

**REVISED ORDINANCES
OF THE
CITY OF BRIDGEWATER,
SOUTH DAKOTA**

2005

**Ordinance in Revision No.
#2005-3**

Effective Date: October 12, 2005

**Revised under the direction
of the
City Council of the City of Bridgewater, South Dakota**

NOTICE OF ADOPTION

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE CITY OF BRIDGEWATER, SOUTH DAKOTA

NOTICE IS HEREBY GIVEN that Ordinance #2005-3 was duly adopted by the City Council of the City of Bridgewater on September 6, 2005, and shall become effective October 12, 2005, unless the referendum shall be invoked.

A copy of the Revised Ordinances is available for public inspection at Bridgewater City Finance Office and may be viewed during normal business hours.

Dated this 6th day of September, 2005.

Joan M. Julson
Finance Officer

(Publication Dates: September 15th & 22nd, 2005)

**CITY OF BRIDGEWATER
ORDINANCE NO. 2005-3**

**AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE CITY OF
BRIDGEWATER, SOUTH DAKOTA**

Revised under the direction of the City Council of the City of Bridgewater.

Prepared by the South Eastern Council of Governments and Bjorkman & Fink, P.C.

BE IT ORDAINED BY THE CITY OF BRIDGEWATER, SOUTH DAKOTA: That this Ordinance in Revision of the Municipal Ordinances of the City of Bridgewater, South Dakota is hereby read, approved, and adopted as follows:

First Reading: August 22, 2005

Second Reading: September 6, 2005

Publication Dates: September 15 & 22, 2005

Effective Date: October 12, 2005

Dated this 6th day of September 2005.

SIGNED: Ronald H Pringle - Mayor

ATTEST: Joan M Julson, Finance Officer

MUNICIPAL SEAL:

AN ORDINANCE IN REVISION OF THE MUNICIPAL ORDINANCES OF THE CITY OF BRIDGEWATER,
SOUTH DAKOTA

This Ordinance in Revision of the Municipal Ordinances of the City of Bridgewater, South Dakota, is a revision of the Ordinances of the City heretofore adopted, except special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, and other special ordinances of like character. Such ordinances not included in this revision and still having force and effect may be found in the office of the City Finance Officer.

In the construction of this ordinance, the following definitions shall apply unless otherwise provided:

“City” or “the City” The City of Bridgewater, South Dakota.

City Council The Council of the City of Bridgewater, South Dakota, constituting the governing body of the City.

he, his or him Words imparting the masculine gender shall extend and be implied to females and to firms, partnerships, associations and corporations, as well as to males.

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TITLE 1 - ADMINISTRATIVE CODE

- Chapter 1.01 - Municipal Employees
- Chapter 1.02 - Mayor and City Council
- Chapter 1.03 - Fire Department
- Chapter 1.04 - Municipal Liquor Store
- Chapter 1.05 - Finance Regulations
- Chapter 1.06 - Ambulance Service

CHAPTER 1.01 - MUNICIPAL EMPLOYEES

1.0101 Appointment of Officers. At the regular meeting of each May, there shall be appointed a Finance Officer, Police Officer, Maintenance Superintendent and such other officers as may be provided by ordinance, to hold office until the appointment and qualifications of successors. All such appointments shall be made by the City Council. The City Council may by resolution enter into a contract pursuant to SDCL 9-14 with an attorney to provide legal services to the City as the City Attorney. (SDCL 9-14-3)

1.0102 Salaries. The salaries of all appointive officers and employees of the City shall be reviewed and approved at the regular meeting each September, and shall be paid as established by the City Council. The Finance Officer shall be bonded in such sum to be approved by the City in accordance with state law, conditioned for the faithful performance of the duties of such office. (SDCL 9-14-1, SDCL 9-14-28)

1.0103. Employment Policies. All policies regarding personnel regulations and benefits of the City shall be included in the Personnel Policy Manual, which shall be filed with the Finance Officer and available to all personnel.

1.0104. Time Clock. Be it ordained by the City of Bridgewater that the City deems it is the best interests as an employer and for the employees of the City of Bridgewater for the adoption of a policy or policies for the contemporaneous recording of an employee's work time. To that end, the City of Bridgewater through its City Council shall adopt a policy or policies requiring all employees to record their actual time worked through the use of a mechanical time clock or other electronic or mechanical means, which shall provide an accurate, and contemporaneous clocking of an employee's actual time worked for the City. The policy shall include appropriate exceptions as the City Council shall determine for emergency personnel, such as ambulance and fire department personnel; exceptions for the Mayor and City Council members;

appropriate sanctions for failure of an employee to follow the policy or policies; and such other matters as the City Council shall determine appropriate.

CHAPTER 1.02 - CITY COUNCIL

1.0201 Composition. The City Council shall consist of the Mayor elected at large, and six aldermen, two elected from each ward, who shall each hold office for two years. (SDCL 9-8-4)

1.0202 Regular Meetings. ~~On the first Monday of each month at 7:00 p.m., or at such other time as may be determined by the Mayor, the City Council shall meet at the City Hall or other designated place, to consider, take under advisement, and act upon such business as may come before it. (SDCL 9-8-3)~~

Amended 12/30/09 Ordinance 2009-3 On the first Monday of each month at 7:00 p.m., except when the Monday falls on a legal holiday, or falls within the first four days of the month, and in that case the meeting shall be held at 7:00 p.m. on the following Monday, or at such other time as may be determined by the Mayor, the City Council shall meet in the Council Chambers of the Finance Office or other designated place, to consider, take under advisement, and act upon such business as may come before it. (SDCL 9-8-8)

1.0203 Special Meetings. Special meetings may be called by the mayor or by any two alderman at any time, to consider only such matters as shall be mentioned in the call for such meeting, by written notice thereof given to each member of the Council.

1.0204 Mayor - Duties. The Mayor shall preside at all meetings of the City Council, but shall have no vote except in case of a tie. The Mayor, with the approval of the Council, at the first meeting in May each year, shall appoint one or more members of the Council to act in a supervisory capacity in the Departments of Water, Street, Police, Fire and any other departments of the City, and such Councilmen, so appointed shall have supervision over the Department to which they are named as supervisors and shall from time to time and as requested by the Council, report as to the condition and matters in said department. The Mayor shall perform such other duties as may be prescribed by laws and ordinances and ensure that such laws and ordinances are faithfully executed, and shall have the power to veto any part or item of an ordinance or resolution appropriating money. (SDCL 9-8-3).

1.0205 President and Vice-President of Council. At the first regular meeting after the annual election in each year and after the qualification of the newly elected council members, the council shall elect from among its own members a president and vice-president, who shall hold their respective offices for the municipal year.

The president of the council in the absence of the Mayor shall be the presiding officer of the council, and during the absence of the mayor from the first or second class municipality or his temporary disability shall be acting mayor and possess all the powers of the Mayor.

In the absence or disability of the Mayor and president of the council the vice-president shall perform the duties of the mayor and president of the council. (SDCL 9-8-7)

1.0206 Compensation - Mayor and City Council. The Mayor and Councilmen are to be allowed compensation as set by resolution of the City Council. Compensation of the Mayor and Councilmen as herein set forth shall be paid at such times as may be decided upon by the Council.

CHAPTER 1.03 - FIRE DEPARTMENT

1.0301 Establishment. There shall be established for the City a Volunteer Fire Department which shall consist of a Chief, Assistant Chief, Secretary-Treasurer, and such other members as may be from time to time determined by the Fire Department. (SDCL 9-33-13)

1.0302 Constitution and Bylaws. The Fire Department may adopt such constitution and bylaws and rules for its regulation and government, subordinate to the ordinances of the City, as it may deem best calculated to accomplish the object of its organization.

1.0303 Members. The members of the Fire Department shall be able bodied persons of good moral character, duly elected by a majority of the active members of the Fire Department.

1.0304 Terms of Office. The Chief, Assistant Chief, and Secretary-Treasurer shall be the head of the Fire Department and shall hold office for a term of two years and until their successors shall be appointed and qualified. The Secretary-Treasurer shall be elected each year.

1.0305 Appointment of Officers. The officers shall be nominated by the active members of the Fire Department and elected by a majority of members present at the annual meeting of the Fire Department in December to be held on the second Tuesday in June; the names of such officers shall be reported to the City Council and confirmed by them.

1.0306 Meetings. The Fire Department shall meet at least once a month upon call of the Fire Chief and

any member not responding to such call unless absent from the City, or upon other good cause shown to the satisfaction of the Chief of the Fire Department, may be dismissed from said Department.

1.0307 Appropriation. The City Council shall in its annual appropriation, appropriate such amounts as they may deem necessary for the purpose of maintaining such Fire Department including equipment, ladders, trucks, hoses and other apparatus, and providing such necessary articles of clothing as they may deem necessary for the members of said Department. (SDCL 9-33-12)

1.0308 Equipment. The equipment, trucks, implements and all apparatus, shall be kept at such place as may be provided and directed by the City Council and shall at all times be ready for immediate use. (SDCL 9-33-11)

1.0309 Duties of Chief. The Fire Chief shall have sole charge and control over all members of the Fire Department and fires. The Chief shall, at all times, have the general direction and management of all hoses, chemicals, engines, and other apparatus belonging to the Department.

1.0310 Fire Zone. The Chief, or acting Chief in command, may prescribe limits around any fire, and it shall be unlawful for any person, except those who reside therein, or firemen, law enforcement officers and those given admission by any officer of the Fire Department, to enter therein.

1.0311 Investigation of Cause of Fire. The Chief shall inquire into and investigate the cause of each fire that occurs in the City as soon as possible, and make a record of such proceedings and file the same or a copy thereof with the Secretary of the Fire Department.

1.0312 Financial Estimate. The Chief shall prepare in detail and submit to the Finance Officer on or before the first day of August in each year, an estimate of the entire cost and expense of providing and maintaining the Fire Department during the current fiscal year, and shall present such estimate to the City Council with an annual budget estimate for the following year.

1.0313 Command in Absence of Chief. If the Chief is absent from any fire call, the Assistant Chief, then the Secretary-Treasurer (in that order) shall take charge of the organization and shall have and exercise all the powers of Chief.

1.0314 Vacancy. In case of a vacancy occurring in the office of Chief, the Assistant Chief shall discharge the duties of the Chief until such vacancy is filled.

CHAPTER 1.04 - MUNICIPAL LIQUOR STORE

1.0401 Management and Operation. ~~The Municipal Liquor Store shall be under the direct supervision of the City Council and shall be operated by a manager to be appointed by the Mayor with the approval of the Council at its first meeting in May of each Year. The compensation of the manager shall be fixed by Ordinance of the City Council and the bond of the manager in the amount of \$5,000 shall be furnished by the City Council and conditioned for the proper performance of duties and for the accounting of all monies and property belonging to the City that may come into his possession or under his control.~~ *Amended 4/28/10 Ordinance 2010-1* The Municipal Liquor Store shall be under the direct supervision of the City Council and shall be operated by a manager or other employees. In the event the Bar is operated by a manager, pursuant to SDCL 35-4-19, such manager shall be appointed by the Mayor, with the approval of the Council at its first meeting in May of each year. In such event, the compensation of the manager shall be fixed by resolution of the City Council and a bond, in an amount to be determined by the City Council, shall be furnished to the City Council and conditioned for the proper performance of duties and for the accounting of all monies and property belonging to the City that may come into his/her possession or under his/her control. In the event the Municipal Liquor Store is operated by City employees, the compensation of said employees, as well as the benefits of said employees shall be fixed by the City at the City's discretion.

1.0402 Reports. ~~The operator of the Municipal Liquor Store shall, in accordance with Chapter 35-3, South Dakota Codified Law, and as directed by the City Council, furnish reports at such stated intervals as may be directed, showing all sales, Purchases, and transactions of all kinds and descriptions occurring in the conduct of said business. Such reports shall be filed with the Finance Officer at the time and in the manner as directed by the City Council.~~ *Amended 4/28/10 Ordinance 2010-1* In the event a manager of the Municipal Liquor Store is appointed in accordance with Chapter 35-3, said manager shall, as directed by the City Council, furnish reports at such stated intervals as may be directed, showing all sales, purchases and transactions of all kinds and descriptions occurring in the conduct of said business. Such reports shall be filed with the Finance Officer at the time and in the manner as directed by the City Council.

1.0403 Receipts Deposited with Finance Officer. All receipts of the Municipal Liquor Store shall be deposited with the Finance Officer who shall keep such receipts in a separate account which shall be disbursed only upon direction of the City Council.

1.0404 Hours and Conduct of Business. ~~The Municipal Liquor Store will not be open any sooner than 7:00~~

~~a.m. nor later than 2:00 a.m. Monday through Saturday, with the exception of Super Bowl Sunday and Schaffy's Softball Sunday, with the hours of 2:00 p.m. to midnight on those days, and shall at all times be regulated as provided by ordinance and by Title 35, South Dakota Codified Law. Amended 12/27/06 Ordinance 2006-3 The Municipal Liquor Store will not be open any sooner than 7:00 a.m. nor later than 2:00 a.m. Monday through Saturday, with the exception of December 31, 2006, New Years Eve with the hours of Noon to 2:00 am January 1, 2007, and Super Bowl Sunday and Schaffy's Softball Sunday, with the hours of 2:00 p.m. to midnight on those days, and shall at all times be regulated as provided by ordinance and by Title 35, South Dakota Codified Law. Amended 4/28/10 Ordinance 2010-1 The Municipal Liquor Store will not be open any sooner than 7:00 a.m. nor later than 2:00 a.m. Monday through Saturday, with the exception of Super Bowl Sunday, with the hours of 2:00 p.m. to midnight on those days, and shall at all times be regulated as provided by ordinance and by Title 35 of the South Dakota Codified Laws. Amended 10/9/12 Ordinance 2012-4 The Municipal Liquor Store will not be open any sooner than 7:00 a.m. nor later than 2:00 a.m. Monday through Sunday, or at any time on Christmas Day, and shall at all times be regulated as provided by ordinance and by Title 35 of the South Dakota Codified Laws.~~

1.0405 Municipal Operating Agreement Permitted. Nothing shall prevent the City from entering by resolution into an operating agreement pursuant to Chapter 35-4-19, South Dakota Codified Law.

CHAPTER 1.05 - FINANCE REGULATIONS

1.0501 Revenues and Special Funds. All money belonging to the City from taxation, licenses, fines, permits, the operation of utilities, or from any other source, shall be paid into the City treasury, and the City Council shall designate by ordinance to what fund or funds such money shall be applied. The Finance Officer shall keep full, true and just accounts of all financial affairs of such form and in such manner from time to time as required by the South Dakota Department of Revenue. (SDCL 9-14-18)

1.0502 Records Retention and Destruction. The Records Retention and Destruction Schedule Manual, authorized for South Dakota municipalities by the Office of Records Management, Bureau of Administration, State of South Dakota, shall be adopted by the City Council, and a printed copy of such manual shall be filed with the Finance Officer.

CHAPTER 1.06 - AMBULANCE SERVICE

1.0601. Voluntary Ambulance Service. There is hereby established a Volunteer Ambulance Service for the City to be composed of not less than 7 members.

1.0602. Bylaws. ~~The Ambulance Service shall have the power to formulate and adopt bylaws for its government not inconsistent with the Provisions of this chapter. These bylaws and any subsequent revision shall be submitted to the City Council for prior approval. Amended 5/7/14 Ordinance 2014-1~~ The Ambulance Service shall have the power to formulate and adopt bylaws for its government not inconsistent with the Provisions of this chapter and the Provisions of the Personnel Manual for the City. These bylaws and any subsequent revision shall be submitted to the City Council for prior approval.

1.0603. Officers. ~~The officers of the Ambulance Service shall be President, Vice President, Secretary-Treasurer, and member at large who shall be elected in accordance with the bylaws of the Ambulance Service. The Secretary, after the election of its officers, shall file a list of the names of such officers as well as a list of the members of the Ambulance Service, in the office of the City Finance Officer. The City Council shall have the right to approve or disapprove any officer so elected. Amended 6/2/09 Ordinance 2009-1~~ The officers of the ambulance service shall be Director, Co-Director, Secretary/Treasurer and Maintenance Officer. The officers shall be elected by either ballot or a show of hands at the January meeting to serve for a term of two (2) years and/or until their successors are elected. No person shall hold office if he or she is not a member of the Bridgewater Ambulance Service and no member shall hold more than one (1) office at a time. The Secretary/Treasurer, after the election of its officers, shall file a list of the names of such officers as well as a list of the members of the Ambulance Service, in the office of the City Finance Officer. The City Council shall have the right to approve or disapprove any officers who are elected.

1.0604. Members. The members of the ambulance Service shall be able-bodied men and women of good moral character, elected by a majority vote of the members of the Service and shall be approved by the City Council.

1.0605. Removal of Officers. The City Council shall have the power to remove a member of the Ambulance Service when it deems it for the best interest of the City, but such removal shall only be made after a hearing at which the accused officer may appear and show cause why he should not be removed. The charges brought against the member shall be put in writing and filed in the office of the Finance Officer, who shall present the same to the City Council at its next regular meeting. The Council shall fix a day of hearing and cause the due notice to be given to such officer of said hearing and serve upon him a copy of the charges brought against him. If the charges at such hearing are substantiated the member may be removed by the Council.

1.0606. Duties of the President. ~~The president shall have the supervision of the property used by the~~

~~Ambulance Service and shall see to it that the same is kept in good working order and is available at all times to care for patients. He shall be responsible to purchase all necessary equipment and repairs, but no major expenses shall be incurred without approval of the Council. He shall from time to time advise the City Council of any changes in the Ambulance Service or the equipment. He shall submit annual reports to the city Council and file an inventory of the property used by the Ambulance Service. Amended 6/2/09 Ordinance 2009-1~~ Duty of the Director. The Director shall have the supervision of the property used by the Ambulance Service and shall see to it that the same is kept in good working order and is available at all times to care for patients. The Director shall be responsible to purchase all necessary equipment and repairs, but no major expenses shall be incurred without approval of the Council. The Director shall from time to time advise the City Council of any changes in the Ambulance Service or the equipment. The Director shall submit annual reports to the City Council and file an Inventory of the property used by the Ambulance Service.

1.0607. Members Shall Receive Compensation. The members of the Ambulance Service shall receive compensation from the City for services rendered to the City as licensed ambulance attendants as provided by the ~~city ordinances~~, resolution from time to time. *Amended 5/7/14 Ordinance 2014-1*

1.0608. Age of Members. No person shall become a member of the Ambulance Service who has not attained the age of 18.

1.0609. Ambulance Equipment. Equipment of the Ambulance Service shall not be used for private or municipal purposes except in cases of emergency and then only under the direction of the Ambulance ~~President~~ Director, to the end that such equipment and apparatus shall at all times be kept in good workable condition and shall meet as far as possible the requirements and regulations of the State and Federal Government. *Amended 6/2/09 Ordinance 2009-1*

Every member of the Ambulance Service, by joining the Ambulance Service, voluntarily assumes the hazards of injury and accidents in the services and the City will not assume the responsibility of such accidents or injuries. But the City shall carry Workmen's Compensation Insurance for its members and also carry malpractice insurance for its members.

