

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS

COUNTY OF LINCOLN/MINNEHAHA)

SECOND JUDICIAL CIRCUIT

BOND SCHEDULE FOR USE BY LAW ENFORCEMENT OFFICERS

ORDER promulgating a schedule of cash, 10% appearance bond or cash/surety bonds for Class 1 and Class 2 misdemeanors and authorizing law enforcement officers to fix bonds as set forth for these and other listed offenses within the jurisdiction of the county.

ALCOHOL VIOLATIONS

Maintaining Public Nuisance/Alcohol SDCL 35-10-17	\$250.00
Open Container SDCL 35-1-9.1	PR
Providing Alcohol to Minor Under 18 SDCL 35-9-1	\$200.00
Providing Alcohol to Minor 18 – 21 SDCL 35-9-1.1	PR
Public Consumption SDCL 35-1-5.3; SF Ord. 5-9	\$50.00
Underage poss./cons. alc (Resident) SDCL 35-9-2; SF Ord. 5-12	PR
Underage poss./cons. alc (NonRes.) SDCL 35-9-2; SF Ord. 5-12	PR

DRIVER'S/ LICENSE VIOLATIONS

Displaying Another's Driver's Lic. SDCL 32-12-70	PR
Driving While Revoked SDCL 32-12-65	\$150.00
Driving While Suspended SDCL 32-12-65	PR
Driving w/o Dr. Lic. in Poss. SDCL 32-12-39	PR
Giv. Flse Info. to Obtain Dr. Lic. SDCL 32-12-75.1	\$100.00
No Valid Driver's License SDCL 32-12-22	PR
Poss. of Altered/Suspended Dr Lic SDCL 32-12-67	PR
Substituted License Plate SDCL 32-5-103	PR

**ASSAULTIVE BEHAVIOR/
DAMAGE**

Disorderly Conduct SDCL 22-13-1; SF Ord. 26-25	\$50.00
Disturbing Peace (City) SF Ord. 26-26	PR
Domestic Abuse/Simple Assault SDCL 22-18-1	no bond
Domestic Stalking SDCL 22-19A-1	no bond
Violation of Protection Order SDCL 22-19A-16 (stalking); SDCL 25-10-13 (domestic)	no bond
Intentional Damage to Property SDCL 22-34-1; SF Ord. 26-37	\$200.00
Obstructing Police Officer SDCL 22-11-2	\$150.00
Resisting Arrest SDCL 22-11-4	\$200.00
Simple Assault SDCL 22-18-1	\$200.00
Tampering with Motor Vehicle SDCL 32-4-4	\$150.00

DRIVING OFFENSES

Careless Driving - State or City 32-24-8; SF Ord. 40-220	PR
DWI 1 st SDCL 32-23-1 & 32-23-2	\$450.00
DWI 2 nd SDCL 32-23-1 & 32-23-3	\$750.00
DWI 3 rd SDCL 32-23-1 & 32-23-4	\$2,500
Reckless Driving – City SF Ord. 40-219	PR
Reckless Driving – State SDCL 32-24-1	\$200.00
Eluding SDCL 32-33-18	\$250.00
Zero Tolerance/Under 21 SDCL 32-23-21	\$100.00
Exhibition Driving – State or City SDCL 32-24-9; SF Ord. 40-221	PR

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Fleeing From Police (City) SF Ord. 34-2	PR
Seat Belt Violation SDCL 32-38-1	PR

CRIMES OF DISHONESTY

False Impersonation SDCL 22-40-1	\$75.00
Making a False Report SDCL 22-11-9	\$250.00
Misprision of a Felony SDCL 22-11-12	\$250.00
Obtain Services w/o Paying SDCL 22-30A-8	PR
Petty Theft 1° SDCL 22-30A-17.2	\$200.00
Petty Theft 2° SDCL 22-30A-17.3	PR
Unauthorized Use of a Vehicle SDCL 22-30A-12	\$200.00
Unlawful Occupancy -- Entering or Surreptitiously Remaining SDCL 22-35-5	\$100.00
Unlawful Occupancy -- Entering or Remaining After Notice SDCL 22-35-6	\$100.00

DRUGS AND SUBSTANCES

Ingest Non-Alcoholic Substance SDCL 22-42-15	\$100.00
Poss Drug Paraphernalia SDCL 22-42A-3	PR
Poss Marijuana (less than 2 oz.) SDCL 22-42-6	\$200.00
Poss Marijuana (2 oz. - ½ pound) SDCL 22-42-6	felony
Poss Marijuana (under 1 pound) SDCL 22-42-6	felony

FISHING/HUNTING/ WEAPONS

Carrying Concealed Weapon SDCL 22-14-9; SF Ord. 26-51	\$200.00
Fishing w/o license (resident) SDCL 41-6-7	PR
Fishing w/o license (nonresident) SDCL 41-6-8	\$100.00
Hunting w/o license SDCL 41-6-16	PR
Poss. of Firearm w/ Intoxicated SDCL 22-14-7	\$250.00

