City of Watertown

Proposed City Council Agenda
City Hall, 23 2ND ST NE
Watertown, South Dakota
January 6, 2025, 5:30 PM

Page

1. CALL TO ORDER

2. PRAYER

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. ACTION TO APPROVE THE AGENDA

6. OPEN FORUM

7. CONSENT AGENDA

(a)	Approval of the minutes of the Council meeting held on December 16th, 2024. City Council - Dec 16 2024 - Minutes	5 - 7
(b)	Authorization to set date for the 2025 Municipal/Watertown School District Election as June 17th, 2025. 2025 Municipal/Watertown School District Election	8
(c)	Approval of the 2025 Watertown Regional Library Volunteers 2025 Watertown Regional Library Volunteers	9 - 11
(d)	Approval of a business license to Jessey Freeman and Nathan Brugman as a Gasfitter ($75/each). Gasfitter license applications	12 - 13
(e)	Application for a Special Event Retail On-Sale License to Cloud 9 Golf Course, Inc. d/b/a Cloud 9 Golf Course for the Jenkins Christmas Party at the Codington County Extension Complex, 1910 W Kemp Ave, W17' of Lot 60 & all of Lots 61-71 W110' of Lots 72-82 & all of Lots 83-93, Way's 4th Lake Drive Addn, from 4:00 PM on Friday, January 17th, 2025 until 2:00 AM on Saturday, January 18th, 2025. Cloud 9 Golf Course	14 - 18
(f)	Authorization to declare a 2007 Club Car as surplus and dispose of as trade-in. Surplus - Club Car	19 - 20
(g)	Authorization for the Police Department to declare miscellaneous equipment as surplus and dispose of as junk. Surplus - Misc. Equipment (Police)	21 - 22
(h)	Authorization for the Parks & Recreation Dept. to declare miscellaneous	23 - 24

equipment as surplus and dispose of as junk.

Surplus - Misc. Equipment (P&R)

(i) Approval of Change Order No. 1 (Final) for the 2024 Neighborhood Street Reconstruct-7th Avenue SE, Project No. 2414 with Duininck, Inc, for a decrease of $26,051.05 for a new contract price of $604,260.03. 25 - 29

Change Order No. 1 (Final) with Duininck, Inc., Project No. 2414

(j) Approval of Change Order No. 2-Final for the 2024 Neighborhood Street Reconstruction 12th Avenue NW, Project No. 2403, with Duininck Inc., for an Increase of $271.00 for a New Contract Price of $1,517,781.17. 30 - 35

Change Order No. 2-Final with Duininck Inc., Project No. 2403

(k) Approval of bills and payroll and authorization to pay

8. PRESENTATIONS & REPORTS

9. CONTRACTS & CHANGE ORDERS

(a) Approval of the 2025-27 AFSCME Collective Bargaining Agreement 36 - 87

City-AFSCME 2025-27 Collective Bargaining Agreement Fully Executed

(b) Approval of the 2025-27 IAFF Collective Bargaining Agreement 88 - 139

City-IAFF 2025-27 Collective Bargaining Agreement Fully Executed

(c) Approval of the 2025-27 WPOA Collective Bargaining Agreement 140 - 193

City-WPOA 2025-27 Collective Bargaining Agreement Fully Executed

(d) Authorization to accept the three year proposal from Eide Bailly, LLP and for the Interim City Manager to execute the engagement letter and all other necessary documents with Eide Bailly, LLP for the 2024 Audit 194 - 218

Audit Proposal from Eide Bailly, LLP and 2024 Engagement Letter

10. ORDINANCE FIRST READINGS

(a) First Reading of Ordinance No. 24-24, Zoning Text Amendments to Summary of District Regulations, Associated Zoning Districts, Overlay Districts, Modular Homes Provisions, Manufactured Home Provisions, Day Care, Homes, and Definitions of the Revised Ordinances of the City of Watertown. 219 - 395

