food source was placed not less than five feet above the ground and was not accessible to deer, or that the unnatural food source was placed in good faith for the purpose of feeding domestic livestock or pets by or at the request of a person owning or having responsibility for such domestic livestock or pets or that the unnatural food source was placed in good faith for a purpose other than attracting deer or other wildlife and that the attraction of deer is only an incidental result.
2. Nothing in this section shall be construed to apply to any governmental agency or to any employee or authorized agent thereof in the course of his or her employment or agency. Specifically, nothing in this section shall be construed to prohibit the baiting of deer by authorized governmental agents in the furtherance of an approved plan to reduce deer population or in furtherance of an approved plan to entice deer out of the urban environment into a less urban and more natural environment. Source: Ordinance 2007-11-396.

## Chapter 23

### Disposal of Waste and Rubbish

23.01.00. Definition.

23.01.01. Unlawful to Dump Trash.

23.01.02. No Burning.

23.01.03. Unlawful to Create a Fire Hazard or Health Menace.

23.01.00. Definition. The term "person" as used in this Ordinance shall mean and include one or more persons of either sex, natural person, corporations, partnerships, associations, joint stock companies, and all other entities of any kind capable of being sued or suing. Source: Ordinance 200.

23.01.01. Unlawful to Dump Trash. It shall be unlawful for any person or his agent, to place, dump or cause to be placed in any street, alley, lane, or vacant lot of the City of Edgemont any tin cans, rubbish, garbage, ashes, leaves, offal, or other waste products of any kind. Source: Ordinance 200.

23.01.02. No Burning. It shall be unlawful for any person to burn any combustible material, waste, rubbish, weeds, grass, or leaves in a bonfire or fire outside of any building. Source: Ordinance 200.

23.01.03. Unlawful to Create a Fire Hazard or Health Menace. It shall be unlawful for any person to allow debris which is of such a nature as to constitute a fire menace or fire hazard, or constitute a rat harbor, or is a menace to the life, health, comfort or convenience of the community to remain upon any private property in the City of Edgemont, after notice by the City to remove same has been received in writing. Source: Ordinance 200.



AN ORDINANCE AMENDING CHAPTER 23 OF THE EDGE MONT CODE OF ORDINANCES

2012

Disposal of Waste and Rubbish

Chapter 23 of the Edgemont Code of Ordinances shall be amended to add:

23:01:04 Whereas the City of Edgemont Public Works Department does regularly collect and produce solid waste material or byproduct, recyclable materials, and scrap materials; hereinafter; (scrap materials) and whereas these materials have value if only slight value.

It would be in the best interest of the City of Edgemont to sell or transfer such materials without the formality required of SDCL chapter 6-13, for the disposal of surplus property. And whereas, SDCL 34A-6-63.1 allows for the disposal of surplus property. We hereby acknowledge that the Finance Officer shall be authorized to sell or transfer all such excess materials to any interested party. The City shall advertise 2 weeks in the official city newspaper and/or by public notice and may attempt to identify additional prospective buyers and negotiate the conditions of such transactions with prospective buyers, including price, delivery, transport, quantity, and length of contract, to obtain the price or condition most advantageous to the governing body, all as allowed by SDCL 34A-6-63.1.

No City Council Member or other officer of the Municipality may purchase or acquire materials described herein unless such materials are available for sale or acquisition by the general public.

Dated this 1<sup>st</sup> day of April, 2014

First reading March 18, 2014

Second Reading April 1, 2014

Publish April 9, 2014

Effective April 29, 2014

Bryan: aye

Evans: absent

McDermand: aye

Strozewski: aye

West: aye

Woodward: aye



CARL A SHAW

Mayor of the City of Edgemont

ATTEST:



Karen S Cain

KAREN S CAIN

Finance Officer



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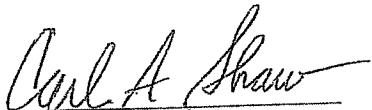
Evans: absent

McDermand: aye

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Woodward: aye



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Mayor of the City of Edgemont

ATTEST:

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KAREN S CAIN

Finance Officer

Chapter 24

Snowmobiles

24.01.00. Definitions.

- 24.01.01. Must Follow the Rules of the Road.
- 24.01.02. Speeding and Reckless Driving.
- 24.01.03. Operating the Snowmobile.
- 24.01.04. Hours Snowmobiles Can Be Driven.
- 24.01.05. Where Snowmobile Can Be Driven.

24.01.00. Snowmobiles. Definitions.

- 1. Snowmobile: An over the snow vehicle is hereby defined as a vehicle which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.
- 2. Highway: Any City Street, alley, or roadway, State Highway, trail or right of way within the City limits.
- 3. Trailer: Any vehicle on skis, sled type runners or wheels which is pulled by a snowmobile.
- 4. Operator: Every person who operates or who is in actual physical control of a snowmobile.
- 5. Owner: Any person, other than lien holder, having the property in or title to a snowmobile and entitled to the use or possession thereof.
- 6. Sidewalk: Snowmobiles shall not be permitted to operate on sidewalks.
- 7. Operators License: No snowmobile shall be operated until the driver thereof shall have in his possession a valid driver's license or chauffeurs license from the state of residence.
- 8. Private and Public Property: No snowmobile shall be operated on any public or private property without the permission of said owner.
- 9. License: All snowmobiles shall have a license issued by the State of South Dakota or the state of residence of the owner of the snowmobile. Source: Ordinance 200.

24.01.01. Must Follow the Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles, and in addition, shall yield the right of way to motor vehicles of all descriptions. All ordinances of the City of Edgemont pertaining to the operation of motor vehicles shall be applicable to the operation of snowmobiles and are adopted by reference and made a part hereof, the same as if set forth fully herein. Source: Ordinance 200.

24.01.02. Speeding and Reckless Driving. Speeding and Reckless driving as those terms are defined by the Edgemont City Ordinances are expressly prohibited by the operators of snowmobiles. Source: Ordinance 200.

24.01.03. Operating the Snowmobile. No snowmobile shall be driven on the roadways, streets, or alleys, when said snowmobile is in such unsafe condition as to endanger any person or property. The City Official or any other law enforcement officer may, at any time, upon reasonable cause to believe that the snowmobile is unsafe or not, equipped as required by this Ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe, except to return such vehicle to his residence, place of business, or to a garage until said snowmobile has been placed in proper repair.

A snowmobile in motion during the period of one half (1/2) hour after sunset until one half (1/2) hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person within



an area of two hundred (200) feet distance is required to have adequate light or lights upon the snowmobile and they shall be illuminated.

The snowmobile shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. Every snowmobile shall be equipped with brakes adequate to control the movement of and to stop and to hold such snowmobile.

All snowmobiles shall exhibit a red flag or cloth not less than twelve (12) inches square and hung or extended five (5) feet above ground level so that the entire area thereof is visible from all directions while on any roadway, street, or alley. Source: Ordinance 200.

24.01.04. Hours Snowmobiles Can Be Driven. No snowmobile shall be operated within the City limits of Edgemont between the hours of nine (9) p.m. and six (6) a.m. except that a driver may drive during this restricted time when he is coming into town or leaving town, or when driving from work to his residence or from his residence to work. Source: Ordinance 200.

24.01.05. Where Snowmobile Can Be Driven. No person shall authorize or knowingly permit a snowmobile owned by him or under his control to be driven on any public highway, streets or roadways within Edgemont who is not authorized hereunder. Source: Ordinance 200.

## Chapter 25

### Miscellaneous Offenses and Provisions

25.01.00. Song Birds.

25.02.00. No Destruction of Trees.

25.03.00. No Tampering With Stop Boxes or Hydrants.

25.04.00. Tampering With City Property.

25.01.00. Song Birds No person shall kill or injure any song bird, or rob or destroy any songbirds nest. Source: Ordinance 200.

25.02.00. No Destruction of Trees. It shall be and is hereby declared unlawful for any person to dig up, cut, or in any manner injure or mar any growing tree in any of the streets, avenues, or public parks in the City of Edgemont, or to suffer any domestic animal owned by him or in his care, to in any manner injure any growing tree in any of the streets, avenues, or public places in the City of Edgemont. Source: Ordinance 200.

25.03.00. No Tampering With Stop Boxes or Hydrants. It shall be and is hereby declared unlawful for any person, firm, corporation to in any manner operate, tamper with, or use for the purpose of turning on or off the water pressure to any private premises, any stop box or fire hydrant, the property of and within the corporate limits of the City of Edgemont.

25.04.00. Tampering With City Property. It shall be unlawful for any person or persons to move or in any way meddle or tamper with any property belonging to the City of Edgemont. Source: Ordinance 200.

Chapter 26

Redevelopment Project

26.01.00. Redevelopment District.

26.01.01. Blighted.

26.01.02. Eminent Domain Not Used.

26.01.00. Redevelopment District. The legal boundaries described as entire boundaries of the City of Edgemont as shown on the attached map, hereby constitute a "Redevelopment Project" as defined by SDCL 11-7-5 meeting the definition of SDCL 11-7-3 in that conditions set forth therein whereby reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size adequacy, accessibility, or usefulness, or other unsanitary or unsafe conditions of title, improper subdivision or obsolete platting, or any combination of such reasons, development of such blighted area into predominantly housing uses is being prevented. Source: Ordinance 2008-10-07.

26.01.01. Blighted. The use of the word "blighted" in SDCL 11-7-3 is required in order to create the special tax district for improvements/construction of housing in the district. Source: Ordinance 2008-10-7.

26.01.02. Eminent Domain Not Used. The use of eminent domain as defined in SDCL 11-7-22 cannot be used in conjunction with this ordinance. Source: Ordinance 2008-10-7.

## Chapter 27

### Planning and Zoning Commission

- 27.01.00. City Planning and Zoning Commission Created.
- 27.01.01. Membership, Terms, Vacancies, Removal, Compensation, Expenses.
- 27.01.02. Organization.
- 27.01.03. Meetings, Rule, Records.

27.01.00. City Planning and Zoning Commission Created. There is hereby created a city Planning and Zoning Commission for the City of Edgemont, South Dakota. Source: Ordinance 200.

#### 27.01.01. Membership, Terms, Vacancies, Removal, Compensation, Expenses.

1. The City Planning and Zoning Commission shall consist of five (5) members appointed by the Mayor subject to the approval of the Common Council. The members of this Planning and Zoning commission shall be resident electors of the City of Edgemont qualified by knowledge or experience to act in matters pertaining to the development and administration of a comprehensive plan of development for the city and who shall not hold any elective office in the municipal government.
2. The term of each member of the Planning Zoning Commission shall be for five (5) years, except that when such Planning and Zoning Commission is first appointed, two (2) members shall be appointed to serve a term of three (3) years and three (3) members shall be appointed for a term of five (5) years. Thereafter appointment of each member shall be for five (5) years.
3. Any vacancy in a membership on the Planning and Zoning commission shall be filled for the unexpired term in the same manner as for appointment.
4. The Mayor with the confirmation of the Common Council shall after public hearing have authority to remove any member of the Planning and Zoning Commission for cause. Which cause shall be stated in writing and made a part of the record of such hearing.
5. All members of the Planning and Zoning Commission shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council. Source: Ordinance 200.

27.01.02. Organization. Upon appointment the Planning and Zoning Commission shall be called together by the Mayor and shall organize by electing a chairman from among its members for a term of one (1) year with eligibility for re-election, and may fill such other of its offices it may create in a manner prescribed by the rules of such Planning and Zoning Commission. Source: Ordinance 200.

27.01.03. Meetings, Rules, Records. The Planning and Zoning Commission shall hold a minimum of one meeting per year or as needed.

Chapter 28  
Building Code

- 28.01.00. 2012 Edition Adopted.
- 28.01.01. Building Code Adopted and Enforced.
- 28.01.02. Ordinance Disclaimer.
- 28.02.00. Need a Building Permit to Move Building.
- 28.02.01. Placement of Building Must Follow Zoning Laws.
- 28.02.02. Structure to be Examined Prior to Moving.
- 28.02.03. Grandfather Clause.
- 28.02.04. Misdemeanor to Move Building without Permit.
- 28.02.05. Fee must be paid before Moving.
- 28.03.00. Finance Officer to Assure Copies on File.
- 28.04.00. New Construction must be approved.
- 28.05.00. Building Code Enforced By Building Official.

28.01.00. 2012 Edition Adopted. the Uniform Building Code, 2012 edition, promulgated, approved and published by the International Conference of Building Officials, 5350 South Workman Mill Road, Whittier, California, 90601-9904, is hereby adopted by the City of Edgemont, South Dakota, and the printed, copyrighted copy of such Uniform Building Code, 2012 Edition, which is now on file in the office of the City Finance Officer, is adopted and incorporated as fully as if set out at length herein into the Ordinances of the City of Edgemont, South Dakota.

Source: Ordinance 327.

28.01.01. Building Code Adopted and Enforced. The Uniform Building Code hereby adopted shall be enforced by an official of this City. Source: Ordinance 200.

28.01.02. Ordinance Disclaimer. The invalidity of any section or provision of this Ordinance or of the Uniform Building Code hereby adopted shall not invalidate other sections of provisions thereof. Source: Ordinance 200.

28.02.00. Need a Building Permit to Move Building. Any person desiring to tow or move a building within or onto any lot within the corporate limits must first obtain a building permit signed by the City Official. Source: Ordinance 200.

28.02.01. Placement of Building Must Follow Zoning Laws. The structure will be placed according to setback regulations as per the zoning laws of the City. Source: Ordinance 200.

28.02.02. Structure to be Examined Prior to Moving. Prior to issuance of the Building Permit, the structure to be towed or moved will be examined by the City Official and the building will meet the following criteria:

1. There will be no sign of termite damage, rot or any other problems which could potentially damage or endanger neighboring properties or residents.
2. Windows and doors will be square and functional. All broken glass panes will be repaired within forty eight (48) hours of authorized placement.
3. Siding will conform to the principle structure and will be painted to match or coordinate with the color of the principle structure within ten (10) days of the authorized placement.
4. Use of the structure will be limited to human occupancy material storage, automobile garage, and tool and workshop activities. In no event will buildings be moved into the community for purposes of animal shelters. Any building which cannot apparently be used for the above stated uses will not be permitted in Edgemont. Source: Ordinance 200.

28.02.03. Grandfather Clause. All buildings which exist at the time of passage of this Ordinance, but which do not comply with this Ordinance will have grandfather rights to continue to exist, provided they are maintained and do not violate other Ordinances such as the Abatement of Unsafe Building Code or the Zoning Ordinance. Source: Ordinance 200.

28.02.04. Misdemeanor to Move Building without Permit. Failure to obtain a permit before moving a building into the community on or within an existing lot constitutes a misdemeanor and shall be punishable per the laws of South Dakota, however, each day of violation shall constitute a separate offense. Source: Ordinance 200.

28.02.05. Fee must be paid before Moving. Fee commensurate with value per the permit fee schedule shall be paid prior to moving the structure onto or within the lot. Source: Ordinance 200.

28.03.00. Finance Officer to Assure Copies on File. It shall be the duty of the Finance Officer to assure that copies of the most current edition of the Uniform Building Code is properly filed in the Edgemont Public Library (1), the City Hall (1), and with the City Building Inspector (1). Ordinance 233.

28.04.00. New Construction must be approved. The State of South Dakota Plumbing and Electrical Codes should be met with each new construction; and that any new construction within the Edgemont city limits, be it industrial or residential, be inspected and approved by the State Plumbing Inspector and the State Electrical Inspector; and that the authorized official for the City of Edgemont inspects each newly constructed building to make sure the proper tags are posted before said building can be occupied. Source: Ordinance 290.

28.05.00. Building Code Enforced By Authorized Official. The Uniform Building Code hereby adopted shall be enforced by the authorized Official of this City. Source: Ordinance 327.

## Chapter 29

### Zoning

- 29.01.00. Purpose.
- 29.01.01. Definitions.
- 29.02.00. Zoning District and Map.
- 29.02.01. Establishments of Zoning Districts.
- 29.02.02. Zoning Map.
- 29.02.03. Scope of Regulations.
- 29.02.04. Rules for Interpretation of District Boundaries.
- 29.03.00 District Regulations.
- 29.03.01. Residential 'A' District (RA).
  - 29.03.01.01. General Description.
  - 29.03.01.02. Permitted Principal and Accessory Uses and Structures.
  - 29.03.01.03. Uses Permitted on Review.
  - 29.03.01.04. Area Regulations.
  - 29.03.01.05 Maximum Lot Coverage.
  - 29.03.01.06. Height Regulations.
  - 29.03.01.07. Off-Street Parking.
- 29.03.02. Residential 'B' District (RB).
  - 29.03.02.00. General Description.
  - 29.03.02.01. Permitted Principal and Accessory Uses and Structures.
  - 29.03.02.02. Uses Permitted on Review.
  - 29.03.02.03. Area Regulations.
- 29.03.03 General Commercial District (GC).
  - 29.03.03.00. General Description.
  - 29.03.03.01. Uses Permitted.
  - 29.03.03.02. Uses Permitted on Review.
  - 29.03.03.03. Area Regulations.
  - 29.03.03.04. Height Regulations.
  - 29.03.03.05. Off-Street Parking.
- 29.03.04. Highway Service District (HS).
  - 29.03.04.00. General Description.
  - 29.03.04.01. Uses Permitted.
  - 29.03.04.02. Uses Permitted on Review.
  - 29.03.04.03. Height Restrictions.
  - 29.03.04.04. Off-Street Parking.
- 29.03.05.00. General Industrial District (GI).
  - 29.03.05.01. General Description.
  - 29.03.05.02. Uses Permitted.
  - 29.03.05.03. Uses Permitted on Review.
  - 29.03.05.04. Area Regulations.
- 29.03.06.00. Natural Conservation District (NS).
  - 29.03.06.01. General Description.
  - 29.03.06.02. Permitted Principal and Accessory uses and Structures.
  - 29.03.06.03. Uses Permitted on Review.
  - 29.03.06.04. Area Regulations.
  - 29.03.06.05. Intensity of Use.
  - 29.03.06.06. Maximum Lot Coverage.
  - 29.03.06.07. Height Regulations.
  - 29.03.06.08. Off-Street Parking.
- 29.03.07.00. Flood Plain District (FP).
- 29.03.08.00. No Use District (NU).

- 29.03.08.01. General Description.
- 29.03.08.02. Newly Annexed Lands.
- 29.03.08.03. Land Remaining Undeveloped for Two Years After Business Rezoning.
- 29.03.08.04. Procedure on Reversion.
- 29.04.00. Supplementary Regulations applying to a specific, to several or to all districts.
- 29.04.01. Development Standards for Uses Permitted on Review.
- 29.04.01.00. Planned Residential Development.
- 29.04.01.01 Single Family Attached :Dwellings and Single Family Semi-Detached Dwellings.
- 29.04.01.02 Mobile Home Subdivision.
- 29.04.01.03 Travel Parks.
- 29.04.01.04. Other Uses Permitted on Review.
- 29.04.02.00. Accessory Uses.
- 29.04.02.01. General Provisions.
- 29.04.02.02. Permitted Accessory Structure.
- 29.04.03.00 Height.
- 29.04.04. 00 Yard, Building Setback and Open Space Exceptions.
- 29.04.05. Minimum Off-Street Parking Requirements.
- 29.04.05.01. Off-Street Parking Requirements General.
- 29.04.05.02. Off-Street Parking Lot Layout, Construction and Maintenance.
- 29.04.06. Storage and Parking of Trailers and Commercial Vehicles.
- 29.04.07 Minimum Off-Street Loading and Unloading Requirements.
- 29.04.08. Signs, Billboards, and Other Advertising Structures.
- 29.04.08.01. General Regulations.
- 29.04.08.02 Public-Parks and Recreation Area Regulations.
- 29.04.08.03. Residential District Regulations.
- 29.04.08.04 General Commercial District Regulations.
- 29.04.08.05. Industrial District Regulations.
- 29.04.08.06. Other Signs Permitted.
- 29.04.08.07. Unsafe and Unlawful Signs.
- 29.04.09. Gasoline Service Stations.
- 29.04.10. Customary Home Occupation.
- 29.04.11. Temporary Uses.
- 29.04.12. Tents.
- 29.04.13. Swimming Pools.
- 29.04.14. Lighting.
- 29.05.00. Nonconforming Buildings, Structures and Uses of Land.
- 29.05.01. Continuance of Nonconforming Uses.
- 29.05.02. Extension of Nonconforming Uses in Structures.
- 29.05.03. Changes in Nonconforming Uses.
- 29.05.04. Termination of Nonconforming Uses.
- 29.05.05. Open Land Nonconforming Use Of.
- 29.05.06 Destruction, Damage, or Obsolescence of Structure.
- 29.05.07. Continuance of Nonconforming Structures.
- 29.05.08. Enlargement or extension of Nonconforming Structures.
- 29.05.09. Restoration of Damaged Nonconforming Structures.
- 29.05.10. Outdoor Advertising Signs and Structures.
- 29.05.11. Nonconforming Mobile Home Use and Change of Ownership: Refer to chapter 30.
- 29.06.00 Administration and Enforcement.
- 29.06.01. Organization.
- 29.06.01.01 Administration and Enforcement.
- 29.06.01.01 Board of Adjustment.
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- 29.06.04 Certificate of Occupancy
- 29.06.05 Procedure for Authorizing Uses Permitted on Review.

29.05.06 Amendments.

29.05.07 Fees.

29.05.08. Penalties.

29.01.00. Purpose. For the purposes of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot or "parcel", and the word "building" includes the word "structure", the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

29.01.01. Definitions. The following words, terms and phrases are hereby defined and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of a main building located on the same lot therewith.

**ACCESSORY USE:** A use customarily incidental, appropriate and subordinate to the principle use of land or buildings and located upon the same lot therewith.

**ADVERTISING:** Includes any writing, printing, painting, display, emblem, drawing, sign or other device designed, used or intended for advertising whether placed on the ground, rocks, trees, tree-stumps, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roofboard, frame, support, fence, or other manmade structure, any such advertising is a structure within the meaning of the word "structure" as used in this ordinance.

**ADVERTISING SIGN OR STRUCTURE:** See sign.

**ALLEY:** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts, or whether by extending on a size or by increasing in height, or the moving from one location or position to another.

**AMUSEMENT AND RECREATION ESTABLISHMENTS:** Businesses whose primary function is entertainment, such as theaters, billiard halls, etc.

**APARTMENT HOUSE:** See Dwelling, Multiple.

**AREA, BUILDING:** The total areas taken on a horizontal plane at the main grade level 'of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**AUTOMOBILE WRECKING:** The dismantling, storage, sale, crushing or dumping of used motor vehicles, trailers, or parts thereof.

**AVERAGE GROUND ELEVATION:** The elevation of the mean finished ground surface at the front wall of a structure.

**BASEMENT:** A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a one-half (1/2) story.

**BILLBOARD:** See Sign.

BOARD: The board of Zoning Adjustment for Edgemont, South Dakota.

BOARDING HOUSE: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals are provided for three (3) or more but not exceeding twelve (12) persons on a weekly or monthly basis.

BUILDABLE AREA OF A LOT: That portion of a lot bounded by the required rear and side yards and front yard or the building set-back line.

BUILDING: Any enclosed structure intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: See Accessory Building.

BUILDING, HEIGHT OF: The vertical distance measured from the average ground elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The inspector or his authorized representative appointed by the governing body to issue building and occupancy permits.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SET-BACK LINE: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure, within which no building or other structure shall be placed except as provided in 29.05.02 and 29.05.04. The building set-back line is parallel to or concentric with the street right-of-way.

BUILDING SITE: A single parcel of land under one ownership occupied or intended to be occupied by a building or structure.

BUSINESS SERVICES: Any activities conducted for gain which render service primarily to other commercial and industrial enterprises, or which service and repair appliances and machines used in a home or business.

CELLAR: A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CLINIC: See Medical Facility.

CLUB, PRIVATE: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, non-profit membership club, with or without dining facilities and cocktail lounge, catering primarily to its membership, providing one or more of the following recreational and social amenities: golfing, riding, outdoor recreation, club house, locker room, pro shop.

DAY NURSERIES, PRIVATE: Any place, home or institution which receives young children, conducted for cultivation of the normal aptitude for exercise, play, observation, imitation and construction.

DESIGN CAPACITY: The maximum number of persons which can be accommodated at any one time with a reasonable degree of comfort, safety, and convenience.

DISTRICT: Any section or sections of the Municipality of the City of Edgemont for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

DUMP: A lot or parcel of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

DWELLING, ATTACHED: A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, SEMI-DETACHED: Two dwellings with a single party wall common to both.

DWELLING, SINGLE-FAMILY: A detached building designed to be occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached building designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING, MULTIPLE: A detached building designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING UNIT: One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

ELECTRICAL UTILITY SUBSTATION: An electrical utility facility containing large capacity transformers fed by incoming high voltage transmission lines. Within the facility, voltages are reduced and fed to several distribution circuits that distribute electrical energy to areas with a predominant single use (i.e., industrial, residential, commercial areas).

FAMILY: One or more persons related by blood, marriage, or adoption or a group not to exceed five persons (excluding servants) none of whom are related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

FEED LOT, COMMERCIAL: A lot used for the concentrated feeding of livestock, fowl or fur animals where such feeding is not done as an accessory use to the production of crops on the premises of which the feedlot is a part.

FILLING STATION: See Gasoline Service Station.

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FOOD PROCESSING: The preparation of food products for retail sale on the premises.

FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

FRONTAGE: The commonly accepted front yard of the adjoining structures on that street.

GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed two times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater. Such space shall not be used for storage of more than one commercial vehicle, which shall not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, and not to exceed two spaces shall be rented to persons not residing on the premises for storage of non-commercial passenger vehicles only.

GARAGE, PUBLIC: Any garage other than a private garage, available to the public, which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

GOVERNING BODY: The duly elected officials of a corporate political entity to whom authority is given to make, adopt or amend zoning regulations.

GRADE, ESTABLISHED: The elevation of the center line of the streets as officially established.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GASOLINE SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic washing.

HEALTH DEPARTHENT: South Dakota Health Department.

HISTORICAL MONUMENTS AND/OR STRUCTURES: Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

HOME OCCUPATION: A gainful occupation conducted by members of the family only within the dwelling or on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no display except a regulated sign will indicate from the exterior that the building or land is being utilized in part for any purpose other than that of a dwelling.

HOSPITAL: See Medical Facilities.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms usually occupied singly with no provision made for cooking in any individual room or apartment.

HOTEL APARTMENT: An apartment building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartment and which may furnish for the

exclusive use of its tenants by previous arrangements and not to anyone who may apply, services ordinarily furnished by such hotels.

HOUSE TRAILER: See Mobile Home.

HOUSE TRAILER PARK: See Mobile Home Park.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition, or for sale of parts thereof.

KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.

KINDERGARTENS: See Day Nurseries, Private.

LOADING SPACE: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

LOT: A parcel of land which is or may be occupied by a single main building and its accessory buildings or required by this ordinance.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for Building Permit.

LOT LINE, REAR: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.

LOT LINE, SIDE: A side lot line is any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH: The width of a lot at the building set-back line measured at right angles to its depth.

MEDICAL FACILITIES:

- CONVELESCENT, REST, OR NURSING HOME: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- DENTAL CLINIC OR MEDICAL CLINIC: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- DENTAL OFFICE OR DOCTORS OFFICE: Same as dental or medical clinic.
- HOSPITAL: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including relating facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- PUBLIC HEALTH CENTER: A facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.
- SANITORIUM: An institution providing health facilities for in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MOBILE HOME: A movable living unit designed for year-around occupancy which: is capable of being towed on its own chassis, is completely finished prior to delivery; and has a manufacturer's serial number which is reported to the County Director of Equalization for tangible personal property taxation differentiating it from other types of dwelling structures. A detachable hitch assembly and/or a perimeter frame or the placement of such a unit upon a permanent foundation shall not be construed as creating a dwelling unit as elsewhere defined in this ordinance.