HIT AND RUN VIOLATIONS

Failure to Report – Unattended Veh. Or Property SDCL 32-34-4	PR
Failure to Report Accident – bodily injury/death and/or prop. damage over \$1.000 SDCL 32-34-7	\$75.00
Hit and Run SDCL 32-34-6	\$75.00
Leaving Scene of Accident SDCL 32-34-3	\$200.00
Hit and Run with Injuries SDCL 32-34-5	felony

PHONE CALLS/NUISANCES

Misuse of Phone SDCL 49-31-31	\$150.00
Nuisance Phone Calls SDCL 49-31-31	\$150.00
Panhandling/Public Begging SF Ord. 26-13	PR
Public Nuisance SDCL 22-36-1	PR

INSURANCE VIOLATIONS

No Proof of Insurance SDCL 32-35-113	PR
Prov. False Evid. of Fin. Resp. SDCL 32-35-120	\$250.00

MORALS CHARGES

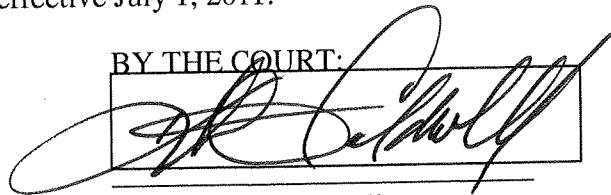
Contrib. to Delinq. of a Minor SDCL 26-9-1	\$250.00
Indecent Exposure SDCL 22-24-1.2	\$250.00
No Escort Identification SF Ord. 23 1/2-35	PR
Prostitution SDCL 22-23-1	\$100.00
Public Indecency SDCL 22-24-1.1	PR
Soliciting a Ride SF Ord. 40-303	PR
Window Peeking SDCL 22-21-3	\$250.00

Anything NOT listed on the BOND SCHEDULE shall be set as follows:

Class 2 Misdemeanors	PR
Class 1 Misdemeanors	\$200.00

Dated this 30th day of June, 2011, and effective July 1, 2011.

BY THE COURT:



Kathleen K. Caldwell
Presiding Judge, Second Circuit

Note: Fines and appearances required for violation of municipal ordinances shall be the same as those required for violation of similar state statutes. For other traffic offenses not covered by municipal ordinance, the fines are the same as the state schedule. For violation of City of Sioux Falls municipal ordinances that do not have a similar state statute, the total amount the clerk magistrates are directed to charge is \$95, inclusive of fines, fees and surcharges (except for Sioux Falls curfew violations which are assessed a different amount).

Any officer has the authority to require a violator to appear before a magistrate judge.

Addendum to the FY 11, 2nd Circuit Fine & Bond Schedule:
City of Sioux Falls Ordinances with No Corresponding State Statute,
as of June 18, 2010, reissued June 2011 for FY12.

** Note: the 2nd Circuit Local Fine & Bond Schedule is not applied to City of Sioux Falls curfew violations which are assessed a different amount.

Sec. 3-1. Posting on public property. No person shall nail, paste, paint or otherwise affix in any manner any lithograph, sign, advertisement, picture or design whatever upon any bridge, viaduct, sidewalk, parking, parkway, boulevard, crosswalk, curb or street or upon the railing or approaches of any bridge, viaduct or sidewalk or upon any telephone, telegraph, electric light or fire alarm pole or post. (1957 Rev. Ords., § 9.810)

Sec. 3-19. Restricted in public places. It shall be unlawful for any person to hand out or distribute or sell any handbill in any public place; except that a handbill may be personally delivered to any person willing to accept the handbill. (1957 Rev. Ords., § 9.809)

Sec. 3-20. Placing on vehicles. No person shall throw or deposit any handbill in or upon any vehicle. (1957 Rev. Ords., § 9.809)

Sec. 3-21. Depositing on uninhabited or vacant premises. It shall be unlawful for any person to throw or deposit any handbill in or upon any private premises which is uninhabited or vacant.

Sec. 3-22. Prohibited where properly posted. No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises a sign bearing the words: "no trespassing," "no peddlers or agents," "no advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed, or to have any handbills left upon such premises.

Sec. 3-23. Inhabited private premises. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. However, for inhabited private premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, but mailboxes may not be so used when so prohibited by federal postal law or regulation

Sec. 5-7. Closing of premises of public facility on-sale and malt beverage retail dealers. (a)
Every public facility on-sale dealer in alcoholic beverages, distilled spirits, wines and malt beverages and every malt beverages retail dealer shall flash the lights of his place of business at 1:45 a.m. each day as a warning that within 15 minutes the licensed premises will close. By 2:00 a.m., every public facility on-sale dealer, wine retail dealer, and malt beverage retail dealer shall clear his premises of all persons except employees and shall lock all doors to the premises and shall turn out all lights thereon, except such a night light as is approved by the city. Such night light shall burn from 2:00 a.m. until daylight of the following day. Each public facility on-sale dealer, wine retail dealer, and malt beverage dealer and his employees shall leave the place of business or premises by 2:30 a.m. Each public facility on-sale dealer, wine retail dealer, and malt beverage retail dealer may enter the premises or authorize one of his employees to enter his premises at any time for the purpose of reasonable maintenance of the