Ordinance No. 24-24

(b) First Reading of Ordinance No. 24-17, Zoning Text Amendments to Chapter 21.80 Signs and Outdoor Advertising of the Revised Ordinances of the City of Watertown. 396 - 432

Ordinance No. 24-17

(c) First Reading of Ordinance No. 24-29, Zoning Text Amendments to Chapter 21.82 Home Occupations, Chapter 21.74 Specific Use Office Building, Chapter 21.75 Bed and Breakfast, Chapter 21.76 Campgrounds, Chapter 21.77 Wireless Telecommunications Towers, Chapter 21.78 Communal Living, and Chapter 21.79 Swimming Pools of the Revised Ordinances of the City of Watertown. 433 - 460

Ordinance No. 24-29

(d) First Reading of Ordinance No. 24-30, Zoning Text Amendments to Chapter 21.60 Required Yards and Open Space, Chapter 21.61 Fences, Walls, and Hedges, Chapter 21.6304 Off-Street Parking & Loading Requirements, Chapter 21.65 Outside Storage & Display Requirements for Specific Uses, and Chapter 21. 67 Landscape and Lighting Standards of the Revised Ordinances of the City of Watertown. 461 - 488

Ordinance No. 24-30

(e) First Reading of Ordinance No. 24-28, Zoning Text Amendments to Chapter 21.01 Purpose, Chapter 21.02 Administration & Enforcement, and Chapter 21.03 General Provisions of the Revised Ordinances of the City of Watertown. 489 - 502

Ordinance No. 24-28

11. PUBLIC HEARINGS & SECOND READINGS

(a) Application for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License to Infinity Fun LLC d/b/a Infinity Fun LLC, 714 9th Ave SE, Lots 9 thru 16 in Block 2; Vacated 7th Street East Lying Between 9th Avenue South and 10th Avenue South; Lots 1 thru 16 in Block 3; All that Part of the Vacated Alley Lying Between Lots 1 thru 8 and Lots 9 thru 16 in said Block 3; The West 21 feet of Lot 1 thru 4 Less Highway Right of Way of Lot 1. Lot 5 Less the North 30 feet less the West 21 feet in Block 4; All that part of the Vacated 6th Street East Lying Between 9th Avenue South and 10th Avenue South, Less the West 56.5 feet Lying Adjacent to and Along the East Line of said Lots 1 thru 4 and the North 30 feet of Lot 5, in Block 4, All in the Plat Entitles: "Davlin's Addition to Watertown", Codington County, South Dakota. 503 - 508

1. Public Hearing
2. Council Action

Infinity Fun

(b) Approval of Resolution 25-01, Levying Assessments of the sidewalk, curb and gutter and asphalt surfacing improvements. 509 - 512

1. Public Hearing
2. Council Action

Resolution No. 25-01

(c) JC Hopper First Addition Annexation and Zoning: 513 - 522

1. Approval of Resolution No. 24-35, Initiating Annexation of a Tract of Land Contiguous to the City of Watertown, South Dakota
2. Second Reading of Ordinance No. 24-26, Establishing the Zoning Designation of I-1 Light Industrial District for the property to be known as JC Hopper First Addition

1. Public Hearing
2. Council Action

Resolution No. 24-35 (Annexation) and Ordinance No. 24-26 (Zoning)

(d) Second Reading of Ordinance No. 24-27, Amending the Zoning Map of the City of Watertown, SD for a Portion of property to be known as JC Hopper First Addition from R-2 Single Family Attached Residential District to I-1 Light 523 - 530

Industrial District.