MOBILE HOME PARK: Any areas, tract or site or plot of land whereupon a minimum of ten (10) mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

MOBILE HOME SPACE: A plot of ground within a mobile home area which is designed for and designated as the location for only one automobile and one mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the District in which it is situated.

NOXIOUS MATTER: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic or psychological well-being of individuals.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow, of water might carry the same downstream to the damage of life or property.

PARKING LOT: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six (6) automobiles.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PENTHOUSE: An enclosed structure other than a roof structure, located on a roof, extending not more than twelve (12) feet above the roof.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PUBLIC USES: Public parks, schools, and administrative cultural and service buildings not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation or water.

PUBLIC UTILITY SUBSTATIONS, SERVICE YARDS AND PUMPING STATIONS: Shall include service yards used for the storage of utility supplies and for the servicing of utility vehicle and equipment.

PUMPING STATIONS: See above.

QUARRY: A lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL FACILITIES: Country clubs, riding stables, golf courses, and other private non-commercial recreation areas and facilities, or recreation centers including private swimming pools.

REGULATORY FLOOD: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 50 years determined from an analysis of floods on a particular stream and other streams in the same general region.

REGULATORY FLOOD PROTECTION ELEVATIONS: The elevations to which uses regulated by this ordinance are required to be elevated or flood-proofed.

REQUIRED SETBACK: A distance necessary to obtain the minimum front, side and rear yards required in this ordinance.

ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons. A building which has accommodations for more than twelve (12) persons shall be defined as a hotel under the terms of this ordinance.

SANATORIUM: See Medical Facility.

SANITARY SEWER: A municipal or community sewage disposal system of a type approved by the State Board of Health.

SELF-SERVICE LAUNDRY: A laundry providing home type washing, drying, and ironing machines for hire to be used primarily by the customers on the premises.

SCHOOL, PRIVATE: An institution of learning that is not tax supported, including colleges and universities.

SCHOOL, PUBLIC: A tax supported institution of learning, including colleges and universities.

SERVICE YARDS: See Public Utility Substations.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, works, model, banner, flag, pennant, insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Types of signs are defined in the following categories:

- BUSINESS SIGN: A sign which directs attention to the business or profession conducted on the premises. A "FOR SALE", "To Let" or "Information" sign shall be deemed a business sign.
- ADVERTISING SIGN: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.
- BILLBOARD: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- GROUND SIGN: A sign supported by a pole, uprights, or braces on the ground.
- POLE SIGN OR BANJO SIGN: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline filling stations.
- WALL OR FLAT SIGN: Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall, the edges of which do not project more than twelve (12) inches therefrom.
- PROJECTING SIGN: A sign which is attached to the face or outside wall of a building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.
- ROOF SIGN: A detached sign erected, constructed, or maintained above the roof of any building.
- MARQUEE SIGN: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy structure that extends beyond the building, building line, or property line.
- TEMPORARY SIGN: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wall board, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.
- ERECT: When used in connection with signs shall mean to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.

SORORITY: See Fraternity.

STAFF DOCTOR: A doctor employed by a hospital, clinic, or other institution; or a doctor who is "on call" to such institution during certain specified periods of time in case of emergency or other need.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

STREET LINE: The legal line between street right-of-way and abutting property.

STRUCTURE: Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, platforms, radio and television towers, sheds, storage bins, fences and display signs.

THEATER, MOVING PICTURE: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

TOURIST CABIN: See Hotel.

TOURIST COURT: See Hotel.

TOURIST HOME: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

TRAILER: See Mobile Home.

TRAILER COURT: See Mobile Home Park.

TRAILER HAULING: A vehicle which is designed for hauling animals, produce, goods, or commodities, including boats, said vehicle to be pulled behind an automobile or truck.

TRAILER, TRAVEL OR CAMPING: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

TRAVEL PARK: Is defined as a plot of ground primarily for use as parking and camping facilities by persons with transportable recreational housing with appropriate accessory uses.

UNIFORM BUILDING CODES: The Uniform Building Code, as officially adopted by The City of Edgemont.

USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

UTILITIES: Municipal and franchised utilities.

WAY: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WALKWAY: A path or area for pedestrians.

YARD: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance that building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR: A space on the same lot with the principal building, between the rear line of the building and the rear line of the lot and extending the full width of the lot, which is unoccupied except for permitted accessory structures.

YARD, SIDE: An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING DISTRICT: See District.

#### 29.02.00. Zoning Districts and Maps.

29.02.01. Establishments of Zoning Districts. For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, Edgemont, South Dakota is hereby divided into districts of eight different types, each being of such number, shape, kind, and area, and such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purpose of this ordinance.

#### 29.02.02. Zoning Map.

##### **TYPES OF DISTRICTS**

RA - Residential 'A'  
RB - Residential 'B'  
GC - General Commercial  
HS - Highway Service  
GI - General Industrial  
NS - Natural Conservation District  
FP - Flood Plain  
NU - No Use District

The location and boundaries of the zoning districts established by this ordinance are denoted and defined as shown in the map entitled "Zoning Map I" of the City of Edgemont, South Dakota", adopted March 17, 1980, and certified (by the City Finance Officer). The said map, together with everything shown thereon, is hereby incorporated into this ordinance as is fully set forth and described herein. The zoning map shall be kept and maintained at City Hall and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

29.02.03. Scope of Regulations. The regulations applying to each district include specific limitation on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimension, and area of lot that can be covered by structures.

29.02.04. Rules for Interpretation of District Boundaries. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys.
2. Boundaries shown as following or approximate by following platted lot lines or other property lines, such lines shall be construed to be said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the center line of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses and the said boundaries shall be deemed to be at the limit of the jurisdiction of the City unless otherwise indicated.
5. Boundaries shown as following or closely following the limits of political jurisdictions shall be construed as following such limits.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive districts shall govern the entire parcel in question, unless otherwise determined by the governing body.
7. Whenever any street, alley, or other public easement is vacated the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

#### 29.03.00. District Regulations.

##### 29.03.01. Residential 'A' District (RA).

29.03.01.01. General Description. This District is to provide for residential development. The principal uses of land range from residences to uses which are functionally compatible with residential uses. Recreational,

religious educational facilities, and other related uses in keeping with the residential character of the District may be permitted on review by the governing body.

29.03.01.02. Permitted Principal and Accessory Uses and Structures. Property and building in the Residential 'A' (RA) area shall be used only for the following purposes:

1. Detached single-family dwellings but not including mobile homes.
2. Two-family dwellings.
3. Temporary buildings for uses incidental to construction work, which building" shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
4. Transportation and utility easements, alleys, and rights-of-way.
5. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
6. Signs, as regulated in 29.04.08

29.03.01.03. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.05.

1. Churches or similar places of worship, with accessory structures but not including missions or revival tents.
2. Elementary or high schools, public or private.
3. Public parks, playgrounds and playfields, greenways and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
4. Libraries, museums, and historical monuments or structures.
5. Public utilities, sub-stations and pumping stations, subject to 29.06.05
6. Plant nursery in which no building or structure is maintained in connection therewith.
7. Golf course, or country clubs, with adjoining grounds of not less than sixty (60) acres, but not including miniature courses and driving tees operated for commercial purposes.
8. Fraternities, sororities, and denominational student headquarters.
9. Nursing home or home for the aged.
10. Medical facility, except veterinary hospital or clinic.
11. Home occupations as regulated in 29.04.10.
12. Private day-care nurseries and kindergartens, as regulated in 29.04.09.
13. A planned residential development as regulated in 29.04.00.01.

29.03.01.04. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following line requirements:

1. Front Yard.

- a. For single, two-family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located to extend into the front yard.
- b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of twenty-five (25) feet.

2. Side Yard.

- a. For single story dwellings, located on interior lots, side yards shall not be less than eight (8) feet in width, however, the sum of the two side yards shall not be less than twenty (20) feet. For dwellings of more than one (1) story, there shall be side yards of not less than twelve (12) feet.
- b. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
- c. Churches and other main and accessory buildings, other than dwelling, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard.

- a. For main buildings, there shall be a rear yard of not less than twenty-five (25) feet.
- b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

4. Lot Width.

- a. For single family dwellings there shall be a minimum lot width of fifty (50) feet at the front building line.
- b. For two-family dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line.
- c. For lots having a width of not more than one-hundred and fifty (150) feet, the lot length shall be not greater than twice the lot width.

5. Intensity of Use.

- a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet.
- b. For each two-family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.
- c. For those single-family dwellings and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of fifteen thousand (15,000) Square feet; however, the Health Department may, because of an adequate soil percolation test, permit a lesser area, but in no case less than seventy-five hundred (7,500) square feet.
- d. For churches and other main and accessory buildings, other than (dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in 29.04.05, provided, however, that the lot for a church shall not be less than thirty thousand (30,000) square feet.

29.03.01.05. Maximum Lot Coverage. Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

29.03.01.06. Height Regulations. No main building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in 29.04.03.

29.03.01.07. Off-Street Parking. As regulated in 29.04.05.

29.03.02. Residential 'B' District (RB).

29.03.02.00. General Description- This District is to provide for less restrictive residential development than that zone called RA. The principal uses of land range from residences and mobile homes to uses which are functionally compatible with intensive residential uses. Recreational, religious, education facilities and other related uses in keeping with the residential character of the District may be permitted on review by the governing body.

29.03.02.01. Permitted Principal and Accessory Uses and Structures. Property and buildings in the Residential 'B' District shall be used only for the following purposes:

1. Detached single-family dwellings.
2. Trailer houses and mobile homes must meet requirements in Chapter 301 of this code. Mobile home sub-divisions as regulated in 29.04.01.02.
4. Two-family and multiple dwellings.
5. Rooming and boarding houses.
6. Temporary buildings for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
7. Transportation and utility easements, alleys and rights-of-way.
8. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
9. Signs, as regulated in 29.04.08.
10. Medical facilities.

29.03.02.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.01.02.

1. Churches or similar places of worship, with accessory structures but not including missions or revival tents.
2. Elementary or high schools, public or private.
3. Public parks, playgrounds and playfields and neighborhood, and municipal buildings and uses in keeping with the character and requirements of the District.
4. Libraries, museums and historical monuments or structures.
5. Public utilities sub-stations and pumping stations subject to 29.04.01.04.
6. Plant nursery in which no building or structure is maintained in connection therewith.
7. Golf courses or country clubs with adjoining grounds of not less than sixty (60) acres but not including miniature courses and driving tees operated for commercial purposes.
8. Cemeteries.
9. Fraternities, sororities and denominational student head-quarters.
10. Mobile home parks, subject to the requirements set forth in Chapter 30 of this code.
11. Nursing home or home for the aged.
12. Home occupations as regulated in 29.04.10.
13. Private day care nurseries and kindergartens, as regulated in 29.04.01.04.
14. A planned residential development as regulated in 29.04.01.00.
15. Single family attached dwellings and single family semi-detached dwellings as regulated in 29.04.01.01.

29.03.02.03. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following line requirements:

1. Front Yard.

- a. For single, two-family and multiple family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located to (extend into the front yard).
- b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of twenty-five (25) feet.

2. Side Yard.

- a. For single story dwellings, located on interior lots, side yards shall be not less than five (5) feet in width. For single story dwellings located on interior lots platted after the date of adoption of this ordinance, side yards shall not be less than eight (8) feet in width, however, the sum of the two side yards shall not be less than twenty (20) feet.
- b. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet.
- c. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard.

- a. For main buildings, there shall be a rear yard of not less than twenty-five (25) feet.
- b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

4. Lot Width.

- a. For single family detached dwellings there shall be a minimum lot width of fifty (50) feet at the front building line.
- b. For two-family dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line.
- c. For multiple-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line.

5. Intensity of Use.

- a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet.
- b. For each two family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.
- c. For multiple-family structures, there shall be a lot area of not less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit, and in no case shall there be less than two thousand (2,000) square feet per dwelling unit. For those structures which provide off-street parking within the main structure, the lot area requirements may be reduced two hundred (200) square feet per dwelling unit.

d. For those single-family dwellings and building accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of fifteen thousand (15,000) square feet; however, the Health Department may, because of an adequate soil percolation test, permit a lesser area, but in no case less than seven thousand five hundred (7,500) square feet.

Multiple-family dwellings, not served by a sanitary sewer system shall be permitted only on review by the Common Council and with approval of the Health Department.

e. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in 29.04.05; provided, however, that the lot for a church shall not be less than thirty thousand (30,000) square feet.

6. Maximum Lot Coverage. Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

7. Usable Open Space. For multiple-family structures there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet. Open space does not include drives, parking and service areas.

8. Height Regulations. No main building shall exceed four and one-half (4 1/2) stories or forty-five (45) feet in height, except as provided in 29.04.03. Accessory buildings shall not exceed fifteen (15) feet in height.

9. Off-Street Parking. As regulated in 29.04.05.

29.03.03. General Commercial District (GC).

29.03.03.00. General Description. This commercial district is for personal and business services and general business activity in the historical business center.

29.03.03.01. Uses Permitted. The following uses shall be permitted in the General Commercial District:

1. Retail establishments including incidental manufacturing of goods for sale at retail on the premises, provided, however, that the space devoted to manufacturing does not exceed twenty (20) percent of the gross floor area of the establishment sales and display rooms and lots, not including yards for storage of new or used building materials or yards for any scrap of new or used building materials or yards for any scrap or salvage or secondhand materials. The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted.
2. Eating and drinking establishments, except drive-in establishments.
3. Service and repair establishments, including filling stations.
4. Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, medical and/or dental clinics or offices, pressing, dressmaking, tailoring and garment repair shops with processing on the premises.
5. Hotel, motels, rooming and boarding houses.
6. Commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms, amusements and recreation establishments, but not including miniature golf courses, driving ranges and similar uses provided such structures meet city statutes concerning public health, fire codes, morality codes and all current building codes.
7. Parking lots and garages.
8. Offices, studios, human health service clinics and laboratories.
9. Financial institutions.
10. Private clubs and lodges.
11. Outdoor advertising as regulated in 29.04.09.
12. Auditoriums provided such structures meet city statutes concerning public health, fire codes, morality codes and all current building codes.
13. Public or municipal swimming pools as subject to 29.04.13.
14. Laboratories and establishments for production and repair of jewelry, eye-glasses, hearing aids and prosthetic appliances.
15. Public buildings and grounds other than elementary or high schools.
16. Churches.
17. Business and vocational schools not involving operations of an industrial character.
18. Public parks.
19. Wholesale and distributing centers not involving the use of any delivery vehicle rated at more than two and one half (2 1/2) ton capacity, nor a total of more than five (5) delivery vehicles.
20. On the same premises, and in connection with permitted principal uses and structures, other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures.
21. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, dust, odor, vibration, blast, traffic than those permitted uses enumerated above.

22. Dwelling units will not be allowed in multi-storied structures wherein the street or ground floor level is occupied by one of the permitted retail or business services enumerated above, or unless occupied at time of passage and dwelling meets all codes. No second story residences will be permitted.

29.03.03.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with the provisions contained in 29.04.01

1. Electrical receiving or transforming stations.
2. Public utility substations, service yards and pumping stations subject to 29.04.01.04

29.03.03.03. Area Regulations. The following requirements shall apply to all uses permitted in this district:

1. Front Yard: None
2. Side Yard: (No side yard is required except that the width of a side yard which abuts a residential district shall be not less than twenty-five (25) feet.
3. Rear Yard: Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen (15) feet. In all other cases no rear yard is required.
4. Maximum Lot Coverage: Main and accessory building shall cover not more than eighty (80) percent of the lot area.

29.03.03.04. Height Regulations. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as provided in 29.04.03.

29.03.03.05. Off-Street Parking. For permitted retail, business and personal services establishments, no off-street parking requirements.

#### 29.03.04. Highway Service District (HS).

29.03.04.00. General Description. This District is established for the accommodation of those herein specified retail and business service activities that typically may be located and grouped along a major street or about a major street intersection.

29.03.04.01. Uses Permitted. The following uses shall be permitted in the Highway Service District:

1. Motels.
2. Restaurants and eating establishments, including drive-ins.
3. Service stations and garages for running repairs.
4. Souvenir shops and curio shops.
5. Building material sales.
6. Garden centers, greenhouses and nurseries.
7. New and used car and truck sales.
8. Farm implement and machinery, new and used sales.
9. Financial institutions.
10. Churches.
11. Truck, trailer for hauling, rental and sales, U-Haul type.
12. Motorcycle sales, repair and services.
13. Monument sales.
14. Animal hospitals, kennels and pet shops.
15. Sales of prefabricated and shell houses.
16. Auction houses.
17. Mobile home sales and service.
18. Taxidermists.
19. Undertaking establishments and funeral homes.
20. Outdoor advertising as regulated in 29.04.08.
21. Recreational uses such as amusement parks, bowling alleys and ice and roller skating rinks.
22. Archery ranges, miniature golf driving ranges, and other similar outdoor recreational uses.

23. Public Parks.

24. Open storage uses which shall comply with the following provisions:

a. All open storage and display of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height.

b. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.

c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

d. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

e. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

25. Other uses similar in character to those enumerated above and which in the opinion of the governing body will not be injurious to the District.

26. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce noise, dust, odor, or vibration.

29.03.04.02. Uses Permitted on Review. The following uses may be permitted on review by the governing body.

1. Travel parks subject to 29.04.01.08.

2. Mobile home parks, subject to the requirements set forth in Chapter 30.

3. Lot Area: There shall be a lot area of not less than ten thousand (10,000) square feet.

4. Front Yard: All lots fronting on an arterial street shall have a building set-back of not less than thirty-five (35) feet from the lot line.

5. Rear Yard: Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a street or a residential district shall not be less than fifty (50) feet.

6. Lot Width: Each lot shall have a width at the front building line of not less than seventy-five (75) feet.

7. Maximum Lot Coverage: The maximum lot area which may be covered by any principal and accessory building shall not exceed forty (40) percent.

29.03.04.03. Height Restrictions. No principal building or structure shall exceed three (3) stories or thirty-five (35) feet in height except as provided in 29.04.03. No accessory building or structure shall exceed one (1) story or twenty (20) feet in height.

29.03.04.04. Off-Street Parking: As regulated in 29.04.05.

29.03.05.00. General Industrial District (GI).

29.03.05.01. General Description. The GI-General Industrial District is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution in which operations are conducted so that noise, odor, dust and glare are completely confined within an enclosed building.

29.03.05.02. Uses Permitted. Property and buildings in the GI -General Industrial District shall be used only for the following purposes:

1. A retail or service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof.

2. No residential use, except sleeping facilities required for caretaker or night watchman employed on the premises shall be permitted in the GI-General Industrial District.

3. Business sign as regulated in 29.04.08.

4. Building material sales yard and lumber yards, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or a transit mix plant.

5. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

6. Freighting or trucking yard or terminal.

7. Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber; open storage of construction contractor's equipment and supplies shall be screened by seven (7) foot obscuring fence, wall, or mass plantings, or otherwise so located as not to be obnoxious to the orderly appearance of the District.

8. Public utility sub-stations, service yards and pumping stations, electrical receiving or transforming station, subject to 29.04.01.04.

9. Auction house, except for sale of livestock.

10. The following uses when conducted within a completely enclosed building:

a. The manufacturer, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

b. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill), yarn, and paint not involving a boiling process.

c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity, gas or oil.

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

e. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

g. The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing.

h. Blacksmith shop and machine shop.

i. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

j. Planing mill.

k. Wholesale or warehouse enterprise.

11. Buildings structures and uses accessory and customarily incidental to any of the above uses.

29.03.05.03. Uses Permitted on Review. All of the following uses are declared to be special uses and a Use Permit may be authorized by the governing body for the location and operation thereof in the GI-General Industrial District in accordance with 29.06.01.01. In general, these uses which may be obnoxious or offensive by the reason of emission of odor, dust, smoke, gas, noise, vibration, and the like and not allowed in any other district, provided, however, that any use not specified herein shall be approved by the governing body.

a. Acid Manufacture.

b. Blast furnace or coke oven.

c. Cement, lime, gypsum or plaster of paris manufacture.

d. Distillation of bones.

e. Drop forge industries manufacturing forging with power hammers.

f. Explosives, manufacture or storage.

g. Fat rendering, except as an incidental use.

h. Fertilizer Manufacture.

i. Garbage, offal or dead animals, reduction or dumping.

j. Glue manufacture.

k. Ore reduction.

- l. Paper and pulp manufacture.
- m. Processing of junk (junk yard), waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in 29.04.
- n. Refuse dumps.
- o. Rock, sand or gravel or earth excavation, crushing or distribution.
- p. Saw mill.
- q. Slaughter of animals including poultry killing or dressing.
- r. Smelting of tin, copper, zinc, or iron ores.
- s. Stock yards or feeding pens.
- t. Tannery or the curing or storage of raw hides.
- u. Acetylene gas manufacture or bulk storage.
- v. Business sign as regulated in 29.04.08.
- w. Alcohol manufacture.
- x. Ammonia, bleaching powder or chlorine manufacture.
- y. A retail or service use only when it serves directly or is auxiliary to the needs of industrial plants or employees thereof.
- z. Asphalt manufacture or refining.
- aa. Boiler works.
- bb. Brick, tile or terra cotta manufacture.
- cc. Chemical manufacture.
- dd. Concrete or cement products manufacture.
- ee. Freight, terminal (railroad).
- ff. Iron, steel, brass or copper foundry or fabrication plant.
- gg. Paint, oil, shellac, turpentine, varnish, or enamel manufacture
- hh. Plastic manufacture.
- ii. Power Plant.
- jj. Quarry or stone mill.
- kk. Railroad repair shops.
- ll. Rolling mills.
- mm. Soap manufacture.
- nn. Tar distillation or tar products manufacture.
- oo. Tank storage of bulk oil and gasoline and the mixture of bulk storage of illuminating or heating gas, subject to the proper precautions as to location to prevent fire and explosion hazards.

29.03.05.04. Area Regulations: The following requirements shall apply to all uses permitted in this District:

1. **Lot Area:** Any principal use together with all accessory uses shall be located on a lot having a minimum area of ten thousand (10,000) square feet.
2. **Front Yard:** All buildings shall be set back from all street right-of-way lines not less than twenty-five (25) feet.
3. **Side Yard:** No building shall be located closer than twenty-five (25) feet to a side yard lot line. The width of a side yard which abuts a residential district shall be not less than fifty (50) feet.
4. **Rear Yard:** No building shall be located closer than twenty-five (25) feet to the rear lot line. The depth of a rear yard which abuts on a residential district shall be not less than fifty (50) feet.
5. **Coverage:** Main and accessory buildings and off-street parking and loading facilities shall not cover more than seventy-five (75) percent of the lot area.
6. **Height Regulations:** No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as hereinafter provided in 29.04.03.
7. **Minimum Off-Street Parking and Loading Requirements:** As regulated in 29.04.05 and 29.04.07.
8. **Screening and Landscaping:** All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

29.03.06.00. Natural Conservation District (NS).

29.03.06.01. General Description. This district is intended to protect agricultural lands and to preserve the natural beauty and open character of forested and other natural growth areas from incompatible land uses.

29.03.06.02. Permitted Principal and Accessory uses and Structures. Property and buildings in the NS - Natural Conservation District shall be used for the following purposes:

1. Agricultural uses such as general farming, pasture, grazing, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, including roadside stands exclusively for the sale of produce raised on the premises, but excluding commercial feed lots.
2. Detached single-family dwellings but not including trailer houses or mobile homes.
3. Transportation and utility easements, alley and right-of-ways.
4. Signs, as regulated in 29.04.08.
5. Accessory uses and structures.

29.03.06.03. Uses Permitted on Review. The following uses may be permitted on review by the governing body in accordance with provisions contained in 29.06.01.01.

1. Public parks, schools, playgrounds, fairgrounds, airports, and cemeteries.
2. Uses such as churches and other religious structures.
3. Historical monuments or structures, private clubs and country clubs.
4. Home occupations, as regulated by 29.04.10
5. Plant nurseries in which no building or structure is connected therewith.
6. Commercial recreation, such as riding stables, golf driving ranges and other track and field uses not involving a major structure.
7. Travel trailer parks.

29.03.06.04. Area Regulations. All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

1. Front Yard: For all structures, the minimum depth of the front yard shall be fifty (50) feet and in no case shall an accessory building be located or extended into the front yard.
2. Side Yard: For a single story dwelling, located on interior lots, side yards shall be not less than thirty (30) feet in width. For dwellings of more than one story, there shall be a side yard requirement of not less than forty (40) feet.
3. Rear Yard: For main buildings there shall be a rear yard of not less than fifty (50) feet.
4. Unattached buildings of accessory use shall not be located closer to any rear lot line than twenty (20) feet.
5. Lot Width: For all dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line. Such lot shall abut on a public street for a distance of not less than fifty (50) feet.

29.03.06.05. Intensity of Use. For each dwelling or structure, and building accessory thereto, there shall be a lot area of not less than three (3) acres.

29.03.06.06. Maximum Lot Coverage. Dwellings and building accessory thereto shall cover not more than twenty-five (25) percent of the lot area.

29.03.06.07. Height Regulations. No main building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in 29.04.03. Accessory buildings shall not exceed fifteen (15) feet in height.

29.03.06.08. Off-Street Parking. As regulated in 29.04.05.

29.03.07.00. Flood Plain District (FP). This District is for the protection of drainage ways to permit the unimpeded flow of surface run-off without endangering life and health or causing property damage due to flooding. Specific uses and occupancies in the flood plain district are governed by chapter 32.

29.03.08.00. No Use District (NU).

29.03.08.01. General Description. This status is applicable to certain lands in which the construction of permanent structures is prohibited pending study and survey of the lands involved by the governing body. The status is a temporary designation for the purpose of permitting proper investigation and study of land uses in lands composing this status. The status may be applied to newly annexed land area and lands rezoned for HS, GC, GI, or TP in which no development has occurred for a specified period after rezoning.

29.03.08.02. Newly Annexed Lands. Lands annexed by the City may be, upon annexation, placed in a 'NU' status until the governing body has completed an investigation and study of proposed land use of the area. Upon the acceptance of a petition for annexation of an area to the City of Edgemont by the governing body, the property owner of such area may request from the governing body an investigation and study, the governing body shall investigate and take action within one hundred twenty (120) days after the effective date of the annexation. In no event shall lands newly annexed to the City be retained in 'NU' status for a period in excess of one year from the effective date of annexation.

29.03.08.03. Land Remaining Undeveloped for Two Years After Business Rezoning. Lands rezoned for HS, GC, GI or TP use after the effective date hereof shall revert to 'NU' status in the event that within two years from the effective date of such zoning: (1) such land is not devoted to permitted uses; or (2) the construction of improvements-for a permitted use has not been commenced as evidenced by the issuance of a building permit and construction pursuant thereto. In the event that land rezoned for HS, GC, GI, or TP use does not revert to the 'NU' status two (2) years from the effective date of zoning for the sole reason that a valid building permit has been issued for the construction of improvements on such land, and such building permit thereafter expires such land shall revert to 'NU' status.

29.03.08.04. Procedure on Reversion. As land reverts to 'NU' status, the governing body shall make an investigation and study of proper land use thereon and shall initiate action within sixty (60) days. In no event shall lands reverting to 'NU' status be retained in this status for a period in excess of one hundred eighty (180) days.

29.04.00. Supplementary Regulations applying to a specific, to several or to all districts

29.04.01. Development Standards for Uses Permitted on Review. In order to accomplish the general purpose of this ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such uses cannot definitely be foreseen.

The following uses shall be subject to compliance with the regulations in this section and with the procedure for authorizing uses permitted on review as set forth in 29.06.01.

29.04.01.00. Planned Residential Development.

1. General Descriptions: The regulations established in this subsection are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and the provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified, provided that over-all population densities do not exceed the densities of specific residential districts.

A planned residential development, occupying twenty (20) acres or more, shall be permitted in the Residential A or Residential B districts.