1.0610. Ambulance Committee. The operation of the Ambulance Service shall be under the direct supervision of the Ambulance Committee appointed by the Mayor. The chairman of said committee shall attend Ambulance Service meetings on a regular basis and shall submit to the City Council the Annual Ambulance Service Reports and such other reports as requested by the City Council.

1.0611. Ambulance Service Fees. The City Council shall by resolution establish the fees to be paid by users of the Ambulance Service which fees shall be collected and paid to the City Finance Officer.

TITLE 2 - BOUNDARIES, WARDS, AND PRECINCTS

Chapter 2.01 - Boundaries

Chapter 2.02 - Wards and Voting Precincts

CHAPTER 2.01 - BOUNDARIES

2.0101 Boundaries. The corporate limits of the City shall be declared to be such as have been legally established and amended by law and ordinances of the City as shown on the official map on file in the office of the Finance Officer. Such map shall be incorporated in this ordinance by reference and adopted as the official map showing the boundaries and limits of the City. (9-3-2)

CHAPTER 2.02 - WARDS AND VOTING PRECINCTS

2.0201 Wards and Voting Precincts. The City shall be divided into three wards, which shall be combined and consolidated into one election precinct, and shall be designated respectively as Wards One (1), Two (2), and Three (3) as follows:

Ward 1 - All that portion of the City lying east of Main Ave. and south of 3rd Street. ~~and all that portion of the city lying south of the Right of Way of the existing Railroad;~~ It shall also include that portion of the City lying west of Main Ave. and south of 4th Street. It shall also include that portion of the City lying west of 435th Ave. lying in between SD Hwy 262 and 265th Street.

Ward 2 - All that portion of the city lying east of Main Ave. and north of ~~Third~~ 3rd Street.

Ward 3 - All that portion of the city lying ~~north of the Railroad Right of Way and west of Main Ave~~ west of Main Ave and north of 4th Street. It shall also include that portion of the City west of 435th Ave lying in between SD Hwy 262 and 264th Street.

Amended 10/5/11 Ordinance 2011-2

TITLE 3 - HEALTH AND SANITATION

Chapter 3.01 - Nuisances

Chapter 3.02 - Collection of Garbage

Chapter 3.03 - Regulation of Storage Tanks

CHAPTER 3.01 - NUISANCES

3.0101 Definitions. For the purpose of this Chapter, the following terms and words shall have the meaning given herein:

A.Nuisance. Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes but shall not be limited to weeds; litter; diseased vegetation; abandoned, wrecked, dismantled or discarded vehicles; open excavations or trenches; open burning, and dangerous or dilapidated buildings.

B.Weeds. Dense growth of any weeds, vines, brush or other vegetation in the City which may constitute a health, safety or fire hazard.

C.Litter. Any waste material including garbage, refuse, and rubbish as defined herein, which if thrown or deposited as prohibited in this Chapter, may create a danger to public health and safety.

1.Garbage shall include any putrescible (likely to rot) animal and vegetation wastes resulting from the handling, preparation, cooking and consumption of food.

2.Refuse shall include any putrescible and nonputrescible solid wastes such as garbage, rubbish, ashes, dead animals, and solid market and industrial wastes.

3.Rubbish shall include any nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including paper, wrappings, rags, vegetation, discarded or unused objects or equipment such as furniture, appliances, cans or containers, and other similar

materials.

D.Vehicle. Any machine propelled by power other than human power designed to transport persons or property or pull machinery and shall include but not be limited to automobiles, trucks, trailers, motorcycles, tractors, and recreational equipment.

3.0102 Duty of Maintenance of Private Property. No persons owning, leasing, occupying, or having charge of any premises within the City shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

3.0103 Permitting Grass or Weeds Within the City Limits To Grow Over 8" (Inches). No person shall allow grass or weeds to grow over 8" (inches) upon any private property. If any owner or occupant of real estate allows such vegetation to reach 8", notice shall be ~~given~~ sent by regular US Mail to the owner of such property to remove the growth, so as to bring the property in compliance. Only one such notice need be given to any landowner during a growing season. After a notice has been sent, the property owner shall have five (5) working days to bring the property into compliance. If the property owner fails to do so within this time limit, the City shall proceed to mow the property and remove weeds where necessary. Thereafter, the property owner shall receive a bill from the City for mowing. For subsequent violations within the same growing season, the City may proceed to mow the property (if the grass/weeds exceed 8" (inches) without further notice or time for compliance. The rate will be \$75.00 per hour for mowing and weed removal. ~~A second offense~~ Subsequent mowing upon the same property within the same season will result in the rates doubling to \$150.00 per hour. ~~If the any bill is not paid~~ remains unpaid, the City may recover the expenses so incurred from the person in a civil suit instituted for such purpose, or it may levy an assessment against such property and collect the same. The City Council shall cause to be published all assessments, together with a notice that said assessments shall be considered by the City Council at the regular ~~October~~ September meeting of each year, at which time and place any person may appear and be heard. Such notice shall be published once in the official newspaper and at least ten (10) days prior to the ~~October~~ September meeting. ~~Within ten (10) days~~ After the assessment has been approved by the City Council, a ~~certified~~ copy of the same shall be filed with the ~~Finance Officer~~ County Auditor. ~~and shall be due and payable to the City.~~ ~~If the assessment is not paid within sixty (60) days of filing, a penalty cost of ten (10) percent shall be added in addition to an annual interest rate at the highest rate allowed by law on the unpaid balance. (SDCL 9-29-13).~~ Amended 12/4/13 Ordinance 2013-1

3.0104 Diseased Vegetation. Any owner, occupant, or person in charge of any property within the City

shall remove at his or her own expense any trees, brush, wood, or debris infected with Dutch Elm disease or other infestations or infectious disease found thereon when so notified by the City to do so. The City Council shall cause to be mailed to such owner, occupant, or person, written notice that they may appear before said City Council at an appointed time not less than ten (10) days from the date of said notice to show cause why said trees, brush, wood, or debris should not be declared a public nuisance. Any diseased vegetation which is removed shall be properly disposed of by burning or burying in a proper disposal site. (SDCL 9-32-12)

3.0105 Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in authorized public or private receptacles. No person shall sweep into or deposit in any gutter, street, or other public place within the City, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property or places of business shall keep the sidewalk in front of such premises free of litter.

3.0106 Litter Thrown or Deposited from Vehicles. No persons, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property within the City. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley or other public place.

3.0107 Litter on Private Property. No person shall throw or deposit litter on any occupied, open or vacant private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being deposited upon any street, sidewalk or other public place or upon any private property.

3.0108 Abandonment of Vehicles. No person shall abandon any vehicle within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

3.0109 Parking and Storage of Vehicles. No person shall park or store any partially dismantled, non-operating, wrecked, or junked vehicle of any kind or type without current license plates, on any street or public property within the City.

3.0110 Deposition of Wrecked or Discarded Vehicles. No person in charge or control of any property within the City whether as owner, tenant, occupant, or otherwise, shall allow any partially dismantled, non-

operating, wrecked, junked, or discarded vehicle to remain on such property longer than twenty-four (24) hours; except that this Section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

3.0111 Impounding. The City Council shall be authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this Chapter or is lost, stolen, or unclaimed. In the event the council authorizes such removal, such vehicle shall be towed/removed by any commercial towing service given such authorization by the City Council and impounded until lawfully claimed or disposed of by the towing service. ~~A daily storage charge as established by the City Council shall be assessed each vehicle until such vehicle is claimed.~~ The owner of the vehicle shall be responsible for all towing costs, in addition to a towing charge in an amount set by the City Council. The City shall not be liable for any damages to property or persons occurring as a result of towing or storage. *Amended 5/7/2014 Ordinance 2014-2*

3.0112 Open Burning. There shall be no burning of garbage. If such happens after the first warning, a second offense shall be a misdemeanor with a fine of \$50.00.

Open burning shall be permitted if contained so as to prevent scattering. Material so burned shall only include leaves, dry grass clippings and small branches. These materials should be dry and consumed without undue smoke. Such burning shall be on the property of the owner. If damage should occur to other people's property or undue smoke bothers other people, the person burning the permitted materials shall be liable for whatever damages take place.

3.0113 Dangerous or Dilapidated Buildings. No person shall maintain, or cause or permit the same, any building or premises in the City which is determined to be dangerous or dilapidated. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous or dilapidated building, if such conditions or defects thereby annoy, injure, or endanger the comfort, repose, health or safety of others, or if such conditions or defects exist to the extent that the life, health, property, value of property or safety of the public is jeopardized:

- A. Whenever any building or structure is (i) vacant and unoccupied for the purpose for which it was constructed, and (ii) the building is unfit for occupancy as it fails to meet minimum building standards, and (iii) the building has remained substantially in such condition for a period in excess

of six (6) months.

B. Whenever any building or structure through lack of maintenance or attention and by virtue of its physical appearance and presence thereby depresses the market value of surrounding properties. (SDCL 9-29-13)

3.0114 Excavations and Trenches. No person shall maintain any excavation, trench or open basement in the City in which stagnant water is permitted to collect or which may jeopardize the life, limb or safety of the general public. (SDCL 9-29-13)

3.0115 Keeping of Animals and Responsibilities. No person shall create or maintain any condition, or operate any equipment or keep any animal, fowl, livestock or pet under his or her jurisdiction in such a way that such condition or operation causes or is likely to cause a nuisance. Any violation of this section shall constitute a misdemeanor.

No owner, caretaker, or keeper of any animal shall allow such animal to defecate on public or private property in the City other than his or her own. If such animal does defecate upon public or private property, the owner, keeper, caretaker or attendant shall immediately and thoroughly clean the fecal material from such property. Any violation of this section shall constitute a misdemeanor.

3.0116 Abatement of Nuisances. The City Council shall give written notice or cause written notice to be given to any person creating, permitting, or maintaining any nuisance to abate such nuisance forthwith, and if any person shall neglect or refuse to do so within a reasonable time after such notice, they shall be deemed guilty of a violation of this Chapter. The City Council shall cause to be removed or abated any such nuisance upon the expiration of a reasonable time after the serving of such notice, and the City may recover the expenses so incurred from the person maintaining such nuisance by levying an assessment against the property and collecting the same. (SDCL 9-29-13)

CHAPTER 3.02 - COLLECTION OF GARBAGE

~~3.0201 Storing Garbage Prior to Collection. All garbage shall be placed in either sealed water-tight bags or inside garbage containers except leaves and grass which are to be just bagged and set to the curb or accessible alley on days of pickup. Whenever the premises in which garbage and rubbish accumulates are adjacent to a street or alley, the garbage and rubbish containers for such premises shall be kept in a~~

~~location convenient and accessible to such street or alley; if premises are not adjacent to a street or alley, the garbage and rubbish containers shall be kept on the premises in such a location that they will be readily accessible to the nearest street or alley without being unsightly. The proprietor or operator of each duplex, apartment houses or similar multiple family dwelling shall furnish and maintain for the use of the tenants a sufficient number of garbage containers to hold all garbage and rubbish that accumulates upon such premises in the course of a week or he shall require the tenants upon said premises to furnish such containers. The place where the garbage and rubbish containers are located shall be kept clean and in a sanitary condition at all times. Every owner or person in charge of any restaurant, hotel, grocery store, wholesale or food processing establishment or any other business or commercial place having garbage or rubbish shall furnish and provide for use in connection therewith a garbage or refuse container. Such container shall have covers for all openings and shall be emptied often enough to prevent the same from giving off any odor or stench. Amended 3/8/17 Ordinance # 2017-0109~~

Refuse Removal. All garbage, rubbish, rubble and refuse created, produced, or accumulated in or about a dwelling, house, or place of human habitation in the City limits of the City of Bridgewater shall be removed from the premises at least once a week. The City may require a greater number of collections per week.

The city shall contract (for the lowest bid) to a solid waste hauler for a period of one to three (1-3) years. The city shall bill all residents on their monthly utility statements. No billing will be done by the garbage hauler for residential service. Commercial establishments shall contract privately for the removal of garbage, rubble, and refuse from their premises in compliance with the terms of this chapter.

The rate to be charged to the residential occupant for garbage, rubbish, rubble, and refuse shall be as established by the city council and such rates shall be kept on file in the office of the finance officer. Such rates may be change by resolution.

~~3.0202 Private Operators. The collection of garbage and refuse in the City shall be made by private contractors or operators, who shall be subject to all local ordinances as well as all state and federal regulations. Collections shall be made at least once a week, unless otherwise required by the City Council. Garbage collectors shall be under no obligation to remove any garbage unless the payments of the removal of such garbage as provided by contract with the customer shall have been made. Amended 3/8/17 Ordinance #2017-0109~~

Storing Garbage Prior To Collection. Every owner, lessee, or occupant of any private dwelling house and every keeper of a hotel, restaurant, eating house, boarding house, or other building where meals are furnished and every other person having garbage, rubbish, rubble, or refuse in the City of Bridgewater shall utilize, at all times, a garbage container approved by the city (and supplied by the garbage contractor) and

shall deposit in such container, and not elsewhere, all garbage, rubbish, rubble, or refuse accumulating on said premises. Such containers shall be so located on the premises as to be readily accessible (on garbage pickup day) to the garbage, rubbish, rubble or refuse collector who is required to render pickup service. Containers shall be made accessible to the collection service at the curb site of the nearest public traveled thoroughfare. Garbage, rubbish, rubble, or refuse containers shall not be placed adjacent to the street for pickup service more than twenty-four (24) hours prior to pickup times; the containers shall be removed within ~~twelve (12)~~ twenty-four (24) hours after pickup. *10/11/17 Amended Ordinance #2017-2*

3.0203 Permit Required. ~~Private contractors or operators involved with the collection of garbage or refuse in the City shall apply for an annual permit to the City Council. Any permit approved and issued may be revoked by the City Council for violations of laws, regulations or stipulations governing such operations. Such application shall include the operators permit number for disposal in an approved sanitary landfill.~~ *Amended 3/8/17 Ordinance #2017-0109*

Violations. Any violation of the provisions of this chapter is a misdemeanor offense, punishable according to the provisions found in Chapter 12 of these ordinances.

3.0204 City Not Liable. The City shall not be liable for any expense incurred through the failure of *the garbage contractor or operator* or his agents and employees, to ~~operate and maintain~~ perform collection services in a proper and efficient manner, and for any actions, that may result from, or be attributed to such services performed. (SDCL 9-32-11) *Amended 3/8/17 Ordinance #2017-0109*

3.0205 Equipment. Every garbage collector shall use equipment which will not permit any leakage or spilling and such truck or trailer shall be so covered so that trash, garbage, rubbish or waste will not be dropped or spilled in transit to any place in the City, and any violation of this Section shall be sufficient cause for revocation of the ~~collectors permit, and in addition thereto he shall be guilty of a misdemeanor and subject to fine.~~ garbage/solid waste contract. *Amended 3/8/17 Ordinance #2017-0109*

3.0206 Vehicles for collection of garbage and recyclables. Licensed commercial garbage and recyclable haulers shall provide themselves with suitable vehicles which shall be water tight and permanently covered on top so as to prevent the escape of odors and contents and so as to hide the garbage from the public view. Such vehicle shall be thoroughly washed at such times as may be necessary to keep the vehicles in proper sanitary condition. Such vehicles when conveying garbage shall be so loaded and unloaded that the contents shall not fall or spill upon the ground. No article or thing shall be carried on such vehicle so as to drag upon the highway. ~~Vehicles will have a limit of 12,000 lbs. GVW on residential streets. No article or~~

thing shall be carried on such vehicle so as to drag upon the highway.

~~Commercial~~ *Garbage* haulers shall obey all the ordinances of the City and all the rules and regulations relating to the collection and handling for garbage and recyclables, and *shall* report to the City Council any violations which may come to their attention. ~~The license issued under this article may be revoked by the Council for the violations by the licenses of any provision of State law, Federal law or City Ordinances.~~
Amended 3/8/17 Ordinance #2017-0109

3.0207 Insurance. ~~No license contract shall be issued to~~ *made with* any garbage hauler until proof of liability insurance is furnished to the City in the following amounts:

\$250,000 per person bodily injury; and

\$500,000 multiple person bodily injury; and

\$100,000 property damage.

Said liability insurance shall be in force the entire term of the ~~license contract~~. *Amended 3/8/17 Ordinance #2017-0109*

CHAPTER 3.03 - REGULATION OF STORAGE TANKS

3.0301 Definition of Terms. Terms are used in this Chapter, unless the context otherwise requires, mean:

A. City Limits. The municipal boundaries of the City of Bridgewater, South Dakota.

B. Department. Department of Environment and Natural Resources.

C. Local Designated Agencies. Agencies or subdivisions of state government which are designated by the governor to carry out portions of this ordinance.

D. Nonoperational Storage Tank. Any underground or above ground storage tank in which regulated substances may not be deposited or from which regulated substances may not be dispensed.

E. Regulated Substance. Any substance defined in section 101(4) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, but not including any substance regulated as a hazardous waste under subtitle (c), and petroleum, including crude oil or any fraction

thereof which is liquid at standard conditions of temperature and pressure, 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.

F. Storage Tank, Above Ground and Underground.

1. Storage tank, above ground.” Any stationary tank or combination of stationary tanks above ground, including connected pipes, which stores an accumulation of regulated substances as defined in E above.
2. “Storage tank, underground.” Any tank or combination of tanks including underground pipes which contains an accumulation of regulated substances as defined in E above, and the volume of which, including the volume of underground pipes, is ten percent (10%) or more below the surface of the ground.

Neither the above ground nor the underground storage tank definition shall include:

1. A farm or residential tank with a capacity of one thousand one hundred (1,100) gallons or less used for storing motor fuel for noncommercial purposes.
2. A tank used for storing heating oil for consumptive use on the premises where stored.
3. A septic tank.
4. A pipeline facility, including gathering lines, regulated under the Natural Gas Safety Act of 1968, the Hazardous Liquid Pipeline Act of 1979 or a pipeline which is an intrastate pipeline facility regulated under state laws comparable to the provisions of law referred to above.
5. A surface impoundment, pit, pond, or lagoon.
6. A storm water or wastewater collection system.
7. A flow-through process tank.
8. A liquid trap or associated gathering lines directly related to oil or gas production or

gathering operations.

9. A storage tank situated in an underground area such as a basement, cellar, mine, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.

10. Any pipes connected to any tank which is described in subsections A to I, inclusive, of this section. (SDCL 34A-2-98, 34A-2-100)

3.0302 Regulation of Underground Storage Tanks. The installation and operation of underground storage tanks within the city limits shall be regulated pursuant to SDCL 34A-2-99, in accordance with rules 74:03:28:01 - 74:03:28:29 and rules 74:03:29:01 - 74:03:29:19 of the Administrative Rules of South Dakota. These rules pertain to:

A. Requirements for maintaining a leak detection system, an inventory control system together with tank testing, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.

B. Requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system.

C. Requirements for the reporting of any releases and corrective action taken in response to a release from an underground storage tank.

D. Requirements for taking corrective action in response to a release from an underground storage tank.

E. Requirements for the closure of tanks to prevent future releases of regulated substances to the environment.

F. Requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

G. Standards of performance for new underground storage tanks.

H. Requirements for notifying the department or local designated agency of the existence of any

operational or nonoperational underground storage tank.