1. Public Hearing
2. Council Action

Ordinance No. 24-27

12. OTHER BUSINESS

(a) Approval of Resolution No. 25-03, a Resolution giving approval to the Issuance by City of Watertown, South Dakota of its Drinking Water Surcharge Revenue Bond, Series 2025, in the amount not exceeding $3,403,610 to Finance, directly and indirectly, construction of improvements to the City's Drinking Water System; approving the form of Loan Agreement and Revenue Bond; Authorizing the sale of said Revenue Bond; Pledging Drinking Water Surcharge Revenues for Servicing Debt issued hereunder; and the manner of Execution and Issuance of Said Bond. 531 - 536

Resolution No. 25-03

(b) Authorization for the Watertown Regional Airport to accept a South Dakota Airport Terminal Program Grant in the amount of $900,000 for the relocation of the Airport Tower and authorization for the Chief Financial Officer to issue a special check in the amount of $200,000 to SDDOT based on program rules. 537 - 547

South Dakota Airport Terminal Program Grant

13. CITY COUNCIL MEMBER ANNOUNCEMENTS AND INTRODUCTION OF TOPICS FOR FUTURE DISCUSSION

14. CITY MANAGER REPORT

15. EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2

16. ADJOURNMENT

Kristen Bobzien
Chief Financial Officer

The City of Watertown, South Dakota does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services. ADA Compliance:

The City of Watertown fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

Watertown
City Council Meeting Minutes
December 16, 2024

The City Council met in regular session at 5:30 PM in the City Hall Council Chambers, 23 2ND ST NE. Mayor Ried Holien presiding.

Present upon roll call: Alderperson Peters, Schutte, Tupper, Buhler, Danforth, Jurrens, and Mayor Holien. Absent: Alderperson Peters absent starting at 6.55 PM.

Mayor Holien amended the motion of Item 12(g) to be: Approval of Resolution No. 24-33, Adoption of Revisions of the Engineering Design Standards minus Section 1.10: Mailbox Locations.

Motion by Buhler, seconded by Schutte, to approve the agenda as amended. Items approved as part of the consent agenda: minutes of the Council meeting held on November 25th, 2024 and December 2nd, 2024; minutes of the Joint City Council / Plan Commission Meeting held on November 4th, 2024; approval of Gabriell Larson and Michael Fedt as volunteer Police Reserve Officers; authorization for the Finance Officer to issue a special check in the amount of $1075.52 to Dave Greenman at 501 17th St. NE, for reimbursement of weight room pad upholstery; alcoholic beverage license renewals for calendar year 2025 (retail on-sale liquor); Pelican Park playground purchase for $158,079.65 through Landscape Structures, Inc.; River Ridge Park Fitness Course purchase for $144,350.15 through My Turn Playsystems (Sourcewell Contract #010521-BUR). Motion Carried.

ALCOHOLIC BEVERAGES FOR 2025

RETAIL (On Sale) LIQUOR LICENSES:

1. Tango Bravo Charlie, Inc., Shooters, 6 N Maple, Westerly 30’ of Lots 19-22, Block 3, Original Plat

Mayor Holien called for Open Forum. No Comments.

Motion by Tupper, seconded by Danforth, to raise the project budget from $1,800,000.00 to $2,650,000.00 and authorize the Finance Officer to issue a Special Check to the U.S. Army Corp of Engineers for the Flood Control Feasibility Study, Project No. 2118, in the amount of $185,000.00. Motion Carried.

Motion by Danforth, seconded by Buhler, to approve Cost Transfer No. 13 with Rice Lake within the GMP for the Wastewater Collection System and Treatment Facilities Improvements, Project No. 2317, in the amount of $465,720.01. Motion Carried.

Motion by Tupper, seconded by Buhler, to authorize the Finance Officer to issue a special check in the amount of $76,475.00 to Gray Construction Company, for the 2023 Airport T-Hangar Replacement, Project No. 2322. Motion Carried.

Motion by Jurrens, seconded by Buhler, to approve a Watertown Residential Recyclable Processing and Marketing Agreement Between the City of Watertown and Dependable Sanitation, Inc. Motion Carried.

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Motion by Danforth, seconded by Buhler, to approve a contractual agreement between Bluepeak and the City of Watertown for telecom services for a term of three years. Motion Carried.