2. Permitted Principal and Accessory Uses and Structures: The following uses are permitted.

- Single-family detached dwelling.
- Two-family dwelling.

- c. Multiple-family dwelling. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, commercial use and street rights-of-way from the gross development area. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. Where an area of fifty (50) acres or more is being developed, a maximum of twenty (20) percent of the dwellings located within the area included in a single-family residential district may be multiple-dwellings. In all areas under fifty (50) acres, a maximum of fifteen (15) percent of the dwellings may be multiple-family.
- d. Commercial uses. For each one hundred (100) dwelling units in the development plan, one (1) acre may be set aside for the following commercial users:
  - (1) Food markets including specialty foods such as:
    - (a) Bakery Goods
    - (b) Delicatessen goods
    - (c) Meat Market
  - (2) Drug stores or fountains including
    - (a) Book and reading matter
    - (b) Stationery
    - (c) Tobacco
    - (d) Vanity goods.
    - (e) Pharmacy
  - (3) Bakeries whose products are sold only at retail and on the premises
  - (4) Banks.
  - (5) Barber shops and/or beauty shops
  - (6) Cleaning and pressing collection stations.
  - (7) Gift Shops
  - (8) Self-service laundries
  - (9) Service or filling stations
  - (10) Shoe repair and shoeshine services
  - (11) Professional and business offices
  - (12) Name plate and sign, as regulated in 29.04.08
  - (13) Accessory buildings and use customarily incidental to the above uses
- e. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playgrounds, or other public recreational uses. Any structure involved in such uses shall have a twenty-five (25) foot setback from all property lines. The amount of land set aside for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross development area.
- f. Educational uses.
- g. Community facilities uses such as churches and other religious institutions, and non-profit clubs such as country clubs, swimming and/or tennis clubs.

3. Area Regulations. All building set-backs from street right-of-way lines and from the periphery of the project shall be subject to the set-back regulations for comparable land use as set forth in 29.03.02, 29.03.03 & 29.03.04.

4. Population Density. The population density shall not exceed twelve (12) families per gross acre of the entire project.

5. Off-Street Parking. As regulated in 29.04.05.

6. Administrative Procedure for a Planned Residential Development. In addition to the administrative requirements set forth in 29.06 a Planned Residential Development shall not be permitted until the following conditions have been complied with:
 

- a. A preliminary application shall be filed with the Edgemont City Planning & Zoning Commission for approval and shall be accompanied by an over-all development plan showing

the use or uses, dimensions, and locations of proposed sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.

- b.
  - 1) The Planning Commission shall review the conformity of the proposed development and shall recognize principles of civic design, land use planning and site planning. The planning commission may impose conditions regarding layout, circulation, drainage, utilities and performance of the proposed development and may require that appropriate deed restrictions be filed.
  - 2) The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
  - 3) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.
  - 4) This proposed development may contain commercial and professional uses as an integral part of a residential development. Such uses shall be planned and gauged primarily for the service and convenience of residents and people working within, although not residents of the Planned Development, and shall be authorized only to the extent that such uses are not available to the residents in reasonable proximity.

- b) Upon approval by the City Planning Commission, the preliminary application shall be filed with the governing body for their recommendation and approval.
- c) A final application shall be submitted to the City Planning Commission and shall be accompanied by a plat of the development and shall show common land, streets, easements and other applicable features required by the ordinance regulating the subdivision of land.
- d) Upon the approval by the Planning Commission, the final plat of the development shall be submitted to the Governing body for approval.
- e) No building permit shall be issued until a final plat of the proposed development is approved and recorded.
- f) Upon the abandonment of a particular project authorized under the section or upon the expiration of three (3) years from the authorization hereunder of a Planned Development which has not by then been completed or commenced and an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be used without such approval for any other lawful purpose permissible within the use, height, and area district in which the Planned Development is located.

29.04.01.01. Single Family Attached: Dwellings and Single Family Semi-Detached Dwellings. Single family attached dwellings and single semi-detached dwellings are permitted in the RB Districts provided each dwelling is located on a separate lot fronting on a street and complies with the following specifications:

1. Development involving new or additional streets, or any public dedication of land, shall be subject to the governing body's review and approval as provided in 29.06.01.
2. Area Regulations:

- a. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet.
- b. Side Yard: Interior attached dwellings - none required; End dwellings of attached or semi-detached dwellings -Single story- 10 feet; Two story - 12 feet.

29.04.01.02. Mobile Home Subdivision.

1. The following property development standards shall apply for all Mobile home subdivisions and shall be zoned only as Residential B.

- a. No parcel of land containing less than five (5) acres may be used for mobile home subdivision.
- b. The mobile home subdivision shall be subject to the yard, density and set back provisions of the district in which it is located. All lots in the mobile home subdivision shall have a minimum width of eighty (80) feet and shall have through access from a street having a paved width of at least twenty-four (24) feet.
- c. Any mobile home in the subdivision shall be situated on a permanent foundation and all elements contributing to its mobility (under-carriage, wheels, axles and trailer hitch) shall be removed. All such homes shall be connected to public water and sewer systems.
- d. Any structure in a mobile home subdivision shall comply with the yard, height, density and parking regulations of the zoning district in which it is located.
- e. All mobile homes in mobile home subdivisions shall be classed as permanent structures and hold the same taxing status as those other permanent structures in residential B areas (as real property).

29.04.01.03. Travel Parks.

1. Travel Parks shall be zoned only as zone Residential B.

2. Definitions:

- a. Travel park is defined as a plot of ground primarily for use as parking and camping facilities by persons with transportable recreational housing with appropriate accessory uses.
- b. Recreational housing includes travel trailers, pickup coaches or campers, motor homes, camping trailers, tents and similar forms of readily portable housing or shelter used for recreational purposes. An individual facility of the kind described herein shall hereafter be referred to as "unit".
- c. Recreational housing space is defined as the land set aside for the placement of the unit and exclusive use of its occupants and hereafter is referred to as "space".
- d. Stand is defined as the area within the space designated and improved for occupancy by the unit.
- e. Self-contained unit is defined as a unit which can operate independent of external sewer, water and electric systems, containing a toilet, water storage connected to a kitchen sink and holding facilities for all liquid wastes.
- f. Dependent unit is defined as any unit other than a self-contained unit.

3. Property Development Standards: The following property development standards shall apply for all travel parks established after adoption of this article:

- a. No parcel of land containing less than five (5) acres and less than twenty-five (25) spaces available at the time of first occupancy may be used for the purpose permitted as a travel park.
- b. A travel park shall be subject to the following density requirement: There shall not be less than fifteen hundred (1,500) square feet of lot area for each space provided in the travel park, provided that maximum density shall not exceed twenty (20) spaces per acre within the travel park.
- c. The travel parks shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- d. Yards adjacent to public streets shall be a minimum of twenty-five (25) feet in depth. Yards adjacent to property outside the travel park without an intervening street or other permanent open space shall be at least seventy-five (75) feet in width provided, however, that this open space requirement may be reduced to a minimum of twenty-five (25) feet upon adequate fencing and vegetative screening to protect occupants of adjoining properties from adverse influences within the travel park. All yards shall be landscaped and maintained.
- e. Internal streets shall provide safe and convenient access to the spaces in appropriate travel park facilities. Alignment and grade shall be properly adapted to topography. Construction and maintenance shall provide a smooth, hard, dense, dust-proof, well-drained surface. Such roadway shall be of adequate width to accommodate anticipated

traffic and shall meet the following minimum requirements: Entrance and all two-way roads (no parking): Twenty-five (25) feet One-way (no parking): Twelve (12) feet.

f. Pedestrian walkways. Streets serving less than twenty-five (25) spaces may be used as part of the pedestrian circulation system. Elsewhere, if the relation of space locations to facilities within the campground necessitates such, pedestrian ways shall be provided, preferably as part of a common open space system away from streets, but otherwise as sidewalks, according to minimum City Code requirements. Access for pedestrians entering or leaving a travel park shall be by safe and convenient routes. Such access need not be adjacent to or in the vicinity of vehicular access points. Where there are crossings of roads for pedestrians at the edge of the travel park, they shall be safely located, marked and controlled where necessary. Adequate provisions shall be made for mutual visibility of drivers and persons crossing at such points.

g. Recreation area. Not less than ten (10) percent of the area of the travel park shall be devoted to recreation area. Such recreation area may include space for common walkways and related landscaping in block interiors, provided that such common open space is at least twenty (20) feet in width, as passive recreation space, but shall include at least half of the total required recreation area in facilities for active recreation, such as swimming pools, ball fields, shuffleboard courts, play lots for small children, etc., of a nature designed to serve the type of campers anticipated, and so located as to be readily available from all spaces free from traffic hazards.

h. Spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space, and where there are obstacles within potential maneuvering areas which might not be seen by a driver, the limits of the safe area shall be indicated in a manner clearly visible to the driver and ground blocks may be required to prevent backing into obstacles. That spaces be numbered to facilitate location by emergency vehicles.

Where reasonably possible without excessive destruction of trees or other vegetation, particularly in campgrounds or portions of campgrounds intended for use by travel trailers, preference shall be given to a pull-through arrangement, so that no backing is necessary. Where spaces are to be used exclusively for erection of tents on the ground, it shall not be required to provide for vehicular access onto such spaces, but parking areas shall be provided within one hundred (100) feet thereof. No minimum dimensions are specified for spaces, but each shall provide a stand (unless used exclusively for erection of tents with no vehicles permitted) and the clearances and open spaces specified herein and the boundaries of each stand and space shall be clearly indicated. Spaces for dependent units shall be located within at least three hundred (300) feet by normal pedestrian routes of toilet, washroom and bath facilities. Spaces for self-contained units operation as such may be located more than three hundred (300) feet but not more than five hundred (500) feet by normal pedestrian routes of toilet, washroom and bath facilities.

i. Stands. Stands shall be of such size and be so located and improved in the spaces as to provide for the types of units which are intended to use them. Thus, where use by wheeled units is intended, vehicular access must be provided to the stand. If use is to be restricted to tents to be erected on the ground, the stand shall have a level surface suitable for erection of a tent, free of rocks, roots or other impediments to the driving of pegs to the depth of at least eight (8) inches, and graded and drained to prevent flow of surface water into or under tents erected on it. Stands for wheeled units shall provide a smooth hard, dense, well-drained, dust-free surface level or of a grade not to exceed five (5) percent. Stands shall be so located that when used clearances from units, including attached awnings and the like shall be as follows:

- (1) From units of adjoining stands -15 feet
- (2) From common walkways, internal streets or parking areas -- 15 feet
- (3) From portions of buildings containing uses which would be disturbing to stand occupants -- 25 feet

Within each space there shall be provided a living area suitably located and improved for outdoor use by occupants of units not to be occupied by units or towing vehicles, such space to be at least ten (10) feet minimum dimension and two hundred (200) square feet in area and so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.

j. Parking - No parking shall be permitted upon the internal streets of the travel park and vehicle parking space shall be provided within each space or where tent facilities are utilized within a common area.

k. Electrical hook-ups. Each space shall be equipped with one (1) electrical hook-up, one hundred twenty (120) volts, thirty (30) ampere with ground on conduit support. All electrical lines shall be installed underground. Electric hook-ups must meet the standards of the National Fire Protection Association Code 501-D-1971 A110.4-1971 for Recreation Travel Parks.

l. Water connections. Each space shall include one water connection with three-quarter (3/4) inch riser valve and three-quarter (3/4) inch hose bib. All water installations shall conform to the State Plumbing Code and Uniform Building Code as amended. The trailer court water system shall be adequate to provide fifteen (15) pounds per square inch of pressure at all spaces.

m. Sewer hook-ups. A minimum of ten (10) percent of the spaces shall be provided with sewer hook-ups. Such sewer hook-ups shall be installed pursuant to the requirements of the State Plumbing Code and the Uniform Building Code as adopted by the city.

n. Toilet, washroom, bathing facilities. A travel park containing one hundred (100) spaces or less shall provide toilet, washroom, and, bathing facilities of the following minimum:

Men-Four (4) shower stalls, two (2) water closets, three (3) urinals, four (4)

lavatories.

Women-Four (4) shower stalls, four (4) water closets, four (4) lavatories.

One (1) additional toilet, lavatory and shower stall shall be provided for each sex for each twenty-five (25) additional spaces and one (1) additional men's urinal for each fifty (50) additional spaces. All such facilities shall be constructed and installed pursuant to city building and state plumbing codes.

o. Service buildings. Each travel park shall be provided with a management office for management of the park and to provide services therefore such office building shall be constructed according to Uniform Building Code requirements. The management office may provide for sale or rental of supplies or for provision of services for satisfaction of daily or frequent needs of campers within the park, including providing groceries, ice, sundries, self-service laundry equipment and the like, but not sale of gasoline to automobiles.

p. Dumping station. Each park shall include a sanitary dumping station to be so located as not to create a traffic hazard on the main or circulating roads, nor to be a health hazard to the occupants of the park. Such dumping station shall be constructed to meet the minimum requirements of the State Plumbing Code, Uniform Building Code and other applicable ordinances and regulations and shall meet the approval of the health department.

q. Fireplaces, etc. Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used as to minimize fire hazards, smoke nuisance within the park and in adjoining areas. Fuels used in outdoor fireplaces and grills must be restricted to gas or charcoal.

4. Permit Required: No travel park shall be operated within the city without first obtaining a permit therefor. Travel parks will be allowed only with the approval of the planning commission and common council. Travel parks will be licensed annually and a fee will be charged. An application for a travel park permit shall be as regulated hereunder. The application for a permit shall be filed with and issued by the building inspection department upon approval of the common council. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the building inspector, the health department and the common council. The application for a

permit shall be accompanied by the appropriate fee. The following information shall be shown on the application:

- a. Location and legal description of the proposed travel park.
- b. Plans and specifications of all buildings, improvements, facilities and spaces constructed or to be constructed within the travel park.
- c. Proposed use of buildings and spaces shown on the site.
- d. The location and size of all recreational vehicle spaces.
- e. Location of all points of entry and exit for motor vehicles and, internal circulation pattern.
- f. The location of all landscaping to be provided.
- g. The location of all lighting and standards thereof to be provided.
- h. Location of all walls and fences indicating height and materials of construction.
- i. Name and address of the applicant.
- j. Such other architectural and engineering data as may be required to permit the building inspector and common council to determine if the provisions of this article are being complied with. Such permit may be issued prior to construction or completion thereof provided that a time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services and all required improvements and facilities shall be installed within one (1) year.

5. Permit Fee: an annual permit fee shall be required.

29.04.01.04. Other Uses Permitted on Review.

1. Cemetery: Cemeteries shall be permitted in zoned Residential B areas.

- a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- c. All other structures including but not limited to mausoleum permanent monument, or maintenance building shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
- d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
- e. All required yards shall be landscaped and maintained.

2. Drive-In Theater: Drive-In theaters shall not be allowed in areas zoned RA, RB, OR TP.

- a. The site must have direct access to a major public road.
- b. In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.
- c. The theater screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.
- d. Loading space for patrons waiting admission to the theater shall be equal to twenty (20) percent of the capacity of the theater. All entrances and exits shall be separated, and the internal circulation shall be laid out to provide one-way traffic.
- e. Sale of refreshments shall be limited to patrons of the theater.
- f. No central loudspeakers shall be permitted.
- g. All parking areas and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.
- h. Amusement parks or kiddylands shall be limited to patrons of the theater.
- i. The connecting driveways shall be surfaced with permanent paving, maintained in good condition and free of all weeds, dust, trash, and other debris.

3. Public and Private Utilities and Services. Where permitted, public and private utilities and services shall be subject to the following requirements:

- a. Health Department Report - Application for permission to operate water works and/or sewage treatment plants shall be accompanied by a report and a recommendation from the Health Department. Such recommendations as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent shall be incorporated into and made a part of the application.
- b. Lot Area and Location - The required lot area and location shall be specified as part of the application and shall be determined in relation to the proposed use, the intensity of such use, and the effects of such use upon the environment.
- c. Fencing and/or Screening - Where findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding residential properties may ensue, fencing or screening with an evergreen hedge or other shielding material may be required in a manner consistent with such findings.
- d. Public Utilities Service Yards - Shall be screened by a seven (7) foot obscuring fence, wall or mass planting, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

5. Private Day Nurseries and Kindergartens. The facilities, operation and maintenance shall meet the requirements of the County and State Health Department.

6. Automobile Wrecking and Junk Yards. Automobile wrecking and junk yards may be located in area zoned GI only.

- a. Location - No such operation shall be permitted closer than three hundred (300) feet from any established residential district.
- b. Screening- All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall; excepting driveway areas, having a minimum height of eight (8) feet. Storage between the street and cushion fence is expressly prohibited. Any fence or wall erected for screening purposes shall be within the buildable area of the lot and shall be properly painted or otherwise maintained in good condition.
- c. Off-Street Parking - As regulated in 29.04.05.
- d. Ingress and Egress - The number of vehicular access driveways permitted on any single street frontage should be limited to: One (1) driveway where the parcel to be used has a maximum street frontage of one hundred (100) feet or less. Two (2) driveways where the street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width, exclusive of curb returns.

7. Recreational Fads. An application for a permit for recreational fads including trampoline centers, cart tracks, and similar recreational activities not specifically covered by these regulations, shall be reviewed by the governing body, Recreational fads may be located in areas zoned HS or GC only.

8. On-Lot Sewage Disposal Systems. Any use involving a principal structure which is not served by a sanitary sewer, in addition to other requirements, shall have an approved on-lot sewage disposal system shall be approved by the County-State Department of Health. The approval may be made contingent upon an agreement that the structure will be connected to a sanitary sewer when plans indicate that such sewer will be extended or constructed and become available. The approval shall further stipulate an increase in lot size to assure appropriate septic field, drainage and relation to abutting development or any classified stream.

29.04.02.00. Accessory Uses. The uses of land, buildings and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal use permitted in the District.

29.04.02.01. General Provisions. Each permitted accessory use shall:

- 1. Be customarily incidental to the principal use established on the same lot.
- 2. Be subordinate to and serve such principal use.
- 3. Be subordinate in area, extent and purpose to such principal use.
- 4. Contribute to the comfort, convenience, or necessity of users of such principal use.

29.04.02.02. Permitted Accessory Structure. Accessory uses shall be permitted as specified above and such accessory uses shall be applicable to the principal use and shall include but not be limited to the following:

1. For dwellings:
  - a. Shelter to house animal pets, but not exceeding two shelters per dwelling.
  - b. Children's playhouse and playground equipment.
  - c. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
  - d. Private garage or carport.
  - e. Private swimming pool and bath house.
  - f. Shed for the storage of maintenance or recreation equipment used on the premises.
2. For church, chapel, temple or synagogue:
  - a. Parish house or residence for the clergyman of the congregation.
  - b. Religious education building.
3. For educational institutions:
  - a. Convent or lay teacher's quarters.
  - b. Dormitories.
  - c. Power or heating plants.
  - d. Stadiums, gymnasiums, field houses, game courts or fields.
4. For golf and country clubs:
  - a. Dwelling for caretaker.
  - b. Maintenance equipment storage shed.
  - c. Pro shop.
  - d. Lounge and dining area.
5. For hospitals and health institutions:
  - a. Staff quarters.
  - b. Laundry, incidental to the principal use only.
  - c. Medical and nursing instruction.
  - d. Chapel.
6. For industrial uses in the industrial district:
  - a. Offices.
  - b. Restaurants or cafeterias.
  - c. First aid clinics or dispensaries.
  - d. Watchman's quarters.
  - e. Research or pilot structures.

29.04.03.00. Height. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in 29.03 herein:

1. In measuring heights, a habitable basement or attic shall be counted as a half story.
2. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:
  - a. Agricultural buildings - barn, silo, windmill, but not including dwellings.
  - b. Chimneys, smokestacks, penthouse, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers.
  - c. Radio and television antennas and towers, observation towers, and power transmission towers.
  - d. Water tanks and standpipes.
  - e. Other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts, in which they are located, provided that they are not used for human occupancy.
3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the District of the minimum depth of the front, side and rear yards required in the District is increased one (1) foot for each two (2) feet by which the height of such public or semi-public, structure exceeds the prescribed height limit.

29.04.04.00. Yard, Building Setback and Open Space Exceptions. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in 29.03 herein:

1. No yard, open space, or lot area required for a building or structure shall during its life, be occupied by any other building or structure except:
  - a. Awnings and canopies, as provided for in the Uniform Building Code.
  - b. Bay windows and chimneys, not to exceed two (2) feet in depth.
  - c. Driveways, curbs, sidewalks and steps, provided, however, front steps or stairs to a dwelling, non-enclosed, not to exceed six (6) feet in depth. Side steps shall meet side yard requirements as set forth in 29.03.
  - d. Fences, walls, and hedges, subject to the regulations as set forth in this section.
  - e. Flagpole - One (1) flagpole will be permitted.
  - f. Garbage disposal equipment, non-permanent.
  - g. Landscape features, planting boxes and recreational equipment.
  - h. Overhauling roof, eave, gutter, cornice, or other architectural features, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
  - i. Parking space subject to the regulations set forth in 29.04.
  - j. Signs, subject to the regulations set forth in 29.04.08.
  - k. Terraces (open) and porches (non-enclosed) shall be included within and meet set-back requirements as set forth in 29.03.
1. Trees, shrubs, flowers and other plants subject to the vision requirements in this section.
2. The following regulations provide for the maximum safety of persons using sidewalks and streets, and for the maximum enjoyment of the use of property:
  - a. On any corner lot where a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a slight triangle on the area of the lot adjacent to the street intersections.
  - b. In any required front yard; except as provided in (a) above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3 1/2) feet this does not include single ornamental bushes and shrubs.
3. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.
  - a. In residential districts, if twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of a greater depth than fifty (50) feet.
  - b. In a residential district, if fifty (50) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback of less than twenty-five (25) feet and no building line varies more than five (5) feet from this average setback line, then a building may be erected observing the average setback so established.
  - c. The minimum setback for all yards abutting a city street shall be twenty-five (25) feet or the average setback of all other buildings in the area.
  - d. Division of a Lot - No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted.
  - e. Dwellings on small lots - Where there are existing recorded lots which do not meet the minimum lot area requirement and are under separate ownership-single family dwellings may be constructed as long as a side yard shall be not less than four (4) feet and the sum of the side yards shall be not less than twelve (12) feet and as long as all other requirements, except lot size, are met.
  - f. Principal uses without building - Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtain any other license or permit applicable to that particular use.

- g. No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least twenty-five (25) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
- h. Attached Garage. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the front lot line.
- i. Accessory buildings shall not be located in any required front yard.
- j. In no event shall more than one (1) dwelling structure be permitted upon a single, standard lot in an RB or RA district. Lots may be combined to provide multiple structures provided all other zoning provisions are herein complied.

29.04.05. Minimum Off-Street Parking Requirements.

29.04.05.01. Off-Street Parking Requirements General. In all districts except the GC General Commercial District, there shall be provided at any time any building or structure is erected to enlarged or increased in capacity, off-street parking space for automobiles in accordance with the following requirements:

1. Off-street parking for other than residential use shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided however, churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located no further than four hundred (400) feet from the church sanctuary.
2. Residential off-street parking space shall consist of a parking lot, driveway, garage or combination thereof and shall be located on the lot they are intended to serve.
3. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the governing body.
4. Any area once designated as required off-street parking shall not be hanged to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at effective, date of these regulations in connection with the operation of an existing, building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
6. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
7. The required off-street parking shall be for occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited.
8. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the governing body.
9. In cases of dual functioning of off-street parking where operating hours do not overlap, the governing body may grant an exception.
10. The minimum number of off-street parking spaces shall be determined in accordance with the following:

TABLE OF PARKING SPACES REQUIRED

<u>Uses</u>	<u>Parking Spaces Required</u>
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Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	One (1) space for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of lot area, or two (2) spaces for each one hundred (100) square feet of the floor area, whichever is greater.
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Banks, business or professional offices	One (1) per three hundred (300) square feet of usable floor area plus one (1) for each three employees.
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Barber shop or beauty parlor	Two (2) per barber or beauty shop chair.
Boarding or rooming house	One (1) space for each three (3) boarders. One (1) for each two (2) guests provided overnight accommodations
Bowling Alley	Five (5) per alley
Churches	One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater.
Commercial recreation uses	One (1) per (3) patrons, based on the design capacity of the facility
Commercial or trade schools	One (1) per (3) students plus two (2) per three (3) employees
Country Clubs	One (1) per five (5) members
Dormitories, fraternity or sorority	One (1) per each (3) permanent residents
Dwellings (single and two-family)	Two (2) per dwelling
Dwellings (multiple-family)	One and one-fourth (1 1/4) spaces per dwelling unit for the first twenty (20) units, plus one (1) space for each dwelling unit exceeding twenty (20) units
Establishments for sale and consumption, on the premises, of beverages, food, or refreshments	One (1) per three (3) employees plus one (1) per one hundred (100) square feet of usable floor space, or one (1) per three (3) fixed seats, whichever is the greater
Gasoline service stations	One d(1) parking space for each employee, plus two (2) spaces for each service bay
Governmental office buildings	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space
Homes for the aged, sanatoriums, convalescent or nursing homes	One (1) space for each four (4) patient beds; plus one (1) space for each staff doctor, plus one (1) space for each two (2) employees, including nurses
Hospitals	One (1) per three (3) patient beds, exclusive of bassinets, plus one (1) space for each two (2) employees including nurses on the maximum

	working shift, plus adequate area for parking emergency vehicles
Hotel	One (1) per two (2) rooms or suite, plus two (2) per three (3) employees.
Hotel (apartment)	One (1) parking space for each two (2) individual rooms or apartments
Industrial establishments	One (1) per two (2) employees on the combined two largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the governing body
Library	One (1) for each four hundred (400) square feet of floor space
Medical clinics	Three (3) patient parking spaces per staff doctor; plus two (2) per three (3) other employees
Mortuaries or funeral parlors	Fine (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater
Motels and tourist courts	One (1) per guest bedroom
Private clubs, lodge, or union headquarters	One (1) per three (3) members based on the design capacity of the facility
Retail stores, supermarkets, department service establishments, except as otherwise specified herein	One (1) per one hundred (100) square feet of retail floor space
Elementary, Junior High, and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds; plus one (1) space for each one hundred and fifty (150) square feet of seating area including aisles, in any auditorium
Senior high schools and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds plus (1) space per five (5) students, or one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is the greater
Kindergartens, day schools, and the equivalent private or parochial schools	Two (2) parking spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils

Shopping centers	There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of store area
Stadiums and sports	One (1) per four (4) seats or twelve (12) feet of benches
Swimming pools	one (1) per thirty (30) square feet of water area
Theaters, auditoriums, and places of assembly with fixed seats	One (1) per three (3) seats
Theaters, auditoriums, and places of assembly without fixed seats	One (1) per three (3) people based on the design capacity of the structure
Wholesale establishments and business services	One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift

29.04.05.02. Off-Street Parking Lot Layout, Construction and Maintenance. Wherever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following regulations:

1. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be not less than two hundred (200) square feet in area, and shall be a definitely designated stall adequate for one motor vehicle.
3. In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half (1/2) may be dropped and any fraction of one-half or more shall be counted as one (1) parking space.
4. Clearly defined driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
5. All areas devoted to permanent off-street parking as required under this section shall be of such construction and maintained in such a manner that no dust will result from continuous use.
6. The parking lot shall be drained to eliminate surface water.
7. Where the parking lot abuts side lot lines of a residential district, there shall be established a setback line five (5) feet from such side lot line unless vehicles are restrained by physical barrier from entering contiguous residential lots.
8. Where the parking lot is contiguous to a residential district which has common frontage in the same block with the parking lot, there shall be established a setback line twenty-five (25) feet from the street lot line.
9. Where the parking lot lies across the street and opposite a residential district, wherein the lots front on such street, there shall be established a setback line twenty-five (25) feet from the street lot line.
10. Where the parking lot abuts rear property lines of a residential district, there shall be established a setback line five (5) feet from the rear lot line unless vehicles are restrained by physical barrier from entering contiguous residential lots.
11. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line ten (10) feet from the street lot line. The land between the setback line and the lot line in a parking lot is for the purpose of this Ordinance called a buffer strip. The ground in the front buffer strip shall be prepared and shall be planted with trees, shrubs and grass.