premises. For the purpose of this section, "reasonable maintenance" means only such maintenance as is necessary to prevent the deterioration or destruction of the premises or any fixtures located thereon. The purpose of this subsection is that such premises shall be wholly vacant during the closed period, except as provided in this subsection; (b) Any of the public facility on-sale dealers having on their licensed premises a duly licensed restaurant pursuant to SDCL Ch. 34-18 and who comply with all ordinances applicable thereto and which restaurant is operated in a room separate and apart from the room wherein intoxicating liquor is or can be dispensed may, notwithstanding anything to the contrary set forth in this section, continue to operate exclusively as a restaurant, provided all intoxicating liquor and the facilities for dispensing it are isolated and contained in a separate room devoted principally to the use of dispensing and consuming of alcoholic beverages and which room with its alcoholic contents is vacated, closed and locked as provided in this section. (Ord. No. 18-88, § 1, 3-7-88; Ord. No. 6-89, § 1, 1-16-89; Ord. No. 116-89, § 1, 11-20-89; Ord. No. 106-08, § 5, 8-18-08)

Sec. 5-9. Consumption on public streets or alleys. It shall be unlawful for any person to drink or consume or attempt to drink or consume any distilled spirits, wines and malt beverages, as defined by state laws, in or upon any public street, alley, highway or public sidewalk. (Ord. No. 18-88, § 1, 3-7-88) Cross reference: Streets and sidewalks, ch. 38.

Sec. 5-10. Persons to whom sale prohibited. No licensee of any class shall sell or give for use as a beverage any alcoholic beverage to any person under the age of 21 years, notwithstanding any of the provisions of state laws. (Keith I included this one because in some parts of the state a minor is allowed to drink if accompanied by a parent or guardian.)

Sec. 7-2. Running at large prohibited. Except on property designated by the city as an animal off-leash area, it shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. (Ord. No. 21-75, § 2, 4-7-75; Ord. No. 40-03, § 1, 5-12-03)

Sec. 7-4. Disturbing the peace. (a) The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day. (b) Any animal control officer or police officer may remove and impound any animal which is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises. (c) Any person having custody or control of any female dog or cat in heat shall be required to keep such dog or cat confined in a building, secure enclosure, veterinary hospital, or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes. (Ord. No. 21-75, § 2, 4-7-75; Ord. No. 78-86, § 3, 8-25-86)

Sec. 7-6. Stray, abandoned or unkept animals. No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the animal control officer. (Ord. No. 21-75, § 2, 4-7-75)

Sec. 7-12. Failure to comply with warning ticket. It is unlawful for any person to fail or refuse to comply with the provisions or requirements of a warning ticket lawfully issued under this chapter. (Ord. No. 101-80, 10-27-80)

Sec. 7-14. Hunting prohibited. No person shall hunt game in the city. Game means any wild bird or animal hunted for sport or for use as food. Hunt means to pursue game while in possession of a firearm or weapon for sport, food, or to kill. This section does not apply to peace officers or city animal control officers in the discharge of their official duties. (Ord. No. 32-91, § 1(7-14), 4-1-91)

Sec. 7-15. Number of pets limited. It is unlawful for any person to have or to keep more than four domestic pets over the age of six months, except birds and fish, on any lot or premises in the city, unless such person residing on or in the lot or premises has a valid kennel license issued by the city. The animal shelters, veterinarian offices, and retail pet stores are exempt from the provisions of this section. (Ord. No. 59-07, §5, 4-16-07)

Sec. 7-21. Vaccination required. (a) Every dog, cat, or other animal susceptible to rabies, held as a domestic pet in the city, six months of age or older, is hereby required to be vaccinated against rabies by a licensed veterinarian or other qualified person designated by the board of health. Any rabies vaccination that is not administered by a licensed veterinarian or other qualified person designated by the board of health shall not be recognized as the required vaccination. Vaccination against rabies shall be given at such intervals as designated by the board of health by resolution. (b) Any owner acquiring a dog, cat, or other animal by purchase, gift, birth, or otherwise shall have such animal vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months. (Ord. No. 21-75, § 2, 4-7-75; Ord. No. 59-07, §7, 4-16-07)

Sec. 7-60. Licensing of dogs and cats required. Each owner or keeper of a dog or cat of the age of six months or over shall, within 30 days of the acquisition of such animal or within 30 days of the time such animal becomes six months old, cause such animal to be licensed by the city of Sioux Falls. All applications for license certificates must be accompanied by a rabies immunization certificate and the appropriate fee. The term of the license is as follows: Cats: one year from date of issue. Dogs: two years from date of issue. The license shall take effect when issued. Each owner or keeper of a dog or cat must make application to renew the license prior to the expiration of such license, accompanied by a fee as set forth in Section 7-62 of the Revised Ordinances of Sioux Falls, South Dakota. (Ord. No. 21-75, § 2, 4-7-75; Ord. No. 7-78, § 2, 1-30-78; Ord. No. 59-07, § 12, 4-16-07)