I. Requirements for providing the information required on the form issued pursuant to Section 9002(b)(2) of the Federal Resource Conservation and Recovery Act re-authorization of 1984.

3.0303 Regulation of Above Ground Storage Tanks. The installation and operation of above ground storage tanks within the city limits shall be regulated pursuant to SDCL 34A-2-101, in accordance with rules 74:03:29:01 - 74:03:29:18 and 74:03:30:01 - 74:03:30:29 of the Administrative Rules of South Dakota. These rules shall be exercised in substantial conformity with the current codes and standards recommended by the National Fire Protection Association for the storage of flammable and combustible liquids as contained in NFPA 30 on January 1, 1987. The rules provide for the following:

- A. Requirements for maintaining a leak detection system, an inventory system, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.
- B. Requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system.
- C. Requirements for the reporting of any releases and corrective action taken in response to a release from any above ground storage tank.
- D. Requirements for taking corrective action in response to a release from any above ground storage tank.
- E. Requirements for the closure of tanks to prevent future releases of regulated substances to the environment.
- F. Requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating any above ground storage tank.
- G. Standards of performance, including, but not limited to, design, construction, installation, and compatibility standards for new above ground storage tanks.

H. Requirements for notifying the department or local designated agency of the existence of any operational or nonoperational above ground storage tank.

I. Requirements for providing the information required on the form required by the department.

3.0304 Installation of Above Ground Storage Tanks for Storage of Regulated Substances Prohibited - Exceptions. No person may install any above ground storage tank for the purpose of storing regulated substances unless the tank will prevent releases due to corrosion or structural failure for the operational life of the tank, is designed in a manner to prevent the release or threatened release of any stored substance, and the material used in the construction or lining of the tank is compatible with the substance to be stored. (SDCL 34A-2-102)

CHAPTER 3.04 – YARD WASTE DISPOSAL SITE

3.0401 Allowable Items. Only the below listed items will be allowed to be accepted by the restricted municipal yard waste disposal site:

1. Grass clippings
2. Leaves
3. Tree branches and brush

3.0402 Hours of Operation. The hours of operation for the municipal yard waste disposal site will be set by resolution of the Bridgewater City Council.

3.0403 Signage. The City of Bridgewater will post a sign or signs at the site entrance stating the operator's name, phone number, type of facility, days/hours of operation, and acceptable waste materials. Directions for disposal will be posted at the site entrance or within the facility boundaries.

3.0404 Access Control. The access to the restricted use site will be through the use of fences and locked gates.

3.0405 Surface Water Control. Soil berms or containment structures will be constructed and maintained around active disposal areas, composting areas, and open burning areas to divert run-on and contain runoff from a 25-year, 24-hour storm event. The berms or structures shall be adequately constructed to prevent leakage.

3.0406 Fire Control. A minimum 25-foot fire lane around areas shall be used for open burning. The

Bridgewater Fire Department, DENR, and McCook County Sheriffs Dept will be contacted prior to open burning.

3.0407 Vector Control. On site populations of disease vectors (rats, rodents, mosquitoes, etc.) will be prevented or controlled by using techniques appropriate for the protection of public health and for preventing degradation of the environment.

3.0408 Use of Facility. Only residents within the Bridgewater municipal city limits will be allowed to utilize the municipal yard waste disposal site. *Added 8/29/18 Ordinance 2018-1*

TITLE 4 - LICENSES

Chapter 4.01 - General Provisions

Chapter 4.02 - Peddlers

Chapter 4.03 - Alcoholic Beverages

Chapter 4.04 - Plumbers and Electricians

CHAPTER 4.01 - GENERAL PROVISIONS

4.0101 Licenses Required. It shall be unlawful for any person, persons, firm or corporation to engage in any activity for which a license is required without first having obtained such license, as hereinafter provided. The City Council may at any time expand the general provisions of this Chapter by requiring any person, persons, firm or corporation engaging in any trade, business or occupation within the City which is not specified by this ordinance to obtain a license, as deemed necessary. (SDCL 9-34-1)

4.0102 Application for License. Any person, persons, firm or corporation wishing to obtain a license as herein provided, shall make written application to the City Council stating the name of the applicant, address, purpose of the activity, the length of time for which said license is wanted, and the particular place at which said license is to be used.

Fees for all licenses shall be fixed by the City Council where not specified in this Chapter, and all license fees shall be paid in full at the time of application in such manner as approved by said Council.

4.0103 License Expiration. Any annual licenses granted under the provisions of this Chapter shall expire on the 31st day of December next following the granting thereof, except as otherwise provided, and shall not be granted for any sum less than the annual rate, and there shall be no rebate made on the termination of said calling, vocation, or kind of business for which said license was issued.

4.0104 Revocation. The City Council shall have the authority at any time to suspend or revoke any license granted under the provision of this Chapter whenever said Council shall be satisfied upon written complaint that such calling, vocation, or kind of business for which said license has been issued, has been made or conducted in an improper or illegal manner, and in case of such revocation, the City Council may refund to the holder of such license such proportionate amount of money paid therefore as said Council shall deem just.

4.0105 Issuance of License. Except as otherwise provided, all licenses shall be issued by the Finance Officer after issuance of the license has been approved by the City Council and the applicant shall have complied with all requirements for issuance of such license. Unless otherwise provided, all licenses shall be signed by the Finance Officer and shall have affixed thereto the official seal of the City.

4.0106 Record of Licenses. The Finance Officer shall keep a record of all licenses issued by the City stating when and to whom issued, for what purpose and for what length of time, the amount of money paid for said license, and the place where such activity is to be carried on. (SDCL 9-34-1)

CHAPTER 4.02 - PEDDLERS

4.0201 Definitions. For the purpose of this Chapter, the following terms are hereby defined:

- A. "Peddler" - any person, whether a resident of this city or not, traveling from place to place, from house to house, or from street to street for the purpose of selling or soliciting for sale of goods, products or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transacting a temporary business within the city.
- B. "Temporary business" - shall not include bona fide garage or rummage sales which are not conducted at the same location more than four times per year; the duration of each sale shall not exceed four days.

4.0202 Application for License. Any peddler wanting to do business in the City shall complete and file an application with the Finance Officer containing the following:

- 1) Whether the applicant, upon a sale or order, receives payment or a deposit in advance of final delivery;
- 2) The period of time the applicant wishes to engage in business within the city;
- 3) The local, and permanent address of the applicant;
- 4) The kind of goods, products, or services the applicant wishes to sell;

- 5) The last five cities or towns the applicant has worked in;
- 6) Proof of a valid, effective sales tax license; and
- 7) An application fee of \$50.

4.0203 Granted License. The application shall be submitted to the Council for review. If the Council grants the license, it shall be issued to the peddler and valid for a period of one year. If the Council does not grant the peddler a license, the Finance Officer shall refund the application fee to the applicant. The application may be renewed by filing a renewal application and \$35 fee with the Finance Officer before the expired year.

4.0204 Exceptions. The provisions of this ordinance shall not apply to the following:

1. Solicitations, sales or distributions made by charitable, educational, or religious organizations which have registered with the city finance office on forms provided by that office.
2. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
3. Members of professions licensed by the state which have continuing education requirements.
4. Persons selling or delivering personal property to regular customers on established routes.

4.0205 Unlawful conduct. The following conduct shall be deemed unlawful:

For any peddler to remain upon premises after having been told by the owner or possessor of the premises to leave.

For any peddler to make false or fraudulent statements concerning the quality or nature of his goods, products, or services.

To enter upon any premises posted with a sign stating "No Peddlers Allowed" or "No Soliciting".

To engage in business of peddling between the hours of 8 p.m. and 9 a.m., or anytime on Sunday,

except by specific appointment or invitation.

For any peddler to engage in business within the City without first obtaining a license to do so.

For any peddler to fail to display his license upon the request of any person.

4.0206 Revocation. Any license issued under the provisions of this Chapter may be revoked for the violation by the licensee of any provision of this ordinance or state law. Upon such revocation, such license shall immediately be surrendered to a city police officer or the Finance Officer.

CHAPTER 4.03 - ALCOHOLIC BEVERAGES

4.0301 License Required. No person shall sell, offer for sale, keep for sale, exchange, distill, manufacture, produce, bottle, blend, or otherwise concoct, within the City any alcoholic beverage as defined by statute, without having a license therefore as required by South Dakota Laws. (SDCL 9-29-7)

4.0302 Application and License Fees. In any instances in which applications may qualify, applications for licenses for the sale of alcoholic beverages in the City shall be submitted as prescribed by South Dakota Laws. (SDCL 35-4-2)

4.0303 License Restrictions. Applications for on-sale and off-sale liquor and malt beverage licenses shall have the necessary fees attached upon being submitted to the City as required by South Dakota laws, and the granting and retention of such licenses will be as provided by the South Dakota laws, and local regulations. (SDCL 32-303, SDCL 35-2-10)

4.0304 Location of Business. The City Council shall not issue any licenses to any person(s), business or group where the location of such a business would not be considered desirable in accordance with South Dakota Laws and local regulations. (SDCL 35-2-6.1, SDCL 35-26.2)

4.0305 Times of Operation. Every public facility on sale dealer in alcoholic beverages, distilled spirits, wines and malt beverages other than low point beer shall not exceed the hours of operation and conduct of business requirements established for the Municipal Liquor Store, found in Chapter 1.0404.

4.0306 Violations. Any person, firm, or licensee in violation of any of the provisions of this Chapter shall

be deemed guilty of a misdemeanor. For failure to correct any offense when applicable, after conviction, each day of failure to do so shall constitute an additional separate offense. Whenever any person shall as clerk, servant, agent, or employee of any other person or establishment violates any of the provisions of this Chapter he shall also be deemed as guilty as a principal. Failure to comply with all existing requirements, including the provisions in this Chapter, shall provide cause for revocation of any licenses granted under the provisions of South Dakota Laws. (SDCL 35-2-10)

4.0307 Sanitation Facilities. Every on sale dealer shall maintain upon his licensed premises, toilets properly connected with the City sewer system with separate facilities for men and women. In each such facility there shall be maintained running water and towels for use by the users of such facilities (or approved sanitary drying facilities). Every licensee shall have such facilities equipped and maintained so as to pass state and/or local health requirements at all times. (34-18-22)

CHAPTER 4.04 - PLUMBERS AND ELECTRICIANS

4.0401 Registration Required. No person shall engage in or do any work as a plumbing contractor, plumber or plumber's apprentice in the City unless registered to do so with the South Dakota State Plumbing Board pursuant to SDCL 36-25.

Nothing in this section shall prohibit any person from doing plumbing work which complies with the provisions of the minimum standards prescribed by the South Dakota State Plumbing Board on property owned and occupied by him or on premises where he may be employed in full time maintenance work, provided such plumbing work is still subject to all other applicable ordinances and regulations. (9-34-12)

No person shall engage in or do any work as an electrical contractor, electrician, or electrician's apprentice in the City unless registered to do so with the South Dakota State Board pursuant to SDCL 36-16. A copy of such registration shall be filed with the City Finance Officer. Nothing in this section shall prohibit any person from doing electrical work which complies with the provisions of the minimum standards prescribed by the South Dakota State Board on property owned and occupied by him or on premises where he may be employed in full time maintenance work, provided such electrical work is still subject to all other applicable ordinances and regulations. (9-34-12)

TITLE 5 - OFFENSES

Chapter 5.01 - Offenses Against Public Welfare

Chapter 5.02 - Animals

Chapter 5.03 - Fireworks and Firearms

Chapter 5.04 - Minors

CHAPTER 5.01 - OFFENSES AGAINST PUBLIC WELFARE

5.0101 City Parks and Public Buildings Closed to the Public at Specified Times. For the purpose of preservation and protection to the City park facilities and public buildings it shall be unlawful for any person or persons to enter or remain in such public places after closing hours as specified by the City Council. Any violation of this section shall constitute a misdemeanor.

5.0102 Indecency. It shall be unlawful for anyone within the City to:

- A. Knowingly disseminate, distribute, or make available to the public any obscene materials.
- B. Knowingly engage or participate in any obscene performance made available to the public.
- C. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of the prurient appeal.
- D. Appear in any public state in a state of dress intended to make any indecent exposure of his or her person. No person shall appear in any public place nude or expose any genitalia.
- E. No person shall defecate or urinate on any public or private property within the city.

Any violation of this section shall constitute a misdemeanor. As used in this Section, the following definitions shall apply:

- A. Obscene. To the average person applying contemporary community standards, taken as a whole, that the predominant appeal of the matter appeals to the prurient interests and (i) depicts or

describes patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or (ii) depicts or describes patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibits of the genitals; and which, taken as a whole, lacks serious literary, artistic, political or scientific value.

B. Prurient Interest. Shameful or morbid interest in nudity, sex or excretion which goes substantially beyond customary limits of candor in description or representation.

C. Material. Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment or machines.

D. Dissemination. To transfer possession of, with or without consideration.

E. Knowingly. Being aware of the character and content of the material.

F. Promote. To cause, permit, procure, counsel or assist.

5.0103 Roller skates and Skateboards Prohibited in the Business District. No person shall ride upon, in or by means of roller skates/blades, coasters, go-carts, skateboards or other similar wheeled device upon a sidewalk in any business district. (9-32-1) Any violation of this section shall constitute a misdemeanor.

A. Definition as used in this Section:

"Business District" - An area in which 50% or more of the street footage for a distance of 200 ft. or more is occupied by buildings used for business commercial, educational, governmental or religious purposes and/or is used for parking vehicles either as a parking lot or a parking ramp.

B. Exception. Provisions of this Section do not apply to:

1. Physically handicapped persons who have been disabled in such a manner as to make it difficult and burdensome to walk and who use a wheelchair or other wheeled device on the sidewalk.

2. A wheeled vehicle used to transport a person under five (5) years of age.

C. This Section shall not apply to bicycles. Bicycle regulation within the city shall be governed by Chapter 32-20B of the South Dakota Codified Laws.

5.0104 Excessive Noise, Including Radios, Television Sets, Musical Instruments, and Such Similar Devices Prohibited. Using, operating, or permitting the use or operation of any radio receiving set, television set, musical instrument, drum, or other machine or device, ~~for the production or reproduction of sound~~ in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device ~~when operated within a vehicle~~ anywhere within the limits of the City, is prohibited. A violation of this section is a misdemeanor. *Amended 12/7/16 Ordinance #2016-1*

CHAPTER 5.02 - ANIMALS

5.0201 Definitions. The following terms are hereby defined for purposes of these regulations:

1. "At Large"

a) An animal when off the premises of the owner and not under the control of the owner, possessor, keeper, agent, servant, or member of his immediate family by a leash.

b) An animal when on the premises of the owner, possessor, keeper, agent, or servant and not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises or from reaching the sidewalk.

2. "Leash" A cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

3. "Owner" Any person harboring or keeping an animal or who is head of the household or owner or manager of the premises where such animal remains.

5.0202 Running at Large Prohibited. No owner of any dog, cat, or other animal held as a domestic pet in the City shall permit such animal to run at large at any time, and any such animal found at large may be impounded as hereinafter provided. An owner reclaiming an impounded animal shall pay the following fee:

First impoundment shall be \$25.00; second impoundment within a twelve (12) month period shall be \$50.00; any subsequent impoundment within a twelve (12) month period shall be \$100.00. Upon impounding, the owner of such animal may at any time within ~~five (5)~~ three (3) working days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal (in addition to the fee prescribed by this Section). If any animal so impounded shall not be reclaimed within ~~five (5)~~ three (3) working days and all efforts to locate the owner have failed, the City is authorized to destroy, sell, or otherwise dispose of such animal. *Amended 11/7/07 Ordinance 2007-2*

Any owner allowing their animal to run at large as defined in the provisions of this Section, if convicted, shall be guilty of a misdemeanor. Any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately.

5.0203 Impoundment. The City Council shall be authorized to enter into a contract with some person, association or Humane Society to establish, operate and maintain an Animal Pound for the City. Such contract shall provide for the enforcement of this Chapter, for the impounding, destroying and disposal of animals, for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the City. The City may, in lieu of the provisions of this Section, maintain its own impoundment area or quarters, under the supervision of the City Council.

No person shall hinder, delay, or obstruct any law enforcement officer or other authorized official when engaged in capturing, securing or impounding any animal or animals. A violation of this section shall constitute a misdemeanor.

5.0204 Compulsory Immunization of Animals for Rabies. Every dog, cat or other animal held in the City, six months of age or older, shall be immunized against rabies by a licensed veterinarian. Immunization against rabies shall be given at such intervals to guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal immunized against rabies within one month following acquisition or when such animal reaches the age of six months.

Any animal impounded shall not be released to any person until such animal has been immunized against rabies, provided, however, no animal so impounded shall be immunized if the owner can present a

certificate of a current immunization having been previously performed.

All veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a certificate or metallic tag showing the date of the immunization.

Whenever metallic tags are so given for immunizations, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

Any violation of this section shall constitute a misdemeanor.

5.0205 Responsibility of owner to Place Animal for Observation. When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of a law enforcement officer or a licensed veterinarian for a period not less than ten (10) days. No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies. Any person within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to a law enforcement officer. A violation of this section shall constitute a misdemeanor.

At the end of the ten (10) day observation period, the animal shall be examined by a licensed veterinarian and if cleared by the veterinarian, may be reclaimed by the owner upon paying the expenses incident thereto.

Any impounded or placed for observation, showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

Whenever law enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the City, such facts shall be made known to the City Council. The Council, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the approval of said proclamation all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed- if all reasonable efforts to seize said animals fail. All animals seized and impounded shall be held for observation as hereinbefore provided for not less than ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of as hereinbefore provided.

5.0206 Vicious Animals.

A. Vicious animals prohibited. It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the city any vicious animal.

~~B. Specific canine breeds prohibited as vicious. It shall be unlawful for anyone to have in their possession or control any of the following breeds of canines within the City of Bridgewater:~~

~~1. Staffordshire Bull terrier, American pit bull terrier, American Staffordshire terrier, or any dog commonly known as a "Pitbull"~~

~~2. Rottweiler~~

~~3. Doberman Pincer~~

~~4. Wolf~~

~~5. Any canine which has the appearance and characteristics of being predominantly one or more of the breeds listed above. Ordinance repealed 9/3/2014~~

B. Reserved for future use.

C. Vicious animal defined. Any animal which, according to records of the appropriate authority, has inflicted serious injury on a human being on public or private property. Any animal, according to records of appropriate authority, has killed or seriously injured a domestic animal while OFF of the owners property. Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting. Any animal which chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack. Any animal of a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten the safety of human beings or animals.

D. Exemptions for animals that are provoked. It is recommended no animal be declared vicious if the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to conduct a crime.

Any animal involved in an unprovoked attack which results in serious injury to any human, shall be

impounded and if unable to be captured, any law enforcement officer is authorized to destroy the animal to prevent further endangerment to human life.

Any animal impounded for an unprovoked attack which results in injury to any human, shall be euthanized, or at the discretion of the city the animal may be placed at a home outside of the city. Unless permitted by the city council, no vicious animal shall be returned to reside in the city. Because of the dangers involved in housing a vicious animal, the owner must show cause in court within five days of impoundment of vicious animal why the animal should not be destroyed.