12. Plans for the layout of a parking lot must be approved by the governing body based on design standards approved by the Institute of Traffic Engineers.
13. The governing body shall have the Authority to approve off-street parking in any district which is more restrictive than that required for the major land use it is intended to serve subject to the preceding conditions. The following conditions shall also apply:
  - a. The parking lot shall not have access from the more restrictive districts.
  - b. All sides of the lot, except those openings for ingress and egress, shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having the height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition. Bumper stops shall be provided so as to prevent any vehicle from projecting over the buffer strip.
  - c. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential districts.
  - d. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

29.04.06. Storage and Parking of Trailers and Commercial Vehicles. Commercial vehicles and trailers of all types, including travel, boat camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. Not more than one commercial vehicle per family living on the premises which does not exceed one and one-half (1 1/2) tons rated capacity, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, hazardous chemicals, radioactive materials or liquefied petroleum products be permitted.
2. Not more than one camper or motor home, and not more than one travel trailer, hauling trailer or boat trailer per family living on the premises shall be permitted, and said vehicle or trailer shall not exceed thirty-three (33) feet in length, or eight (8) feet in width; and, further, provided that said vehicle or trailer shall not be parked or stored for more than two weeks unless it is located behind the front yard building line. A camper, camping or travel trailer shall not be occupied longer than two (2) weeks while it is parked or stored in any area except in a travel trailer court authorized under this Ordinance.

29.04.07. Minimum Off-Street Loading and Unloading Requirements. In all districts, and on the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distributions of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys. Minimum off-street loading and unloading spaces shall be provided as follows:

1. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one additional off-street loading and unloading space for each additional twenty thousand (20,000) square feet of floor area up to and including one hundred thousand (100,000) square feet.
2. There shall be provided an additional off-street loading and unloading space for each additional forty thousand (40,000) square feet of floor area in excess over one hundred thousand (100,000) square feet.
3. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet by forty (40) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

29.04.08. Signs, Billboards, and Other Advertising Structures. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, to preclude the establishment of structures which could afford hiding places for immoral or criminal activities, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are indicated below. The interpretation of nomenclature in this section shall be as defined in 29.01.

29.04.08.01. General Regulations. In any zoning district where signs are permitted, the following general regulations shall apply:

1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device. No sign shall be erected in any position where it obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic.
3. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in residential district unless such sign is not visible from such property. Off premise signs located adjacent to interstate aid primary highways shall not contain, include or be illuminated by any flashing, intermittent or moving light or lights except those giving public service information such as time, temperature, weather or similar information. All such signs shall be effectively shielded to prevent any light from being directed onto the highway and shall not be of such brilliance or intensity as to cause glare on the highway or in any way impair the driver's vision or otherwise interfere with the safe operation of any vehicle.
4. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
5. No billboard or ground sign shall be erected to exceed thirty-five (35) feet above the ground level or fifty (50) feet in length. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
6. No roof sign shall be at any point over twenty-four (24) feet above the roof level. Roof signs shall not exceed the height limit of the zoning district.
7. No part of any wall or projecting sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign are architecturally integrated and designed as a unit.
8. Permanent billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side and rear yard requirements of the district in which located. However, no permanent billboard shall be erected or placed closer than within one hundred (100) feet of any residential district. Off premise signs located adjacent to interstate or federal aid primary highways shall be spaced not less than one hundred (100) feet apart. However, this limitation does not apply to signs that are separated by buildings or other obstructions in such a manner that only one sign surface within the above spacing distance is visible from the highway at any one time. All signs located adjacent to interstate or federal aid primary highways shall conform with all state and federal billboard regulations.
9. No advertising sign shall be located in any area designated by the governing body as one of scenic beauty or historical interest.
10. No building walls shall be used for display of advertising, except that pertaining to the use on the premises.
11. Temporary signs shall not be erected or otherwise fixed to any permanent pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of or within any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal or device. Temporary signs may be erected or posted for a period not to exceed thirty (30) days. Any sign posted for a longer period must meet the requirements for permanent signs no temporary sign shall exceed thirty-two (32) square feet in area.
12. A temporary sign shall not be suspended across public streets or other public places, except as permitted by the governing body.
13. No permanent sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs, and directional signs.
14. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk but in no case exceeding ten (10) feet. This regulation does not imply any authority to grant the use of the public domain for private advertising.

15. Pole signs shall be not over thirty (30) square feet in area and shall be located not closer than ten (10) feet to any street right-of-way line and five (5) feet from any other property line.
16. Professional signs for home occupations, where permitted, shall not exceed two (2) square feet in area provided such sign is either a wall or ground sign located not closer than five (5) feet to the street right-of-way line.
17. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message. A sign designed to be viewed from two opposite directions shall be considered as one sign, provided that the two sign faces shall not be more than two (2) feet apart if parallel, nor form an angle of more than ninety (90) degrees if angular. Where more than one (1) sign is permitted on a lot, the net sign area shall be sum of those signs designed to be viewed from one direction, and such signs shall be not less than twenty (20) feet apart.

#### 29.04.08.02 Public-Parks and Recreation Area Regulations.

1. For historical monuments, structures, public parks and/or playgrounds, information signs may be displayed but the total area of each sign shall not exceed nine (9) square feet, and signs may have indirect lighting.
3. Flashing lights or intermittent illumination is prohibited.

#### 29.04.08.03. Residential District Regulations.

1. For single-family, two-family, and multi-family dwellings: Nameplates not to exceed two (2) square feet in area, shall be permitted for each dwelling unit; such nameplates shall indicate nothing other than name and/or address of the occupants, premises, announcement of boarders or customary home occupation.
2. For multiple-family and group dwellings: Identification signs, not to exceed nine (9) square feet in area, shall be permitted; such sign shall be attached flush with the principal building and may have indirect illumination.
3. Announcement of church, school, or public building: Bulletin boards or identification signs, not to exceed twenty (20) square feet in area, shall be permitted; such bulletin boards or identification signs shall indicate nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall be located not closer than one-half (1/2) the required setbacks and may have indirect illumination.
4. Only one sign per street frontage shall be permitted.
5. Flashing lights or intermittent illumination is prohibited.
6. Billboards and other advertising structures are prohibited.

#### 29.04.08.04. General Commercial District Regulations.

1. For public recreation uses, community facilities, hospitals, and clinics: Bulletin boards or identification signs shall not exceed twenty (20) square feet in area.
2. For gasoline service stations: Two (2)-pole-signs not exceeding thirty (30) square feet each in surface area and not exceeding thirty five (35) feet above ground level. Other business signs, the aggregate area of which does not exceed two (2) square feet for each one (1) lineal foot of lot adjoining public street.
3. For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows: Business signs not to exceed two (2) square feet of surface for each one (1) lineal foot of lot fronting on a public street, but in no case shall the surface area be limited to less than fifty (50) square feet. All signs shall be mounted either on buildings or on sign display devices affixed permanently to the ground.

29.04.08.05. Industrial District Regulations.

1. Business signs not exceeding one (1) square foot per one (1) lineal foot of street frontage. Such sign shall be located not closer than one-half (1/2) the recorded setback from all property lines.
2. Flashing lights or intermittent illumination is prohibited.
3. Billboards and other advertising structures are prohibited.

29.04.08.06. Other Signs Permitted. In any district, the following signs shall be permitted:

1. For each permitted or required parking area that has a capacity of more than four (4) cars, one (1) non-illuminating sign, not more than two (2) square feet in area, designating each entrance to or exit from such parking area; and one (1) non-illuminating sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area.
2. One (1) non-illuminated "for sale" or "for rent" sign not exceeding four (4) square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located. A larger sign shall be permitted for two or more lots in single ownership or for properties in excess of one hundred (100) feet in width, provided that the area of such sign shall be increased on a graded scale of one (1) square foot increase in area for each additional five (5) feet of frontage over one hundred (100) feet, but in no case shall the sign exceed in the aggregate two hundred (200) square feet. Such sign shall be a ground or wall sign and located not closer than twenty (20) feet from the street line.
3. For each real estate subdivision that has been approved in accordance with the regulations of the Ordinance, one (1) sign, not over one hundred (100) square feet in area, advertising the sale of property in such subdivision. Such sign shall be permitted only when located on some portion of the subdivision being advertised for sale and shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land is unsold.
4. For construction on or development of a lot, one (1) sign, not more than twelve (12) square feet in area, giving the names of contractors, engineers, or architects, but only during the time that construction or development is actively underway.
5. One (1) sign, not more than four (4) square feet in area, pertaining to the sale of agricultural products raised on the premises except no sign of this type in areas zoned RA, HB or He.
6. Signs established by, or by order of, any governmental agency.
7. For special events of public interest, one (1) sign, not over thirty-two (32) square feet in area and located upon the site of the event. Such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than ten (10) days before the event in question and shall be removed immediately after such event.

29.04.08.07. Unsafe and Unlawful Signs. The following regulations shall apply to unsafe and unlawful signs and for the maintenance of signs: whenever it shall appear to the Building Inspector that any sign has been constructed or erected or is being maintained in violation of the terms of this article, or is unsafe or insecure, such sign shall either be made to conform with all sign regulations as provided by this chapter or shall be removed within ten (10) days after written notification from the Building Inspector. Such sign shall be made to conform or shall be removed by and at the expense of the owner or lessee thereof.

29.04.09. Gasoline Service Stations. The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all right-of-way lines a distance of not less than forty (40) feet.
2. Service stations shall not be constructed closer than fifty (50) feet to any Residential District.
3. The minimum distance between the intersection of right-of-way lines at a corner lot and the driveway to a service station shall be not less than forty (40) feet.
4. A raised curb at least six (6) inches in height shall be constructed on all street property lines, except at driveway openings.
5. The length of curb openings shall not exceed thirty (30) feet.

6. When two curb openings are giving access to a single street, they be separated by an island with a minimum dimension of twenty-five feet at both the edge of the pavement and the right-of-way line. Curb cuts for driveways shall not be located closer than ten (10) feet to any adjoining property line.
7. To insure that sufficient room be provided on either side of the pumps without intruding upon sidewalks or on adjoining property, gasoline pumps shall not be located closer than fifty (50) feet from any Residential District and fifteen (15) feet from any public sidewalk.
8. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line when no sidewalks exist.
9. A masonry wall or solid fence shall be constructed when service station property abuts property zoned for residential purposes. Such wall shall be not less than five (5) feet in height except such wall or fence shall be not less than two (2) feet or exceed three and one-half (3 1/2) feet in height for that portion within the most restrictive setback requirements. All required yards shall be landscaped and maintained.
10. Off-Street Parking: As regulated in 29.04.05.
11. Signs: As regulated in 29.04.08.

29.04.10. Customary Home Occupation. This section defines customary home occupations and prescribes the conditions under which such occupations shall be permitted.

1. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.
2. The following occupations, subject to the requirements of the above paragraph, are permitted as customary home occupations:
  - a. Antiques provided, however, that outdoor display is prohibited.
  - b. Artist, sculptor, author.
  - c. Barber shop and beauty shop operated by no more than two (2) persons.
  - d. Dressmaker, milliner, seamstress, tailor, interior decorator.
  - e. Professional office of a physician, dentist, lawyer, engineer, architect, or accountant within a dwelling occupied by the same provided that not more than one paid assistant shall be employed. That adequate approved off-street parking be made available.
  - f. Teaching, including tutoring, musical instruction, or dancing.
  - g. Not more than twenty-five (25) percent of the floor area in the structure can be used for customary home occupation.
  - h. Any other similar use which the governing body deems to be a home occupation.

29.04.11. Temporary Uses. The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature.

1. Application for Temporary Use Permit shall be made to the Building Inspector and shall contain the following information:
  - a. A surveyor legal description of the property to be used, rented, or leased for a temporary use, including all information necessary to accurately portray the property.
  - b. A description of the proposed use.
  - c. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.
1. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.
  - a. Carnival or Circus: In any non-residential district, a Temporary Use Permit may be issued for a carnival or circus, but such permit shall be issued for a period not longer than fifteen (15) days. Such a use shall set back from all Residential Districts a distance of one hundred (100) feet or more.

- b. Christmas Tree Sale: In any non-residential district, a Temporary Use Permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period not longer than thirty (30) days.
- c. Temporary Buildings: In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year but may be renewed a maximum of two one-year extensions. However, such office or shed shall be removed upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
  - a. Real Estate Sales Office: In any district a Temporary Use Permit may be issued for a temporary real estate office in any approved new subdivision. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year, but may be renewed a maximum of three (3) one-year extensions. Such office shall be removed or converted to a conforming use upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

29.04.12. Tents. No tent shall be used, erected or maintained as living quarters. Overnight camping tents are permitted on public lands established for camping purposes, and in private camps permitted in districts of this ordinance.

29.04.13. Swimming Pools. The following regulations shall apply to swimming pools:

- 1. A private swimming pool shall be any pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2 ) feet. Private Swimming pools are permitted in any Residential District provided:
  - 1. The pool is intended and is to be used solely for enjoyment of the occupants of the property on which it is located and their guests.
  - 2. No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side yard.
  - 3. The swimming pool area shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall shall be not less than six (6) feet in height and maintained in good condition.
- 2. A community or club Swimming pool not open to the public shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families and guests. Community and club swimming pools shall comply with the following conditions and requirements:
  - 1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
  - 2. The pool and accessory structures thereto, including the areas used by the bathers, shall be no closer than twenty-five (25) feet to any property line of the property on which located.
  - 3. The Swimming pool and all of the area used by the bathers shall be so walled or fenced so as to prevent uncontrolled access by children from the street or adjacent properties. Safe fence or wall shall be not less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

29.04.14. Lighting. Lighting of all types shall be directed so as to reflect from all residential districts, and shall be so situated so as not to reflect directly onto any public right-of-way.

29.05.00. Nonconforming Buildings, Structures and Uses of Land. Any otherwise lawful use of land or structure existing at the time of adoption of these regulations may be continued, maintained, and repaired, except as otherwise provided in this chapter.

29.05.01. Continuance of Nonconforming Uses. The lawful operation of a nonconforming use as such use existed on the effective date of this Ordinance, or any amendment hereto, by which the use became a nonconforming use, may be continued; provided, however, that the number of dwelling units in a nonconforming dwelling use shall not be increased over or exceed the number of dwelling units in the nonconforming use on the effective date of this Ordinance.

29.05.02. Extension of Nonconforming Uses in Structures. A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.

29.05.03. Changes in Nonconforming Uses. The nonconforming use of a building may be changed to another nonconforming use that is in the same (or higher) use group as the previous nonconforming use until the building is removed; provided, however, that a Certificate of Occupancy must be obtained before the change is made.

29.05.04. Termination of Nonconforming Uses. Except as hereinafter provided, a nonconforming use that has been abandoned or discontinued for a year shall not hereafter be reestablished.

29.05.05. Open Land Nonconforming Use Of. A nonconforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out-of-doors and outside of a building or structure shall, after discontinuance of its principal use or abandonment of one (1) year, become a prohibited and unlawful use and shall be discontinued..

29.05.06. Destruction, Damage, or Obsolescence of Structure. The right to operate and maintain any nonconforming use shall terminate whenever the structure, or structures, in which the nonconforming use is operated and maintained, are damaged, destroyed, or become obsolete or substandard beyond the limits hereinafter established for the termination of nonconforming structures.

29.05.07. Continuance of Nonconforming Structures. Except as hereinafter provided, any nonconforming structure may be occupied, operated and maintained in a state of good repair.

29.05.08. Enlargement or extension of Nonconforming Structures: A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located.

29.05.09. Restoration of Damaged Nonconforming Structures. A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than sixty (60) percent of its replacement cost may be restored to its original or better condition, provided restoration is completed within one (1) year of the date of the damage.

29.05.10. Outdoor Advertising Signs and Structures. No outdoor advertising sign or outdoor advertising structure which, after the adoption of this Ordinance, exists as a nonconforming use in any district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulation of said district within a period of two (2) years.

29.05.11. Nonconforming Mobile Home Use and Change of Ownership.

Refer to chapter 30.

29.06.00. Administration and Enforcement.

29.06.01. Organization.

29.06.01.00. Administration and Enforcement.

1. **Administrative Official:** An administrative official, hereafter known as the Building Inspector, designated by the Common Council shall administer and enforce this ordinance. He will be provided with the assistance of such other persons as the Common Council may deem necessary (i.e. Police Force, Assistant Building Inspector, etc.) for the successful enforcement of this ordinance. Should the Building Inspector find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the party or parties responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct the violation. He shall order discontinuance of illegal use of land; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violations of its provisions.
2. **Building Permits Required:** No building or other structure shall be erected, constructed, enlarged, moved or demolished without a permit therefore, issued by the Building Inspector. No building or other structure shall be altered, repaired or improved, when the cost of such action shall exceed ten (10) percent of the current market value without a permit therefore issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this chapter.
3. **Application for Building Permit:** All applications for building permits shall be accompanied by two (2) sets of plans showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration, or in the event of repair or improvement where plans do not apply a written description of work, will be required. The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter.

One (1) copy of the plans or written description shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans or written description shall be retained by the Building Inspector.

4. **Expiration of Building Permit:** If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with, notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
5. **Construction and Use to Be as Provided in Applications, Plans and Permits:** Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

29.06.01.01. Board of Adjustment.

1. The governing body, except as otherwise provided in SDCL, 11-4-24 shall provide for the appointment of a Board of Adjustment, hereafter referred to as the "Board". Should the governing body elect not to comply with SDCL 11-4-24, then the governing body will appoint a Board of Adjustment which shall consist of five (5) members, each residents of Edgemont, who are not members of any governing body. Each member is appointed for a term of three (3) years and removable for cause by the governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term only.
2. The Board shall elect a chairman and secretary from its membership, and shall prescribe rules for the conduct of its affairs. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine at a fixed time and place. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render all such assistance as may be reasonably required. In the case of all appeals, the Board shall call upon the governing body for all information pertinent to, and their recommendations.
3. Powers of the Board of Adjustment: The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses, and in the furtherance of their duties shall have the following powers:
  - a. The Board shall have the power to hear and decide appeals wherein it is alleged there is an error in any order, requirement, decision or determination of this chapter made by the Building Inspector.
  - b. To hear and decide variances to the terms of this ordinance when such variances are allowed by the ordinance.
  - c. To authorize upon appeal in specific cases such variance from terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.
4. Appeals Procedures to the Board:
  - a. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter.
  - b. Appeals to the Board of Adjustment may be submitted by any person aggrieved by any decision of the Building Inspector. Such appeal shall be submitted within a reasonable time, as provided by the rules of such board, by filing it with the Building Inspector and with the Chairman of the Board of Adjustment. The appeal shall specify the grounds thereof. The Building Inspector shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
  - c. An appeal to the Board of Adjustment stops all erection, construction, enlarging, moving or demolishing in the action appealed, unless the Building Inspector files a certificate that, by reason of facts stated in the certificate, a discontinuance would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stopped otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record, on application, one notice to the Building Inspector and on due cause shown.
  - d. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

- e. In exercising the powers mentioned, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.
- f. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

5. In lieu of appointing a Board of Adjustment, the Common Council of this City may act as and perform all the duties and exercise the powers of such Board of Adjustment as provided in SDCL 11-4-24.

29.06.01.02. Governing Body. The governing body shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.
2. Review and give final decision on all applications for Uses Permitted on Review in accordance with 29.04.01, and this Chapter.
3. Study and report on all proposed amendments to this chapter; further, to review annually this chapter and on the basis of such review, suggest amendments thereto.

29.06.02. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his lot as the zoning chapter intended.

1. Application: After written denial of a building permit from the Building Inspector, a property owner may make application to the Board of Adjustment for a Variance, using forms obtainable.
2. Public Hearing: Upon receipt of an application and fee, the Board shall hold a public hearing, having first given fifteen (15) days notice. Such notice of the time and place of such hearing shall be published in a designated legal publication. The Board shall consider and decide all applications for variances within thirty (30) days of such public hearing and in accordance with the standards provided below
3. Standards for Variances: In granting a variance, the Board shall ascertain that the following criteria are met:
  - a. Variances shall be granted only where special circumstances or conditions such as (exceptional narrowness, topography, or siting) as verified by the finding of the Board of Adjustment, do not apply generally in the district.
  - b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
  - c. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicants of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.
  - d. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
  - e. The granting of any variance is in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
  - f. A fee, due and payable at the time of the appeal, shall be paid to the Building Inspector as agent for the Board, to cover the costs of notices and other expenses incidental to the hearing.
4. Requirements for the Granting of a Variance: Before the Board shall have the authority to grant a variance, the persons claiming the variance have the burden of showing.
  - a. That the granting of the permit will not be contrary to the public interest.
  - b. That the literal enforcement of the chapter will result in unnecessary hardship.
  - c. That by granting the permit contrary to the provisions of the chapter the spirit of the chapter will be observed.
  - d. That by granting the permit, substantial justice will be done.

29.06.03. Court Review of Decisions of the Board.

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing with the Chairman of the Board.
2. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review", such decision of the Board. The Board shall be required to turn over to the court certified copies of all paper acted on by it, and any other information as may be pertinent and material to show the grounds of the decision appealed from. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
3. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

29.06.04. Certificate of Occupancy. A certificate of occupancy shall be required as regulated in the Uniform Building Code.

29.06.05. Procedure for Authorizing Uses Permitted on Review. The following procedure is established to integrate properly the uses permitted on review with other land uses located in the district. These uses shall be reviewed by the governing body and authorized or rejected following procedure:

1. Application: An application shall be filed with the governing body for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred: (200) feet, and any other material pertinent to the request which the governing body may require.
2. Public Hearing: Upon application, the governing body shall give a fifteen (15) day notification of a public hearing. Such notice of time and place of such hearing shall be published in a local legal publication.
3. Restrictions: In the exercise of its approval, the governing body may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this chapter.
4. Issuance of Permit: Upon completion of the necessary application, hearing, and approval of the governing body, the Building Inspector shall issue the Building Permit subject to all applicable rules, regulations and conditions.
5. Validity of Plans: All approved plans, conditions, restrictions, and rules made a part of the approval of the governing body shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
6. Time Limit and notification: All applications for uses permitted on review shall be decided within forty-five (45) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

29.06.06. Amendments. The regulations, restrictions, boundaries, and options set forth in this chapter may be amended, supplemented, revised or repealed from time to time ( as conditions warrant, subject to the following conditions:

1. Application: An application for a proposed amendment shall be filed with the governing body. Amendments may be instituted by either the property owner or his designated representative or by an appropriate governmental agency.
2. Public Hearing: Upon application, the governing body shall schedule a hearing having first given fifteen (15) days notice of such hearings by one publication in a legally designated paper. The governing body shall consider and make recommendations on all proposed amendments, taking into account the testimony at the hearing; a site inspection of the property in question; the recommendations from the Health Department, or other official bodies; and the standards provided below.
3. Time Limit and Notification: All proposed applications for amendments shall be decided by the governing body within sixty (60) days of the public hearing.
4. Procedure: Any amendment to this chapter shall be adopted as any other Ordinance or change in Ordinance.
5. Standards for Amendments A proposed amendment shall be considered on its own merits using the following criteria as a guide:
  - a. Text or Map Amendments: The following conditions shall be met for all amendments:
    - i. The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the City of Edgemont generally.
    - ii. The proposed amendment shall be consistent with the intent and purposes of this chapter,
    - iii. The proposed amendment shall not adversely affect any other part of the chapter, nor shall any direct or indirect adverse effects result from such amendment.
    - iv. The proposed amendment shall be consistent with, and not in conflict with Development Plan of the City of Edgemont including any of its elements, Major Road Plan, Land Use Plan, Community Facilities Plan, and others.
  - b. No new zoning District shall be created to contain an area of less than four (4) acres. The four (4) acres need not be under common ownership.
  - c. Errors or oversights as may be found in the chapter as originally adopted shall be corrected under the normal amendment procedure.

29.06.07. Fees. Fees for all permits required herein, and fees required for filing of appeals, and fees for applications for amendments to this Zoning Ordinance shall be established by resolution and be collected by the Finance Officer:

29.06.08. Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this chapter.

## Chapter 30

### Subdivision Regulations

#### 30.01.00. Authority and Jurisdiction.

**30.01.01. Authority.** Pursuant to the authority granted by SDCL 11-4 and 11-6, as amended, the following regulations are hereby adopted by the Common Council of the City of Edgemont, South Dakota.

**30.01.02. Purpose.** These regulations are adopted to provide for the harmonious development of the City and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the provision for and adequate scale of streets or roads, sanitary sewer, water utility and other improvements as land is subdivided.

**30.01.03. Jurisdiction.** These regulations shall govern all subdivisions of land within the corporate limits of the City of Edgemont. Subdivisions governed are hereinafter defined under 30.02.00.

#### 30.02.00. Definitions.

- Alley - a minor public way having a narrow right-of-way and affording a secondary means of access to abutting properties.
- Auditor – The Finance Officer of Edgemont, South Dakota.
- Certificate of Occupancy – the instrument issued by the Building Inspector when a building has been inspected and found to meet adopted codes and ordinances relating to construction. Such certificate authorizes occupancy of said building.
- Comprehensive/Development Plan – any legally adopted part or element of the Comprehensive/Development Plan of the City of Edgemont. (This may include but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Improvements Program and Land Use Plan.)
- Easement – a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.
- Engineer – the duly designated engineer acting in behalf of the governing body.
- Final Plat - a plat of a tract of land which meets the requirements of these regulations and is in form for recording in the office of the Register of Deeds of Fall River County.
- Fuelbreak - a strategically located strip or block of land varying in width, on which some vegetation has been modified to reduce the rate of fire spread to provide a safe place for firefighters to work and where fires may be more readily controlled. A fuelbreak usually provides all wheel drive access and an advantageous area for quickly and safely constructing and manning a fire line.
- Governing Body - the duly elected officials of a corporate political entity to whom authority is given to make, adopt and amend subdivision regulations.
- Health Department - The Fall River County Health Department.
- Lot - a platted parcel of land intended to transfer ownership or for building development.
- Major Street Plan - the Major Street Plan adopted as an element of the Comprehensive/Development Plan.
- Master Drainage and Flood Control Plan - the Drainage of Flood Plan or element thereof which has been approved by the governing body and adopted by the Planning Commission.

- Mountain Subdivision - all subdivisions located within the limits of the Black Hills Fire District of South Dakota and also any subdivisions where contours for any given cross section of the subdivision indicate an average cross slope greater than 15%.
- Owner's Engineer - the registered Land Surveyor or the Civil Engineer registered and in good standing with the State Board of Registration of South Dakota who is the agent of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- Planning Commission- the Planning Commission for the City of Edgemont, South Dakota.
- Preliminary Plat - the map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this chapter, to permit the evaluation of the proposal prior to detailed engineering and design.
- Register of Deeds - the duly designated Register of Deeds of Fall River County, South Dakota.
- Sketch Plan - the sketch map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this ordinance, to evaluate feasibility and design characteristics at an early stage in the planning.
- Specifications - the specifications which have been adopted by the governing body.
- Street - a tract of land, dedicated to public use, which affords the primary means of access to the abutting property, but excluding private driveways serving only one (1) parcel of land.
- Subdivider - the person(s), firm(s), or corporations(s), owning land in the process of creating a subdivision of said land.
- Subdivision – any division of any parcel or parcels of land within the corporate city limits of Edgemont for the purpose of transfer of ownership, which creates five or more smaller parcels of land (hereinafter referred to as lots). The use of the term "subdivision" includes:
  - (a) the dedication of a road, highway, street or alley, within the subdivided parcel of land,
  - (b) a re-subdivision of a previously subdivided parcel of land (a lot),
  - (c) any building development project involving subdivided land,
  - (d) the establishment of a deeded private driveway when appropriate, the term "subdivision" shall relate to: (a) the process of subdividing, (b) a parcel of land which is being or has been subdivided.
- Utilities - municipal and franchised utilities.
- Zoning Ordinance - the Zoning Ordinance of the City of Edgemont, South Dakota. (Chapter 29 of this code)

#### 30.03.00. Procedure.

##### 30.03.01. Outline of Procedure.

1. The subdivider will submit to the planning commission a sketch plan and statements of intent permitting unofficial review.
2. The planning commission will discuss these documents with the subdivider and will establish applicable comprehensive/development plan requirements, scale of improvements and design standards.
3. Upon receipt of a preliminary plan, the planning commission will review it for compliance with this chapter. If satisfactory, it will forward the plat and its recommendation for approval to the governing body.
4. Following approval of the preliminary plat by the governing body. The subdivider will proceed with grading and installation of improvements indicated.
5. After improvements are made, the subdivider shall prepare a final plat reflecting ground conditions for submission to the planning commission.
6. Upon finding that this plat is in substantial compliance with the approved preliminary plan, the commission will recommend its approval by the governing body.
7. The final plat shall be filed with the Register of Deeds upon approval by the governing body.