Sec. 7-61. Application for license certificate and tag. (a) Every owner or keeper of a dog or cat within the city must submit an application for animal license for each animal owned that is six months old or older and a renewal application within one year and annually from the month of the first license. (b) A certificate and tag shall be issued upon receipt of proper application or license. The certificate shall at all times be in the possession of the owner. The tag shall be affixed to the licensed animal in a secure manner at all times. The owner shall contact animal control to report change of ownership, loss, or death of a licensed animal. (c) If a tag or certificate is lost, either may be replaced for a fee of \$1.00 by applying to the animal shelter. (Ord. No. 7-78, § 3, 1-30-78; Ord. No. 78-86, § 6, 8-25-86)

Sec. 10-1. Lights. Every bicycle driven upon any street, recreation trail, or sidewalk during the period from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person at a distance of 200 feet ahead shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a yellow or red light visible under like conditions from a distance of at least 200 feet to the rear of such bicycle. (1957 Rev. Ords., § 13.306; Ord. No. 27-83, § 1, 5-2-83)

Sec. 10-2. Brakes. Every bicycle, when operated in the city, shall be equipped with a brake adequate to control the movement and to stop such bicycle whenever necessary. (1957 Rev. Ords., § 13.306)

Sec. 10-34. Traffic regulations generally. Every person driving a bicycle shall have all of the rights and all the duties applicable to the driver of any other vehicle by this Code, except as to special regulations in this article and except as to those provisions of this Code which by their nature can have

no application. (1957 Rev. Ords., § 13.301; Ord. No. 27-83, § 1, 5-2-83) Cross references: Traffic, ch. 40.

Sec. 10-35. Manner of riding. No person shall ride or propel a bicycle upon any street except in a careful or prudent manner and unless such person shall be capable of efficient control and operation of such bicycle. (1957 Rev. Ords., § 13.308)

Sec. 10-36. Passengers prohibited; exception. No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult driver may carry an infant securely attached to his person in a back pack or sling or in an infant carrier designed for bicycles with a safety belt firmly attached. (1957 Rev. Ords., § 13.308; Ord. No. 27-83, § 1, 5-2-83; Ord. No. 50-88, § 7, 6-20-88)

Sec. 10-37. Clinging to vehicles. Any person riding upon any bicycle shall not attach the bicycle or himself to any vehicle upon a street. (1957 Rev. Ords., § 13.308)

Sec. 10-38. Driving abreast. Persons driving bicycles upon a roadway shall not drive abreast at any time except while in the process of passing. (1957 Rev. Ords., § 13.308; Ord. No. 2423, 6-13-66; Ord. No. 27-83, § 1, 5-2-83)

Sec. 10-39. Carrying articles. No person driving a bicycle shall carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle. A person driving a bicycle shall keep at least one hand on the handlebars at all times. (1957 Rev. Ords., § 13.308; Ord. No. 27-83, § 1, 5-2-83)

Sec. 10-40. Acrobatic riding. No rider of a bicycle shall remove both hands from the handle or feet from the pedals or practice any acrobatic or fancy riding on any street. (1957 Rev. Ords., § 13.308)

Sec. 10-41. Speed; contests. (a) No person shall, while driving a bicycle upon a street or recreation trail, participate in any race for speed with any other vehicle, except under permit from, and under the supervision of, the police department. (b) By agreement with the police department, participants in an approved bicycle racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users. (c) Tests of endurance are not considered bicycle racing. (1957 Rev. Ords., § 13.308; Ord. No. 27-83, § 1, 5-2-83) **State law references:** Bicycle races, SDCL 32-20B-7 et seq.

Sec. 10-42. Interfering with pedestrians. No person shall ride or propel any bicycle upon any street in such manner as to interfere with any pedestrian thereon. (1957 Rev. Ords., § 13.307)

Sec. 16-29. Public use of fireworks. Public use of fireworks within the City of Sioux Falls shall be limited to those specific Class 1.4G fireworks having no audible report or projectile or launching components. Examples of prohibited use fireworks include, but are not limited to, fire crackers, bottle rockets, roman candles, parachutes, and similar devices intended to propel or project flaming or explosive materials. Fireworks may not be used on any public sidewalk, street, or alleyway; fireworks may not be used on private property without the expressed knowledge and permission of the property owner. (Ord. No. 33-07, §84, 2-20-07)

Sec. 18-2. Littering prohibited—Generally. It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, lake, stream, river, pond, body of water or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles, or any form of litter or waste matter. (1957 Rev. Ords., §§ 9.802, 9.809; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 63-06, 5-15-06) **State law references—**Refuse in public places and streams,

SDCL 9-32-10; littering prohibited, SDCL 34A-7-6 et seq.; ordinances to regulate litter, SDCL 34A-7-14.