E. Wild or dangerous animals prohibited. It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the city of Bridgewater, any poisonous reptile or any other dangerous animal or carnivorous wild animal or reptile, or any other animal or reptile of wild, vicious or dangerous propensities.

F. Dangerous animal defined. Any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escaped from secure quarters. Dangerous animal also includes any domestic mammal, reptile or fowl which because of its size or vicious propensity or other characteristic would constitute a danger to human life or property if it escaped from secure quarters.

G. Specific animals prohibited as dangerous. It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the city any of the following animals:

1. Any animal which has been declared to be protected or endangered by the U.S. Department of the Interior
2. All poisonous animals, including rear-fang snake
3. Badgers {mellinae}
4. Bears {ursidae}
5. Beavers {castoridae}
6. Canids, that is: Wolves, Foxes, Coyotes, Jackals, Dingo, Raccoon dogs, or any hybrid thereof
7. Civet {viverrines}
8. Civet or raccoon dog {nycterevtes procyonoides}
9. Constrictor snakes

10. Crocodilians, that is: alligators, crocodiles, caimans, cavials
11. Eagles, hawks, owls
12. Edentata, that is: anteaters, tamanduas, sloths, armadillos
13. Emus {casuariiformes}
14. Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots, bobcats or any hybrid thereof
15. Game Cocks and other fighting birds
16. Hyenidea {hyenas}
17. Marsupials, that is: opossums, tasmanian wolf, kangaroos, koalas, wombats
18. Muskrats {ondata}
19. Ostriches {struthio}
20. Porcupine {hystricomorpha}
21. Primates (non human), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs
22. Procuoriids, that is: raccoons, coatis, kinkajous, ring-tailed cats, pandas
23. Rheas {rheiformes}
24. Skunks {imephitinae}
25. Squirrels {scuridae}
26. Sharks {chondrichthyes}
27. Swine {suidae}
28. Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu
29. Water buffalo {bubalus}
30. Wart hogs {phacochorus aethiopicus}
31. Weasels

H. Commercial animal shows or circus companies may obtain a permit from the city for shows to be performed in the city.

5.0207 Disturbance of Peace by Animals. The owner of an animal shall not allow such animal to disturb the peace and quiet of the neighborhood, also construed to mean the City, through barking or any other manner possible. Upon complaint such owner will be notified by a law enforcement officer and said owner shall abate such nuisance. If convicted upon failure to abate such nuisance, said owner shall be fined a sum of ~~twenty five (25) dollars~~ **of thirty (30) dollars**. If a second **or subsequent** violation occurs within a twelve (12) month period, said owner ~~shall be fined a sum of fifty (50) dollars~~. If a third violation occurs ~~within a twelve (12) month period, said owner shall be fined a sum of one hundred (100) dollars~~ **shall be**

Summoned to appear in court, and upon conviction, the penalty shall be established by the Presiding Judge (with such penalty falling within the maximum penalty established for a Class 2 Misdemeanor). Moreover, in the event of a conviction for second or subsequent offense, which offense involves the same dog or cat, the License issued for such animal (pursuant to Ordinances 5.0211 and 5.0212) is revoked as of the day Judgment is pronounced by the Sentencing Judge, and no further license shall be issued for such animal unless such a license is first approved by the City Council at its sole discretion and upon such terms and conditions as the Council may set. In the event of such a revocation, the subject dog or cat must be removed from the city limits within 24 hours and may not be returned unless a License is issued as set forth in this section. A violation of this provision (failure to remove a dog or cat following revocation of its License) is a misdemeanor and each day a dog or cat is retained within the City limits, may be charged as a separate violation. Amended November 4, 2015 Ordinance 2015-1

5.0208 Cruelty to Animals. No person shall willfully or negligently maltreat or abuse or neglect in a cruel or inhumane manner any animal or fowl. It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, on the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any such animal.

5.0209 Poisoning Animals. It shall be a misdemeanor for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any dog, cat or other animal held as a domestic pet, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any such animal.

5.0210 Stray, Abandoned, or Unkept Animals. It shall be a misdemeanor for any person to harbor or keep any stray animals or abandon any animal within the City. Animals known to be strays shall be reported to a law enforcement officer immediately. (SDCL 9-29-12)

5.0211 Licensing of Dogs and Cats Required. Each owner or keeper of a dog or cat of the age of six (6) months or over shall within thirty (30) days of the acquisition of such animal or within thirty (30) days of the time such animal becomes six (6) months old, cause such animal to be licensed by the City. A violation of this section shall be a misdemeanor.

5.0212 Application for License. Every owner or keeper of a dog or cat within the City must submit an application for animal license for each animal owned six (6) months old or older. Licenses issued under this section shall be valid from the first day of July until the thirtieth (30th) day of June next following year. If any cat or dog is required to be licensed less than six (6) months before the last day of July, the owner shall be required to pay one-half of the normal yearly license fee. The application shall be furnished by the Finance Officer. All applications for license certificates must be accompanied by a rabies immunization certificate signed by a licensed veterinarian, along with the appropriate fee, as shown in Section 5.0213. A certificate and tag shall be issued upon receipt of a proper application for license. The certificate at all times must be in the possession of the owner. The owner shall contact the Finance Officer to report change of ownership, loss or death of a licensed animal. If a tag or certificate is lost, either may be replaced for a fee of one dollar (\$1.00). The tag must be worn by all dogs and cats.

5.0213 License Fee Schedule. The fee for licenses shall be as follows:

Neutered/Spayed dogs or cats	\$2.00
Unneutered/Unspayed dogs or cats	\$4.00

The City Council may in special instances, after a hearing, exempt the license fee in individual cases.

CHAPTER 5.03 - FIREWORKS AND FIREARMS

5.0301 Fireworks Prohibited. The use, throwing, lighting, or firing of fireworks within the City shall be authorized in accordance with SDCL 34-37. The provisions of this Section shall not apply to any person, firm or corporation duly licensed by the City Council in accordance with Chapter 4.01 of this ordinance to discharge fireworks for public entertainment at any public celebration in the City.

No one under the age of 21 will be allowed to discharge any fireworks at any city facility.

No fireworks are to be used, exploded, set off or fired at any time on Main Avenue from Highway 262 to Fourth Street and on Third Street from Poplar Avenue to Juniper Avenue, commonly known and referred to as the business section. It shall at all times be unlawful to throw at or from moving vehicles any type of fireworks and there shall be no firing or use of fireworks after 10 p.m. unless a special permit is approved by the City Council. Any violation of this section shall be a misdemeanor.

5.0302 Discharging Weapon. No person shall discharge any pistol, gun, revolver, or other firearm, or any device capable of firing a projectile either by air or compressed gas or any other means which would likely cause injury to any person, or discharge any dangerous weapon, within the city limits. Law Enforcement officers in the performance of their duties are exempted. The city council may grant exceptions for special events or activity after a public hearing. Any violation of this section shall be a misdemeanor.

CHAPTER 5.04 - MINORS

5.0401 Curfew Hours and Exceptions. *Amended 11/7/07 Ordinance 2007-1* It shall be unlawful for any person under the age of sixteen (16) to be on the streets, alleys, or public grounds of the City between the hours of 11:00 pm and 4:00 am; and it shall be unlawful for any person over the age of sixteen (16) but under the age of eighteen (18) to be on the streets, alleys, or public grounds of the City between the hours of 12:00 p.m. (Midnight) and 4:00 a.m. All such persons may, however, be allowed on the streets, alleys, or public grounds of the city after hours, if ~~unless~~ accompanied by parents or a legal guardian, or ~~unless~~ if such person shall be upon some necessary errand by written permission of a parent, guardian, or employer and said person so permitted to be outdoors ~~shall have~~ has with him or her such written permission. ~~and shall upon request of any police officer of the City exhibit the same to said police officer.~~ An exception to the curfew will also be made in the case of activities officially sponsored by schools, churches, or the City, ~~when~~ in which case the curfew will extend one-half (½) hour beyond the time said activities end. (SDCL 9-29-13)

5.0402 Responsibility of Officers. It shall be the duty of any police officer of the City to arrest and detain any person who violates any of the provisions of this Chapter and to keep such person detained until his or her parents, guardian, or person in control will appear before the police or other authorized personnel to answer to the charge of having violated this Chapter.

5.0403 Responsibility of Parents or Guardians. *Amended 11/7/07 Ordinance 2007-1* It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor under the age of sixteen (16) years to knowingly permit such a minor to be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the City between the hours of 11:00 p.m. and 4:00 a.m. of the following day, except if the minor is accompanied by his or her parent, guardian

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

It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor over the age of 16 but under the age of eighteen (18) years to knowingly permit such a minor to be or remain in or upon the public streets, alleys, parks, playgrounds, public grounds, public places, public buildings, public places of amusement and entertainment, vacant lots or other unsupervised public places within the City between the hours of 12:00 a.m. and 4:00 a.m. of the following day, except if the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or when the minor is upon an emergency errand or legitimate business directed or authorized by his or her parent, guardian or other adult person having the care and custody of the minor.

TITLE 6 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 6.01 - Street Names and Addresses

Chapter 6.02 - Streets, Sidewalks, Curb and Gutter

Chapter 6.03 - Snow Removal

Chapter 6.04 - Moving Buildings

Chapter 6.05 - Municipal Trees

CHAPTER 6.01 - STREET NAMES AND ADDRESSES

6.0101 Names of Streets and Avenues. The names of all streets and avenues in the City shall be fixed and adopted in accordance with the official map of the City on file in the office of the Finance Officer. Other streets shall be named in accordance with guidelines included in the City subdivision regulations. Any such act of naming, establishing, or vacating any street, alley or other public way in the City shall be so designated on such map. (SDCL 9-45-2)

6.0102 Numbering Plan. A numbering plan for residences and businesses shall be maintained by the City Council. A listing of the assigned numbers and a map showing the location of addresses shall be maintained and filed in the Finance Office. The Finance Officer shall be responsible for assigning new numbers and updating the listing of such numbers and the location map. (SDCL 9-45-2)

CHAPTER 6.02 - STREETS, SIDEWALKS, CURB AND GUTTER

6.0201 Street Surfacing. The hard surfacing of streets shall be at the expense of the City and Owners of the property abutting the street(s) to be surfaced with materials to be approved by the City Council. At the discretion of the City Council, the total cost of the street improvement may be shared, with the City paying one-half (½) the costs and adjacent property owners, located on either side of the street improvement area, paying one-half (½) of the costs. The cost of street oiling or street and alley intersections may also be shared in the same manner. (SDCL 9-45-31) In all cases in which cost sharing is required by the City Council, all adjacent property owners located on either side of the project area shall be assessed on a frontage foot basis, for the costs related to the improvement.

6.0202 Street Excavations. No person shall make or cause to be made any excavation except as

hereafter provided, in or under any street, sidewalk, alley, or public ground or remove any earth, soil, paving, gravel or materials therefrom without first having called South Dakota One Call. Application for such approval shall state where such excavation is to be made, the extent thereof, and the purpose of such excavation.

6.0203 Excavation Permits. Applications for excavations other than emergency situations may require a deposit in such sum as deemed necessary by the City Council to ensure proper replacement and refilling of any such excavation or to cover the costs of any damages which may be caused by such excavation.

Any required deposit shall be paid to the City before approval of an application is made and any unused portion of said deposit shall be refunded to the applicant upon recommendation and approval of the City Council.

6.0204 Excavation Repairs. Approval for any excavation covered by this Chapter shall be issued only upon the express condition that the applicant shall refill such excavation in accordance with the requirements of the City Council, and shall restore the pavement or surfacing, as the case may be, to its former condition. The City Council shall adopt and amend as necessary such requirements which shall set forth the manner in which various types of excavations shall be backfilled or refilled and the manner in which any street surfacing shall be replaced. Applicant shall be responsible for said excavation for a period of two years.

6.0205 Excavation Inspections. It shall be the duty of authorized City personnel to inspect all authorized excavation work at any stage of construction and to ensure compliance with approved requirements. If all backfilling, refilling, or surfacing is not completed in accordance with approved requirements, notice thereof in writing shall be given to the applicant, who shall put the same in proper order within a maximum of ten (10) days. If the applicant fails after such notice to complete all requirements, the City Council may authorize the necessary repairs and such applicant shall pay the costs thereof.

6.0206 Excavation Barriers. Any person receiving approval to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares, and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. No open trench shall be left open for any more time than considered absolutely necessary or reasonable.

6.0207 Sidewalks. Unless otherwise determined by the City Council, the inside of the sidewalk shall be

the property line. Sidewalk construction shall include base material of three inches in thickness, of approved materials. Sidewalks shall be no less than three and one-half inches in thickness, of Portland Cement Construction, and not less than four (4) feet nor more than five (5) feet wide in residential areas, with slope toward street of one-fourth inch per foot. When considered necessary and advisable for the peace, welfare, and safety of the people, the City Council may direct that new sidewalk be constructed and assessed to any abutting property owner in accordance with SDCL 9-46.

6.0208 Driveway Approaches. No driveway approaches shall protrude or extend into the streets beyond the curb line, unless otherwise so authorized by the City Council. Concrete driveway approaches shall be of four (4) inch Portland Cement Construction, with the slope gradual to accommodate modern vehicles. On gravel thoroughfares driveway approaches constructed shall permit flow of surface water without drainage interference and shall permit proper blading and maintaining of streets. (SDCL 9-45-1)

6.0209 Curb and Gutter. Curb and gutter shall be of Portland Cement Construction, not less than three thousand (3,000) PSI, with curb six (6) inches in width, and extending six (6) inches above the gutter. Gutter shall be of six and one-half (6.5) inch thickness, extending twenty-four (24) inches into the street. The City Council may direct that curb and gutter be constructed and the cost assessed against any abutting property owner. (SDCL 9-45-5)

6.0210 Permits. When constructed separately from an over all construction project, property owners or their agents shall submit applications for permits for approval by the City Council for sidewalks, driveway approaches, curbs, or curb and gutter. When these improvements are constructed simultaneously or as one project, only one application is necessary to include all improvements, and where any or all are part of new construction projects, only one permit for the overall construction shall be issued. All improvements, installations, and engineering recommendations shall be in conformance with specifications or recommendations approved by the City Council.

6.0211 Barrier-Free Construction. Whenever any person, firm or corporation makes new installations of sidewalks, curbs or gutters, in both business and residential areas, it shall be required that they install ramps at crosswalks, so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for blind persons. All such ramps shall be constructed or installed in accordance with design specifications according to the most current American National Standards Specifications published by the American National Standards Institute or according to Americans with Disabilities Act specifications. (SDCL 9-46-1.2)

6.0212 Permission to Deposit Materials. No person shall deposit, place, store, or maintain, upon any public place of the municipality, including street rights-of-way, any dumpster, container, stone, brick, sand, concrete or any other materials. Violation of this section shall constitute a Misdemeanor.

CHAPTER 6.03 - SNOW REMOVAL

6.0301 Duty to Remove. It shall be the duty of the owner, tenant, or person in possession of any property abutting on any sidewalk to keep such sidewalk free from snow and to cause any accumulated snow to be removed within forty-eight (48) hours after the termination of any snowfall, or snow accumulation. (SDCL 9-30-5) A violation of this section shall be a misdemeanor.

6.0302 Disposal of Snow. It shall be the duty of the property owner, tenant, or person in possession of any public or private driveway, parking lot or parking area to dispose of accumulated snow upon such property in such manner that any snow when removed shall not be deposited upon any sidewalk, within or upon any public street or alley, after such public street or alley has been cleared of snow by grading of such snow away from the curb or picking up and carrying away of such snow by the City, or in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.

6.0303 Removal Costs Assessed. In the event any owner, tenant, or person in possession of any property shall neglect or fail to or refuse to remove such snow or ice within the time provided, any authorized officer of the City may issue a citation for such violation and the City Council may authorize such removal with the costs to be assessed against the abutting property owner. (SDCL 9-30-5)

CHAPTER 6.04 - MOVING BUILDINGS

6.0401 Permit Required. No person shall move any building or part of building into, along or across any public street, alley, or grounds in the City without having obtained a moving permit. (SDCL 9-30-2)

6.0402 Applications. Written application for a moving permit shall be filed with the Finance Officer, and shall include the name of the applicant, the name of the owner of the building, a description of the lot on which such building is standing and the lot to which it is to be moved, if located in the City, the route along which it is proposed to move such building, and the length of time which may be consumed in such moving. Any application so filed shall be considered by the City Council for approval, and any other conditions to be complied with by the applicant, shall be stated.

6.0403 Surety Bond. No license shall be granted until the applicant shall file with the Finance Officer a bond running to the City in the penal sum to be established by the City Council, with sufficient surety, and conditioned that the applicant will promptly repair and make good, to the satisfaction of the Council, any and all damage to any pavement, sidewalk, crosswalk, hydrant, street, alley, or other property, done or caused by himself or his employees, in moving such building or part thereof, or in connection with the moving thereof. The applicant shall indemnify and save harmless the City against any and all liability for damages, costs and expenses, arising or which may arise or be incurred in favor of any person by reason of any negligence or misconduct or act on his part or the part of his agents or employees, in connection with the moving of said building or part thereof, or the use of any public ground for such purpose.

6.0404 Standing Buildings. No building or part of a building being moved, shall be allowed to stand still in any public street or any public ground for more than twenty-four (24) consecutive hours.

6.0405 Permission of Property Owners. No moving license granted by the City shall authorize the holder thereof to break, injure, or move any telephone, electric light, power or cable TV wire or pole, or to cut, trim or otherwise interfere with any property without the written permission of the owner or owners thereof. (SDCL 9-34-1)

CHAPTER 6.05 - MUNICIPAL TREES

6.0501 Authority and Jurisdiction. The City Council shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure the public safety and to preserve the aesthetics of such public sites. The City Council shall also have the authority to determine the type and kind of trees to be planted upon municipal streets or in parks and may assist in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits or within the area over which the City has jurisdiction, whether the same be on private or public property, and to make recommendations from time to time as to desirable statutes concerning the tree program and activities for the City. (SDCL 9-38-2)

Certain species of trees shall be prohibited from being planted in the street right-of-way for any of the following reasons: high susceptibility to disease, production of large or messy fruit, and growth habit. The following species of trees are prohibited from being planted in the street right-of-way:

SCIENTIFIC NAME	COMMON NAME	REASON(S) FOR PROHIBITION
Acer saccharinum		Silver Maple All varieties prohibited except North line and Silver Queen. Typically shallow rooted, causing sidewalks and curbs to heave and break; also weak crotched, making them subject to severe wind damage.
Betula sp.	Birch	All varieties prohibited except River Birch (Betula nigra). White barked birch are highly susceptible to the bronze birch borer which ultimately causes death of the tree.
Gleditsia triacanthos		Common Honeylocst Dangerous thorns and messy seed pods.
Juglans sp.	Walnut	All varieties prohibited. Produce large fruit which make a mess on streets and sidewalks; also produce the chemical "Jugalone" which inhibits growth of turf beneath the tree.
Malus sp.	Crabapple	All varieties prohibited. Produce fruit which make a mess on streets and sidewalks.
Populus sp.	Cottonwoods	All varieties prohibited. Poplar roots cause broken curbs and sidewalks; rapid growth, making them subject to severe wind damage.
Salix sp.		Willow All varieties prohibited. Subject to wind damage; growth habit of most varieties not compatible with right-of-way planting.