30.03.02. Administrative Procedures.

1. The planning commission shall formulate written administrative rules which govern the procedure for processing subdivisions. These procedures will outline the responsibility of parties concerned with subdivisions and processing, and they will contain other information necessary to systematize handling and processing.
2. Procedure for unofficial review:
  - a. The subdivider shall prepare a declaration of intent concerning the (tract of land to be subdivided in sufficient detail to clearly indicate the nature and purpose of the subdivision.
  - b. The subdivider shall prepare a sketch plan complying with the provisions of this ordinance which he shall submit to and discuss with the planning commission in order to establish the requirements of the zoning chapter, drainage plans, major street plan and other features and requirements of the comprehensive-development plan that will influence the design of the subdivision.
  - c. If the property proposed for development involves areas where, in the view of the planning commission, the soils characteristics, terrain, drainage, geology, ground cover or its location impose unusual requirements, the commission may request supplementary data to demonstrate the feasibility of subdividing the land.
  - d. Upon request, the subdivider may request a written statement setting out the range of requirements to be met in which instance the planning commission shall have a period of 30 days to comply.
3. Procedure for preliminary plats.
  - a. Ten copies of the preliminary plat and ten copies of required supplemental material shall be submitted to the planning commission or its agent who shall issue a receipt for same when it is ascertained that the submission includes all requirements set forth in this chapter.
  - b. Preliminary plats shall be submitted to the Building Inspector at least fifteen (15) days prior to the next regular meeting of the planning commission, at which the plats will be considered.
  - c. The date of the planning commission meeting to review the plat shall be specified on the receipt.
  - d. When officially submitted and received, the planning commission shall have a maximum of 30 days in which to review, prepare and submit its recommendation and the plats to the governing body, provided however that the owner may agree to an extension not to exceed 30 days.
  - e. When officially submitted and received, the commission may distribute copies of the plat as follows where applicable:
    - (1) To the appropriate school district;
    - (2) To any county and/or municipality within at least a three (3) mile radius of any portion of the proposed subdivision;
    - (3) To any utility, local improvement and service district when applicable;
    - (4) The U. S. Forest Service and the South Dakota Department of Game, Fish and Parks for review and recommendation regarding access roads, fuelbreaks, and other measures designed to reduce fire hazards for mountain subdivisions;
    - (5) To State Highway Department when applicable;
    - (6) Applicable soil or water conservation districts for explicit review and recommendations regarding soil suitability and flooding problems;
    - (7) To the State Health Department for their review and recommendations of the on-lot sewage disposal reports, for adequacy of existing or proposed sewage treatment works to handle the estimated loading and for a report on the water quality of a proposed water supply to serve the subdivision.

The above agencies, towns, or cities shall have thirty (30) days from the date information is mailed to them to comment. Failure to respond within the allotted time shall be considered an approval unless an extension has been consented to by the subdivider and the governing body.

- e. The planning commission shall review the preliminary plat to determine if it is consistent with the standards set forth in this chapter, and it shall only recommend approval for these preliminary plats which the commission finds to be developed in accordance with the intent, standards and criteria specified in this ordinance.
- f. If the commission shall determine from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, the commission may require the subdivider to provide soil

erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer or the U. S. Soil Conservation Service.

g. Time limitations – approval of a preliminary plat shall be effective for one (1) year from the date of approval by the governing body. Extensions beyond the one (1) year limitation for a period of not to exceed three (3) months may be provided upon agreement between the governing body and the subdivider.

4. Procedure for final plats.

- a. A final plat shall be prepared meeting the requirements of the ordinance and submitted to the planning commission or its agent.
- b. The receipt as per paragraph 3 (a) above shall specify the date of planning commission meeting for review of the plat. The commission shall have 30 days in which to submit its recommendation to the governing body, on the first day of their next regular meeting.
- c. The governing body shall have a maximum of 30 days to approve or disapprove the final plat after receipt of the planning commission recommendation.
- d. Not more than six (6) days after approval of the final plat by the governing body, the City Finance Officer shall submit the approved final plat to the Office of the Register of Deeds to be recorded. The recording fee shall be paid by the subdivider and shall be submitted at the time final application is made.

30.03.03. Vacation Plats. If after three years of final plat approval no development has occurred, the City Council shall request the original subdivider to vacate the plat as provided by State Law. (11-3-16 et. seq.). Three years from the effective date of this ordinance all land previously platted but never developed will likewise be subject to the same procedure.

30.03.04. Lot Splits and Creation of Four or Less Lots. Any person wishing to divide his land into four or less lots, or any person wishing to split an existing lot may do so provided the following minimum standards and procedures are applied:

1. Procedure: Define the split, or small tract lots by legal description, acceptable to the county register of deeds and provide drawings as required. Present drawings for review and approval by the Edgemont City Council.
2. Standards: This procedure applies only when no interior streets are to be created, where no central water and sewer systems are required (by State Law) and where certificate of drainage is signed by the developer and all adjoining property owners.

#### 30.04.00. Design Standards.

##### 30.04.01. Conformity to Comprehensive/Development Plan.

1. All proposed subdivisions shall conform to the comprehensive/development plan when applicable.
2. The densities established by the Zoning chapter and the Proposed Land Use Plan shall be observed by the subdivider and developer.
3. All thoroughfares in the Major Street Plan shown as crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated thereon.
4. All sites for parks, schools and other public facilities shown on the adopted City Facilities Plan that are located within a proposed subdivision tract shall be dedicated to the governing body or the Independent School District Board.
5. A layout shall be made of the entire area proposed for development before and after final grading is completed. Such plan shall show the proposed street and drainage pattern.
6. The improvements the owner proposed to make off-premises, outside the boundaries of the proposed subdivision, pursuant to the development of the subdivision shall be clearly noted on the preliminary plat. These improvements shall relate to drainage, utilities and other improvements necessary to permit development in the subdivision.
7. The improvements the owner proposes to request the appropriate governing body to make, if any, relative to off-premise improvements necessary to the development of the subdivision shall also be

clearly noted on the preliminary plat. These improvements shall relate to drainage improvements necessary to carry runoff, extension of water mains, sewers, roads and other improvements.

8. Minimum street construction standards shall be according to adopted specifications.

30.04.02. Street Plan.

1. The arrangement, character, extent, location and grade of all streets shall be in accordance with good land planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions orientation to vistas, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.
2. The street pattern shall lead traffic toward local shopping and neighborhood centers and to main thoroughfares; however, the number of streets which would tend to promote congestion converging upon anyone point shall be held to a minimum. Creation of a 'Five-points' shall not be permitted.
3. The street pattern shall be in conformity with a plan for the most advantageous development of the entire neighboring area. Sufficient proposed streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision.
4. The street layout shall include residential collector and local residential streets of considerable continuity approximately parallel to and on both sides of any arterial street or railroad to reduce the number of intersections of local residential streets with through streets and crossings of railroad tracks.
5. Local residential streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.
6. Subdivisions which abut -or include within the proposed area to be subdivided - any highway or arterial street, shall provide:
  - a. A marginal access street, separate from or in addition to the highway or arterial street.
  - b. Reverse frontage with screen planting contained in a non-access reservation along the rear property line. No access will be allowed except at intersections approved by the planning commission.
7. Intersections of local residential streets with arterial streets shall be held to a minimum.
8. Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract to avoid drainage improvements.
9. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted.
10. Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround having a minimum right-of-way diameter of one hundred (100) feet and a minimum roadway diameter of seventy-five (75) feet. Between the street and the circle there shall be a fifty (50) foot reverse radius unless otherwise approved.
11. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. In no case shall a jog be permitted on an arterial street or highway.
12. The following conditions shall govern the designation and minimum street right-of-way and roadway width:
  - a. The minimum widths of highways, arterial streets, residential collector streets, local residential streets and marginal access streets to be dedicated to City or County shall be as indicated on the Major Street Plan and where not shown therein shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-way</u>
State Highways	300 feet
Arterials	66 feet
Residential collector	66 feet
Legal residential	50 feet
Marginal access	50 feet

b. In undeveloped or vacant areas, the planning commission shall have the discretion to identify or classify a street as a "collector street".

- c. The amount of right-of-way deemed reasonable to be required by dedication shall not exceed one hundred (100) feet in width.
- d. Minimum roadway widths:

<u>Street Type</u>	<u>Pavement Width</u>
State Highways	48 feet (total)
Arterials	40 feet (total)
Residential collector	40 feet (total)
Legal residential	36 feet
Marginal access	36 feet

- 13. Street gradients will be controlled by the following:
  - a. Street grades shall not exceed the following unless otherwise recommended and approved by the City Engineer and/or the County Highway Engineer.

<u>Street Type</u>	<u>Percent Grade</u>
State Highways	3.0%
Arterials	7.0%
Residential collector	7.0%
Legal residential	7.0%
Marginal access	7.0%

- b. Minimum grades of any roadway shall not be less than 0.5% unless otherwise approved by the City Engineer and/or the County Highway Engineer.
- c. Vertical curves shall be such as to prevent abrupt change and shall be as approved by the City Engineer and/or the County Highway Engineer.

14. Alignment and visibility conditions:

- a. If minimum radii or horizontal curvature on the centerline shall be not less than 100 feet.
- b. Tangents between reverse curves shall be as approved by the City Engineer and/or the County Highway Engineer.
- c. Angular breaks in right-of-way alignment of more than two degrees are not permitted. Street pavement and curbs shall be curved in all cases.
- d. Visibility. Clear horizontal visibility, measured along the center line shall equal or exceed at least six hundred (600) feet on arterial streets; three hundred (300) feet on collector streets; and at least two hundred (200) feet on minor access streets.
- e. Where there are roads in existence, engineering plans for rights-of-way must be so designed as to contemplate elimination of bends, crooks, and other undesirable hazardous conditions.

15. Intersections:

- a. Submission of a grading plan showing existing conditions and a detailed design for intersections which are either unusual, or are located on difficult terrain, may be required by the City Engineer and/or the County Highway Engineer.
- b. Acute angles at street intersections are to be avoided insofar as possible but in no case will an angle of less than eight (80) degrees be permitted.
- c. Minimum radii of intersections:
  - (1) Property lines at arterial street intersections shall be rounded with a radius of twenty-five (25) feet. An increased radius shall be required when the angle of intersection is less than ninety (90) degrees or when the intersection involves an arterial street.
  - (2) Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than fifteen (15) feet.

#### 30.04.03. Alleys.

1. Alleys may be required in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with Zoning Ordinance requirements. Such alleys shall have a minimum of 20 feet of right-of-way and shall be dedicated to the public.
2. Alleys are not permitted in residential districts except when the planning commission determines special conditions warrant a secondary means of access.

**30.04.04. Sidewalks.** Portland Cement concrete sidewalks, no less than four (4) feet wide, shall be constructed on both sides of all streets, and on any other locations deemed necessary by the planning commission. Sidewalk locations shall conform with adjoining zones unless otherwise approved by the planning commission.

#### 30.04.05. Names.

1. No street names shall be used which will duplicate by spelling or sound or will otherwise be confused with the names of existing streets. Street names are subject to the approval of the planning commission.
2. Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the planning commission.

#### 30.04.06. Blocks.

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
  - b. Zoning Ordinance and Health Department requirements as to lot sizes and dimensions.
  - c. Needs for convenient access, circulation, control and safety of street traffic.
  - d. Limitations and opportunities of topography.
2. Block lengths shall be subject to approval of the planning commission but not less than three hundred (300) feet, and shall normally be wide enough to allow two (2) tiers of lots of appropriate depth.
3. Pedestrian crosswalks, not less than ten (10) feet wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities.

#### 30.04.07. Lots.

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall comply with the appropriate zoning requirements.
2. Lot dimensions shall conform to the requirements of the Zoning chapter and the requirements of the State Health Department. In such cases where requirements may conflict, the most restrictive requirement shall govern.
4. Depth and width of properties reserved or laid out for commercial and industry purposes shall be adequate to provide off-street parking and loading for the use contemplated.
5. Corner lots for residential use shall have extra width to permit appropriate building set back from both streets.
6. Each lot shall be provided with deeded access to a street.
7. Side lot lines shall be at right angles to streets except on curves where they shall be radial.

#### 30.04.08. Easements.

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than fifteen (15) feet wide total unless otherwise approved by the City Engineer.
2. Where a subdivision is traversed by a water course, drainage way, or stream, there shall be provided a storm-water drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall conform substantially with the lines of such existing or planned drainage way and shall be sufficient to contain

the ultimate channel and maintenance way for the tributary area upstream. Calculations necessary to establishing the magnitude of the drainage way will be paid for by the owner.

3. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off-sets and to facilitate the use of easements for power distribution, telephone service, drainage, water, and sewer services.
4. All easements shall be designated for public use only.

30.04.09. Drainage and Inundation.

1. A drainage plan shall be made for each subdivision by the Owner's Engineer. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area. Drainage and flood control facilities shall be provided in conformity with the Master Drainage and Flood Control Plan. The storm and sanitary sewer plan shall be made prior to other utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.
2. Off-premise drainage easement and improvements may be required to handle the runoff of subdivisions into a natural drainage channel.
3. Low areas subject to periodic inundation shall not be developed or subdivided except in compliance with the flood plain district of the Zoning chapter or until the City Engineer may establish that:
  - a. The nature of the land use would not in itself impede surface water runoff and would not be subject to appreciable damage by inundation; or that
  - b. The area may be filled or improved in such a manner as to prevent such periodic inundation, provided that such fill does not retard the flow of surface waters or result in increasing the water level endangering life and property of others; or that
  - c. Minimum floor elevations may be established to prevent damage to buildings and structures.
4. The City Engineer may require whatever additional engineering information to make a decision on subdivisions and other development of questionable drainage.
5. Ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such areas constitute a necessary part of the drainage control system. However, the acceptance for maintenance of such park areas is subject to approval by the governing body.
6. Sewers shall be designed in accordance with good, accepted engineering practice and are subject to approval by the governing body.

30.04.10. Building Restrictions. If the subdivision does not lie within the force and effect of an existing Zoning Ordinance, the planning commission may require provision for minimum front, side and rear yards, based upon the standards of the Zoning Ordinance chapter and Health Department regulations,

30.04.11. Non-Residential Subdivisions. Non-residential subdivisions shall be governed by any and all applicable regulations contained in this chapter and the applicable zoning chapter.

30.04.12. Private Streets and Reserve Strips. There shall be no private streets platted within a subdivision, and there shall be no reserve strips in a subdivision except where their control is vested in the governing body. Maintenance of such private streets and reserve strips shall be the responsibility of the land owners, unless accepted by the governing body.

30.05.00. Required Improvements.

30.05.01. General. The subdivider is required to install or construct the improvements hereinafter described prior to the resale of any lots within the subdivision.

All improvements required under these regulations shall be constructed in accordance with specifications and under the inspection of the Building Inspector or his duly authorized representative.

All public and private water mains, sanitary sewers, laterals and storm sewers shall be installed as necessary to prevent the future cutting of pavement of any street, sidewalk or other required pavement. The City is only responsible to providing utilities and public facilities to the edge of the corporate limits adjacent to the subdivision.

30.05.02. Streets and Alleys. On all streets and alleys a base course not less than four (4) inches thick and a two (2) inch asphaltic concrete paved surface shall be constructed.

30.05.03. Curbs and Gutters. City approved type curbs and gutters shall be placed on both sides of all streets in all non-residential subdivisions and in residential subdivisions having more than three (3) lots per gross acre, unless waived by the Building Inspector.

30.05.04. Water Mains. The design and specifications of the distribution system shall meet the City of Edgemont requirements but in no case shall water main size be less than six (6) inches. Fire hydrants, valves and accessories shall be installed according to city specifications and codes. Water services shall be stubbed to the property line for each lot.

If a well is required for each lot, the location construction and use of such well shall meet Health Department requirements.

If a well is to serve more than one lot, a public water system is required. The design and specifications of such distribution system shall meet city requirements as well as meet Health Department specifications.

30.05.05. Sewers. Sewers shall be installed in each subdivision where a public sanitary sewer is within a half-mile of the subdivision except where restricted by the Sanitation District or limited by topography or easement.

Subdivisions not located within a half-mile of a public sanitary sewer shall have alternate individual or community sanitary sewer facilities which shall be approved by the governing body and the South Dakota Department of Health.

Four (4) inch sewer stubs will be constructed from mains to all lots prior to paving the street.

30.05.06. Storm Sewers and Drainage. Storm sewers and drainage structures shall be designed and installed as required by the governing body in accordance with good engineering practice.

30.05.07. Private and Public Utilities. All utility distribution and service systems shall be placed under ground.

30.05.08. Property Markers. The corners of all lots and the beginning and endings of all curves on property lines shall be accurately marked on the ground with 5/8 to 1-1/4 inch diameter iron rod or pipes at least eighteen (18) inches long.

30.05.09. Street Signs. The subdivider shall install durable street name signs at all intersections which meet specifications of the governing body. One street sign is required for each intersection.

30.05.10. Oversize Facilities. The governing body may participate in the cost of "oversize" improvements within a subdivision if it is adjudged that such oversize improvements are necessary to large areas of land not in the subdivision and if the cost of such oversize improvements is an unreasonable burden on the subdivider.

The subdivider shall not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount that a "collector street" would cost if situated where such highway or arterial street is located.

30.05.11. Inspection. Each facility constructed in the subdivision shall be installed under inspection of the Building Inspector.

30.06.00. Information Required on Plats. The owner's engineer shall submit the following information prior to the planning commission's review of such layout or plat for approval action.

30.06.01. Form of Intention. A "form of intention" is to be submitted to the planning commission before preliminary approval of the subdivision plat is permitted.

30.06.02. Sketch Plan. The sketch plan shall include the following items:

1. A map showing the general location of the property proposed to be subdivided which clearly shows the property boundary and its relation to surrounding development including property lines, roads, utilities, if any are present in the vicinity, and water courses with tributary drainage areas.
2. Contours from available data.
3. A layout of lots, streets, parks and open spaces indicating general scaled dimensions. The layout shall be prepared at a scale of 100 feet to the inch to permit an accurate delineation of conditions.
4. Sewer and water systems proposed with points of connection to existing service if public, and, if not, accompanied by reports by qualified engineers indicating from available information the suitability of soils to accommodate private disposal systems, the probability of success of wells for water supply and any significant problems of long term supply, pollution or maintenance problems of such wells or systems.
5. A narrative will describe the nature of the intended development, its total areas, its integration into surrounding development and its impact on the community.
6. In the case of a mountain subdivision, a preliminary grading plan and definition of the amount and location of forest cover shall be required. Where applicable, the location of all fuelbreaks shall be shown.

30.06.03. Preliminary Plat. The following information is required for preliminary plats of subdivisions:

1. Vicinity sketch, if not previously submitted to the planning commission.
2. Names of:
  - a. Subdivision
  - b. Subdivider
  - c. Owner's Engineer
  - d. Adjacent landowners and addresses
  - e. Present usage of adjacent land
3. Date, northpoint and scale. Scale shall be not less than one (1) inch equals one hundred (100) feet.
4. Easements. Location, width and purpose of all easements,
5. Public land. Location and dimension of land to be dedicated or reserved,
6. Lots and blocks. Lot number and block number clearly identifying each parcel of land and the dimensions of all lots. Numbering shall be subject to the approval of the Building Inspector.
7. Minimum building line set-back location shall be shown along each street.
8. Periodic inundation. Any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified on the plat.
9. The street plan shall contain the following information:
  - a. Location of all streets in subdivision which are proposed.
  - b. Location of existing or proposed streets adjacent to the subdivision.
  - c. Widths of existing and proposed rights-of-way.
  - d. Clear identification of location and width of rights-of-way of any street adopted as part of the Major Street Plan.
  - e. Street names which have been approved by the planning commission.
  - f. Topography at five (5) foot contour intervals unless a closer contour interval is required by the planning commission, except that twenty (20) foot contour intervals are acceptable for slopes greater than 20%.
  - g. Plan and profile of all streets.
  - h. Location of all required sidewalks and crosswalks.
  - i. Curve data for the centerline of each street.

10. The storm drainage plan shall contain the following information:
  - a. Location of proposed drainage ways, streams and ponds in the subdivision.
  - b. Location, size and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets and top elevations of headwalls, etc.
  - c. Area of land contributing runoff to each drainage structure.
  - d. Location of easements and rights-of-way for drainage ways and maintenance of access thereof.
  - e. Typical cross sections of each drainage way.
  - f. Direction of water flow throughout subdivisions.
11. The sanitary sewer plan shall contain the following information:
  - a. Location and size of all existing and proposed sewers in the subdivision and the points of the subdivisions. Location of sewer laterals.
  - b. Direction of flow of each sewer line.
  - c. Location of each manhole and other sewerage system appurtenances including lift stations, treatment plants.
  - d. Profile of sewerage system
12. The water distribution plan shall contain the location and size of the water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment, etc.
13. The location of wells shall meet the requirements of the State Health Department.
14. The septic tank plan shall contain the following information which is to be submitted to the State Health Department:
  - a. Location and capacity of all septic tanks proposed within the subdivision.
  - b. Soil type.
  - c. Depth of soil if less than six feet.
  - d. Location of percolation test holes and results of the percolation tests.
  - e. Location of tile field and minimum length of tile runs.
15. In rocky soil, or high water table areas, an alternate sewerage disposal plan shall be submitted for approval.
16. The gas, electric, and telephone distribution plan shall contain the following information:
  - a. Subsurface facilities as necessary to serve each lot or parcel of land within the subdivision and where necessary to abutting property.
  - b. Required easements.

30.06.04. Final Plat. The following information is required for final plats of subdivisions:

1. The original or reproducible final plat shall be drawn in black ink upon tracing cloth or tracing vellum fifteen by twenty-six inches or eight and one-half by fourteen inches. The scale shall be one (1) inch equals one hundred (100) feet for tracts under forty (40) acres, and one (1) inch equals four hundred (400) feet for tracts over forty (40) acres,

The final plat shall show the following information:

- a. The boundary lines of the subdivision including distances and angles or bearings, and all section lines.
- b. The names of all adjoining subdivisions or a description of unplatted areas and their street layout.
- c. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- c. The length of all straight lines, angle of intersection, length of curves and radius. All dimensions of each lot shall also be shown thereon. All dimensions shall be shown in feet and decimals of a foot to one decimal place. The boundaries of the property locations, scales and true north shall be shown. The acreage of each lot to two decimal places.
- d. Number to identify each lot and block.
- e. Minimum building or setback line on all lots and other sites. In the case of double frontage lots, the direction the house or building will front shall be clearly indicated. Easement lines for services or utilities.
- f. Subdivision name, scale, northpoint and date.
- g. Licensed engineer, land surveyor or architect seal.

30.06.05. Guarantee in Lieu of Completed Improvement. No final subdivision plat shall be approved by the planning commission, governing body or submitted to the Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the governing body and

the planning commission; or in lieu of such prior construction, the governing body may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby the improvements may be made and utilities installed without cost to the City in the event of default of the subdivider; or in lieu of the above, the planning; commission and the governing body may approve a "phasing plan" whereby the subdivider agrees to construct and complete the improvements and utilities of not more than twenty-five percent (25%) of the planned subdivision prior to receiving approval for the next twenty-five percent (25%). This "phasing plan" will then continue at 25% increments until the subdivision is complete.

30.06.06. Vicinity Sketch. One vicinity sketch shall be at a scale of one (1) inch equals four hundred (400) feet. The sketch shall show the accurate boundary of the subdivision and the location of internal streets and their relation to nearby streets. The internal streets shall be drawn with "double lines". Curves however, may be drawn in freehand. Scope of size of vicinity shown in sketch shall be approved by the planning commission.

#### 30.07.00. Variances.

30.07.01. Hardship. Where the planning commission finds that extraordinary hardships, due to unusual topographic or other conditions, beyond the control of the subdivider, may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent or purpose of the Subdivision Chapter, Zoning, Chapter, Major Street Plan, or other elements of the Comprehensive/Development Plan.

30.07.02. Experimental Subdivisions: The planning commission may waive, vary or modify the standards and requirements of these regulations if in its judgment, an unusual or experimental subdivision might prove of considerable merit toward:

1. The use of unusual materials in constructing required improvements; or
2. A new or untried design concept which appears promising.

The planning commission shall require the subdivider to provide a written proposal stating the nature of the experiment and justifying reasons why these regulations cannot be applied.

30.07.03. Conditions. In granting variances, modifications and approvals for experimental subdivisions, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These conditions may include, without being limited to: personal, surety, performance, or maintenance bonds; affidavits, covenants or other legal instruments.

#### 30.08.00. Remedies.

30.08.01. Penalties for Transferring Lot in Unapproved Subdivisions. Whoever, being the owner or agent of the owner of any land located within a subdivision, knowingly or with intent to defraud, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a subdivision of such land before such plat has been approved by the Common Council of the City of Edgemont, South Dakota, and recorded in the office of the Register of Deeds of Fall River County, South Dakota, shall forfeit and pay to the City a penalty.



# ORDINANCE 2016-3-1

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES PASSED  
on November 20, 2012.

Chapter 31 of the Code of Ordinances shall be amended as follows:

## 31.01.00 Definition

### 31.01.01 Must Obtain a Building Permit

### 31.01.02 Standards

### 31.01.03 Penalties

### 31.01.04 Changes by Resolution

**31.01.00 Definition of a Modular or Mobile Home:** A moveable unit designed to be connected to utilities for year round occupancy, which is designed and furnished prior to delivery; and has a manufacturers serial number which is reported to the County Director of Equalization for tangible personal property taxation differentiating it from other types of dwelling structures. A detachable hitch assembly and/or a perimeter frame or the placement of such unit upon a permanent foundation shall not be construed as creating a dwelling unit as described in the 2012 International Building Codes.