Sec. 18-4. Same-Duty of person. It shall be unlawful for any person going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes. It shall be unlawful for any person going upon the premises of another to dispose of recyclables in a garbage receptacle or to dispose of garbage in a recycling receptacle which may cause or permit recyclables to become contaminated or otherwise unfit or more difficult to recycle. (Ord. No. 63-06, 5-15-06)

Sec. 18-5. Littering on premises of another. It shall be unlawful for any person going upon the premises of another to in any manner dispose of litter except in receptacles provided for such purposes and except with the permission of the person in possession of the premises. (Ord. No. 73-75, § 2, 11-17-75; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 18-15. Litter on sidewalk. The owner or occupant of any lot or private ground abutting upon any public sidewalk shall not allow rubbish, debris or obstruction of any kind to be or remain on such sidewalk along such abutting property. (1957 Rev. Ords., § 7.907; Ord. No. 2308, 12-14-64; Ord. No. 19-72, 4-10-72; Ord. No. 35-73, § 1, 4-30-73; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 63-06, 5-15-06)

Sec. 19-49. Prohibited. No person shall create, commit, maintain, or permit to be created, committed, or maintained any nuisance within the city. (1957 Rev. Ords., § 7.801; Ord. No. 2677, 4-20-70)

Sec. 19-50. Illustrative enumeration. Whatever is or imminently may become hazardous or dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health, or whatever annoys, injures, or endangers the health, comfort, or safety of others, along with the following specific acts, conditions, and things are, each and all of them, hereby declared to constitute nuisances; provided, however, that this enumeration shall not be deemed to be exclusive: (22) *Graffiti.* Any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, or other permanent structure on public or private property and which has the effect of defacing the property.

Sec. 22-1. Records. All junk dealers, keepers of secondhand stores and dealers in secondhand goods are required to keep a book open to the inspection of the public in which shall be entered by such dealer the name of each person from whom any article is purchased or to whom any article is sold and the price paid for such article, and an identifying description of such article. (1957 Rev. Ords., § 9.1102)

Sec. 22-2. Purchase of junk from minor. No person shall purchase or receive from any person under the age of 18 years any goods known as junk, or any goods of a secondhand character, unless such minor at the time he offers such junk or other goods for sale is accompanied by his parent or guardian. (1957 Rev. Ords., § 9.1103)

Sec. 22-3. Sale of junk by minor. No person under the age of 18 years shall sell or offer for sale any of the goods mentioned in section 22-2 unless such minor is accompanied by his parent or guardian. (1957 Rev. Ords., § 9.1104)

Sec. 25 1/2-2. Noises prohibited. (a) *General prohibitions.* In addition to the specific prohibitions outlined in subsection (b) of this section and sections 25 1/2-3 and 25 1/2-9 of this chapter, it shall be

unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city. (b) *Specific prohibitions*

Sec. 26-13. Public begging. It is unlawful to detain or attempt to detain any person in a public place or to go door to door at residences or places of business for the purpose of begging for money or other things of value. This section shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations which have registered with the finance director's office on forms provided by that office as provided in section 29-2. (1957 Rev. Ords., § 9.204; Ord. No. 86-80, § 1, 9-22-80)

Sec. 26-18. Being in or on water illegal. If the governor, or the governor's designee, has declared an emergency or disaster and controlled the movement of persons in or upon the Big Sioux River and its tributaries, no person shall be in or upon the waters thereof without the express consent of an emergency official. Any person convicted of such offense shall be fined not more than \$500.00 or imprisoned in the county jail not longer than six months, or shall receive both such fine and imprisonment. In addition, a civil penalty for the cost of the person's removal or rescue from the water shall be assessed by the court. (Ord. No. 18-97, § 1, 3-27-97)

Sec. 26-28. Loitering prohibited. (a) *Definition.* Loitering means remaining in a public place in the downtown loop area which, for purposes of this article, includes the central business district of the city and the area bordered by the west side of Minnesota Avenue to Grange Avenue between 8th Street and 13th Street, with the apparent purpose of establishing control over an identifiable area, intimidating others from entering those areas, or to conceal illegal activities. Loitering includes, but is not limited to: (1) Creating or causing to be created any disturbance or annoyance to the passage, access, and comfort of any person; (2) Obstructing, impeding, or restricting in any manner the free passage of pedestrians or vehicles; (3) Obstructing, molesting, or interfering with any person lawfully in any public place. (b) No person shall be guilty of violation of this section unless a law enforcement officer has: (1) Informed the person or persons within a group that the person or group is engaged in loitering within an area in which loitering is prohibited, and order the person or group to disperse and remove themselves from the area or from the place at which the order was issued; and (2) Informed the person or persons within a group that they will be subject to arrest if the person or group fails to obey the order promptly or engages in loitering within sight or hearing of the location on which the order was issued during the next three hours. (Ord. No. 69-00, § 1, 8-14-00)

Sec. 26-39. Graffiti illegal. (a) *Definition.* Graffiti means any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb or other permanent structure on a public or private property which has the effect of defacing the property. (b) No person shall intentionally place graffiti on any surface located on public or private property. (c) No owner of any property may allow graffiti to be placed on any external surface on the owner's property. The owner of any such property shall remove therefrom graffiti which has been placed thereon. (Ord. No. 111-95, § 1, 9-5-95)

Sec. 26-131. Audible alarm standards, nonconforming uses. A security alarm system that emits an audible signal that may be heard outside of the protected premises shall automatically discontinue emitting the audible sound within ten minutes after activation of the alarm. All security alarm systems in the city shall comply with this requirement not later than January 1, 2003. (Ord. No. 27-02, § 1, 4-8-02)