Ulmus americana	American Elm	Susceptible to Dutch Elm Disease.
Ulmus pumila	Siberian Elm	Susceptible to canker; short lived.
Evergreen trees		All varieties prohibited. Create traffic hazards and may impede pedestrian movement.
Shrubs		All varieties over one foot in height prohibited. Create traffic hazards and may impede pedestrian movement.

Any person or persons planting prohibited trees or shrubs in street right of way area shall be given notice to remove the trees or shrubs, and in failing to do so the City is authorized to remove such plants and assess the owner of the property for the removal costs.

The following species of deciduous shade trees are recommended for planting in the street right-of-way, as well as other areas where shade trees are required:

SCIENTIFIC			COMMON USE	HEIGHT	
Acer platanoides			Norway Maple	50'	Street, lawn, parking lot
Acer rubrum	Red Maple	50'			Street, lawn
Acer saccharum	Sugar Maple	50-75'			Street, lawn
Acer freemann	Hybrid Maple	50-60'			Street, lawn,
Celtis occidentalis	Hackberry	50-75'			Street, lawn, parking lot
Fraxinus americana	White Ash	50-60'			Street, lawn
Fraxinus pennsylvan.	.Green Ash	50-60'			Street, lawn, parking lot
Gleditsia triacanthos			Thornless Honeylocst	30-35'	Street, lawn
Platanus x acerifolia	Sycamore	90'			Street, lawn, parking lot
Tilia Americana	American Linden	60'			Street, lawn, parking lot

6.0502 Duties of Property Owners. It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be shrubs or trees, to prune or remove such shrubs

or trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersections, except where such services are provided for by utility firms. It shall also be the duty of such person to prune or remove shrubs or trees located in the street right-of-way adjacent to their property. Removal shall be required when such shrubs or trees are diseased, dead, of a prohibited species, or pose a safety hazard or nuisance. The person owning or occupying such real property shall be responsible for pruning shrubs and trees when they violate clearance requirements. The minimum clearance of any overhanging portion thereof shall be ten (10) feet whenever practicable, and twelve (12) feet over all streets except truck thoroughfares where the clearances shall be fourteen (14) to sixteen (16) feet, unless otherwise determined by the City Council.

6.0503 Removal of Hazards. Where any tree branches or hedges protrude or overhang on any thoroughfare within the City so as to be determined as in violation with this Chapter or affecting motor vehicle traffic and good maintenance practices, notification shall be given by the City Council to the property owner to remove such obstructions or undesirable branches or hedges within seventy-two (72) hours. If not completed within such time, the City Council may take immediate action to have such items removed with all costs assessed to the property owner. (SDCL 9-38-2)

TITLE 7 - TRAFFIC CODE

Chapter 7.01 - General Provisions

Chapter 7.02 - Speed Restrictions

Chapter 7.03 - Parking, Stopping

Chapter 7.04 - Trucks

Chapter 7.05 – Snowmobile

Chapter 7.06 – Golf Carts

CHAPTER 7.01 - GENERAL PROVISIONS

7.0101 Duty to Enforce. It shall be the duty of law enforcement officers to enforce these traffic regulations and all of the state vehicle laws applicable to street traffic in the City, to make arrests for traffic violations, to investigate accidents and to cooperate with other officials in the administration of these traffic laws. (SDCL 9-29-19)

7.0102 Directing Traffic. Law enforcement officers shall direct traffic in conformance with traffic laws and ordinances provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, Fire Department personnel may direct traffic as conditions may require.

7.0103 Exemptions to Authorized Emergency Vehicles. The provisions of this Title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties.

7.0104 Application to Workers and Equipment. The provisions of this Title shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon the surface of a street, but shall apply to such persons and vehicles when traveling to or from such work; provided however, such persons and vehicles shall not indiscriminately block traffic, but shall allow reasonable room on the traveled portion of the street for other vehicles to pass.

7.0105 Authority to Install Traffic Control Devices. The City Council shall place and maintain traffic control

signs, signals, and devices when and as required under this Title to make effective the provisions of said Title, and may place and maintain such additional traffic control devices as may be necessary to regulate traffic. (SDCL 32-14-5)

7.0106 Definitions. When in this Title the following terms are used they shall have the meanings respectively ascribed to them in this Section.

A. Authorized Emergency Vehicle. Vehicles of any fire department, police vehicles, and such ambulances and emergency vehicles of municipal department or public service corporations as are designated or authorized by the City Council.

B. Law Enforcement Officer. Any police officer or other law enforcement personnel approved by the City Council to enforce the provisions of the ordinances of the City.

C. Motor Vehicle. Every vehicle, as herein defined, which is self-propelled.

D. Operator. Any person who is in actual physical control of a vehicle.

E. Parking. The standing of a vehicle whether attended or unattended, upon a roadway or street otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations, signs or signals.

F. Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

7.0107 Obedience to Traffic Control Devices. The operator of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed or held in accordance with the provisions of this Title unless otherwise directed by a law enforcement officer subject to the exceptions granted the driver of an authorized emergency vehicle in this Chapter.

CHAPTER 7.02 - SPEED RESTRICTIONS

7.0201 Establishment of Speed Zones.

A. The City Council is authorized and empowered to determine and establish upon any public

street in the City or any part thereof, limited speed zones which speed limit shall constitute the maximum speed at which any person may drive or operate any vehicle upon such zones, street or highway or portion thereof so zoned, and on which highway the maximum speed permissible in the zone has been conspicuously posted by signs authorized by the Council.

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

7.0202 Speed Limits. Except as may otherwise be provided by the City Council, it shall be unlawful for any person to operate or drive any vehicle at a rate of speed greater than the following:

A. Twenty (20) miles per hour within any business district.

B. Ten (10) miles per hour on any alley.

C. Twenty (20) miles per hour within any residential district.

D. The appropriate legal maximums established by state law on all other unmarked streets and highways within the City shall be effective.

7.0203 School Zones. It shall be unlawful for any person to operate or drive any vehicle at a speed greater than fifteen (15) miles per hour when passing a school during the recess or while children are going to or leaving school during opening or closing hours for such school.

CHAPTER 7.03 - PARKING, STOPPING

7.0301 Parking in Streets During Snow Removal. ~~In the event of snow, creating the necessity for the blading and/or removal of snow, it shall be unlawful to leave any vehicle parked on a City street for more than twelve (12) hours following such snowfall as determined by the City Council, so as not to interfere with the snow blading and/or removal operations. All major streets, church areas, and school zones may be designated as emergency snow routes, and it shall be unlawful to park vehicles on such emergency snow routes during the time that snow blading and/or removal operations are in progress. Any violation of this section shall be a misdemeanor.~~

The following streets are hereby designated as "Emergency Snow" routes within the City of Bridgewater.

Main Avenue from SD Highway 262 to 6th Street;

6th Street from Juniper Avenue to Poplar Avenue;

- 5th Street from Juniper Avenue to Main Avenue;
- 4th Street from Juniper Avenue to Poplar Avenue;
- 3rd Street from Juniper Avenue to Poplar Avenue;
- 2nd Street from Main Avenue to Poplar Avenue;

In the event of three (3) or more inches of snow, it shall be unlawful for any person to park a vehicle, or allow a vehicle to remain on such emergency snow route for twelve (12) hours, or until the snow has been fully removed from the street.

In the event of three (3) or more inches of snow, it shall further be unlawful to leave any vehicle parked on **other** city streets (not designated as an emergency snow routes) for more than four (4) hours following such snowfall.

A violation of any provision of this section shall be a misdemeanor. In addition, any law enforcement officer shall be authorized to remove and tow away, or have removed and towed away (by such commercial towing service as authorized by the city, by resolution) any vehicle parked in violation of this section. Such vehicles shall be impounded pursuant to Section 7.0302. *Amended 06/04/2014 Ordinance 2014-3*

7.0302 Towing Vehicles. Any law enforcement official shall be authorized to remove and tow away, or have removed and towed away by ~~any~~ such commercial towing service as identified by the City Council by resolution, any vehicle illegally parked in any place where such vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle, or in any way is in violation with the provisions of this Title. Vehicles towed away for illegal parking shall be stored by such commercial towing service or in a another place designated by the City Council and shall be restored to the owner or operator of such vehicle upon payment all costs of towing and storage fees, in addition to a towing charge in an amount set by the City Council by resolution. Any such vehicle shall remain impounded until lawfully claimed (and payment of all fees and costs made) or until lawfully disposed of by the commercial towing service. The City shall not be liable for any damages to property or persons occurring as a result of towing or storage. ~~of a fee of twenty-five dollars (\$25.00) plus towing charges, within twenty-four (24) hours after the time such car was removed, plus five dollars (\$5.00) for each additional twenty-four (24) hours or fraction thereof.~~ (SDCL 32-30-13,14) *Amended 5/7/2014 Ordinance 2014-4*

7.0303 Abandoned Vehicles. The abandonment of a motor vehicle or other vehicle or any part thereof on any street in the City shall be subject to action and penalties as provided for in this Title. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other

than a street, in view of the general public, anywhere in the City shall be prohibited except on property of the owner of such abandoned vehicle.

A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the City Council after a waiting period of ten (10) days or more has expired. Such vehicles shall be impounded pursuant to Section 7.0302. The provisions of this Section may be waived for commercial or business enterprises insofar as off-street parking is concerned. (SDCL 32-30-12.1) *Amended 5/7/2014 Ordinance 2014-5*

7.0304 Towing Costs. When a an abandoned vehicle is removed from either public or private property as authorized by order of the City Council, the owner of the vehicle shall be responsible for all towing costs ~~in addition to the~~ and fees as provided for in Section ~~7.0503 hereof~~ 7.0302. In addition, the City shall not be liable for any damages to property or persons incurred as a result of such towing or storage. *Amended 5/7/2014 Ordinance 2014-6*

7.0305 Parking Prohibited in Certain Places. At any time it shall be unlawful to permit any vehicle to stop, stand, or park in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device: (SDCL 32-30-6, 6.1, 6.2)

- A. In any intersection.
- B. In a crosswalk.
- C. Within fifteen (15) feet of a fire hydrant.
- D. At any place where the vehicle would block the use of a driveway.
- E. Within twenty (20) feet of the driveway entrance of the fire station and on the side of the street opposite the entrance to such station within one hundred (100) feet of such entrance.
- F. On any sidewalk.
- G. At any place where official signs prohibit parking.

H. In any public alley.

I. Inside of curb, on street right of way. Area between the back of the curb to the property line.

Any violation of this section shall be a misdemeanor.

7.0306 General Parking Restrictions. No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets. It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled, unless authorized by the City Council. It shall be unlawful to park any vehicle outside of clearly painted parking lines in the downtown district where such lines are painted indicating parking areas. Exception: when a larger vehicle parked legally would otherwise block traffic. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

7.0307 Diagonal Parking. Diagonal Parking shall be allowed on Main Avenue only. Any violation of this section shall be a misdemeanor.

7.0308 No Parking Areas. The City Council shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions, except that yellow curb painting may be used to indicate "No Parking" in certain street areas. (SDCL 9-31-1). Any violation of this section shall be a misdemeanor.

7.0309 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any public property or right-of-way within the City. Any violation of this section shall be a misdemeanor.

7.0310 *Ordinance 2010-2 added 4/28/10* Multiple Vehicles: Parking in all residential districts shall be subject to the following requirements:

- A. No person shall cause, undertake, permit or allow the parking of vehicles adjacent to residentially-zoned property, for more than a period of 48 hours, unless the vehicle complies with the following requirements:
 - 1. For purposes of this Section, a "vehicle" is defined as any pickup truck, passenger car or van;
 - 2. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere on the street adjacent to residential-zoned property;

3. The City Council may approve an annual “on-site parking permit” for exterior parking of more than four (4) vehicles, but not to exceed six (6) vehicles adjacent to a residential-zoned property, provided the following requirements are met;
 - a. An affidavit shall be filed with the City stating that all abutting property owners have been notified and given an opportunity to respond, in writing, if they have specific concerns regarding the request; and
 - b. The owner shall pay an annual \$25.00 administrative fee or other such fee as may be established by the City Council by resolution.
- B. Vehicles which have been parked in violation of this ordinance may be removed or towed, as outlines in Section 7.0302. A violation of this Section is also a Misdemeanor.

CHAPTER 7.04 – TRUCKS *Repealed 3/28/12 & Replaced with Ordinance 2012-2*

~~7.0401 Definitions. For the purpose of this article, the terms defined in this section shall have the following meanings:~~

- ~~1. Trucks: Any motor vehicle designed or operated for the transportation of property, including a vehicle directly connected to a trailer.~~
- ~~2. Motor Vehicle: All machines propelled by any power other than muscular used upon the streets or highways for the transportation of property.~~
- ~~3. Trailer: A vehicle of the trailer type, without a power unit of its own, designed and used in conjunction with a motor vehicle for the transportation of property.~~
- ~~4. Truck Route: Streets and highways designated as truck routes by the City Council.~~
- ~~5. Streets: All other streets with the City which are not designated as truck routes.~~

~~7.0402 Truck Routes. The City Council is hereby authorized to establish within the City truck routes and the same shall be identified by signs or markings erected and maintained by the City. The word “truck” shall mean and include truck, trailer and semi-trailer, tractor and farm wagon.~~

~~7.0403 Operation of Trucks. Where any truck route has been established and identified, any person driving a truck having a gross weight of five (5) tons or more shall drive such truck on such route or routes and none other, except where necessary to traverse another street or streets to a destination for the purpose of loading or unloading commodities or for the purpose of towing a disabled or damaged motor vehicle to or from public or private property, and then only by such deviation from the nearest truck route as is reasonably necessary. Any violation of this section shall be a misdemeanor.~~

~~7.0404 Exceptions to Use of Truck Routes. There shall be the following exceptions to the use of truck routes:~~

~~A. The City Council shall have the authority, for good cause and upon request, to issue temporary permits for trucks to operate over routes not established as truck routes by the City or to otherwise deviate from the provisions of this Chapter.~~

~~B. "Trucks" as referred to in Section 7.0401 (except semi-trailers) may deviate from the truck route for the purpose of taking said truck to the owners personal residence or parking facility, but said truck must be parked on the owners real property and not on City streets or City property. In this instance said vehicle may only make one trip to and from owners personal residence or parking facility per day.~~

~~C. The provisions of this Section shall not apply to school buses, emergency vehicles of any Fire Department, not to any public utility vehicles where actually engaged in the performance of emergency duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the City, the United States of America, or the State or any of its political subdivisions.~~

~~7.0405 Parking of Trucks. All freight, stock, and gas and oil transport trucks shall be parked only at such places and in such manner as have been designated by the City Council. This Section shall not apply to a light delivery truck delivering goods from house to house and place to place which requires a stop or parking of but a few minutes to receive or deliver merchandise. Any violation of this section shall be a misdemeanor.~~

~~7.0406 Trucks Standing or Parking in Alleys. Trucks shall not stand or park in any public alley except for the purpose of receiving or delivering property and shall not so stand or park for a longer period of time than is necessary to load or unload. Such trucks, when loading or unloading, shall stand or park on the side of the alley. When two or more trucks are thus standing on opposite sides of the same alley the truck last arriving shall be placed in such staggered positions as to leave sufficient space between it and the first truck for the free passage of other vehicles. Any violation of this section shall be a misdemeanor.~~

Chapter 7.04 SIZE, WEIGHT AND LOADS

Section 7.0401 Compliance with State Law. No person shall drive or operate any vehicle upon any street within the City of Bridgewater, with a weight of which (including a load) or the size of which does not comply with the requirements of State Law governing weight, size and load restrictions, generally found at SDCL Chapter 32-22.

Section 7.0402 Projecting Loads. No person shall drive any vehicle upon any street with any load

or part of a load projecting more than four (4') feet beyond the rear end or front end, or more than two (2') feet beyond the sides of the body or carrying part of such vehicle, unless there is attached to the extreme ends and sides of such projecting loads some warning sign or signal plainly discernible to other drivers and clearly indicating the projecting parts of such load.

Section 7.0403 Weight and Size Limits.

- A. No person shall drive or operate any motor vehicle exceeding the following weight and size restrictions on any street or avenue within the City of Bridgewater, which is not designed as a truck route, unless written permission is first granted by the City Maintenance Superintendent, or such other designated representative of the City. Any vehicle exceeding the hereinafter set forth restrictions must comply with the provisions of this Subsection.
- B. The gross weight of any vehicle shall not exceed 12,000 pounds, the length of the vehicle shall not exceed 40 feet, nor shall the width exceed eight (8') feet.
- C. Any Law Enforcement officer shall have the power and authority to direct any vehicle to be taken to the nearest truck scale and weighed and measured to determine conformance with this Chapter. The failure to comply with such directions shall constitute a violation of this Chapter.

Section 7.0404 Truck Routes.

- A. Use of Truck Routes: When any truck route has been established and identified, any person driving any vehicle in excess of the limitations established in Subsection 7.0403B, shall drive such vehicle on such route as designated herein and none other, except when necessary to traverse other streets to a destination for the purpose of loading or unloading commodities or for the purpose of towing a disabled or damaged motor vehicle to or from the nearest truck route as is reasonable and necessary. No deviation shall be permitted without written permission as specified above. All trucks operating within the city shall comply with weight and size limitations established by State Law.
- B. Routes Designated: The following streets are hereby designated as truck routes: Walnut Avenue from Highway 262 to 6th Street; Main Ave from Highway 262 to 264th Street; Poplar Avenue from Highway 262 to 4th Street; 3rd Street from Highway 262 to Walnut

Ave; Juniper Avenue from Highway 262 to 3rd Street; 4th Street from Main Ave to Poplar Avenue; Diamond Acre Road from 264th St to the Diamond Care Center; 1st Street from Poplar Avenue to Cherry Avenue; Cherry Avenue from 1st Street to Highway 262.

- C. Marking of Routes: In addition to the general identification by signs or markings of truck routes which shall be posted by the City, the City shall further post, at the City Limits upon all main traffic routes entering the City, signs notifying users of streets entering the City that trucks are permitted only to be driven upon marked truck routes. At the direction of the City Council, Law Enforcement or Maintenance staff shall post any streets so selected by the Council, with a sign signifying that said street is not designated as a truck route or that no through trucks are allowed.

Section 7.0405 Any violation of any provision of this Chapter is a Class 2 Misdemeanor.

CHAPTER 7.05 - SNOWMOBILES

7.0501 Definitions. The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them:

- A. Operate. To control the operation of a snowmobile.
- B. Owner. Any person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof.
- C. Private Property. Any and all real property, or land within the City which has not been opened or dedicated for public use or as a public thoroughfare.
- D. Snowmobile. Any engine-driven vehicle of a type which utilizes sled type runners, wheels, or skis with an endless belt tread or similar means of contact with the surface upon which it is operated.

7.0502 Ingress and Egress to City. Any person operating a snowmobile within the City shall only use such snowmobile to enter the corporate limits in returning to his or her home base or leaving the corporate limits provided that such operator enter or leave by the most direct route and at a reduced speed so as not to

disturb the peace and quiet of the community. Any violation of this section shall be a misdemeanor.