This term includes:

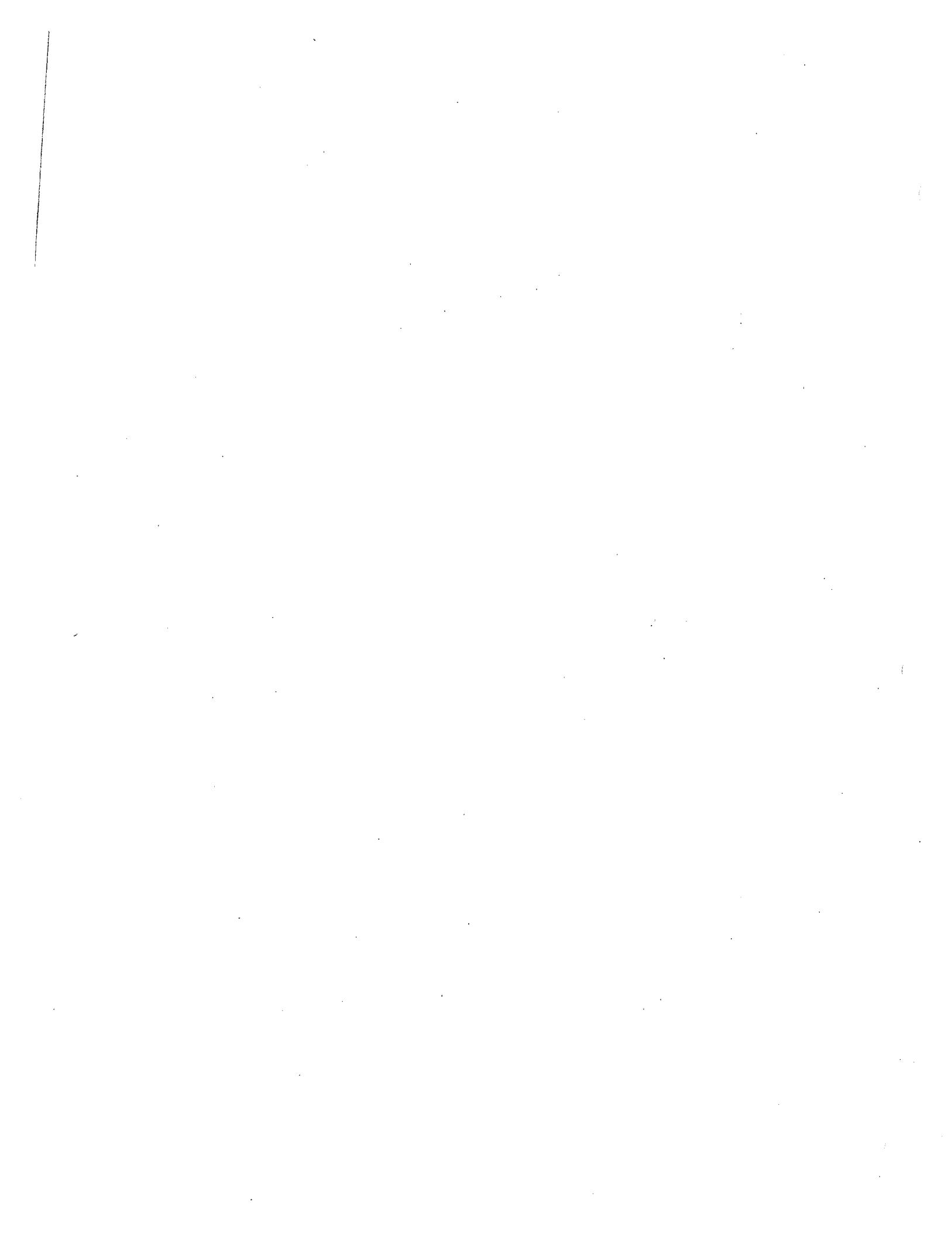
1. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity;
2. Units composed of two or more separately towable components.

(Source: Ordinance 388)

**31.01.01 Must Obtain a Building Permit.** Any person desiring to move or tow a Modular or Mobile Home to any lot within the City must first obtain a Building Permit from the City Official. The City Official will inspect both the Mobile Home or Modular Home Unit and the building lot prior to the placement of a Modular or Mobile Home on said lot in order to insure all requirements of this Ordinance are met or can be met.

**31.01.02. Standards.** The following standards and rules shall apply for all Mobile Homes placed on any residential building lots within the City of Edgemont.

1. All requests for placement of a Mobile Home on a residential building lot shall be accompanied by written consent of all property owners within a one hundred (100) foot radius of said property. Conflicts shall be referred to the City Planning & Zoning Board for resolution. Size and dimension of the Mobile Home shall be stated and shall be accompanied with storage accessory of structure plans. All provisions of this Ordinance regarding placement of Mobile Homes on residential building lots shall be met within 4 months, or not less than one hundred and twenty-two (122) days.



2. All Mobile Homes shall be positioned with their long dimension perpendicular to the access street and shall meet the 2012 International Building Codes standards for construction of foundation.

3. All Mobile Homes shall be set back from the street right of way lines and lot lines to comply with the following requirements:

A. A minimum depth of front yard and back yard shall be twenty-five (25) feet each and an accessory building cannot be located to extend into the front yard, except; in a residential district, if fifty (50) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average set back of less than twenty-five (25) feet and no building line varies more than five (5) feet from this average setback line, then a building may be erected observing the average setback so established.

B. Each side yard shall not be less than eight (8) feet in width.

C. Unattached buildings for accessory use shall not be located closer than five (5) feet to any rear lot line. Dimensions other than these shall be referred to the City's Variance Board.

D. Corner lots with frontage on more than one (1) street shall provide the required 'yard setbacks' along both streets as stated in section 3 (A) herein.

4. The minimum size of the mobile home shall be not less than fifty (50) feet long by fourteen (14) feet wide.

5. There shall be allowed only one mobile home per lot.

6. Mobile Homes shall be skirted with durable material within (30) days of placement and be maintained.

7. All yard areas and spaces shall be maintained.

8. If off street parking is desired, acceptable materials for a parking area shall include: base coarse, gravel, paving stones, asphalt paving or concrete paving.

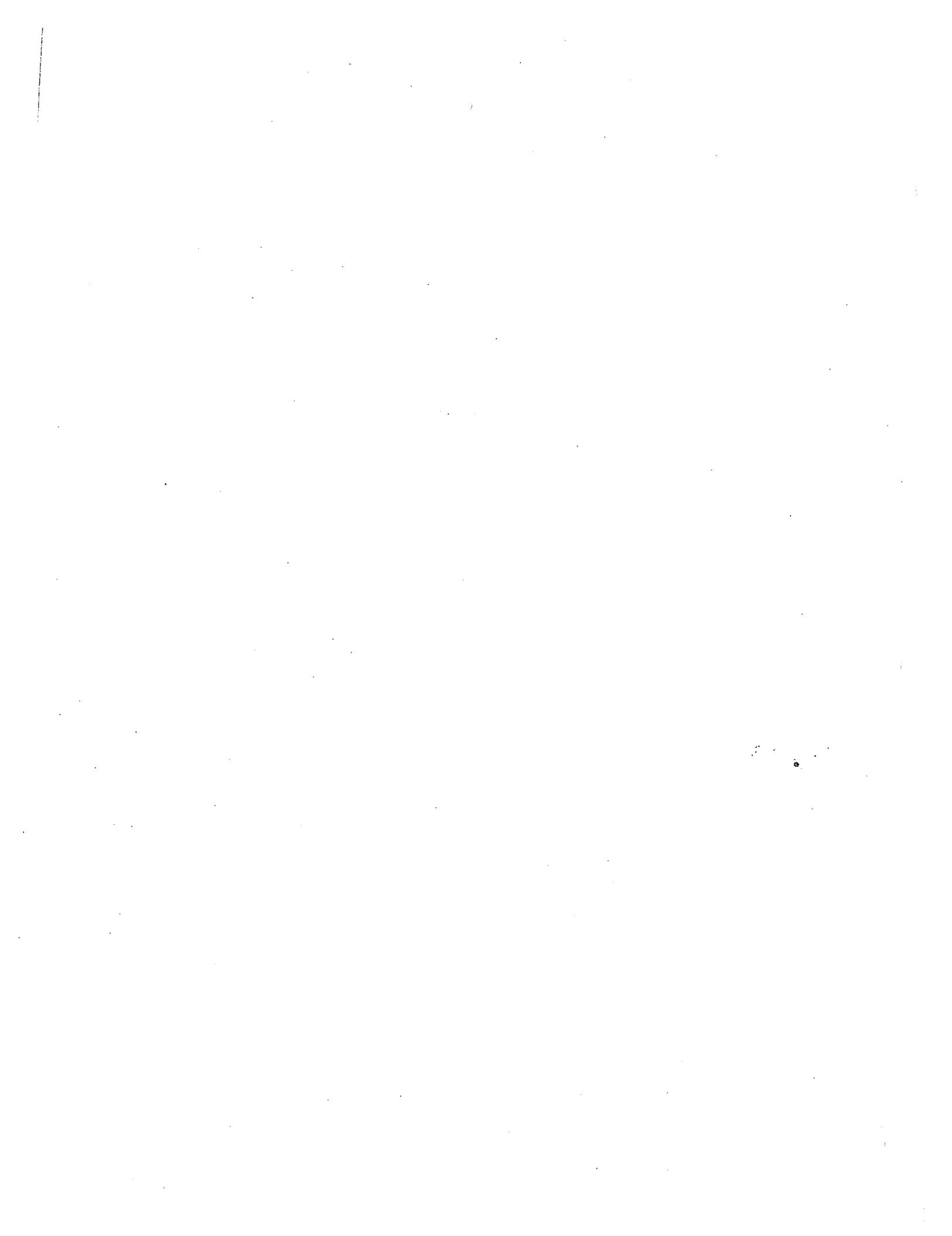
9. All Mobile Homes shall be connected to public water and sewer systems and comply with Standard plumbing and electrical codes adopted by the City.

10. The Mobile Homes shall have been manufactured within the past 15 (fifteen) years.

11. Any Mobile Home having been placed prior to January 2015, older than 15 years (fifteen), will not be affected, providing it is maintained and meets City Codes at this time; March 1, 2016.

12. If any mobile home becomes abandoned and/or unmaintained so as to create a public nuisance, the City shall have the option of beginning condemnation proceedings.

13. Mobile Homes may be placed in areas not formerly designated for mobile homes provided that they are placed on a permanent foundation.



**31.01.03 PENALTIES:** It shall be unlawful to use any land within the City of Edgemont in violation of any of the regulations contained within this Chapter.

**31.01.04:** The City Council of Edgemont, South Dakota shall reserve the right to change any of the regulations in this Chapter by resolution.

ANY ORDINANCE OR PARTS OF ORDINANCES, IN CONFLIFT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

This ordinance shall be effective upon its passage and publication.

Dated this 1st day of March, 2016.

(SEAL)

EDGEMONT COMMON COUNCIL

ATTEST:

Edgemont, South Dakota

Karen S Cain  
Karen S Cain, Finance Officer

Carl A Shaw  
Carl A Shaw, Mayor

First Reading: March 1, 2016

Second Reading: May 17, 2016

Published: May 26, 2016

Effective: June 15, 2016

Cullen: aye

Schepler: aye

Strozewski: aye

West: aye

Woodward: aye



## Chapter 32

### Flood

- 32.01.01. Flood Hazard Areas.
- 32.02.00. Methods of Reducing Flood Losses.
- 32.03.00. Definitions.
- 32.04.00. Lands to Which this Ordinance Applies.
- 32.04.01. Basis for Establishing the Areas of Special Flood Hazard.
- 32.05.00. Penalties for Non-Compliance.
- 32.06.00. Abrogation and Greater Restrictions.
- 32.06.01. Interpretation.
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32.01.01. Flood Hazard Areas. The flood hazard areas of Cottonwood Creek and Cheyenne River and around Edgemont are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which affect the public health, safety and general welfare.

1. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
2. Statement of Purpose: Is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designated.
  - a) To protect human life and health;
  - b) To minimize expenditure of public money for costly flood control projects;
  - c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;



- d) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- e) To minimize prolonged business interruptions
- f) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
- g) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- h) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- i) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. Source: Ordinance 211A

32.02.00. Methods of Reducing Flood Losses.

- 1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increase in erosion or in flood heights to velocities.
- 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- 3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. Source: Ordinance 211A.

32.03.00. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- 1. **Area of Special Flood Hazard:** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any year.
- 2. **Base Flood:** means the flood having a one percent chance of being equaled or exceeded in any given year.
- 3. **Development:** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.
- 4. **Flood or Flooding:** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a) The overflow of inland or tidal water and/or
  - b) The unusual and rapid accumulation of runoff of surface waters from any source.
- 5. **Structure:** means a walked and roofed building, a mobile home, or a gas or liquid storage tank that is principally above ground.

6. Substantial Improvement: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
  - a) before the improvement or repair is started, or
  - b) If the structures have been damaged and is being restored, before the damage occurred.

For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Source: Ordinance 211.

The term does not, however, include either:

- a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b) Any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places. Source: Ordinance 211.
7. Existing Manufactured Home Park Or Subdivision: means a manufactured home park for which the construction of facilities for serving the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of these floodplain management regulations. Source: Ordinance 263.
8. Expansion to Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Source: Ordinance 263.
9. Flood Insurance Rate Map (Firm): means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones. Source: Ordinance 263.
10. Flood Insurance Study: means the official report provided in which the Federal Emergency management agency has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation of the base flood. Source: Ordinance 263.
11. Lowest Floor: means the lowest floor of the lowest enclosed area (including basement), an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage. An area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. Source: Ordinance 263.
12. Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle. Source: Ordinance 263.
13. New Manufactured Home Park Or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on after the effective date of floodplain management regulations adopted by Edgemont. Ordinance 263.

14. Recreational Vehicle: means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
15. Substantial Damage: means damage or any origin sustained by a structure whereby the cost of restoring the structure to its market value before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
16. Manufactured Home Park or Division: means a parcel (or contiguous parcels) of land divided into two or more manufactured lots for rent or sale.
17. Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 190 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation of the placement of a manufactured home on a foundation.
18. Permanent Construction: does not include grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
19. Substantial Improvement: means any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either.
  - a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - b) Any alteration of a historic structure.

Source: Ord. 211A.

32.04.00. Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Edgemont, South Dakota.

32.04.01. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in its flood insurance study dated June, 1980 and Flood Insurance Rate Map (FIRM), No. 460026 0001B, are adopted by reference and declared to be a part of this ordinance. The study and map is on file at City Hall, Box A, 600 Second Avenue, Edgemont, South Dakota, 57735. Source: Ordinance 212.

32.05.00. Penalties for Non-Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500) or imprisoned for not more than thirty (30) days or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall

prevent the City of Edgemont from taking such other lawful action as is necessary to prevent or remedy any violation. Source: Ordinance 263.

32.06.00. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. Source: Ordinance 263.

32.06.01. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements
2. Liberally construed in favor of the governing body, and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes. Source: Ordinance 212.

32.06.02. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Edgemont, any officer or employee thereof of the Federal Insurance Administration, for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made there under. Source: Ordinance 212.

32.07.01. Establishment of Development Permit. A development Permit shall be obtained before construction of development begins within any area of special flood hazard established in Section 6.2. Application for a Development Permit, shall be made on forms furnished by the City Finance Officer and may include, but not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the forgoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures
2. Elevation in relation to mean sea level to which any structure has been flood proofed
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structures meet the flood proofing criteria in Section 32.02.00, and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

32.07.02. Designation. The City Finance Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

32.07.03. Duties and Responsibilities. Duties of the City Finance Officer shall include, but are not limited to:

1. Permit Review.
  - a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this ordinance, adversely affects means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.
- d) If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this ordinance.
- e) If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit. Source: Ordinance 212.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with 32.04.01, the City Finance Office shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Section 32.09.00. Source: Ordinance 212.

3. Information to be Obtained and Maintained.

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved flood proofed structures:
  - (i) obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed,
  - (ii) maintain the flood proofing certifications required. Source: Ordinance 212.

4. Alteration of Watercourses.

- a) Notify adjacent communities and the (State coordinating agency) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Source: Ordinance 212.

All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

- (i) Over-the top ties be provided at each of the four corners of the manufactured home, with two addition ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

- (ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured home less than 50 feet long requiring four additional ties per side;
- (iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
- (iv) Any additions to the manufactured home are similarly anchored.

Source: Ordinance 263

#### 32.08.00. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Source: Ordinance 211.
3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Source: Ordinance 263.

#### 32.08.01. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Source: Ordinance 211.

#### 32.08.02. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less). Source: Ordinance 211.

32.08.03. Encroachments. In all areas of special flood hazard in which base flood elevation data has been provided, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Source: Ordinance 263

32.09.00. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in, Use of Other Base Flood Data, the following standards are required:

- 1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Source: Ordinance 211A
- 2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

1. be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and
3. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth. Source: Ordinance 211A

3) Specific Construction Criteria. Applies to manufactured homes to be placed on a single lot or in a new or expansion to an existing manufactured home park or subdivision.

Require that manufactured homes that are placed or substantially improved on sites

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Applies to manufactured homes to be placed in an existing manufactured home park or subdivision prior to the time these regulations are implemented.

Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions of the previous paragraph be elevated so that either

5. The lowest floor of the manufactured home is at or above the base flood elevation; or
6. The manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### 32.09.04. Variance Procedure.

Appeal Board.

1. The Planning and Zoning Board, as established by the City of Edgemont, shall hear and decide appeals and request for variations from the requirements of this ordinance.
2. The Planning and Zoning board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this Ordinance.
3. Those aggrieved by the decision of the Planning and Zoning Board or any taxpayer, any appeal such decisions to the Common Council of the City of Edgemont, as provided in South Dakota Codified Law.

4. In passing upon such applications, the Planning and Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance; and
  - a) The danger that materials may be swept onto other lands to the injury of others;
  - b) The danger to life and property due to flooding or erosion damage;
  - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity to the facility of a waterfront location, where applicable;
  - f) The availability of alternative locations for locations for the proposed use which are not subject to flooding or erosion damage;
  - g) The compatibility of the proposed use with the existing and anticipated development;
  - h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.
5. Upon consideration of the factors of Section 4 and the purpose of this Ordinance, the planning and Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance.
6. The Finance Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

#### 32.09.05. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structure constructed below the base level, providing items (A-K) in Section 4 have been fully considered. As the lot size increase beyond the one half (1/2) acre, the technical justification required for issuing variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the based flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is in the minimum necessary, considering the flood hazard, to afford relief.
5. Variance shall only be issued upon:
  - a) A showing of good and sufficient cause;

- b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c) A determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in Section 4 of conflict with existing local laws or Ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. Source: Ordinance 211A.

## Chapter 33

### Abatement of Dangerous Buildings

33.01.00. 1897 Edition of the Abatement of Dangerous Buildings Adopted.

33.01.01. Disclaimer.

33.02.00. Code Enforced by Building Official.

33.03.00. Demolishing/Partial Demolition.

33.03.01. Must Post Security Performance Bond.

33.03.02. Must Get Location of Utilities.

33.03.03. Must be Current on Taxes to Get Permit.

33.03.04. Demolition Procedures Where Asbestos Has Been Detected.

33.03.05. Must Protect Potential Hazards.

33.04.01. Cash Performance Bond.

33.04.02. Moving Times.

33.01.00. 2008 Edition of the Abatement of Dangerous Buildings Adopted. That certain codes known as the Uniform Code for the Abatement of Dangerous Buildings, 2008 edition, promulgated, approved and published by the International Conference of Building Officials, 5350 South Workman Mill Road, Whittier, California, 90601-9904, is hereby adopted by the City of Edgemont, South Dakota, and the printed, copyrighted copy of such Uniform Code for the Abatement of Dangerous Buildings, 2008 Edition, which is on file in the office of the City Finance Officer of this City, is adopted and incorporated as fully as if set out at length herein. Such Uniform Code for the Abatement of Dangerous Buildings, 2008 Edition, shall be enforced by the Building Official of this City. Source: Ordinance 2007-08-395.

33.01.01. Disclaimer. The invalidity of any section or provision of this Ordinance or of the Uniform Code for the Abatement of Dangerous Buildings, 2008 Edition, hereby adopted shall not invalidate other sections or provisions thereof. Source: Ordinance 2007-08-395.

33.02.00. Code Enforced by Building Official. The Uniform Building Code hereby adopted shall be enforced by the Building Official of this City. Source: Ordinance 327

33.03.00. Demolishing/Partial Demolition. Demolishing/partial demolition or removal of a building in the town of Edgemont requires a regular building permit. Source: Ordinance 346

33.03.01. Must Post Security Performance Bond. A Security Performance Bond must be posted with the City of Edgemont to assure completion of cleanup of the demolition site along with any possible damage occurring as a result of the demolition. This bond shall be in an amount significant enough to cover the demolition and reclamation of the property but shall not exceed the projected cost of the project. The bond shall be recommended by the Building Inspector and subject to the approval of the City Council. This bond must be posted prior to the issuance of a ten (\$10.00) dollar property demolition permit, a land fill permit as required under the Ordinance 218 and other valid permits. Proof of liability insurance must also be filed at Edgemont City Hall with the performance bond. The performance bond will be returned, or released once the requirements as set forth in this Ordinance are met. Source: Ordinance 346.

33.03.02. Must Get Location of Utilities. The permittee must request a utility locate and check with the City of Edgemont, on possible damage to curbs, sidewalks, or streets. The permittee must also report to the Sheriff's Office if assistance is needed for traffic control. Source: Ordinance 346.

33.03.03. Must be Current on Taxes to Get Permit. All taxes must be paid currently and all assessments and liens against the properties must be paid in full or no permit will be issued. Source: Ordinance 346.

33.03.04. Demolition Procedures Where Asbestos Has Been Detected. Demolition procedures where asbestos has been detected shall be as follows:

1. Notification sent to South Dakota Department of Environment and Natural Resources.
2. Building material should be lightly misted with water to prevent significant leakage from truck hauling the material to the landfill.
3. Material may be disposed of as building rubble in the local land fill; it is not necessary to bag the material, but using a tarp during transportation will reduce the potential for debris to be "lost" between the buildings site and landfill.
4. It shall be documented through the use of a Waste Manifest. If used, this information should be kept as part of the permanent property records and/or noted on the legal description.
5. Material which may contain any type or kind of asbestos cannot be pulverized or ground to reduce volume. Normal demolition practices will result in some damage to the material, but deliberate grinding or reduction of the material is prohibited.
6. Intentional burning for demolition purposes is not permitted unless all asbestos containing materials are removed from the building. Source: Ordinance 346.

33.03.05. Must Protect Potential Hazards. An open basement or other potential hazard must be protected with a fence until enclosed or filled in and the lot meets the requirements as set forth in this Ordinance. Source: Ordinance 346.

33.03.06. Must Reclaim Lot. The vacant lot or section of lot must be reclaimed to grade within thirty (30) days after destruction of the building is complete so that weeds etc. can be mowed with a minimum of effort. Source: Ordinance 346.

33.03.07. City Council Can Waive Charges. The City Council has the authority to waive some or all charges if they believe it is in the best interest of the City. Source: Ordinance 346.

33.04.00. Building Permit Required to Move Building. Moving a building into town requires a regular building permit as required in Chapter 18. Source: Ordinance 261.

33.04.01. Cash Performance Bond. A ten thousand (\$10,000.00) dollar Cash Performance Bond must be posted with the City to assure completion of cleanup of the abandoned site and possibly damage occurring along the route or transportation within the City limits. This bond must be posted prior to the issuance of a two hundred (\$200.00) dollar moving permit, a land fill permit as required under Ordinance 218 and other valid permits. Proof of liability insurance must also be filed with the cash performance bond. The ten thousand (\$10,000.00) dollars Cash Performance Bond will be returned once the requirements as set forth in this Ordinance are met. Source: Ordinance 261.

33.04.02. Moving Times. The moving permit will only be valid Monday through Friday, 7:30 a.m. to 3:30 p.m. excluding City holidays and can only be used when the outside temperature is 75 degrees Fahrenheit or less and absolutely no moving when the frost is going out of the ground. Source: Ordinance 261.

## Chapter 34

### Fair Housing

34.01.00. Abridging a Person's Rights.

34.01.01. Property Bought or Sold Feely.

34.01.02. Property Rented Freely.

34.01.03. Must File Written Complaint.

34.01.04. Complaint must be Factual.

34.01.05. Definitions .

34.01.06. Penalties.

34.01.00. Abridging a Person's Rights. The Common Council shall pass no law abridging a person's right to rent or purchase property because of age, sex, race, national origin, or religion within the corporate limits or within any neighborhood or district of the City of Edgemont. Source: Ordinance 227.

34.01.01. Property Bought or Sold Feely. All property within the corporate limits of the City may be privately bought or sold freely on the open market as per line laws of the State of South Dakota and no buyers may be refused such sale because of the age, sex, race, national origin, or religion of the buyer, provided all credit and legal procedures are met by the buyer. Source: Ordinance 227.

34.01.02. Property Rented Freely. All rental property within the corporate limits of the city may be rented freely on the open market as per line laws of the State of South Dakota and no renters may be refused such rental because of the age, sex, race, national origin, or religion of the renter, provided all credit and legal procedures are met by the buyer, and in the case of a minor as defined by state statute written parental or guardian consent must be provided upon request to the prospective rental property owner or his agent. Source: Ordinance 227.

34.01.03. Must File Written Complaint. Any person who feels he has been denied the opportunity to rent or purchase property in the City of Edgemont because of his or him age, race, sex, national origin, or religion may file a written complaint, within 30 days, against the land owner or his agent, with the Building Official. Source: Ordinance 227.

34.01.04. Complaint must be Factual. The complaint must contain factual and complete account of the person's attempt to rent the property and evidence that the person met the credit and legal requirements for buying or renting property. If available, the complaint should provide statements of witnesses who can verify the discriminatory actions of the property owner or agent. Source: Ordinance 227.

34.01.05. Definitions. All definitions of terms used herein, unless otherwise stated, are standard English dictionary terms. Source: Ordinance 227.

34.01.06. Penalties. Any property owner or agent violating provisions of this Ordinance shall be deemed guilty of a misdemeanor.

## Chapter 35

### International Property Maintenance Code

#### 35.01.00. International Property Maintenance Code Adopted

##### 35.01.01. Validity if constitutionality questioned

##### 35.01.02. Does not affect impending legal proceedings

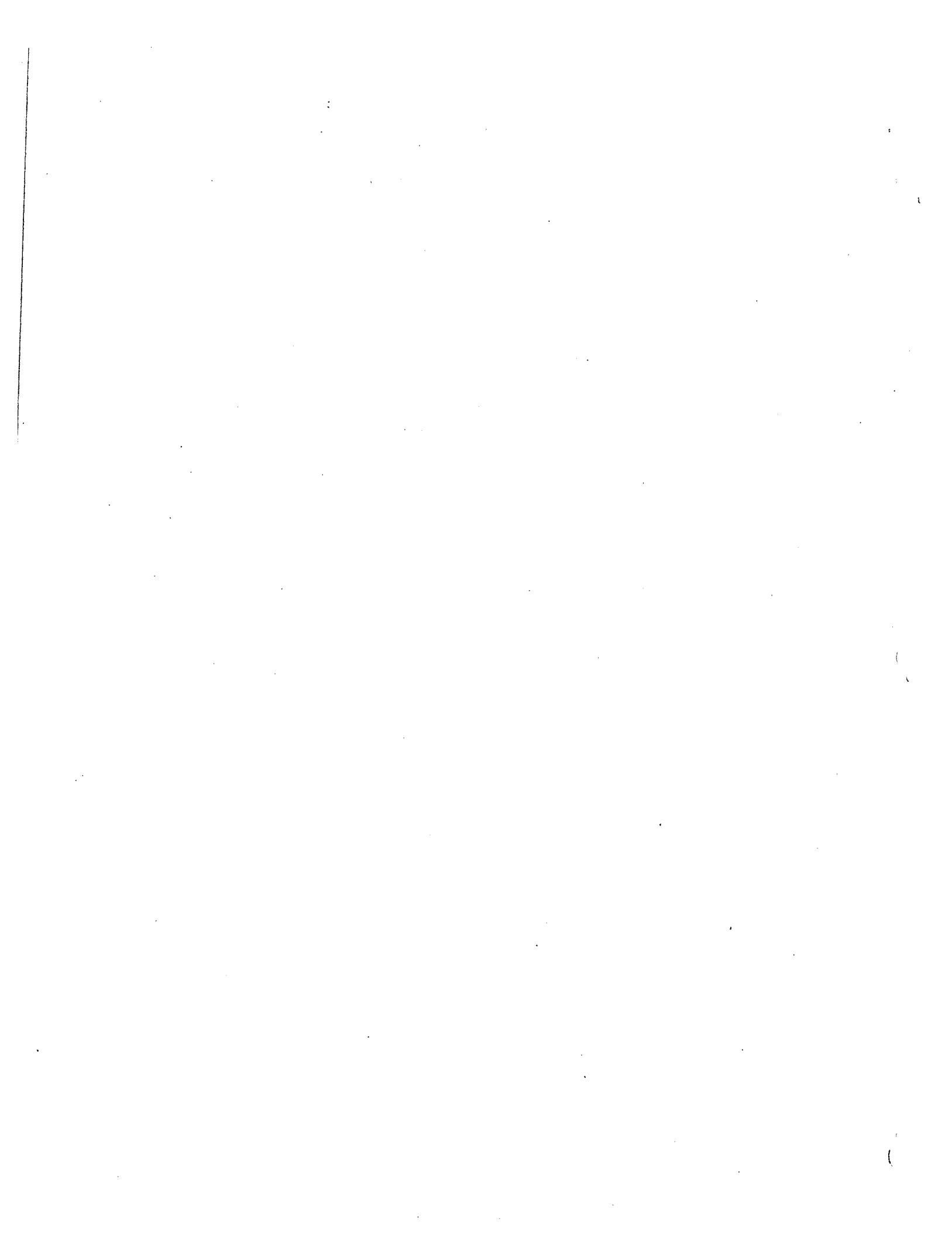
##### 35.01.03. The City of Edgemont hereby adopts Appendix A

35.01.00 International Property Maintenance Code Adopted. A certain document, three (3) copies of which are on file in the office of the Finance Officer of City of Edgemont, being marked and designated as the International Property Maintenance Code, 2012 edition as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Edgemont, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Edgemont are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation. All other ordinance or parts of laws in conflict herewith are hereby repealed.