Ordinance No. 24-26, Establishing the Zoning Designation of I-1 Light Industrial District for the property to be known as JC Hopper First Addition was placed on its First Reading and the title was read. No action taken.

Ordinance No. 24-27, Amending the Zoning Map of the City of Watertown, SD for a Portion of property to be known as JC Hopper First Addition from R-2 Single Family Attached Residential District to I-1 Light Industrial District was placed on its First Reading and the title was read. No action taken.

Ordinance No. 24-22 to supplement the 2024 Budget for various Departments and Projects & State and Federal Grant Appropriations was placed on its Second Reading and the title was read. Motion by Buhler, seconded by Danforth, to approve Ordinance No. 24-22 to supplement the 2024 Budget for various Departments and Projects & State and Federal Grant Appropriations as presented. Motion Carried.

Motion by Schutte, seconded by Tupper, to approve Resolution No. 24-37 authorizing the acceptance of a donation to the Bramble Park Zoo. Motion Carried.

Motion by Danforth, seconded by Tupper, to approve the Long-Term Capital Improvement Plan for 2026-2035. Motion Carried.

Motion by Tupper, seconded by Schute, to approve a Budget Supplement Transfer in the amount of $22,100.00 for the 2024 Airport Improvements-Fire Protection Wall Quote, Project No. 2422-A. Motion Carried.

Motion by Tupper, seconded by Schutte, to approve an increase in vacation leave carryover to 240 hours (336 hours Battalion Chiefs) effective December 31, 2024 for exempt staff and upon separation the employee payout of accrued/unused vacation will remain at a maximum of 200 hours (312 hours Battalion Chiefs). Motion by Tupper, seconded by Buhler, to amend the motion with a sunset clause, approving the increase in vacation leave carryover to 240 hours (336 hours Battalion Chiefs), effective December 31, 2024 until December 31, 2025 for exempt staff. Upon Roll Call Vote: Voting in Favor of the Sunset Clause Amendment: Tupper, Buhler and Holien. Voting Against the Sunset Clause Amendment: Schutte, Danforth and Jurrens. Motion Failed. Motion by Jurrens, seconded by Schutte, to amend the motion to: Authorization for the Interim City Manager to process an agreement with employees that have over 200 accrued vacation hours not to exceed a settlement of no more than 240 hours (336 hours Battalion Chiefs). Upon Roll Call Vote: Voting in Favor to Amend the Motion: Schutte, Danforth and Jurrens. Voting Against to Amend the Motion: Tupper, Buhler, and Holien. Motion Failed. Motion by Holien, seconded by Danforth, to reconsider amending the motion to: Authorization for the Interim City Manager to process an agreement with employees that have over 200 accrued vacation hours not to exceed a settlement of no more than 240 hours (336 hours Battalion Chiefs). Upon Voice Vote on the Motion to Reconsider: Motion Carried. Upon Roll Call Vote: Voting in Favor to Amend the Motion: Schutte, Buhler, Danforth, Holien and Jurrens. Voting Against to Amend the Motion: Tupper. Motion Carried. Upon Roll Call Vote: Voting in Favor of the Amended Motion: Schutte, Buhler, Danforth, Holien and Jurrens. Voting Against the Amended Motion: Tupper. Motion Carried as amended.

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Motion by Danforth, seconded by Tupper, to approve the renewal with Old Republic Aerospace without the Terrorism Risk Insurance coverage or War Liability and authorize the Finance Officer to issue a special check to pay the premium in the amount of $6,120. Motion Carried.

Motion by Danforth, seconded by Buhler, to approve Resolution No. 24-38 to write off the Inter-fund Loan balance between the Capital Improvement Fund and TIF #2 fund for approximately $1,526,117.44. Motion Carried.