Sec. 26-132. Automatic dialing telephone systems prohibited. No person shall install, maintain, operate or assist in the operation of any alarm system with an automatic dialing or digital alarm feature that automatically calls the police in the event of an alarm. (Ord. No. 27-02, § 1, 4-8-02)

Sec. 26-133. Alarm users. An alarm user shall: (1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms. (2) Review all alarm system operating instructions, including those for verification of an alarm. (3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm. (4) Physically go to the site of the alarm when an alarm has been falsely activated and police have responded. (Ord. No. 27-02, § 1, 4-8-02)

Sec. 26-136. Unlawful activation or report of alarm. (a) No person shall activate a security alarm system for the purpose of summoning the police except in the event of an unauthorized entry, robbery, or if the person needs immediate assistance in order to avoid injury or serious bodily harm. (b) Any person who shall notify the police of an activated alarm and have acknowledged that such activation was apparently caused by an electrical or other malfunction shall at the same time notify the police of the apparent malfunction. (Ord. No. 27-02, § 1, 4-8-02)

Sec. 27-5.1. Playing golf. No person shall golf within any park within the city, except in areas designated by the parks and recreation department as a golf course or driving range. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-6. Injuring park property. No person shall cut, break, scratch, mark, mar, or in any way injure or deface any building, fence, wall lamp, flagpole, construction improvement, facility or any other feature or property upon or within any park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-7. Vehicle operation and parking. No person shall operate or park any vehicle in any park, except on clearly marked and designated roadways or parking areas therein, except as authorized by the director pursuant to policy established by the board. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-8. Littering prohibited. (a) No person shall throw, deposit, place, or leave in any park or parkway, or water therein, any paper, rubbish, waste, cans, bottles, or refuse of any kind, whether or not such is offensive to the senses or is injurious to health, except in the receptacles provided for waste. (b) No person shall deposit, place, or leave any waste materials in any waste receptacle in any park which has not been generated within the park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-10. Handbills and signs prohibited. Except when permitted in writing by the director, no person shall erect any signs or posts or affix any notice or bills or other writing to any tree, post, wall, fence or building or any other structure or improvement within any park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-11. Firearms, guns and fireworks prohibited. No person shall fire or discharge any gun or any other type of firearm or discharge or set off any type of rocket, firecracker, or other fireworks or anything containing any substance of an explosive character within any public park except as authorized by the director pursuant to policy established by the board. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-12. Animals protected. No person shall harm any bird nest within the limits of any park, nor aim or discharge any airgun, slingshot or other weapon, or throw any stones or other missiles at, nor injure, or attempt to injure any bird or wild creature within any park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-16.3. Selling prohibited except by agreement or permit. No person shall promote, sell or offer to sell any article or anything of any type in any park, except as permitted by the board through agreement or permit. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-16.4. Fires in parks. No person shall start any fire in any park except in those places provided therefore. Every person who starts or uses a fire shall completely extinguish the fire before leaving the park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-16.6. Hours parks open to public. (a) Except as permitted herein, no person shall be in any park between 10:00 p.m. and 5:00 a.m. (b) While daylight savings time is in effect, Falls Park shall remain open between 5:00 a.m. and 12:00 midnight. (c) While daylight savings time is in effect, Fawick Park shall remain open between 5:00 a.m. and 11:00 p.m. (Ord. No. 49-99, § 1, 4-19-99; Ord. No. 57-03, § 1, 6-23-03)

Sec. 27-16.7. Vehicles after hours. No person shall park or leave parked a vehicle within any park after closing hours unless authorized by the director. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 27-16.11. Alcoholic beverages. (a) No person shall consume any alcoholic beverages in the following city parks: Whittier, McKennan, Tuthill, Tomar, Heritage, Lyon, Kenny Anderson, Pasley, Arrowhead, and Veterans' Memorial Park. (b) No person shall consume any alcoholic beverages in Falls Park, Fawick Park, or any park property located adjacent to and within 500 feet of the Big Sioux River between Falls Park Drive south to the Cliff Avenue bridge located between 12th Street and 14th Street, except upon application meeting the requirements of SDCL 35-4-11.4 and approval by the city council. (c) In all other city parks, no person shall consume any alcoholic beverages, except that the restriction shall not apply to malt beverages or wine as defined by SDCL 35-1-1, or where alcoholic beverages are licensed to be sold

Sec. 27-16.15. Glass containers. No glass beverage containers are permitted in any park. (Ord. No. 49-99, § 1, 4-19-99)

Sec. 28-3. Records required. (a) All pawnbrokers within the city shall keep a record of all loans made and of all articles received by them as security, on consignment or by purchase, and shall make and maintain, on forms prescribed or approved by the chief of police, a record of all regulated transactions. (b) Such records shall specifically identify the date of the transaction, each article purchased or received, and if available, the manufacturer's name, style, model number, serial number, engraved initials or other identifying marks. The record shall also include any other information required by the forms approved by the chief of police. (1957 Rev. Ords., § 9.1102; Ord. No. 13-80, 3-10-80; Ord. No. 45-94, § 1, 5-23-94)

Sec. 28-4. Access to records. All records kept by pawnbrokers within the city shall be open to inspection by the city police at all reasonable times. A copy of the records required in section 28-3, on the prescribed or approved form, shall be furnished by the pawnbroker or its agent to the city police upon request. (1957 Rev. Ords., § 9.1102; Ord. No. 45-94, § 2, 5-23-94)

Sec. 28-4.1.