35.01.01. Validity if declared unconstitutional. If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The city of Edgemont hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

35.01.02. Does not affect impending legal proceedings. Nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any right acquired, or liability incurred, or any cause or causes of action required or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

35.01.03. The City of Edgemont hereby adopts Appendix A of the Property Maintenance Code which set the standards to be followed for boarding windows and doors of unoccupied buildings.



## ORDINANCE 2016-08-16

AN ORDINANCE GRANTING A FRANCHISE TO GOLDEN WEST CABLEVISION, INC. ("GRANTEE"), ITS SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF EDGE MONT, SOUTH DAKOTA, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR CITY REGULATIONS AND USE THE CABLE TELEVISION SYSTEM.

Be it Ordained by the City of Edgemont, South Dakota:

### SECTION 1

**36.01.00 Short Title:** The Ordinance shall be known and may be cited as the "*Golden West Cable Television Franchise Ordinance*" (hereinafter sometimes referred to as the "*Franchise*").

### SECTION 2

**36.02.00 Definitions:** For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein and shall be equally applicable to both the singular and plural forms of the terms defined. All references to times of day in this Ordinance shall be references to United States Mountain Time Zone unless otherwise specifically provided. When not inconsistent with the context, words in the singular number include the plural number. The word "*shall*" is always mandatory and not merely directory. The word "*may*" is directory and discretionary and not mandatory.

- (1) "*Administrator*" shall mean the mayor or similar chief administrator of the City as may be elected or appointed.
- (2) "*Affiliate*" shall mean any entity controlling, controlled by or under common control with the entity in question.
- (3) "*Basic Cable Service*" means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the Franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).
- (4) "*Cable Programming*" means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:
  - (a) Video Programming carried on the Basic Cable Service tier;
  - (b) Video Programming offered on a pay-per-channel or pay-per-program basis; or

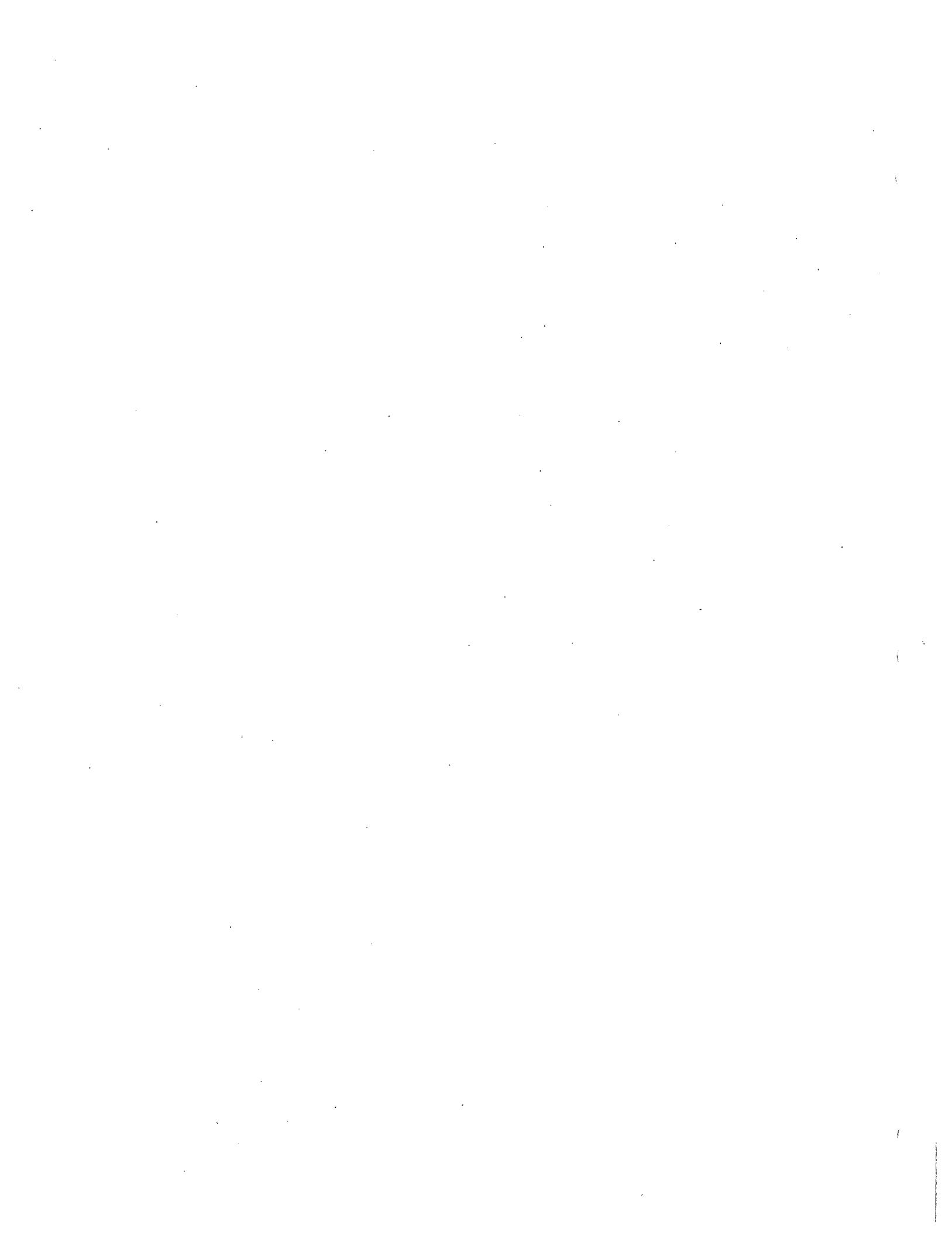


(c) A combination of multiple channels of pay-per-channel or pay-per-program Video Programming offered on a multiplexed or time-shifted basis so long as the combined service:

- (i) Consists of commonly identified Video Programming; and
- (ii) Is not bundled with any regulated tier of service.

Cable Programming as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(l)(2) and 47 C.F.R. §76.901(b) (1993).

- (4) ***Cable Service*** or ***Service*** means the two-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.
- (5) ***Cable System*** or ***System*** shall have the meaning ascribed to it in applicable federal law.
- (6) ***City*** is the City of Edgemont, South Dakota.
- (7) ***Council*** means the Edgemont City Council.
- (8) ***FCC*** means the Federal Communications Commission.
- (9) ***Franchise*** means an initial authorization, or renewal thereof issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System or other MVPD facility.
- (10) ***Franchise Area*** means the area within the corporate boundaries of the City.
- (11) ***Grantee*** is Golden West Cablevision, Inc., a South Dakota corporation.
- (12) ***Multichannel Video Program Distributor*** or ***MVPD*** means a Person including, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, an OVS provider, or a television receive-only satellite program distributor, who makes available for purchase, by Subscribers or customers, multiple channels of Video Programming.
- (13) ***Open Video Services*** or ***OVS*** means any Video Programming Services provided to any Person by a Franchisee certified by the FCC to operate an Open Video System pursuant to 47 U.S.C. §573, as may be amended, regardless of the Facilities used.



- (14) "**Pay Television**" means the delivery over the System of pay-per-channel or pay-per-program audio-visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming.
- (15) "**Person**" is any person, firm, partnership, association, corporation, company, or other legal entity.
- (16) "**Standard Installation**" means any residential installation which can be completed using a drop of one hundred fifty (150) feet or less.
- (17) "**Street**" means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by the City.
- (18) "**Subscriber**" means any Person who lawfully receives Cable Service.
- (19) "**Video Programming**" means programming provided by, or generally considered comparable to programming provided by a television broadcast station.

## SECTION 3

### 36.03.00 Grant of Authority

**36.03.01 Grant of Nonexclusive Authority:** There is hereby granted by the City to the Grantee the non-exclusive right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the Streets, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the Franchise Area, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a Cable System in the Franchise Area.

- (1) Grantee's Franchise shall be nonexclusive, and the City reserves the right to grant a similar use of said Streets to any MVPD at any time.
- (2) Grantee's Franchise shall apply to the entire service area of the City, as it exists now or may later be configured.
- (3) In the event the City grants one or more additional Franchises or one or more non-franchised MVPD's commence providing Cable Service in the City, Grantee shall have the right to terminate or reduce the term of this Franchise in its sole discretion.
- (4) Neither the City nor Grantee may unilaterally alter the material rights and obligations set forth in the Franchise hereby granted to Grantee. In the event of a conflict between any other ordinance and this Franchise, this Franchise shall control.



**36.03.02 Franchise Term:** This Franchise shall be in effect for a period of fifteen (15) years from the effective date of the Ordinance, unless renewed, revoked, or terminated sooner as herein provided.

**36.03.03 Territorial Area Involved:** The Franchise shall be granted for the Franchise Area, as it exists from time to time. In the event of annexation by the City, or as development occurs, any new addition to the Franchise Area shall become part of the area covered, provided, however, that Grantee shall not be required to extend service further than two hundred fifty feet (250') from its last fiber node or terminating amplifier.

**36.03.04 Written Notice:** All notices, reports, or demands required to be given in writing under this Ordinance shall be deemed to be given when delivered personally to any officer of Grantee or the City's Administrator.

## SECTION 4

### **36.04.00 Construction and Operations Standards:**

**36.04.01 Conditions on Street Use:** Grantee's use of the Streets and right-of-way areas are conditioned upon compliance with the following:

- (1) Grantee shall obtain all required permits from the City before commencing any construction upgrade or extension of the System.
- (2) The City shall impose no permit fees upon Grantee.
- (3) If at any time during the period of a Franchise the City shall elect to alter, or change the grade or location of any Street, alley or other public way, Grantee shall, at its own expense, upon reasonable notice by the City, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System. If the City reimburses other occupants of the Street, Grantee shall be likewise reimbursed.
- (4) Grantee shall, on the request of any Person holding a moving permit issued by the City, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes.
- (5) Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.



- (6) Nothing contained in this Ordinance shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's facilities.
- (7) In areas where all other facilities or utility lines are placed underground, Grantee shall construct and install its cables, wires and other facilities underground. In any area where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of such pole.
- (8) Grantee shall at all times construct and operate its System in accordance with applicable FCC technical specifications and regulations.
- (9) In the event that the use of any part of the System is discontinued for any reason for a continuous period of twelve (12) months, or in the event such System or property has been installed in any Street or public place without complying with the requirements of this Ordinance, or the rights granted hereunder have been terminated, cancelled or have expired, Grantee shall, subject to the rights of the City to acquire the System as specified herein, promptly remove from the Streets, or public places all such property and poles of such System other than any which the City may permit to be abandoned in place. In the event of such removal, Grantee shall promptly restore the Street or other area from which such property has been removed to a condition that is reasonably satisfactory to the City.
- (10) Any property of Grantee to be abandoned in place shall be abandoned in such a manner as the City may reasonably prescribe. Upon permanent abandonment of the property of Grantee in place, it shall submit to the City an instrument to be approved by the City, transferring to the City the ownership of such property.
- (11) All cable and passive equipment for cable television reception installed by Grantee at a Subscriber's location shall remain the property of Grantee and Grantee shall have the right to remove said cable, facilities and equipment. Upon termination of service to any Subscriber, the Grantee shall promptly remove all its above ground facilities and equipment from the premises of such Subscriber upon his request.
- (12) No poles or other wire-holding structures shall be erected by the Grantee without prior approval of the designated representative of the City with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no locations of any pole or wire-holding structure of the Grantee shall be a vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the City or its designated representative determines that the public convenience would be enhanced thereby.
- (13) Where poles or other wire-holding structures already existing in use in serving the City are available for use by Grantee, but Grantee has not made arrangements for



such use, the Council may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the Grantee are just and reasonable.

- (14) Where the City or a public utility serving the City desires to make use of poles or other wire-holding structures of the Grantee but agreement therefore with the Grantee cannot be reached, the Council may require the Grantee to permit such use for just and reasonable consideration and upon such terms as the Council determines the use would enhance the public convenience and would not unduly interfere with the Grantee's operations.
- (15) Grantee shall at all times maintain on file with the City's auditor or comparable officer a schedule setting forth all rates and charges to be made to Subscribers for Basic Cable Service, including installation charges.
- (16) During the term hereof, the City may regulate rates only if authorized to do so by the FCC regulations and then such regulation shall only be in accordance with the provisions of such regulations.

## SECTION 5

### 36.05.00 System Provisions and Public Services:

**36.05.01 Operation and Maintenance of System:** The Grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Grantee's operation of the System shall be in compliance with applicable law and all applicable requirements of the FCC.

- (1) **Service to Schools and the City:** The Grantee shall, subject to the territorial requirements of Section III(C) above, provide three (3) outlets of Basic Cable Service at no cost to the City buildings to be mutually agreed upon by the City and Grantee.
- (2) **Emergency Use:** Grantee shall comply with the emergency alert requirements of federal law.

## SECTION 6

### 36.06.00 Operation and Administration Provisions:

#### 36.06.01 Indemnification of the City:

- (1) Grantee shall indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of a Franchise granted pursuant to this Ordinance,



except claims covered by worker's compensation insurance or any claims arising from or related to the City's negligence. Nothing in this Ordinance relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work connected with grading, regarding, or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.

- (2) In order for the City to assert its rights to be indemnified, defended, and held harmless, the City must with respect to each claim:
  - (a) Promptly notify Grantee in writing of any claim or legal proceeding which gives rise to such right;
  - (b) Afford Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and
  - (c) Fully cooperate with reasonable requests of Grantee, at Grantee's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph two (2) above.

**36.06.02 Insurance:** Grantee shall maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage, in protection of the City in its capacity as such. The policies of insurance shall be in the sum of not less than One Hundred Thousand Dollars (\$100,000) for personal injury or death of any one Person, and Three Hundred Thousand Dollars (\$300,000) for personal injury or death of two or more Persons in any one occurrence, Fifty Thousand Dollars (\$50,000) for property damage to any one Person and One Hundred Thousand Dollars (\$100,000) for property damage resulting from any one act or occurrence.

## **SECTION 7**

### **36.07.00 Revocation, Abandonment, and Sale or Transfer:**

**36.07.01 The City's Right to Revoke:** The City reserves the right to revoke, terminate or cancel a Franchise, if after strictly following the procedures required by Section VII(B) below, it is determined that Grantee has violated any material provision of its Franchise or this Ordinance and has failed to substantially cure said violation.

### **36.07.02 Procedures for Revocation:**

- (1) The City shall provide Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to substantially cure the violation or to provide adequate assurance of performance. Together with the notice required herein, the City shall



provide Grantee with written findings of fact which are the basis of the revocation.

(2) Grantee shall be provided the right to a public hearing affording due process before the Council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. The City shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.

After the public hearing and upon written determination by the City to revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency. During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires. Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial notice shall become void.

**36.07.03 Sale or Transfer of Franchise:** No sale or transfer of a Franchise shall take place without the written approval of the City, which approval shall not be unreasonably withheld. Notwithstanding the foregoing, the Grantee may transfer this Franchise to an Affiliate without prior approval upon 30 days' written notice to the City. All of the rights, privileges, obligations, duties, and liabilities created by this Franchise shall pass to and be binding upon the successor or assign of Grantee. Said approval shall not be required where Grantee grants a security interest in its Franchise and assets to secure indebtedness.

## SECTION 8

### **36.08.00 Miscellaneous Provisions:**

**36.08.01 Franchise Renewal.** Any renewal of a Franchise may be carried out by a resolution of the City, subject to and in accordance with applicable law, if any.

**36.08.02 Amendment of Franchise.** Grantee and the City may agree, from time to time, to amend a Franchise. Such written amendments may be made at any time, in accordance with applicable law.

**36.08.03 Marketing.** Grantee shall have the right to conduct direct selling in the Franchise Area, including door to door sales, notwithstanding any peddler or solicitor laws or regulations to the contrary.

**36.08.04 Severability.** If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, unenforceable or unconstitutional by a decision of any authority or court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and the remainder shall remain in full force and effect.

## SECTION 9



**36.09.00 Publication and Effective Date:** If applicable, this Ordinance shall be published in accordance with law. The effective date of this Ordinance shall be the 5th day of October, 2016.

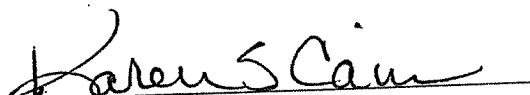
The Edgemont Common Council shall have the authority to change the provisions of this Ordinance, Chapter 36 of the Code, by Resolution.

ANY ORDINANCES OR PORTIONS OF ORDINANCES, IN CONFLICT WITH THE PROVISIONS THEREOF ARE HEREBY REPEALED.

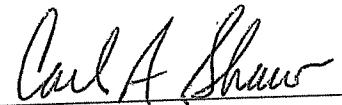
Dated this 16th day of August, 2016.

(SEAL)

ATTEST:

  
Karen S Cain, Finance Officer

**EDGEMONT COMMON COUNCIL**  
Edgemont, South Dakota

  
Carl A Shaw, Mayor

First Reading: August 16, 2016  
Second Reading: September 6, 2016  
Published: September 15, 2016  
Effective: October 5, 2016

Cullen: aye  
Schepler: aye  
Strozewski: aye  
West: aye  
Woodward: aye



ORDINANCE NO. 2012-04-03  
2012 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

Be it ordained by the City of Edgemont that the following sum is supplementally appropriated to meet the obligations of the City of Edgemont.

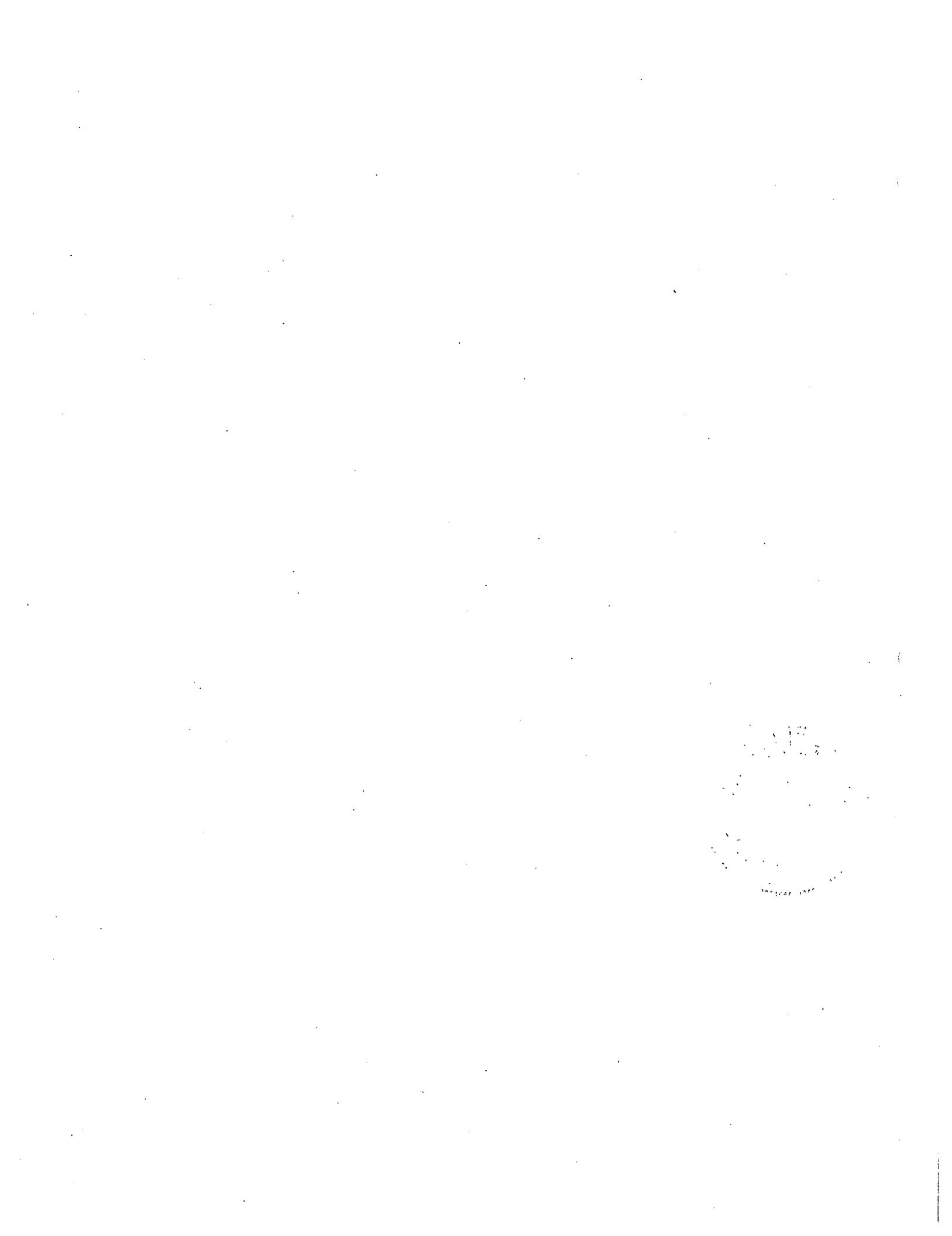
	General Fund
<u>1010</u>	
447 Cactus Hills	<u>15,000.00</u>
Total Appropriations	15,000.00
 Source of Funding	
1010	
2670 Unassigned Fund Balance	<u>15,000.00</u>
Total Funding Sources	15,000.00

James Turner  
James Turner, Mayor

ATTEST:

Tami Habeck  
Tami Habeck, Finance Officer

First Reading: April 3, 2012  
Second Reading: April 17, 2012  
Published: April 25, 2012  
Effective: May 15, 2012



OBBDINANCE 2012-09-04

ORDINANCE NO. 13-10  
2013 APPROPRIATION ORDINANCE  
THAT THE FOLLOWING SUMS ARE  
APPROPRIATED FOR THE  
MUNICIPALITY FOR FISCAL YEAR 2013

MUNICIPALITY FORNSCHALLE  
BY THE COMMON COUNCIL OF THE CITY



TOTAL	GENERAL FUND	LIQUOR, LODGING, & DINING SALES TAX	WATER	SEWER	SOLID WASTE	MEMO TOTAL
	\$ 5,840.00	\$ -	\$ -	\$ -	\$ -	\$ 5,840.00
0 CULTURE AND RECREATION						
451.2 Swimming Pool	\$ 19,378.00					\$ 19,378.00
451.4 Edgemont Senior Citizens	\$ 3,500.00					\$ 3,500.00
452.2 Park Areas	\$ 8,559.00					\$ 8,559.00
452.3 Parkways & Boulevards	\$ 1,000.00					\$ 1,000.00
455 Library	\$ 86,910.00					\$ 86,910.00
456.3 Promoting The City	\$ 20,100.00	\$ 21,000.00				\$ 41,100.00
458 Museum	\$ 3,196.00					\$ 3,196.00
TOTAL	\$ 142,643.00	\$ 21,000.00	\$ -	\$ -		\$ 163,643.00
160 CONSERVATION & DEVELOPMENT	\$ 500.00					\$ 500.00
463 Neighborhood Housing Services						\$ 43,225.00
470 DEBT SERVICE						\$ 43,225.00
470 Debt Service						\$ 43,225.00
TOTAL	\$ 733,261.00	\$ 21,000.00	\$ 234,419.00	\$ 72,514.00		\$ 1,160,931.00
** SUB-TOTAL APPROPRIATIONS						
510 OTHER FINANCING USES			\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 105,000.00
5110 Operating Transfers Out	\$ 733,261.00	\$ 21,000.00	\$ 269,419.00	\$ 107,514.00	\$ 134,737.00	\$ 1,265,931.00
GRAND TOTALS						
** TOTAL APPROPRIATIONS						



The following designates the fund or funds that money derived from the following sources is applied to:

	LIQUOR, LODGING, & DINING SALES TAX <u>211</u>	WATER <u>602</u>	SEWER <u>604</u>	SOLID WASTE <u>612</u>	MEMO TOTAL
<b>GENERAL FUND <u>101</u></b>					
	\$ 60,559.00	\$ 11,000.00	\$ 76,819.00	\$ (12,198.00)	\$ 30,140.00
<b>UNAPPROPRIATED FUND BALANCE</b>					\$ 166,320.00
	\$ 513,086.00	\$ 10,000.00			\$ 523,086.00
310 Taxes					\$ 6,135.00
	\$ 6,135.00				\$ 6,135.00
320 Licenses & Permits					\$ 30,500.00
	\$ 30,500.00				\$ 30,500.00
330 Intergovernmental					\$ 12,780.00
	\$ 12,780.00				\$ 12,780.00
340 Charges for Goods & Services					\$ -
	\$ -				\$ -
350 Fines & Forfeiture					\$ 5,200.00
	\$ 5,200.00				\$ 5,200.00
360 Miscellaneous					\$ -
	\$ -				\$ -
390 Other Sources					\$ 1,160,931.00
	\$ 628,260.00	\$ 21,000.00	\$ 269,419.00	\$ 107,514.00	\$ 1,160,931.00
<b>** SUB-TOTAL MEANS OF FINANCE</b>	<b>\$ 105,000.00</b>				<b>\$ 105,000.00</b>
3911 Operating Transfers In					
3911 Operating Transfers In					
<b>** TOTAL MEANS OF FINANCE</b>	<b>\$ 733,260.00</b>	<b>\$ 24,000.00</b>	<b>\$ 269,419.00</b>	<b>\$ 107,514.00</b>	<b>\$ 1,265,931.00</b>



II (continued)

	WATER <u>602</u>	WATER R & R <u>602</u>	SEWER 604	SEWER R & R <u>604</u>	SOLID WASTE <u>612</u>
<b>OPRIETARY &amp; FIDUCIARY FUNDS</b>					
Unappropriated Fund Balance	\$ 200,000.00	\$ 11,000.00	\$ -	\$ 125,000.00	\$ 50,000.00
Estimated Revenue	\$ 138,600.00	\$ 54,000.00	\$ 87,312.00	\$ 32,400.00	\$ 104,598.00
<b>TOTAL AVAILABLE</b>	<b>\$ 338,600.00</b>	<b>\$ 65,000.00</b>	<b>\$ 87,312.00</b>	<b>\$ 157,400.00</b>	<b>\$ 154,598.00</b>
\$ 136,382.00	\$ 98,037.00	\$ 48,996.00	\$ 23,519.00	\$ 99,737.00	
Less Appropriations	\$ 202,218.00	\$ (33,037.00)	\$ 38,316.00	\$ 133,881.00	\$ 54,861.00
<b>ESTIMATED SURPLUS</b>	<b>\$ 167,218.00</b>	<b>\$ (33,037.00)</b>	<b>\$ 3,316.00</b>	<b>\$ 133,881.00</b>	<b>\$ 19,861.00</b>
Less Estimated Surplus Retained					
<b>ESTIMATED SURPLUS TO BE TRANSFERRED TO GOVERNMENTAL FUNDS</b>	<b>\$ 35,000.00</b>	<b>\$ -</b>	<b>\$ 35,000.00</b>	<b>\$ -</b>	<b>\$ 35,000.00</b>

ESTIMATED SURPLUS TO BE  
TRANSFERRED TO GOVERNMENTAL  
FUNDS

Part III Not Applicable  
Part IV

The Finance Officer is directed to certify the following dollar amount of tax levies to County Auditor:

\$306,162.22

GENERAL FUND

Bennett absent  
Eberle aye  
Evans aye  
Patrick aye  
Stewart aye  
Strozweski aye

September 4, 2012  
September 18, 2012  
September 26, 2012  
October 17, 2012

First Reading:  
Second Reading:  
Published:  
Effective:

CITY OF EDGEMONT  
Edgemont, South Dakota

*James K. Turner*  
James K. Turner, Mayor

ATTEST:  
*Jane Habeck*  
Jane Habeck, Finance Officer



ORDINANCE NO. 2012-09-04 (1)  
2013 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

Be it ordained by the City of Edgemont that the following sum is supplementally appropriated to meet the obligations of the City of Edgemont.