7.0503 Permission of Property Owner Required for Operation. No person shall operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of such property. Any violation of this section shall be a misdemeanor.

7.0504 Operation on Public Ground. No person shall operate a snowmobile on any public property, including, but not limited to public sidewalks, school grounds, parks, parking lots, playgrounds, and recreational areas except public roadways and ditches. Any violation of this section shall be a misdemeanor.

7.0505 Crossing Streets at Right Angles. Persons operating snowmobiles are permitted to cross streets at right angles but only may do so after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach. Any violation of this section shall be a misdemeanor.

7.0506 Speed. No person shall operate a snowmobile at a speed greater than is reasonable or proper, under all existing circumstances. It shall be unlawful to operate a snowmobile at a rate of speed faster than five (5) miles per hour less than the posted speed limit applicable to other motor vehicles. Any violation of this section shall be a misdemeanor.

7.0507 Careless, Reckless or Negligent Operation Prohibited. No person shall operate a snowmobile in a careless, reckless or negligent manner so as to be likely to endanger the person or property of another or to cause injury or damage thereto. Any violation of this section shall be a misdemeanor.

7.0508 Loud Noises Prohibited. No person shall operate a snowmobile in such manner as to create any loud, unnecessary or unusual noise likely to disturb or interfere with the peace and quiet of any other person. Any violation of this section shall be a misdemeanor.

7.0509 Emergency Use. The City Council may declare that road or weather conditions are such as to constitute emergency travel conditions authorizing use of a snowmobile. A snowmobile may also be used when such vehicle is necessary as an emergency vehicle to protect the health, safety and welfare of any individual. The operator of a snowmobile under emergency conditions shall be subject to all existing traffic ordinances of the City and traffic laws of the State.

7.0510 Equipment Required. All snowmobiles operated in the City shall have the following equipment:

A. Mufflers which are properly attached and which reduce the noise of operations of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cutout, bypass or similar device on such vehicle.

B. Adequate brakes in good working condition.

C. A safety or “deadman” throttle in operating condition, such being a device which when pressure is removed from the accelerator, the throttle causes the motor to disengage from the driving tract.

D. At least one headlight and one tail light in good working condition.

E. A red flag or cloth not less than twelve (12) inches square and hung or suspended five (5) feet above the ground level so that the entire area thereof is visible from all directions while on any roadway street or alley.

Any violation of this section shall be a misdemeanor.

7.0511 Unattended Vehicles. No owner or operator of a snowmobile shall leave or allow the snowmobile to be or remain unattended on public property or streets while the motor is running, or where the keys for starting the vehicle are left in the ignition. Any violation of this section shall be a misdemeanor.

7.0512 Towing. No person operating a snowmobile shall tow any person or object behind such snowmobile except when such person or object is situated upon a conveyance which is attached to such snowmobile by means of a rigid hitch or towbar. Any violation of this section shall be a misdemeanor.

7.0513 Exception. Notwithstanding the provisions of any other Section, any governmental official in charge of public school ground, park property, playgrounds, or parking lots shall have authority to supervise and regulate events or programs conducted thereon or to designate areas under his charge and supervision as recreation areas that he shall deem available for use of snowmobiles, and the hours of such use.

CHAPTER 7.06 – GOLF CARTS

7.0601 - Definitions

- A. "Operator" shall mean any person who operates or is in physical control of a golf cart.
- B. "Owner" shall mean any person having legal title or the ownership to a golf cart or who is entitled to its use or possession thereof.
- C. "Golf cart" shall mean a three or four wheeled vehicle, whether powered by electric or combustion engine, originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

7.0602 – Driver's license required. Any person operating a golf cart on a public street within the City of Bridgewater must hold a valid driver's license issued by the State of South Dakota or other recognized jurisdiction.

7.0603 – Insurance and Permit Required

- A. Proof of financial responsibility, pursuant to SDCL Chapter 32-35, is required for all golf carts operated on public streets within the City of Bridgewater.
- B. Pursuant to SDCL 32-14-14, the owner of the golf cart operated on public streets within the City of Bridgewater must obtain a permit from the City of Bridgewater or its designee prior to operating the golf cart on public streets within the City of Bridgewater. The permit shall be valid during the period of time the person obtaining the permit owns the golf[JJ1] cart, and a subsequent owner of the golf cart must obtain a new permit prior to operating the golf cart on public streets within the City of Bridgewater. The permit must be in the possession of the operator or passenger of the golf cart, or in or attached to the golf cart when the golf cart is being operated on public streets. The fee for the permit shall be established by resolution of the city council.

7.0604 - Slow moving emblem required - Unless a motor vehicle license issued by a governmental entity recognized by the State of South Dakota is mounted on the rear of the golf cart, the golf cart operated on a public street within the City of Bridgewater shall display a slow-moving vehicle emblem mounted on the rear of the golf cart. (SDCL 32-14-14)

7.0605 - Operation restrictions.

A. No person may operate a golf cart on a state or county highway located within the City of Bridgewater except for crossing from one (1) side of the highway to the other. A golf cart may cross the highway at a right angle but only after stopping and yielding the right-of-way to all approaching traffic and crossing as closely as possible to an intersection or approach. (SDCL 32-14-15)

B. No person may operate a golf cart within the City of Bridgewater on a public street during the time between one-half (½) hour after sunset and one-half (½) hour before sunrise unless the golf cart has the following equipment: rearview mirror, horn, headlights, tail lights, and brake lights.

C. The operator of a golf cart shall comply with all municipal and state regulations related to operation of motor vehicles on public streets and highways.

7.0606 Penalty. A violation of this ordinance is a Class 2 Misdemeanor and subject to a fine of up to and not exceeding \$500.00.

TITLE 8 - WATER AND SEWER

Chapter 8.01 - Water Provision

Chapter 8.02 - Sewer Provisions

CHAPTER 8.01 - WATER PROVISIONS

8.0101 Water Connections. In installing water service, all taps shall be driven, street excavations made, curb cocks inserted, pipes installed from main to curb, and the curb cock installed in an iron box to which the service is to be connected, by an authorized City employee or by a plumber duly licensed.

8.0102 Water Service Pipes. All service pipes connected to the water system shall be one inch (1") drawn copper standard strength and/or one inch (1") class 200 pound polyethylene, and shall be laid seven (7) feet below the established grade or as low as the street mains. No water main or service may be laid in the same trench with gas mains or other foreign conduits. Special permission may be granted, however, when deemed advisable by the City Council, for laying of water lines in trenches with sewer lines, and then only with the placement of water lines well above sewer lines to prevent subsequent possible contamination of water mains.

8.0103 Curb Stop and Waste Cocks. There shall be a curb cock in every service line attached to the water main, the same to be placed as near as possible to the street line if the main is located in the alley. Curb cocks shall have a metal riser with a letter "W" cast upon it. There shall be a valve in the pipe on the house side.

8.0104 Water Meters. The City shall furnish and install water meters described as 5/8ths by 3/4ths or equivalent water meters with fittings for users of water within the City and outside the municipal limits. The following are the provisions, rules and regulations governing their use by the users:

A. Each consumer shall notify an authorized city employee if the water needs to be turned off, and on again for repair of plumbing from curb stop into the house. No fee required.

B. Each user shall pay, in the event of willful damage to said water meter if determined by the City, replacement cost.

8.0105 Dual Check Backflow Preventer Requirement. A dual check backflow preventer shall be installed on the building side of every water meter where the water service enters the building. Backflow preventers installed must be approved by the state plumbing commission.

8.0106 Application for First Service Connections. Any party desiring water service from the water system of the City for premises not theretofore connected with the system shall apply for a connection by contacting any City Official. A form of such application shall contain the address of the premises to be served and state the uses, residential or commercial, to which the water is to be put. The applicant shall pay, as and for a connection charge, the sum of three hundred dollars (\$300.00). The City shall install the service from the main to the curb stop and furnish all the material and labor to that point. The Applicant shall furnish the digging and pay all costs thereafter. The City shall furnish a shut-off valve at the property line.

8.0107 Premise to have Separate Connection. Unless special permission is granted by the City Council, each premise shall have a separate service connection and where permission is granted for branch service systems, each system must have its own separate curb cock.

8.0108 Cost of Installation Borne by Consumer. The cost of original installation of all plumbing between the property line and any service devices maintained by the consumer all extensions made to such plumbing, and all repairs shall be borne entirely by the consumer. Such plumbing and services shall at all reasonable times be subject to inspection by duly authorized representatives of the City. Any repairs found to be necessary shall be made promptly.

8.0109 Use of Water Without Authority. It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the water system of the City without a permit from the City Council. No person except an authorized representative of the City shall turn on or off or tamper with any curb cock.

8.0110 Defective Service. All claims for defective service shall be made in writing and filed with the

Finance Officer on or before the tenth (10th) day of the month next succeeding such defective service, or shall be deemed waived by the claimant. If any such claim is so filed, the Maintenance Superintendent shall investigate the facts alleged in such claim and determine the amount, if any, which should be refunded to such claimant by reason of defective service and report such determination to the City Council. If approved by the Council such amount shall be allowed as a credit on the following bill or paid as other claims. No claims shall be made against the City by reason of any fire or any injuries to the person or property of any consumer of water under the provisions hereof.

8.0111 Consent to Regulations. Every person applying for water service from the water system and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations and rates of the City and to all modifications thereof and to all new rules, regulations or rates duly adopted.

Amended 11/12/08 Ordinance 2008-1 Any person authorized by the City Council to read water meters or make inspections shall be allowed free access at all reasonable hours to any building or premises where water is used. If such persons are not allowed such access, the City in its discretion may estimate the water use, shut off the water, make additional charges, or take other action not inconsistent with the law.

8.0112 Subsequent Application for Service (Deposit). ***Reserved***

8.0113 List of Water Users. The Finance Officer shall prepare a list of all present water users, giving their name and whether residential or commercial service. Such list shall be prima facie evidence of the liability of the named owner for the water charge.

8.0114 Billing and Payment. All accounts shall be carried in the name of the property owner or renter who, personally or by his authorized agent, shall apply for such service. If not paid before the 15th of said month a five ten dollar (~~\$5.00~~ \$10.00) penalty shall be added. If not paid in full said water shall be shut off in accordance with Section 8.0117. *Amended 2/01/12 Ordinance 2012-1*

8.0115 Rates for Water Service. There shall be imposed a charge against all water users as follows:

Debt Service Fee: ~~\$6.50~~ ~~\$9.50~~ \$14.50 *Amended Resolution 18-1009B; Amended Resolution 21-0405*

Usage: ~~5 cents per cubic foot or~~ ~~\$6.50~~ ~~\$6.65~~ \$6.90 per 1000 gallons *Amended Resolution 18-1009B; Amended Resolution 19-0506B; Amended Resolution 20-0608A*

Bills for water service shall be paid by the fifteenth day of each month. Rates may be adjusted by the City Council, from time to time, by resolution.

Ordinance 2009-2 Addition 6/2/09 All premises connected to any water service of the City shall be assumed to be using such service and the owner or occupant shall be charged therefore as long as such premises shall remain physically connected to the water service of the City (regardless of whether the water has been turned on or off by the City at the curb-stop.)

8.0116 Liability for Charges. The property owner shall be liable for water service to the premises whether or not he is occupying the premises, provided that nothing herein shall prevent the City from ordering discontinuance of service to any such premises until any bill shall have been paid.

8.0117 Termination of Service. The City shall have the right to disconnect or refuse to connect any municipal water service for the following reasons: (SDCL 9-47-1)

- A. Failure to meet the applicable provisions of law.
- B. Violation of the rules and regulations pertaining to such service.
- C. Nonpayment of bills.
- D. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
- E. Tampering with any meter, seal, or other equipment controlling or regulating the supply of water service.
- F. Theft or diversion and/or use of service without payment therefore.
- G. Vacancy of premises.

The City shall give the municipal water service customer at least fifteen (15) days notice before termination of such service. At any time before the date of termination, a customer may dispute the correctness of all or part of the amount shown on the water bill or the determination that a violation of this Section has

occurred giving rise to termination hereunder. A customer shall not be entitled to dispute the correctness of all or a part of the amount shown on the water bill if all or a part of the amount shown were the subject of a previous dispute under this Section. If the bill is not paid the water will be shut off on the date stated in the letter.

8.0118 Customer Disputes. The procedure for customer disputes shall be as follows:

- A. Before the date of termination, the customer shall notify the Finance Officer, orally or in writing that the customer disputes all or a part of the amount shown on the water bill or the determination that a violation of this Section has occurred giving rights to a termination stating as completely as possible the basis for the dispute.
- B. Within five (5) days after the receipt of the customer's notice, the Finance Officer shall arrange an informal meeting with the customer. Based upon the municipal records, the customer's allegations and all other relevant materials available to the official the Finance Officer shall attempt to resolve the dispute, in a manner satisfactory to both the City and the customer.
- C. Within five (5) days after the meeting, the Finance Officer shall mail to the customer a copy of his or her decision resolving the dispute and within five (5) days of receipt of the notice, the customer may request, in writing, a formal hearing before the City Council. The formal hearing shall be held at the next regularly scheduled Council meeting.
- D. At the hearing, the City Council and the customer shall be entitled to present all evidence that is relevant and material to the dispute, be represented by counsel, and examine and cross-examine witnesses.
- E. Based upon the record established at the hearing, the City Council shall, within five (5) days of the completion of the hearing, issue its written decision formally resolving the dispute, which decision shall be final and binding upon the City and the customer.

Utilization of this dispute procedure shall not relieve a customer of his or her obligation to timely and completely pay all other undisputed municipal utility charges and the undisputed portions of any amounts subject to the present dispute. Failure to so pay shall subject the customer to termination.

8.0119 Termination After Customer Disputes. Until the date of the Finance Officer's or the City Council's

decision, whichever is later, the City shall not terminate the water service of the customer and shall not issue a notice of termination solely for nonpayment of the disputed amounts.

If it is determined that the customer must pay some or all of the disputed amounts, the City shall promptly mail to or personally serve upon the customer a notice of termination containing the following:

- A. Amount to be paid or violation under this Section;
- B. Date of notice of termination;
- C. Date of termination which shall be at least five (5) days after notice;
- D. Notice that unless the City receives complete payment of the amount shown, if any, prior to the date of termination, municipal water service shall be terminated.

8.0120 Termination Procedures. Except as provided in Section 8.0119 with respect to disputes, all terminations of municipal water service for the violations of Section 8.0117 shall follow these procedures:

- A. If by the payment date shown on the municipal water bill, complete payment has not been received by the City, or another violation of Section 8.0117 has occurred, the Finance Officer shall mail to, or personally serve upon the customer a notice of termination within seven (7) days after the payment date containing; (i) the amount to be paid or a statement of violation of Section 8.0117; (ii) the date of the notice of termination; (iii) the date of termination which shall be a least five (5) days from the notice of termination; (iv) notice that unless the City receives complete payment of the amount shown, if any, service shall be terminated, or notice that service shall be terminated for another violation of Section 8.0117.
- B. If prior to the date of termination when the termination is for nonpayment; (i) the Finance Officer has not received complete payment of the amount shown on the notice of termination or (ii) the customer has not notified the Finance Officer that he or she disputes the correctness of all or part of the amount shown on the notice of termination, or (iii) if, prior to the date of termination for another violation of Section 8.0117, the customer has not notified the Finance Officer that he or she disputes the violation, then the City shall terminate municipal water service provided to the customer on the date of termination.

8.0121 Provisions for Continuation of Service After Termination. Water service will be reconnected only after the Finance Officer receives full payment of outstanding charges plus the payment of a forty dollar (\$40.00) re-connection fee.

8.0122 Provisions for Termination of Service. The City shall terminate municipal water service hereunder only during the hours of 10:00 a.m. to 3:00 p.m. Monday through Thursday, except no termination shall be permitted on a legal holiday.

Municipal water service shall be continued for a single thirty (30) day period upon receipt of a physician's certificate or notice from a public health or social service official that disconnection of municipal water service will aggravate an existing medical emergency of the customer or another permanent resident of the customer's premises.

At his or her discretion, the Finance Officer may agree to the partial payment of at least 1/3 of the balance of the municipal water bill and the customer's entering into a written agreement to pay the balance within thirty (30) days. Failure to make payments as agreed shall also be grounds for termination under the provisions of this Chapter.

8.0123 Authority to Control Use of Water. Pursuant to SDCL 9-47-1, the City Council shall have authority to regulate the distribution and use of water supplied by and for the City, where a diminution in the supply of water for the City may exist due to a prolonged drought which could cause a serious shortage of water; and where other unanticipated emergencies affecting the distribution and supply of water may arise from time to time.

8.0124 Uses Regulated or Prohibited. Upon the passage and publication of a resolution or resolutions of the City Council, providing therefore the use and withdrawal of water by any person for any or all of the following purposes as specified by such resolution or resolutions, may be regulated or prohibited as follows:

A. Watering Yards and Vegetation - The sprinkling, watering, or irrigating of yards, shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation by any method may be regulated or prohibited as follows:

1. Consumers residing on the north and east sides of a street may water on even numbered calendar dates and consumers residing on the south and west sides of a street may water

on odd numbered calendar dates; or

2. Consumers residing on the north and east sides of a street may water on the first and fifteenth of each month and consumers residing on the south and west sides of a street may water on the seventh (7th) and twenty-first (21st) of each month; or

3. All such watering may be prohibited except pursuant to an exception granted under Section 8.0125 of this Chapter.

4. The City Council shall be authorized to make a determination of the location of a residence when required for the purpose of this Section.

B. Washing Outdoor Surfaces - The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces except by container not exceeding five (5) gallon capacity or pursuant to an exception granted under Section 8.0125.

C. Washing Mobile Equipment - The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment except where required by health and sanitary requirements and except by container not exceeding five (5) gallon capacity or from a hose equipped with an automatic shut-off device at the end from which water is taken. This Section shall not apply to commercial vehicle washing facilities operating at fixed locations.

D. Swimming Pools - The filling of any swimming or wading pool except pursuant to an exception granted under Section 8.0125.

E. Escape Through Defective Plumbing - The escape of water through defective plumbing which shall mean the knowing permission for defective plumbing to remain out of repair.

8.0125 Exceptions Granted. Upon written application by the water user, or by direction of the City, the City Council may grant exception permits for uses of water otherwise prohibited hereby, if the following shall be determined:

A. The restrictions are not warranted by weather conditions or would cause an unnecessary and undue economic or other hardship to the applicant or to the public, or

B. The restrictions would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or the public.

Within ten (10) working days after receipt of an application for an exception permit, the City Council shall inform the applicant in writing of its decision and if refused, the reasons for refusing the permit shall be stated. The City Council shall have the authority to revoke a permit upon a finding of violation or change of the standards for issuance set forth in this Section.

8.0126 Use of Water During Fire. It shall be unlawful for any person owning or occupying premises connected to the municipal water system to use or allow to be used during a fire any water from said system, except for the purpose of extinguishing such fire. Upon the sounding of a fire alarm, it shall be the duty of every person to see that all water services are tightly closed and that no water is used except for necessary household purposes during said fire.