Sec. 28-12. Required records. (a) Every dealer in precious metals or precious gems shall make and maintain, on forms prescribed or approved by the police chief, a record of all regulated transactions. Such record shall specifically identify each such article purchased or received in a regulated transaction and shall include, if available, the manufacturer's name, style, model number, serial number, engraved initials or other identifying marks, except that coins may be described only by the number of each

denomination and face type purchased. Such record shall also include the date of purchase, the amount paid for the article, the name and address of the person from whom the article was purchased or received and, if the person is not personally known to the dealer or the dealer's agents, that person's driver's license number and the state of issuance or, if unavailable, the identifying number from at least one form of government-issued identification. (b) The records required by this section shall be maintained for at least one year after the date of purchase or receipt and shall be made available for inspection by city police officers during reasonable business hours

Sec. 38-8. Goods on sidewalk. No person shall, without a license, place any goods or merchandise for sale or exhibition upon any sidewalk or cause to be placed thereon any goods in bottles, cans, cases or packages, or any empty boxes or packages at any time except that, for the purpose of loading or unloading, such articles may be placed upon the outer side of the sidewalk for such time as may be necessary to load or unload the articles, but in no instance shall any such articles be left upon the sidewalk in the nighttime or in such way as to obstruct the sidewalk. (1957 Rev. Ords., § 9.803; Ord. No. 17-87, § 1, 3-30-87)

Sec. 38-143. Distribution at parades. No person conducting, managing, or participating in any parade shall distribute or permit the distribution of any candy or balloons to persons in attendance during the parade. (Ord. No. 77-96, § 1, 7-15-96; Ord. No. 55-03, § 6, 6-16-03)

Sec. 38-145. Residential picketing prohibited. No person shall engage in picketing before or about the residence or dwelling of any individual in the city. (Ord. No. 118-88, § 1, 12-5-88; Ord. No. 55-03, § 8, 6-16-03)

Sec. 40-6. Clinging to moving vehicle. No person traveling upon any bicycle, coaster, sled, skis, roller skates or any other toy vehicle shall cling to or attach himself or his vehicle to any other moving vehicle upon any roadway. (1957 Rev. Ords., § 13.152; Ord. No. 28-83, § 1, 5-2-83)

Sec. 40-7. Boarding or alighting from vehicle. No person shall board or alight from any vehicle while such vehicle is in motion. (1957 Rev. Ords., § 13.150)

Sec. 40-8. Coasters, roller skates, and similar devices. No person on roller skates or riding in or by means of any coaster or toy vehicle or similar device shall go upon any roadway except while crossing a street or a sidewalk and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply on any street while set aside as a play street. (1957 Rev. Ords., § 13.151)

Sec. 40-9. Riding on outside of vehicles. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers, nor shall the operator of such vehicle permit any person to so ride. This section shall not apply to vehicles in parades for which a parade permit has been issued nor to persons riding within truck bodies in space intended for merchandise. (1957 Rev. Ords., § 13.153; Ord. No. 2423, 6-13-66; Ord. No. 11-83, 2-7-83)

Sec. 40-10. Opening doors into traffic. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. **State law references:** Similar provisions, SDCL 32-30-2.5.

Sec. 40-12. Wheeled motor vehicles prohibited on flood protection levees. It shall be unlawful for any person to drive or operate any motorized or motor driven, wheeled vehicle on any of the flood

protection levees. This section shall not apply to or limit authorized vehicles on the levees for maintenance, patrolling and flood emergency purposes. (Ord. No. 25-72, 5-8-72) **Cross reference—** Floodplain management ordinance, ch. 45

Sec. 40-24. Obedience to police. No person shall refuse or fail to comply with any lawful order, signal, or direction of any police officer, or refuse to submit to any lawful inspection or fail to comply with the provisions or requirements of any warning ticket issued by the police under this chapter. (1957 Rev. Ords., § 13.114; Ord. No. 2283, 9-15-64)

Sec. 40-25. Persons propelling pushcarts or riding animals to obey traffic regulations. Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. **Cross references:** Animals and fowl, ch. 7.

Sec. 40-63. Duty upon striking animal. The driver of any vehicle which collides with any dog or domestic animal causing injury thereto shall stop and attempt to ascertain the owner of such animal and shall notify the department of such accident and also shall notify the humane officer thereof if such injured animal is not otherwise properly cared for. (1957 Rev. Ords., § 13.162) **Cross references:** Animals and fowl, ch. 7.