General Fund 1010

451 Swimming Pool

Total Appropriations

Source of Funding

1010

2720 Fund Balance

Total Funding Sources

7,500.00  
7,500.00

7,500.00  
7,500.00

James Turner  
James Turner, Mayor

ATTEST:

Tami Habeck  
Tami Habeck, Finance Officer

First Reading: March 19, 2013

Second Reading: April 10, 2013

Published: April 17, 2013

Effective: May 7, 2013

Bennett: aye  
Evans: aye  
Stewart: aye

Eberle: nay  
Patrick: aye  
Strozewski: nay



Ordinance 2014-07-01-1

AN ORDINANCE DEFINING THE USE OF OUTDOOR FIREPLACES AND FIRE PITS WITHIN THE  
CITY LIMITS OF THE CITY OF EDGEMONT, SOUTH DAKOTA

2014-07-01.01 DEFINITIONS:

PERSON as used in this Ordinance shall mean and include one or more persons of either sex, natural person, corporations, partnerships, associations, joint stock companies, and all other entities of any kind capable of being sued or of suing.

HAZARDOUS SUBSTANCE means any matter that is designated as hazardous or dangerous by any local, state, or federal law.

OPEN BURNING means the burning of materials wherein products of combustion are emitted directly into the surrounding air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, and similar devices associated with safety. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, any apertures, ducts, stacks, flues, or chimney necessary to provide combustion air and permit escape of gas are open.

PORTABLE/PERMANENT OUTDOOR FIREPLACE OR FIRE PIT: means an outdoor, solid fuel burning appliance that may be constructed of steel, concrete, clay, or other noncombustible material. An outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a chimney opening in the top.

2014-07-01.02 PORTABLE/PERMANENT OUTDOOR FIREPLACES AND FIRE PITS:

Open burning which takes place in a portable/permanent fireplace or fire pit is allowed as follows:

1. The fireplace or fire pit shall be used in accordance with the manufacturer's instructions
2. The fire must be in an approved container located not less than 15 feet from any combustible structure and must be confined within an approved container, fire pit or other appliance approved for the burning of materials.
3. A portable fire extinguisher with a minimum 4-A rating or other on site fire extinguishing equipment such as dirt, sand, water barrel, garden hose, or water truck must be available for immediate use.
4. Except for such kindling or igniting fuels as are necessary to ignite the fire, the fire shall be fueled by clean, dry firewood. The following materials may not be used as kindling or fuel for fires or otherwise burned: tires, rubber, oil, plastic, chemicals, landscape waste, green wood, leaves, grass or any hazardous substance.
5. All fires must be of reasonable flame and must be contained in an outdoor fireplace or fire pit. The fire pit must be covered with a metal screen covering provided by the manufacturer or otherwise obtained. All such burning shall abide by the Wild Land /Grassland and County fire guidelines. All charcoal and gas grills are excluded.



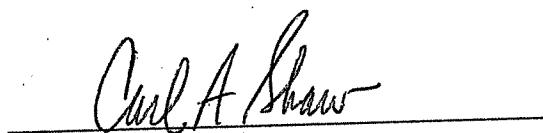
ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

Dated this 1<sup>st</sup> day of July 2014

(SEAL)

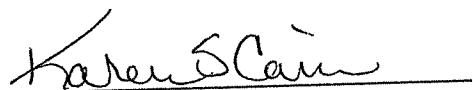
EDGEMONT COMMON COUNCIL

Edgemont, South Dakota



Carl A Shaw, Mayor

ATTEST:



Karen S Cain, Finance Officer

First Reading: July 1, 2014

Second Reading: July 15, 2014

Published: July 24, 2014

Effective: August 13, 2014

McDermand: aye

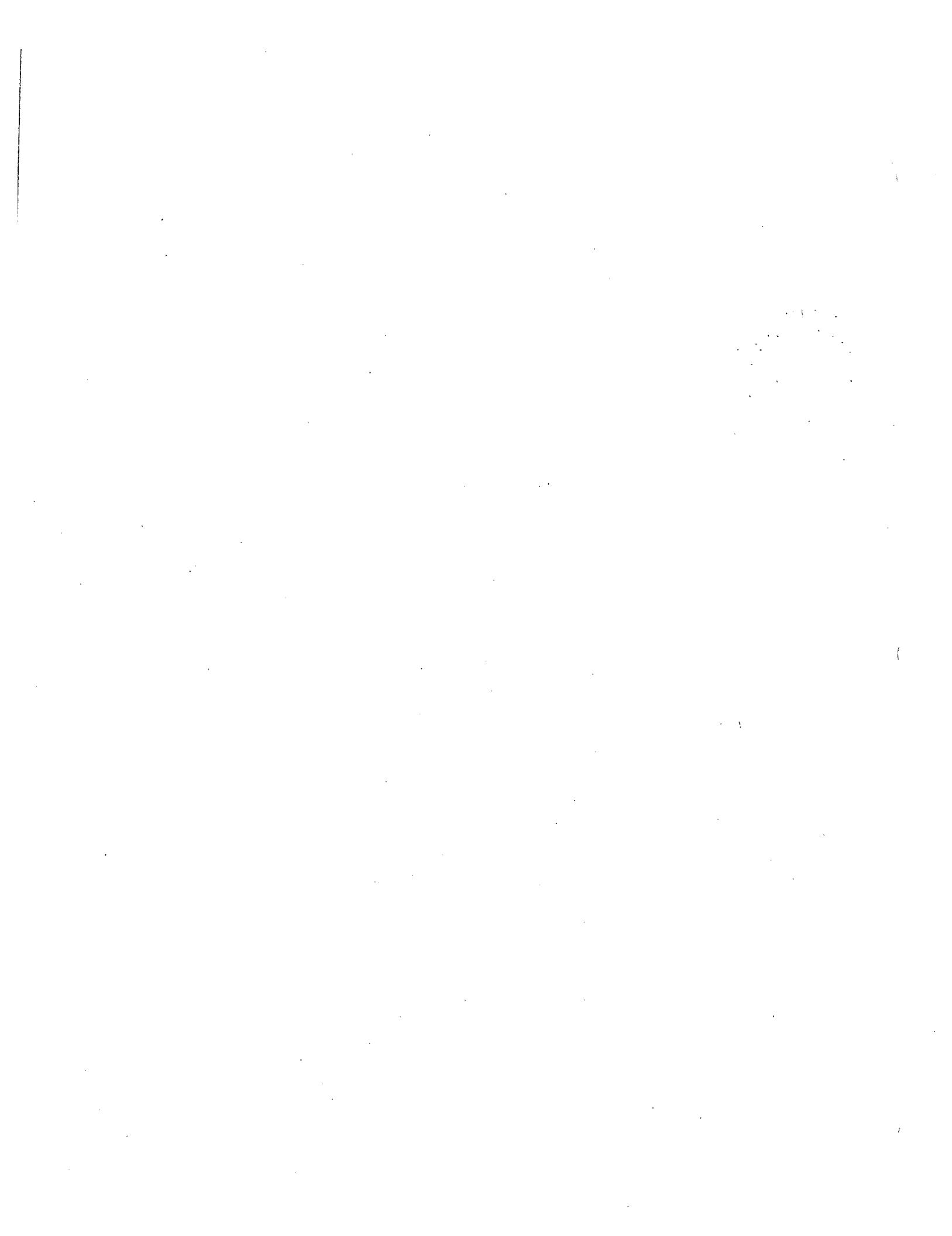
Strozewski: aye

Schepler: aye

West: aye

Stalcup: aye

Woodward: aye



ORDINANCE 2014-09-02

REGULATORY COMMISSION OPINION

**APPROPRIATION ORDERS  
FOLLOWING SUMS ARE  
APPROPRIATED FOR FISCAL YEAR 2015**

OR FISCAL INTEGRATION

THE COMMON COUNCIL OF THE CITY OF TORONTO  
FOR FISCAL YEAR 1911-12



432.6	Sewer-Repair & Restoration	\$	10,000.00	\$	10,000.00
433	Water	\$	128,099.03	\$	128,099.03
433.1	Water-Repair & Restoration	\$	12,855.93	\$	12,855.93
435	Airport	\$	8,050.55	\$	8,050.55
436	Sanitation-CFR Landfill	\$	-	\$	-
437	Cemetery	\$	7,500.00	\$	7,500.00
		\$	231,166.06	\$	231,166.06
		\$	140,954.96	\$	140,954.96
		\$	84,924.76	\$	84,924.76
		\$	95,493.22	\$	95,493.22
		\$	552,539.00	\$	552,539.00
	TOTAL				

LIQUOR, LODGING, & DINING		SOLID WASTE	MEMO TOTAL
GENERAL FUND	SALES TAX	SEWER	WASTE
		<u>604</u>	<u>612</u>
101	211		

HEALTH AND WELFARE

50 CULTURE AND RECREATION	
451.2 Swimming Pool	\$ 19,240.35
451.4 Edgemont Senior Citizens	\$ 4,300.00
452.2 Park Areas	\$ 12,885.00
452.3 Parkways & Boulevards	\$ 1,000.00
455 Library	\$ 83,349.63
456.3 Promoting The City	\$ 3,701.04
459 Museum	\$ 5,387.05
	\$ 19,240.35
	\$ 4,300.00
	\$ 12,885.00
	\$ 1,000.00
	\$ 83,349.63
	\$ 13,000.00
	\$ 5,387.05
	\$ 19,240.35
	\$ 4,300.00
	\$ 12,885.00
	\$ 1,000.00
	\$ 83,349.63
	\$ 13,000.00
	\$ 5,387.05



**TOTAL** \$ 139,162.03

CONSERVATION & DEVELOPMENT

DEBT SERVICE

470 Deht Service

total

**SUB-TOTAL APPROPRIATIONS** \$ 740,069.10 \$ 9,298.96 \$ 140,954.96 \$ 84,922.76 \$ 95,493.22 \$ 1,070,741.00

DEBT SEBI OTHER FINANCING USES

## GRAND TOTALS

## TOTAL APPROPRIATIONS

The following designates the fund or funds that money derived from the following sources is applied to:

GENERAL FUND	LIQUOR, LODGING, & DINING	SALES TAX	WATER	SEWER	SOLID WASTE	MEMO	TOTAL
					602	604	
101		211					612

<b>UNAPPROPRIATED FUND BALANCE</b>	<b>\$ 130,245.92</b>			
310 Taxes	\$ 435,059.73	\$ 10,150.00		\$ 445,209.73



320	Licenses & Permits	\$ 2,617.47		\$ 2,617.47
330	Intergovernmental	\$ 45,203.48	\$ 5,868.00	\$ 51,071.48
340	Charges for Goods & Services	\$ 7,502.04		\$ 7,502.04
350	Fines & Forfeiture	\$ 2,500.00		\$ 2,500.00
360	Miscellaneous	\$ 9,100.36		\$ 9,100.36
390	Other Sources	\$ -		\$ -
	<b>SUB-TOTAL MEANS OF FINANCE</b>	<b>\$ 632,229.00</b>	<b>\$ 16,018.00</b>	<b>\$ 216,540.00</b>
**	3911 Operating Transfers In	\$ 60,000.00		\$ 112,120.00
	<b>TOTAL MEANS OF FINANCE</b>	<b>\$ 692,229.00</b>	<b>\$ 16,018.00</b>	<b>\$ 216,540.00</b>
				\$ 93,834.00
				\$ 1,130,741.00
				<u>\$ 1,130,741.00</u>
				<u>\$ 41,121.06</u>
				<u>\$ 55,585.04</u>
				<u>\$ 7,195.24</u>
				<u>\$ (21,659.22)</u>
				<u>\$ 55,585.04</u>
				<u>\$ 7,195.24</u>
				<u>\$ (21,659.22)</u>
				<u>\$ 55,585.04</u>
				<u>\$ 7,195.24</u>
				<u>\$ (21,659.22)</u>

## Part II (continued)

## PROPRIETARY & FIDUCIARY FUNDS



Unappropriated Fund Balance	\$ 275,060.00	\$ 5,611.00	\$ 76,474.00	\$ 81,235.00	\$ 29,367.00
Estimated Revenue	\$ 168,420.00	\$ 48,120.00	\$ 92,872.00	\$ 19,248.00	\$ 93,834.00
TOTAL AVAILABLE	\$ 443,480.00	\$ 53,731.00	\$ 169,346.00	\$ 100,483.00	\$ 123,201.00
Less Appropriations	\$ (128,099.00)	\$ (12,856.00)	\$ (74,925.00)	\$ (10,000.00)	\$ (95,493.00)
ESTIMATED SURPLUS	\$ 315,381.00	\$ 40,875.00	\$ 94,421.00	\$ 90,483.00	\$ 27,708.00
Less Estimated Surplus Retained	\$ 295,381.00	\$ 40,875.00	\$ 74,421.00	\$ 90,483.00	\$ 7,708.00
ESTIMATED SURPLUS TO BE TRANSFERRED TO GOVERNMENTAL FUNDS	\$ 20,000.00	\$ -	\$ 20,000.00	\$ -	\$ 20,000.00

rt III Not Applicable  
rt IV

The Finance Officer is directed to certify the following dollar amount of tax levies to County Auditor:

GENERAL FUND

\$321,121.48

McDermand	aye
Schepler	aye
Stalcup	aye
Strozenski	aye
West	aye
Woodward	aye

CITY OF EDGE MONT  
Edgemont, South Dakota

*Carl A Shaw*

Carl A Shaw, Mayor

September 2, 2014
September 16, 2014
September 25, 2014
October 16, 2014

First Reading:
Second Reading:
Published:
Effective:

ATTEST:

*Karen S Cain*  
Karen S Cain, Finance Officer



ORDINANCE 2017-09-5

BY THE COMMON COUNCIL OF THE CITY OF EDGEWOOD THAT THE FOLLOWING SUMS ARE APPROPRIATED  
2018 APPROPRIATION ORDINANCE  
FISCAL YEAR 2018

	GENERAL FUND	SALES TAX	WATER	SEWER	SOLID WASTE	MEMO	TOTAL
<b>410 GENERAL GOVERNMENT</b>							
411. Council	\$ 13,000.00					\$ 13,000.00	
412. Executive	\$ 12,000.00					\$ 12,000.00	
413. Elections	\$ 750.00					\$ 750.00	
414. Financial Administration	\$ 89,000.00					\$ 89,000.00	
414.1 & 2. Attorney & Auditor	\$ 20,000.00					\$ 20,000.00	
411.5 Contingency	\$ 58,000.00					\$ 58,000.00	
<b>TOTAL</b>	<b>\$ 192,750.00</b>					<b>\$ 192,750.00</b>	
<b>420 PUBLIC SAFETY</b>							
421. Police	\$ 115,000.00					\$ 115,000.00	
422. Fire Department	\$ 40,000.00					\$ 40,000.00	
423. Building Insp/Code Enforcement	\$ 19,000.00					\$ 19,000.00	
<b>TOTAL</b>	<b>\$ 174,000.00</b>					<b>\$ 174,000.00</b>	
<b>430 PUBLIC WORKS</b>							
431. Streets	\$ 175,000.00					\$ 175,000.00	
431.1&2 Buildings/Equipment	\$ 70,000.00						
432. Sanitation-Rubble Site	\$ -						
432.3 Sanitation-Refuse Collection	\$ -						
432.5 Sewer	\$ -						
432.6 Sewer-Repair & Restoration	\$ 80,000.00					\$ 80,000.00	
433. Water	\$ 25,000.00					\$ 25,000.00	
433.1 Water-Repair & Restoration	\$ 255,000.00					\$ 255,000.00	
435. Airport	\$ 50,000.00					\$ 50,000.00	
436. Sanitation-C-FR Landfill	\$ 7,000.00					\$ 7,000.00	



437 Cemetery	\$ 8,000.00						\$ 8,000.00
<b>TOTAL</b>	<b>\$ 260,000.00</b>	<b>\$ -</b>	<b>\$ 305,000.00</b>	<b>\$ 105,000.00</b>	<b>\$ 87,000.00</b>	<b>\$ 757,000.00</b>	

	GENERAL FUND	LIQUOR, LODGING, & DINING SALES TAX	WATER	SEWER	SOLID WASTE	MEMO	<u>TOTAL</u>
	<u>101</u>	<u>211</u>	<u>602</u>	<u>604</u>	<u>612</u>		

#### 440 HEALTH AND WELFARE

441.2 Animal Control	\$ 8,000.00						\$ 8,000.00
441.3 West Nile	\$ 4,500.00						\$ 4,500.00
447 Hospital-Nursing Home-Rest Home	\$ 1,500.00						\$ 1,500.00
<b>TOTAL</b>	<b>\$ 14,000.00</b>	<b>\$ -</b>	<b>\$ 14,000.00</b>				

	GENERAL FUND	LIQUOR, LODGING, & DINING SALES TAX	WATER	SEWER	SOLID WASTE	MEMO	<u>TOTAL</u>
	<u>101</u>	<u>211</u>	<u>602</u>	<u>604</u>	<u>612</u>		

#### 450 CULTURE AND RECREATION

451.2 Swimming Pool	\$ 25,000.00						\$ 25,000.00
451.4 Edgemont Senior Citizens	\$ 4,500.00						\$ 4,500.00
452.2 Park Areas	\$ 11,500.00						\$ 11,500.00
452.3 Parkways & Boulevards	\$ 1,000.00						\$ 1,000.00
455 Library	\$ 45,000.00						\$ 45,000.00
456.3 Promoting The City	\$ -	\$ 15,000.00					\$ 15,000.00
458 Museum	\$ 6,700.00						\$ 6,700.00
<b>TOTAL</b>	<b>\$ 93,700.00</b>	<b>\$ 15,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 108,700.00</b>

#### 460 CONSERVATION & DEVELOPMENT

463 Neighborhood Housing Services	\$ -						\$ -
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#### 470 DEBT SERVICE

470 Debt Service	\$ 25,000.00	\$ -					\$ 25,000.00
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TOTAL														\$ 25,000.00
**														
SUB-TOTAL APPROPRIATIONS														\$ 25,000.00
510 DEBT SERVICE	OTHER FINANCING USES	\$ 734,450.00	\$ 15,000.00	\$ 330,000.00	\$ 105,000.00	\$ 87,000.00	\$ 1,271,450.00							
	5110 Operating Transfers Out													
GRAND TOTALS		\$ 734,450.00	\$ 15,000.00	\$ 417,000.00	\$ 120,000.00	\$ 97,000.00	\$ 1,383,450.00							
	TOTAL APPROPRIATIONS													
**														

The following designates the fund or funds that money derived from the following sources is applied to:

Part II	LIQUOR, LODGING, & DINING
GENERAL	SOLID



	FUND <u>101</u>	SALES TAX <u>211</u>	WATER <u>602</u>	SEWER <u>604</u>	WASTE <u>612</u>	MEMO <u>TOTAL</u>
<b>UNAPPROPRIATED FUND BALANCE</b>						
310 Taxes	\$ 45,710.00	\$ -	\$ -	\$ -	\$ -	\$ 45,710.00
320 Licenses & Permits	\$ 561,500.00	\$ 15,000.00				\$ 576,500.00
330 Intergovernmental	\$ 6,500.00					\$ 6,500.00
340 Charges for Goods & Services	\$ 25,100.00	\$ -				\$ 25,100.00
350 Fines & Forfeiture	\$ 5,000.00		\$ 314,000.00	\$ 109,500.00	\$ 91,940.00	\$ 520,440.00
360 Miscellaneous	\$ 1,200.00					\$ 1,200.00
390 Other Sources	\$ 21,000.00					\$ 21,000.00
	\$ 75,000.00					\$ 75,000.00
<b>SUB-TOTAL MEANS OF FINANCE</b>						
3911 Operating Transfers In	\$ 741,010.00	\$ 15,000.00	\$ 314,000.00	\$ 109,500.00	\$ 91,940.00	\$ 1,271,450.00
	\$ 112,000.00					\$ 112,000.00
<b>TOTAL MEANS OF FINANCE</b>						
**	\$ 853,010.00	\$ 15,000.00	\$ 314,000.00	\$ 109,500.00	\$ 91,940.00	\$ 1,383,450.00

Part II (continued)

<u>PROPRIETARY &amp; FIDUCIARY FUNDS</u>	WATER <u>602</u>	R & R <u>602</u>	SEWER <u>604</u>	SEWER R & R <u>604</u>	SOLID WASTE <u>612</u>
Unappropriated Fund Balance	\$ 124,000.00	\$ 85,000.00	\$ 86,000.00	\$ 48,500.00	\$ 29,000.00
Estimated Revenue	\$ 269,000.00	\$ 45,000.00	\$ 92,000.00	\$ 17,000.00	\$ 91,000.00
<b>TOTAL AVAILABLE</b>	\$ 393,000.00	\$ 130,000.00	\$ 178,000.00	\$ 65,500.00	\$ 120,000.00



Less Appropriations	\$ (255,000.00)	\$ (50,000.00)	\$ (80,000.00)	\$ (25,000.00)	\$ (87,000.00)
ESTIMATED SURPLUS	\$ 138,000.00	\$ 80,000.00	\$ 98,000.00	\$ 40,500.00	\$ 33,000.00
Less Estimated Surplus Retained	\$ 51,000.00	\$ 80,000.00	\$ 83,000.00	\$ 40,500.00	\$ 23,000.00
ESTIMATED SURPLUS TO BE TRANSFERRED TO GOVERNMENTAL FUNDS	\$ 87,000.00	\$ -	\$ 15,000.00	\$ -	\$ 10,000.00

Part IV

The Finance Officer is directed to certify the following dollar amount of tax levies to County Auditor:

GENERAL FUND

\$335,096.00

CITY OF EDGE MONT  
Edgemont, South Dakota

Lehey aye \_\_\_\_\_  
 Schepler aye \_\_\_\_\_  
 Shaw aye \_\_\_\_\_  
 Shook aye \_\_\_\_\_  
 Strozewski aye \_\_\_\_\_  
 Woodward aye \_\_\_\_\_  
 Jerry Dibble, Mayor  
 ATTEST, Karen S Cain  
 Karen S Cain, Finance Officer





ORDINANCE 2018-09-4  
2018 APPROPRIATION ORDINANCE  
BY THE COMMON COUNCIL OF THE CITY OF EDGEMONT THAT THE FOLLOWING SUMS ARE APPROPRIATED TO MEET THE OBLIGATIONS OF THE MUNICIPALITY FOR

FISCAL YEAR 2019

		GENERAL FUND	Liquor, Lodging, & Dining	Sales Tax	Water	Sewer	Solid Waste	MEMO	Total
EXPENDITURES		<u>101</u>	<u>211</u>	<u>602</u>	<u>604</u>	<u>612</u>			
<b>410 GENERAL GOVERNMENT</b>									
411	Council	\$ 14,000.00							14,000.00
412	Executive	\$ 12,000.00							12,000.00
413	Elections	\$ 750.00							750.00
414	Financial Administration	\$ 95,000.00							95,000.00
414.1 & 2	Attorney & Auditor	\$ 30,000.00							30,000.00
411.5	Contingency	\$ 39,000.00							39,000.00
	<b>TOTAL</b>	<b>\$ 190,750.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 190,750.00</b>
<b>420 PUBLIC SAFETY</b>									
421	Police	\$ 115,000.00							115,000.00
422	Fire Department	\$ 40,000.00							40,000.00
423	Building Insp/Code Enforcement	\$ 19,000.00							19,000.00
	<b>TOTAL</b>	<b>\$ 174,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 174,000.00</b>
<b>430 PUBLIC WORKS</b>									
431	Streets	\$ 194,000.00							194,000.00
431.1&2	Buildings/Equipment	\$ 90,000.00							-
432	Sanitation-Rubble Site	\$ -							-
432.3	Sanitation-Refuse Collection	\$ -							-
432.5	Sewer	\$ -							-
432.6	Sewer-Repair & Restoration	\$ 75,000.00		\$ 83,000.00		\$ 83,000.00		\$ 75,000.00	75,000.00
433	Water	\$ 255,000.00		\$ 25,000.00		\$ 25,000.00		\$ 25,000.00	255,000.00
433.1	Water-Repair & Restoration	\$ 75,000.00		\$ -		\$ -		\$ -	75,000.00
435	Airport	\$ 7,000.00							7,000.00
436	Sanitation-C-FR Landfill	\$ -							-







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### TOTAL MEANS

## TOTAL MEANS, $\pm$ S.D.

\$ 1,326.550.00  
The following designates the fund or funds that money derived from the following sources is applied to:



Part II (continued)

<u>PROPRIETARY &amp; FIDUCIARY FUNDS</u>	<u>WATER</u>	<u>WATER</u>	<u>SEWER</u>	<u>SEWER</u>	<u>SOLID</u>
	<u>602</u>	<u>602</u>	<u>604</u>	<u>604</u>	<u>WASTE</u>
Unappropriated Fund Balance	\$ 152,015.00	\$ 103,430.00	\$ 105,554.00	\$ 64,372.00	\$ 48,969.00
Estimated Revenue	\$ 266,000.00	\$ 45,000.00	\$ 90,500.00	\$ 17,000.00	\$ 98,380.00
TOTAL AVAILABLE	\$ 418,015.00	\$ 148,430.00	\$ 196,054.00	\$ 81,372.00	\$ 147,349.00
Less Appropriations	\$ (255,000.00)	\$ (75,000.00)	\$ (75,000.00)	\$ (25,000.00)	\$ (83,000.00)
ESTIMATED SURPLUS	\$ 163,015.00	\$ 73,430.00	\$ 121,054.00	\$ 56,372.00	\$ 64,349.00
Less Estimated Surplus Retained	\$ 163,015.00	\$ 73,430.00	\$ 121,054.00	\$ 56,372.00	\$ 64,349.00
ESTIMATED SURPLUS TO BE TRANSFERRED TO GOVERNMENTAL FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -

Part IV

The Finance Officer is directed to certify the following dollar amount of tax levies to County Auditor:

GENERAL FUND \$353,696.00

CITY OF EDGEMONT  
Edgemont, South Dakota

Leehey \_\_\_\_\_

Scheppler \_\_\_\_\_

Shook \_\_\_\_\_

Woodward \_\_\_\_\_

Worden \_\_\_\_\_

*Jerry Dibble*  
Jerry Dibble, Mayor

ATTEST:

*Karen Cain*  
Karen Cain, Finance Officer

First Reading: September 4, 2018  
Second Reading: September 18, 2018  
Published: September 27, 2018  
Effective: October 17, 2018