8.0127 Voluntary Discontinuance of Service. Any user desiring discontinuance of water service shall notify the Finance Officer at least five days prior to the date of termination and shall continue to be liable for payment of the water charge until such notice. ~~All premises connected to any water service of the City shall be assumed to be using such service and the owner or occupant shall be charged therefore as long as such premises shall remain physically connected to the water service of the City (Regardless of whether the water has been turned on or off by the City at the curb-stop).~~ Amended 6/2/09 Ordinance 2009-2

8.0128 Enforcement. The provisions of this Chapter shall apply to all persons using water and regardless of whether any person using water shall have a contract for water services with the City, and shall be enforced as follows:

A. Any law enforcement officer of the City shall, in connection with his or her duties imposed by law, diligently enforce the provisions of this Chapter.

B. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such.

C. In the event of a violation and after adequate written notice and hearing, the City Council shall have authority to enforce the provisions of this Chapter by the discontinuance of water service.

D. The City Council shall have available and furnish all records necessary to determine all usages of water restricted by this Chapter.

8.0129 Interruption of Service. The users of any water service furnished by the City are hereby notified that the supply of such utility may be temporarily shut off at any time. Notice shall be given, if feasible, of the contemplated shutoff, but accidents may render this impossible; hence the City hereby warns those dependent upon the utility service for any purpose of this hazard. Immediately upon finding the supply shutoff it becomes the duty of the occupant of the premises to take prompt precautions to prevent damages.

8.0130 Responsibility of Property Owners. Persons served by City water and sewer shall keep all piping, fixtures, stop valves, heaters, and other apparatus for the use of water or sewer (including meters) in good repair and protected from freezing. The property owner shall be responsible for and pay the charges for replacement of any corroded or damaged piping, fixtures, stop valves, heaters, or other apparatus for the use of water or sewer, and for any charges for the repair or replacement of water meters, occasioned by the negligence of the property owner or user, or the freezing, overheating, or other external damage to any water meters. The property owner and/or water user shall place and maintain a brass stop inside the basement of any building where water is to be used at the lowest point practicable on the service pipe entering the building and as close as practicable to the wall through which the pipe enters, and easily accessible so that the water may be turned on or off by the user or occupant.

CHAPTER 8.02 - SEWER PROVISIONS

8.0201 Definitions. Terms used in this Chapter shall mean as follows:

- A. BOD (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 200c, expressed in milligrams per liter (mg/l).
- B. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- C. Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
- D. Combined Sewer. A sewer receiving both surface runoff and sewage.
- E. Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- F. Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- G. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- H. Normal Domestic Wastewater. Wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 240 mg/l. The average domestic flow per residence is 200 gallons per day.
- I. Operation and Maintenance. All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and

constructed.

J. Person. Any individual, firm, company, association, society, corporation, or group.

K. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

L. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

M. Public Sewer. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

N. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

O. Residential Contributor. Any contributor to the City's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

P. Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Q. Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

R. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.

S. Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.

T. SS (denoting Suspended Solids). Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

U. Sewer. A pipe or conduit for carrying sewage.

V. Shall is mandatory; May is permissive.

W. Slug. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration for flows during normal operation.

X. Storm Drain (sometimes termed "storm sewer"). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Y. Maintenance Superintendent. The personnel in charge of daily operations of the sewer system for the City of Bridgewater, South Dakota, or his authorized deputy, agent, or representative.

Z. Treatment Works. Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system preventing, abating, reducing, storing, treating separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

AA. Useful Life. The estimated period during which a treatment works will be operated.

BB. User Charge. That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

CC. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

8.0202 Use of Municipal Sewer Required.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Bridgewater or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Bridgewater, or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line.

8.0203 Building Sewers and Connections with Municipal Sewers.

A. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit authorized by the City Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Council. A permit and inspection fee of twenty dollars (\$20.00) shall be paid to the City at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Maintenance Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of South Dakota. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

8.0204 Sewer Permits and Specification Requirements.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Council. A violation of this section shall be a misdemeanor.

B. There shall be two (2) classes of building sewer permits:

1. for residential and commercial service, and
2. for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be a part of the building permit and considered pertinent in the judgment of the City Council. *Added 7/5/06 Ordinance 2006-1* The applicant shall pay, as and for a connection charge, the sum of three hundred dollars (\$300.00).

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Maintenance Superintendent, to meet all requirements of this ordinance.

F. The size, slope, alignments, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof down spouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Maintenance Superintendent before installation.

J. The applicant for the building sewer permit shall notify the Maintenance Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Maintenance Superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

8.0205 Use of Municipal Sewer System.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Maintenance Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Maintenance Superintendent, to a storm sewer, or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or

gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Maintenance Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degree Celsius).

2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become

viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 degrees and 65 degrees Celsius).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Maintenance Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Maintenance Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Maintenance Superintendent as necessary to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge received at the sewage treatment works.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Maintenance Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed.

11. Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the City Council. Where necessary in the opinion of the City Council, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Council and no construction of such facilities shall be commenced until said approvals are obtained in writing.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section D of this Article, and which in the judgment of the Maintenance Superintendent, may have a deleterious effect upon the sewage works, processes, or equipment, or which otherwise create a hazard to life to constitute a public nuisance, the City Council may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section J of the Article.

If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Council, and subject to the requirements of all applicable codes, ordinances and laws.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Maintenance Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Maintenance Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. When required by the City Council, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and

suspended solids and analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

8.0206 Powers and Authority of Inspectors.

A. The Maintenance Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this ordinance. The Maintenance Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties, the Maintenance Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. The Maintenance Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City hold a duly negotiated easement for the purposes of , but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

8.0207 User Charge System.

A. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.

B. A portion of the total user charge collected which is designated for operation and maintenance including replacement purposes, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account)
2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of five hundred dollars (\$500.00) annually.

C. Fiscal year-end balance in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts.

Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

8.0208 Sewer User Fee Schedule and Process (Flat Rate Structure).

A. There shall be imposed a charge against all water users as follows:

Debt Service Fee: ~~\$16.75~~ \$22.75 per month, plus *Amended Resolution 11-1005B*

Usage: \$.015 times the cubic feet of water used based on the average monthly usage during the six winter months (Oct.-Mar.). In situations where no water is used during the winter months, a fair compensation to the city will be determined by the Municipal Finance Officer.

Storm Sewer Debt Service Surcharge: \$24.45 per month *Added Resolution 20-0309A*

Storm Sewer Debt Service Account – Phase 2: \$10.30 per month *Added Resolution 23-0206B*

Bills for sewer service shall be paid by the fifteenth day of each month. All premises connected to any sewer service of the City shall be assumed to be using such service and the owner or occupant shall be charged therefore as long as such premises shall remain physically connected to the sewer service of the City. Rates may be adjusted by the City Council, from time to time, by resolution.

B. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user will be as determined by the responsible plant operation personnel and approved by the City Council of Bridgewater, South Dakota.

C. The user charge rates established in this article apply to all users, regardless of their location, of the City's treatment works.

D. The City will review the user charge system from time to time, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

E. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

8.0209 Penalties.

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. A violation of this provision shall be a misdemeanor.

- B. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- C. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

- D. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

TITLE 9 – PLANNING, ZONING AND BUILDING REGULATIONS

Chapter 9.01 - Planning Commission

Chapter 9.02 - Uniform Building Code

Chapter 9.03 – Flood Damage Prevention

CHAPTER 9.01 - PLANNING COMMISSION

9.0101 Definitions.

- A. City or Municipality. Relates to the City of Bridgewater.
- B. City Council. Chief legislative body or governing body of the municipality.
- C. Planning Commission. Body created pursuant to this ordinance.

9.0102 Creation of Bridgewater Planning Commission. The Bridgewater Planning Commission is hereby created for the City of Bridgewater, South Dakota.

9.0103 Number, Appointment and Tenure of Planning Commission Members. The Bridgewater Planning Commission created under the terms of SDCL 11-6 shall consist of not less than five (5) members appointed by the City Council. If deemed necessary, the City Council may appoint one or more of themselves to the Planning Commission. The term of each of the appointed members shall be for five years except that when the Planning Commission is first appointed, approximately one-half of the members shall be appointed for three years and the balance of the members shall be appointed for five years. Thereafter, appointments of each member shall be for terms of five years so that there will be an overlapping of tenures. Administrative officials of the City may be appointed as ex-officio members of the Planning Commission; however, all members of the Planning Commission shall serve as such without compensation.

9.0104 Vacancies. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term by the City Council in the same manner as for appointment.

9.0105 Organization. The Planning Commission shall elect a Chairman from among its members for a term of one year with eligibility for re-election, and shall also elect a Secretary. The Planning Commission shall hold meetings as necessary, as called by the Chairman, or the City Council. The Commission shall keep minutes and records of its activities, which shall be a public record.

The Planning Commission may appoint such employees as it may deem necessary for its work, and may also contract with planners, engineers, architects and other consultants for such services as it may require, provided, however, that such appointments and contracts shall be approved by the City Council.

9.0106 Removal for cause. The Mayor, with the confirmation of the City Council, shall after public hearing have authority to remove any member of the Planning Commission for cause, which cause shall be stated in writing and made a part of the record of such hearing.

9.0107 Powers and Duties of Commission. The Bridgewater Planning Commission, its members and employees, shall have all such powers as may be necessary to enable it to fulfill and perform its functions, promote planning or carry out all the purposes and powers enumerated in SDCL 11-4 and 11-6 and acts amendatory thereof.

9.0108 Preparation of Comprehensive Plan. The Planning Commission of Bridgewater shall propose a comprehensive plan for the physical development of Bridgewater pursuant to the terms of SDCL 11-4 and 11-6. The comprehensive plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the City.

After such comprehensive plan has been adopted according to law, no substantial amendment or modification thereof shall be made, without such proposed change first being referred to the Planning Commission for its recommendations.

9.0109 Zoning Regulations. It shall be a duty of the Planning Commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced therein, in accordance with comprehensive plan. The Planning Commission shall prepare regulations governing land uses, building or set-back lines and the subdivision or platting of land within the municipality in accordance with SDCL 11-4 and 11-6. All applications and proposals for changes in or amendments to the zoning regulations shall first be submitted to the Planning Commission for its recommendations.

9.0110 Subdivision Plats and Regulations. All plans, plats, or re-plats or subdivisions or resubdivisions of land within the jurisdiction of this ordinance shall first be submitted to the Planning Commission for its recommendation before approval by the City Council.

The Planning Commission shall prepare and recommend to the City Council regulations governing the

subdivision of land within its jurisdiction. No amendments or changes thereto shall be made without recommendation by the Planning Commission.

CHAPTER 9.02 - UNIFORM BUILDING CODE

9.0201 Adoption. The most recent edition of the Uniform Building Code, published by the International Conference of Building Officials, and supplemented by the most recent edition of the One and Two Family Dwelling Code, published by the Council of American Building Officials, shall be adopted by the City. A printed copy of such Uniform Building Code and the One and Two Family Dwelling Code shall be filed with the Finance Officer as an appendix to these Municipal Ordinances.

9.0202 Conflicts. In the event of any conflict between the provisions of these codes, State law or City ordinance, rule or regulation, the provisions of State law or City ordinance, rule or regulation shall prevail and be controlling..

9.0203 Application for Permits. Applications for all permits required by the building codes shall be submitted to the Finance Officer.

9.0204 Permit Fees. No permit shall be issued unless the appropriate fee, based on the entire cost of construction, is paid to the City as follows: *(Rates amended by Resolution #08-1103 on 11/03/08)*

\$0 to \$5,000	\$15,00
\$5,001 to \$20,000	\$25.00
\$20,001 to \$50,000	\$35.00
Over \$50,001	\$50.00

CHAPTER 9.03 - FLOOD DAMAGE PREVENTION ORDINANCE

9.0301 Statutory Authorization, Findings Of Fact, Purpose, And Methods

A. Statutory Authorization

The Legislature of the State of South Dakota has in SDCL 11-2-13 and 11-4-1 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Bridgewater, South Dakota, does ordain as follows:

The City of Bridgewater elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the City of Bridgewater's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the City of Bridgewater having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the City of Bridgewater may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

B. Findings Of Fact

The flood hazard areas of the City of Bridgewater are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; all of which adversely affect the public health, safety and general welfare of the inhabitants of the City of Bridgewater.

These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

C. Statement Of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare of the

community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public;
6. Protect and safeguard the welfare and safety of first responders should an emergency response is needed;
7. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
8. Promote that potential buyers are notified if properties are in a flood area.

D. Methods Of Reducing Flood Losses

To accomplish the purposes outlined in 9.0301-C. Statement Of Purpose, this ordinance applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging and other developments that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

9.0302 Definitions

A. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable

application.

100-Year Flood means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

500-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

Accessory Structure is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

Addition is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure—see **Accessory Structure**.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

Area of Shallow Flooding means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-Related Erosion Hazard is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Base Flood means the flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

A walkout basement that does not require a step up to grade is not considered a basement.

Best Available Data is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, FHBM and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building—see **Structure**.

Channelization means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Conditional Letter of Map Revision Based on Fill (CLOMR-F) is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist to the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: 9.0305-B.4

Crawlspace

Critical Facility means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

Deed Restriction refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

Detached Garage is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

Elevated Building is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Enclosure refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

Erosion means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

Existing Construction refers to structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as **Existing Structures**.

Existing 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 before the effective date of the floodplain management regulations adopted by a community.

Existing Structures—see **Existing Construction**.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Fill refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

Flood Insurance Manual is the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) or Flood Elevation Study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain Development Permit is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of **Flooding**).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

Flood Opening refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

Floodway—see **Regulatory Floodway**.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port

facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

Letter of Map Revision (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG) means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

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 in 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 Section 60.3.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the FHBM or the FIRM for a community issued by FEMA.

Mean Sea Level means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where

the area used for business is less than 50 percent of the total floor area of the structure.

New Construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

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 or after the effective date of floodplain management regulations adopted by a community.

No-Rise Certifications are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

Physical Map Revision (PMR) is FEMA’s action whereby one or more map panels are physically revised and republished.

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 projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook,

creek, etcetera, which can be intermittent or perennial.

Section 1316 refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

Special Flood Hazard Area—see **Area of Special Flood Hazard**.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure, for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 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:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, if the alteration will not preclude the structure's continued designation as a “historic structure.”

Variance means a grant of relief by a community from the terms of a flood plain management regulation. Reference: 9.0304-E. Variance Procedures

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

Watercourse means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

9.0303 General Provisions

A. Lands To Which This Ordinance Applies

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of the City of Bridgewater.

B. Basis For Establishing The Areas Of Special Flood Hazard

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for McCook County, South Dakota and Incorporated Areas" dated March 11, 2025, accompanying FIRMs, and any Letters of Map Change including Letters of Map Amendment, Letters of Map Revision based on Fill, and Letters of Map Revision, thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

C. Establishment Of Floodplain Development Permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

D. 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.

E. 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.

F. Warning and Disclaimer Or Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-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 community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Severability

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

H. Compliance

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City of Bridgewater City Council from taking such lawful action as is necessary to prevent or remedy any violations.

I. Stop Work Order

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in 9.0303-J. Penalties For Noncompliance.

J. Penalties For Noncompliance

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over

less restrictive conflicting local laws, ordinances, or codes.”

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 \$500 or imprisoned for not more than 30 days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Bridgewater from taking such other lawful action as is necessary to prevent or remedy any violation.

9.0304 Administration

A. Designation Of The Floodplain Administrator

The City of Bridgewater Finance Officer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

B. Duties And Responsibilities Of The Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.

6. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the South Dakota Office of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. Where interpretation is 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), the Floodplain Administrator shall make the necessary interpretation.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community.
 - a. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.
12. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

C. Requirement To Submit New Technical Data

1. The property owner or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

D. Permit Procedures

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to SFHAs.
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
8. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
9. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
7. 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.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

E. Variance and Appeal Procedures

1. Variance

- a. An application for a variance must be submitted to the Finance Officer on the form provided by the City of Bridgewater and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.
- b. Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next City Council meeting in which time is available for the matter.
- c. Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the City at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners.
- d. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

2. Criteria For Variances

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures

constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

- b. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances may be issued upon;
 - a. A showing by the applicant of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.
 - e. Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

3. Variance Decision

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

4. Appeals

The City Council shall hear and decide appeals from the interpretations of the Administrator.

1. An appeal must be filed with the Finance Officer within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.
2. Upon receipt of a completed appeal, the appeal will be scheduled for the next available City Council meeting to be heard. In ruling on an appeal, the City Council shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, including:
 - a. The danger that materials may be swept onto other lands to the injury of others;

- b. The susceptibility of the proposed facility and its contents to flood damage and the effects of The danger to life and property due to flooding or erosion damage;
- c. such damage on the individual landowner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with 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 flooding 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 cost of providing government services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Decision

The City Council's decision on appeal shall be in writing and set out the facts, technical information, and the legal basis for the decision.

9.0305 Provisions For Flood Hazard Reduction

A. General Standards

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

A.1. Substantial Improvement

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to 9.0305-A.2. SUBSTANTIAL DAMAGE. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

A.2. Substantial Damage

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

A.3. Substantial Improvement and Substantial Damage Determination

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the 9.0305-A.1. SUBSTANTIAL IMPROVEMENT.
4. Utilize FEMA's Substantial Improvement/Substantial Damage Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, that compliance with the floodplain management ordinance is required.

B. Specific Standards

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

B.1. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the Base Flood Elevation (BFE). A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

In AO/AH Zones, new and substantially improved residential structures must have their lowest floor (including basement) above the highest adjacent grade at least one foot above the FIRM's depth number (at least three feet if no depth number is specified). In AO/AH Zones, adequate drainage paths around structures on slopes are required to guide flood waters away from proposed structures.

B.2 Nonresidential Construction

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, 9.0305-B.1 RESIDENTIAL CONSTRUCTION. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

In AO/AH Zones, new and substantially improved non-residential structures must have their lowest floor (including basement) above the highest adjacent grade at least one foot above the FIRM's depth number (at least three feet if no depth number is specified). In AO/AH Zones, adequate drainage paths around structures on slopes are required to guide flood waters away from proposed structures.

B.3. Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than 1 foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

B.4. Crawlspace

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.

7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

B.5. Manufactured Homes

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least 1 foot above the BFE, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at least 1 foot above the BFE; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

B.6. Recreational Vehicles

Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use;

- a. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
2. Or meet the permit requirements of 9.0304-D, PERMIT PROCEDURES, and the elevation and anchoring requirements for "manufactured homes" of this section.

C. Standards For Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
4. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall minimize flood damage.
6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Floodways

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood level more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result

in an increase in BFEs, provided that the community first applies for a conditional LOMR and floodway revision through FEMA.

TITLE 10 - UTILITY FRANCHISES

Chapter 10.01 - Community Antenna Television System

CHAPTER 10.01 - Community Antenna Television System

10.0101 Definitions. For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in present tense include the future, words in the plural number include the singular numbers and words in the singular number include the plural number. The work "shall" is always mandatory and not merely directory.