Sec. 40-91. Skateboarding and roller skating prohibited. (a) The city traffic engineer may designate and maintain by appropriate devices or by marks or lines upon the surface where the riding of coasters, skateboards, bicycles, roller skates, toy vehicles or similar recreation devices is prohibited. Areas may be designated where, in his opinion, there is particular danger to pedestrians, and at such other places as he may deem necessary. (b) Owners or occupants of private property may post their property subject to the approval of the city traffic engineer. (c) No person shall ride any coaster, skateboard, bicycle, roller skates, toy vehicles or similar recreation device upon any portion of public or private property as may be designated and posted in accordance with subsections (a) and (b) of this section. (Ord. No. 86-87, § 1, 10-5-87; Ord. No. 54-89, § 1, 6-12-89; Ord. No. 32-90, § 1, 4-2-90)

Sec. 40-103. Drivers to exercise due care. Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person driving a bicycle and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person. (Ord. No. 28-83, § 2, 5-2-83)

Sec. 40-116. Obedience. The driver 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 chapter unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. (1957 Rev. Ords., § 13.113; Ord. No. 31-76, § 1, 5-10-76)

Sec. 40-137. General restrictions. It shall be unlawful for any person to drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions then existing or at a speed in excess of those fixed by this article. (1957 Rev. Ords., § 13.157)

Sec. 40-155. Obedience. It shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with the provisions of this article

Sec. 40-166. Position of vehicle; safety. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway or

otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until such movement can be made with reasonable safety.

Sec. 40-169. Limitations on turning around. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any one-way street, or upon any bridge or viaduct, or on any street in a business or commercial area, or at any intersection controlled by traffic control signals, and shall not upon any other street so turn a vehicle except at an intersection and unless such movement can be made in safety and without interfering with other traffic. (1957 Rev. Ords., § 13.120)

Sec. 40-171. Prohibited turns at intersections. Except where permitted by signage approved by the traffic engineer, at any intersection where traffic is controlled by traffic control signals or by a police officer, or where warned by an official traffic control sign displaying the words "no U-turn," or "no left turn" or "no right turn," it shall be unlawful for the driver of the vehicle to turn such vehicle at the intersection in a complete circle, or so as to proceed in the opposite direction or to make a left turn or right turn as may be regulated by such sign. (1957 Rev. Ords., §§ 13.104, 13.119; Ord. No. 1991, 7-27-59; Ord. No. 2423, 6-13-66; Ord. No. 131-95, § 1, 10-2-95)

Sec. 40-199. Obedience to signs. (a) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (b) Unless directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall come to a full stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, the at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. (1957 Rev. Ords., § 13.108; Ord. No. 2449, 9-26-66)

Sec. 40-203. Stop when traffic obstructed. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to precede.

Sec. 40-229. Driving through procession. No driver of any vehicle shall drive through or otherwise interfere with any funeral or other authorized procession in any of the streets, and it shall be the duty of the driver of any vehicle to stop when reaching a street on which such a procession is passing and wait until the procession has entirely passed. (1957 Rev. Ords., § 13.156) Cross references: Permit for parade or assembly required, § 38-134.

Sec. 40-230. Corner cutting. It shall be unlawful for any person to drive any motor vehicle upon or across any sidewalk, driveway, filling station or other commercial driveway or other similar surface located at the corner of any intersection protected by a traffic light or other traffic signal or sign, for the purpose of evading the regulations governing the turning of motor vehicles at intersections

Sec. 40-232. Backing into intersections or around corners prohibited. No vehicle shall be backed around the corner at an intersection or into an intersection. (Ord. No. 84-73, § 1, 10-8-73; Res. No. 257-73, 12-3-73)

Sec. 40-234. Parking on private property. (a) Owners of private property may post their property as a no parking zone, subject to approval of the city traffic engineer. (b) No vehicle shall be parked in violation of the notice posted in accordance with subsection (a) of this section; nor shall any person be an occupant in any vehicle so parked. (Ord. No. 61-90, § 1, 6-25-90; Ord. No. 21-91, § 1, 3-11-91)

Sec. 40-235. Obstructed windows. It shall be unlawful for any person to drive any vehicle within the city with any sign, poster, or other nontransparent material, including snow, ice, frost, or any similar substance, upon the front windshield, side wing vents, or side windows on either side forward of or adjacent to the operator's seat of such motor vehicle other than a certificate or a paper required to be so displayed by law or temporary driving instructions placed thereon by the manufacturer unless the same shall not obstruct the driver's clear view. (Ord. No. 19-96, § 1, 2-5-96)

Sec. 40-265. Parking in and blocking alleys prohibited. No person shall park any vehicle in any alley except temporarily for the purpose of and while actually taking on or letting off passengers or loading or unloading or delivering goods, merchandise, or other personal property, and shall not so park or shall not drive any vehicle in an alley at any time in such manner as to block the alley for traffic. (1957 Rev. Ords., § 13.145)

Sec. 40-266. Designation of loading.

Sec. 40-267. Stopping, standing, and parking in loading/delivery zones. No person shall stop, stand, or park a vehicle for any purpose or length of time except during expeditious delivery or pickup of items in any place marked as a loading/delivery zone during the time that such parking is regulated per section 40-266, unless such vehicle bears commercial license plates. (1957 Rev. Ords., § 13.168; Ord. No. 105-05, § 2, 10-17-05)

Sec. 40-300. Jaywalking. Every pedestrian crossing a highway within a business or residential district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right-of-way to vehicles upon the highway. (1957 Rev. Ords., § 13.110)