Motion by Buhler, seconded by Danforth to approve Resolution No. 24-33. Adoption of Revisions of the Engineering Design Standards minus Section 1.10: Mailbox Locations. Upon Roll Call Vote: Voting in Favor of Resolution No. 24-33: Tupper, Buhler, Danforth, Holien and Jurrens. Voting Against Resolution No. 24-33: Schutte. Motion Carried.

Mayor Holien asked Watertown Residents to shop local this Holiday Season.

Motion by Danforth, seconded by Tupper, to adjourn until 5:30 PM on Monday, January 6th, 2025. Motion Carried.

The City of Watertown, South Dakota does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of service.

Dated at Watertown, South Dakota, December 16th, 2024.

ATTEST:

_____ _____

Jennifer Collins, Records & Licensing Manager Ried Holien, Mayor

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City Council

Agenda Item

Subject: Authorization to set date for the 2025 Municipal/Watertown School District Election as June 17th, 2025.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
The City Council must establish the election day no later than January 14th, 2025 per SDCL. The Watertown School District has agreed to combine their election with the City of Watertown again this year.

FINANCIAL CONSIDERATIONS:
There are no major financial considerations for this item.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the Authorization to set date for the 2025 Municipal/Watertown School District Election as June 17th, 2025

City Council

Agenda Item

Subject: Approval of the 2025 Watertown Regional Library Volunteers

Meeting: City Council - Dec 16 2024

From: Maria Gruener, Library Director

BACKGROUND INFORMATION:
The Library Board of Trustees approved the 2025 library volunteers at the December 10, 2024 regular meeting.

FINANCIAL CONSIDERATIONS:

- Adding the volunteers to workman's comp is expected to cost $30.00.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the 2025 Watertown Regional Library Volunteers.

ATTACHMENT(S):
December 2024 Library Board of Trustees Minutes

Watertown Regional Library
Library Board of Trustees Meeting Minutes
December 10, 2024

CALL TO ORDER
The Library Board met in regular session at 4:18pm in the Marge Tauber South Dakota Room. President Michelle Spies presiding.

ROLL CALL
Present upon roll call: Library Board of Trustees Members Moulton, Niewoehner, Schutte, Spies, and Weigel.

PUBLIC COMMENT
No members of the public commented.

APPROVAL OF CONSENT AGENDA
Motion by Schutte, seconded by Moulton to approve the entire consent agenda. Motion carried unanimously.

APPROVAL OF AGENDA
Motion by Niewoehner, seconded by Moulton to approve the regular agenda. Motion carried unanimously.

REGULAR AGENDA
Motion by Schutte, seconded by Moulton to approve the November 2024 fines fund and general fund expenditures. Motion carried unanimously.

REPORT OF LIBRARY DIRECTOR
Gruener discussed an upcoming software update, the Friends of the Library annual Christmas party, the kickoff to the library's 125th anniversary, the Watertown Area Community Foundation Christmas Tree Fundraiser, and the building facilities.

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS
Motion by Weigel, seconded by Schutte to approve Brenda Allwardt, Marilyn Bolin, and Chelsea Popham as library volunteers for 2025. Motion carried unanimously.

Motion by Schutte, seconded by Moulton to update the Bylaws of the Watertown Regional Library Board of Trustees, Article II, Section 1 to "The Library Trustees shall meet on the second Tuesday of the month at the library at 4:15 pm, unless otherwise specified." Motion carried unanimously.

OPEN
Moulton discussed the impact of the proposed 50% budget cut to the South Dakota State Library.

EXECUTIVE SESSION

ADJOURNMENT

Motion by Moulton, seconded by Weigel to adjourn at 5:13pm. Motion carried unanimously.

_____ _____

Michelle Spies
Board President

Maria Gruener
Secretary - Library Director

City Council

Agenda Item

Subject: Approval of a business license to Jessey Freeman and Nathan Brugman as a Gasfitter ($75/each).

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Applicants will be licensed to work under Andor, Inc for 2024 and 2025. Gasfitter applicants have passed the gasfitter exam administered by Watertown Municipal Utilities.