- A. "City" shall mean the City of Bridgewater, South Dakota.
- B. "City Council" shall mean the City Council of Bridgewater, South Dakota.
- C. "Cable Television System," "Cable System," or "CATV" shall mean a system utilizing coaxial cable and certain electronic and other components which deliver to subscribing members of the public various communications services.
- D. "FCC" shall mean Federal Communications Commission.
- E. "Person" shall mean any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.
- F. "Grantee" shall mean Satellite Cable Services II, Inc., or its successor in accordance with the provisions of this Franchise.
- G. "Subscribers" are those persons contracting to receive cable television reception services furnished under this Franchise by Grantee.
- H. "Cable Television Reception Service" shall mean the simultaneous delivered by the Grantee to television receivers or any other suitable type of audio-video communications receivers of the signals of over-the-air television broadcast stations licensed by the Federal Communications Commission and authorized to be carried over said system; and such additional closed-circuit

channels at the option of Grantee.

10.0102. Qualifications of Grantee and Grant of Nonexclusive Authority. Whereas the City has approved of the legal, character, financial, technical and other qualifications of the Grantee and the adequacy and feasibility of the Grantee's construction arrangements as part of a full public proceeding affording due process, including notice to all interested persons and members of the public of the line extension provisions hereof, there is hereby granted by the City to the Grantee a nonexclusive franchise right and privilege to construct, erect, operate, modify and maintain in, upon, along, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a Cable television System for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth.

10.0103. Duration and Acceptance of Franchise. The Franchise granted the Grantee herein shall terminate fifteen (15) years from date of grant, subject to renewal for periods of reasonable duration on the same terms or conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by the City and as are consistent with the requirements of Rule 76.31 of the Federal Communications Commission. No renewal hereof shall be granted unless authorized by the City following a public hearing. Grantee shall be awarded a franchise renewal provided its application shows that its CATV service during the preceding franchise period has reflected a good-faith effort to serve the needs and interests of its service area.

10.0104 Compliance with Applicable Laws, Regulation, Ordinances and Codes.

A. The Grantee shall at all times operate and maintain its Cable Television System in full compliance with the rules, regulations and standards of the FCC.

B. The Grantee shall at all times during the life of this Franchise, be subjected to all lawful exercise of the police power by the City and to any such reasonable regulations as the City shall hereafter provide.

10.0105 Territorial Area Involved. This Franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of this Franchise.

10.0106. Liability and Indemnification. Grantee shall at all times keep in effect the following types of insurance coverage:

A. Workers Compensation upon its employees engaged in any manner in the installation or servicing of its plant and equipment within the City of Bridgewater.

B. Property Damage Liability insurance to the extent of Fifty Thousand Dollars (\$50,000.00) as to any person and One Hundred Thousand Dollars (\$100,000.00) as to any one accident and personal injury liability insurance to the extent of One Hundred Thousand Dollars (\$100,000.00) as to any one person and Three Hundred Thousand Dollars (\$300,000.00) as to any one accident.

Grantee shall indemnify, protect, and save harmless the City from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Workers Compensation law which may be caused by the erection maintenance use or removal of any of their attachments, poles, or other undertakings, within the City, or by any action of Grantee, its agents or employees. Grantee shall carry insurance in the above described amounts to protect the parties hereto from and against all claims, demands, actions, suits, judgments, costs, expenses and liabilities which may arise or results directly or indirectly from or by reason of such loss, injury or damage. Grantee shall also carry such insurance as it deems necessary to protect it from all claims under the Workers Compensation laws in effect that may be applicable to Grantee. The City shall give the Grantee prompt written notice of any such claims, demands, actions, suits, judgments, costs, expenses or liabilities. All insurance required shall be and remain in full force and effect for the entire life of the rights granted hereunder.

10.0107. Operation and Maintenance of System.

A. The Grantee shall render safe and efficient services make repairs promptly and interrupt service only for good cause and for the shortest possible time. Such interruptions insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.

B. The Grantee shall provide for safe, adequate, and prompt service for its facilities.

10.0108 Service to Schools and City. The Grantee shall provide service to elementary or secondary

school locations within the City with one terminal junction for educational purposes upon request by the City or the school system and at no cost to the City or to the school system. This shall mean only an energized cable to such buildings. The cost of any internal wiring shall be borne by the institution.

Grantee shall also provide the City connections to three buildings to be selected by the City Council of the City, without charge and one junction terminal to each of said buildings at a location therein to be selected by the City.

10.0109. Emergency Use of Facilities. In the case of any emergency or disaster, the Grantee shall, upon request of the City Council, make available its facilities to the City for emergency use during the emergency or disaster.

10.0110 Other Business Activities. The Grantee hereunder shall not engage in the business of selling, repairing or installing television receivers radio receivers or accessories for such receivers within the City of Bridgewater during the term of the Franchise.

10.0111 Safety Requirements. The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries or nuisances to the public.

10.0112 New Developments. It shall be the policy of the City liberally to amend this Franchise, upon application of the Grantee, when necessary to enable the Grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively efficiently or economically to serve its customers; provided, however, that this section shall not be construed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

10.0113 Limitations of Rights Granted.

A. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable conveniences of property owners who join any of the said streets, alley, or other public ways and places, and said poles or fixtures shall be removed by Grantee whenever in the opinion of the City Council of the City of Bridgewater the same restrict or obstruct the operation or location of

any future streets or public places in the City of Bridgewater.

B. All transmission and distribution structures lines and equipment erected by the Grantee within the City shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with any installations of the City or of a public utility serving the City, or to interfere with new improvements the City may deem proper to make.

C. In the maintenance and operation of their television transmission and distribution system in the streets, alleys, and other public place, and in the course of any new construction or addition to their facilities Grantees shall proceed so as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places made by Grantees in the course of their operations shall be guarded and protected at all times by the placement of adequate barriers fences, or boardings, the bounds of which, during periods of dusk and darkness shall be clearly designated by warning lights.

D. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in a manner approved by the City Council, replace and restore such street, sidewalk, alley, public way, or paved area in as good a condition as before the work involving such disturbance was done.

E. If at any time during the period of this Franchise the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits manholes and other fixtures at its own expense.

F. All installations of equipment shall be of permanent nature, durable and installed in accordance with good engineering practices, and of sufficient height to comply with all existing City regulations ordinances and state laws so as not to interfere in any manner with the right of the public or individual property owner, and any equipment installed in a public way or place shall not interfere with the usual travel on such public way or usual use of such public place by the public and during the construction repair or removal thereof, shall not obstruct or impede traffic.

G. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same,

and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

H. The Grantee shall have the authority to trim trees overhanging upon the streets, alleys, sidewalks and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the Grantee.

I. In all sections of the City where the cables, wires or other like facilities of public utilities are placed underground the Grantee shall in the future place its wires, cables or other like facilities underground to the maximum extent that existing technology reasonably permits the Grantee to do so.

J. Grantee shall, at its expense, protect, support, temporarily disconnect relocate on the same street, alley or public place, any property of Grantee when required by the City by reason of traffic conditions public safety, street vacation, freeway and street construction, change or establishments of street grader installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other types of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity or other structure of public improvement; provided, however, that Grantee shall in all such cases have the privileges to abandon any property of Grantee in place as hereinafter provided.

K. 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 systems or property have been installed in any street or public place without complying with the requirements of this ordinance or the rights granted hereunder have been terminated canceled or have expired, Grantee shall 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 satisfactory to the City.

L. Any property of Grantee to be abandoned in place shall be abandoned in such a manner as the City may 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.

10.0114 Removal of Facilities Upon Request. Upon termination of service to any subscriber the Grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.

10.0115 Transfer of Franchise. The rights granted under this ordinance may be assigned or transferred by the Grantee, provided, however, that the proposed assignee or transferee must show financial responsibility to the satisfaction of the City and must agree to comply with the provisions of this ordinance. The City's acceptance of the financial responsibility of the assignee or transferee shall not be unreasonably withheld.

10.0116 Payment to the City. During the term of the franchise granted hereunder and so long as Grantee or its successors or assigns operate the Cable Television System, commencing from the date of institution of service to subscribers Grantee shall pay to the City annually the following percentages of the "annual gross subscriber revenue" as defined herein, of said Cable television System as compensation for the said franchise:

During the first and second years of actual operation - 1%;

During the third and fourth years of actual operation - 2%;

During the fifth year of actual operation and each year of actual operation thereafter - 3%.

"Gross subscriber revenue" shall include those revenues derived from the monthly service charge paid by subscribers for basic Cable television reception service.

Subscriber revenues shall not include any state or federal taxes relating to services provided by or fees charged by Grantee, or revenues received as installation charges and fees for reconnections, inspection repairs or modifications of any installations.

Such payments by Grantee to City shall be in lieu of any occupation tax, license tax, or similar, levy, and shall be paid annually. Nothing herein contained however, shall in any way relieve Grantee or its assigns or successors from the obligation of paying property taxes to the City of Bridgewater or any other governmental subdivision of the State of South Dakota, or any other taxes lawfully levied by the State of South Dakota, on the operation of the Grantee. Such payment also does not affect

the responsibility of Grantee to collect state and local sales tax on the service provided.

Grantee shall file with the City, within ninety (90) days after the expiration of any fiscal Year of Grantee during the term of the rights granted hereunder a statement prepared by a Certified Public Accountant showing the gross subscriber revenue as defined herein. It shall be the duty of the Grantee to pay the City within fifteen (15) days after the time for filing such statement the amount due for the fiscal year covered by such statement. In no event shall any such payments be due and payable until the system is actually in operation with paying subscribers.

10.0117 Erection, Removal and Common Use of Poles.

A. No poles or other wire-holding structures shall be erected by the Grantee without prior approval of the City Engineer with regard to locations height, type or any other pertinent aspect. 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 Council determines that the public convenience would be enhanced thereby.

B. There is hereby granted to the extent that the City is authorized to so do, the right and authority to Grantee to lease, rent, or in any other manner obtain the use of towers, poles, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City of Bridgewater to use such towers, poles, lines, cables, and other equipment and facilities subject to all existing and future ordinances and regulations of the City. It is the stated intention of the City of Bridgewater that all other holders of public licenses and franchises within the corporate limits of the City shall cooperate with Grantee to allow Grantee's joint usage of their poles and pole-line facilities whenever possible or wherever such usage does not interfere with the normal operation of said poles and pole-lines so that the number of new or additional poles constructed by Grantee within the City may be minimized.

C. Grantee shall grant to the City, free of expense, joint use of any and all poles owned by them for any proper municipal purpose acceptable to Grantee, insofar as it may be done without interfering with the free use and enjoyment of Grantee's own wires and fixtures and the City shall hold Grantee harmless from any and all claims, actions, causes of action, or damages caused by the placing of the City's wires or appurtenances upon the poles of Grantee. Proper regard shall be given to all existing safety rules covering construction and maintenance in effect at the time of construction.

If, in accommodation the City's joint use of its poles Grantee is required to change or replace poles or install new poles, the City shall compensate Grantee for such additional expense.

10.0118 Rates.

A. Grantee shall at all times maintain on file with the Finance Officer a schedule setting forth all rates and charges to be made to subscribers for basic CATV service, including installation charges.

B. Before making any changes in the rates and charges to subscribers for basic CATV service, Grantee shall file in writing with the Finance Officer of the City of Bridgewater a new proposed rate change at least thirty (30) days in advance of the proposed effective date for such rate change. If the City Council takes no action to set the proposed rate changes for hearing or takes no other action to delay such changes, said proposed rate changes may become effective upon the expiration of the 30-day notice.

C. If the City Council sets the proposed rate change for hearing, said proposed rate changes will not become effective until the City Council has taken action by means of a resolution.

D. This Provision does not limit the right of Grantee to pass along to the subscribers state and local sales tax or any specific copyright fees.

10.0119 Complaint Procedures. Complaints regarding the quality of services, equipment malfunctions and similar matters shall first be directed to Grantee's office. Should Grantee fail to satisfy a complaint it may then be directed to the Finance Officer for investigation. In response to a complaint, Grantee shall be afforded a reasonable opportunity to present written statements of its position. The Finance Officer shall attempt to resolve the complaints but, if this cannot be achieved he/she shall submit a recommendation to the City Council, recommending that: 1) the complaint be dismissed or 2) corrective action be taken by Grantee. Appeal from the Council's action may be made to the appropriate judicial or administrative forum.

10.0120 Compliance With FCC Franchise Standards. Pursuant to applicable FCC standards the following recitations and provisions are set forth:

A. Grantee's legal, character, financial, technical and other qualifications and the adequacy and feasibility of its construction arrangements, have been approved by the City Council of the City of Bridgewater after consideration in a full public proceeding, affording due process to all interested

parties.

B. The initial franchise period shall be fifteen (15) years in duration and renewal franchise periods shall also be fifteen (15) years in duration.

C. The City Council has specified guidelines in changing rates. No changes in rates charged to subscribers shall be made except as they shall be deemed approved by the City Council as provided herein.

D. The franchise fee shall be no more than three percent (3%) of Grantee's "gross subscriber revenues" per year from cable television operations in the City.

10.0121 Unauthorized Cable Tapping. It shall be unlawful for any person or persons to obtain any Cable Television services from any cable television company or any firm or private person by installing, rearranging or tampering with any facilities or equipment of said Cable Television Company unless the same is done with the knowledge of and with the permission of the Cable Television Company. Any person or persons found guilty of a violation of any of the provisions of this Section shall be deemed guilty of a misdemeanor.

10.0122 Separability.

A. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

B. Should any provision of this Franchise be inconsistent or at variance with any rules regulation or policy in whole or in part of the Federal Communications Commission or any other agency having jurisdiction such provision shall be invalid but the remaining provisions hereof shall not be affected thereby.

10.0123 Publication. Grantee shall pay to the City a sum of money sufficient to reimburse it for all expenses incurred by it in connection with the publication and passage of this ordinance and the rights granted to Grantee hereunder. Such payment shall be made by Grantee to City within thirty (30) days after City shall furnish Grantee with a written statement of such expense.

The Grantee shall assume the cost of publication of this Franchise as such publication is required by law and such is payable upon the Grantee's filing of acceptance of this Franchise.

10.0124 Ordinance Repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

TITLE 11 - TAXATION

Chapter 11.01 - Municipal Sales Tax

CHAPTER 11. - MUNICIPAL SALES TAX

11.0101 Purpose. The purpose of this Chapter is to provide needed revenue for the City 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.

11.0102 Effective Date and Enactment of Tax. From and after the first day of January 2004, 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 percent (2%) on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Bridgewater, McCook County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

11.0103 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 purchased from and after the first of January, 2004, 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.

11.0104 Collection. Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue 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.

11.0105 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 thereto, and that this shall be considered a similar tax

except for the rate thereof to that tax.

11.0106 Penalty. Any person failing or refusing to make reports on payments by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) or imprisoned for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto are hereby authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

11.0107 Separability. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

TITLE 12 - GENERAL PROVISIONS

Chapter 12.01 - Penalties and Repealing Clause

CHAPTER 12.01 - PENALTIES AND REPEALING CLAUSE

12.0101 Penalty in General. Except in cases where a different or additional penalty is imposed by this ordinance or by some existing provision of law, every violation of any of the provisions of this ordinance shall be punishable by a Class 2 Misdemeanor.

12.0102 State Law Violations - Bond Schedule. For all state code violations committed within the city of Bridgewater, municipal law enforcement shall apply the fine and bond schedule promulgated by the First Judicial Circuit, State of South Dakota, in effect on the date of any such state code violation.

12.0103 Municipal Ordinance Violations - Bond Schedule. This following schedule of fines for a violation of Bridgewater municipal ordinances is hereby established:

<u>City Code</u>	<u>Description</u>	<u>Fine</u>
	<u>Miscellaneous Provisions</u>	
3.0112	Open Burning	
	First offense:	Warning
	Second offense is a misdemeanor:	\$50.00.
3.0115	Allowing animal to defecate on property other than his or her own	\$25.00
3.0204	Garbage collector using equipment which allows leakage or spilling; trash, garbage, rubbish or waste dropped or spilled	\$50.00
4.0301 - 4.0306	Violation of Alcoholic beverages ordinances	\$100.00
5.0101	Remaining in city park or public building after closing	\$50.00
5.0102	Indecency	Court Apt
5.0103	Roller skates and Skateboards in the Business District	\$25.00
5.0104	Excessive Noise: Radios, Television Sets, Musical Instruments	\$25.00
5.0202	Animals Running at Large	

	1 st Offense	\$25.00
	2 nd Offense	\$50.00
	3 rd Offense or more	\$100.00
5.0203	Obstructing in Capture	\$50.00
5.0204	No Shots on Dog/Cat	\$25.00
5.0205	Animal Placed for Observation	\$100.00
5.0206	Vicious, Dangerous Animals	Disposal
5.0207	Disturbance of peace by Animal	\$30.00
5.0208	Cruelty to Animals	\$100.00
5.0209	Poisoning Animals	\$50.00
5.0210	Keeping Stray Animals	\$25.00
5.0211	Failure to License Dogs and Cats	\$25.00
5.0301	Fireworks violation	\$50.00
5.0302	Discharging weapon within the city limits.	\$80.00
5.0401	Curfew Violation (Detention)	\$50.00
5.0403	Parent or guardian permitting curfew violation	\$50.00
6.0212	Depositing material on public place	\$50.00
6.0301	Failure to remove snow	\$25.00
7.0107	Failure to Obey Traffic Control Devices	\$50.00
7.0301	Parking in streets following Snowfall	\$25.00
7.0305	Parking in Prohibited Designated Places	\$50.00
7.0306	Improper manner of parking in Designated Places	\$25.00
7.0307	Illegal Diagonal Parking	\$25.00
7.0308	Parking in No Parking Areas	\$50.00
7.0309	Parking/Storing Vehicles without current license plates	\$75.00
7.04	Size, Weight, and Load Violation (Amended 3/28/12 Ord 2012-3)	\$200.00
7.0403	Failure to use truck route	\$25.00
7.0405	Improper truck parking	\$50.00
7.0406	Truck parking in public alley	\$75.00
7.0502	Operating snowmobile for other than Ingress and Egress	\$25.00
7.0503	Operation of snowmobile on private property without permission	\$80.00
7.0504	Operation of snowmobile on public property	\$80.00
7.0505	Improper street crossing	\$50.00
7.0507	Operating snowmobile in careless, reckless or negligent manner	\$100.00
7.0508	Operating snowmobile - loud noise	\$50.00

7.0510	Equipment violations	\$50.00
7.0511	Unattended snowmobile	\$25.00
7.0512	Towing behind a snowmobile	\$75.00
8.0109	Unlawful water use; tampering with curb cock	\$100.00
8.0204	Unauthorized connection to public sewer	\$150.00
8.0209	Breaking, damaging. . .sewage works (per violation)	\$200.00
11.0106	Failing or refusing to make sales tax report	\$200.00

12.0103 Conflicting Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this ordinance, or relating to the subject matter of this ordinance and not re-enacted as part of this ordinance, are hereby repealed; provided however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, or other special ordinances of like character, nor shall this ordinance repeal or modify the provisions of any ordinance heretofore adopted by the City unless provisions of this ordinance in effect, either modify, repeal or amend such ordinances.

12.0104 Unconstitutionality. Should any Section, Sub-section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of this ordinance shall not be affected thereby.

12.0105 Publication and Effect. This ordinance shall take effect upon its adoption and publication of the notice of such adoption as provided by SDCL 9-19-17.