FINANCIAL CONSIDERATIONS:
Applicant has paid $75 of licensing fees per gasfitter to the City of Watertown.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the business license to Jessey Freeman and Nathan Brugman as a Gasfitter ($75/each).

ATTACHMENT(S):
Andor

CITY OF WATERTOWN
FINANCE DEPARTMENT

Gasfitting Contractor & Gasfitter License Application

☐ New Application ☐ Renewal ☒ Add Additional Gasfitter(s) ☐ Transfer Licensed Gasfitter(s)

Licensing Year: 2024 & 2025

Gasfitting Contractor License Information:

Business Name (as it will appear on license)	ANDOR INC
Applicant/Owner Name (as it will appear on license)	PAUL TAECKER
Business Address	9 N MAPLE
City, State, Zip	WATERTOWN SD 57201
Phone Number	605-886-2457
Email Address	denisem@andorinc.com
Insurance Company Name (copy of certificate req'd)	FEDERATED MUTUAL INSURANCE CO
Insurance Expiration Date	04/23/2025
Bond Company Name (copy of bond req'd)	IMT INSURANCE
Bond Expiration Date	01/01/2025
License Fees (check made payable to City of Watertown)	Gasfitting Contractor: $250 first year/$75 renewal Gasfitter Fee: $75 per gasfitter/per year Transfer Licensed Gasfitter Fee: $25 per gasfitter

Supporting Gasfitter Licenses: (If more gasfitters are to be added, please attach additional information to this application)

Gasfitter #1 - Full Name Jessey Freeman	Signature of Gasfitter #1: Jessey Freeman
Gasfitter #2 - Full Name Nathan Brugman	Signature of Gasfitter #2: Nathan Brugman
Gasfitter #3 - Full Name	Signature of Gasfitter #3:

Signature of Business Owner

12-31-24
Date

TO BE COMPLETED BY CITY OF WATERTOWN	
Fee Paid: _____	City Council Approved On _____
Receipt Number: _____ Dated: _____	
License or Permit Number: _____	City Manager
	Finance Officer

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201
Phone# (605) 882-6203 • Fax# (605) 882-6218 • licenses@watertownsd.us

City Council

Agenda Item

Subject: Application for a Special Event Retail On-Sale License to Cloud 9 Golf Course, Inc. d/b/a Cloud 9 Golf Course for the Jenkins Christmas Party at the Codington County Extension Complex, 1910 W Kemp Ave, W17' of Lot 60 & all of Lots 61-71 W110' of Lots 72-82 & all of Lots 83-93, Way's 4th Lake Drive Addn, from 4:00 PM on Friday, January 17th, 2025 until 2:00 AM on Saturday, January 18th, 2025.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
The applicant has provided adequate proof of insurance and has paid the necessary fees. Per SDCL 35-4-124, a public hearing is not required for existing alcoholic beverage license holders.

FINANCIAL CONSIDERATIONS:
Applicant has paid $300 to the City of Watertown for the Special Event fee.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the application for a Special Event Retail On-Sale License to Cloud 9 Golf Course, Inc. d/b/a Cloud 9 Golf Course for the Jenkins Christmas Party at the Codington County Extension Complex, 1910 W Kemp Ave, W17' of Lot 60 & all of Lots 61-71 W110' of Lots 72-82 & all of Lots 83-93, Way's 4th Lake Drive Addn, from 4:00 PM on Friday, January 17th, 2025 until 2:00 AM on Saturday, January 18th, 2025.

ATTACHMENT(S):
Jenkins Christmas Party

CITY OF
WATERTOWN
FINANCE DEPARTMENT

Special Event & Weekly Seasonal Event Alcohol Beverage License Application

1. License Type(s) Requested

☐	Special Malt Beverage Retailers License
☐	Specail On-Sale Wine Retailers License
☒	Special On-Sale License
☐	Special Off-Sale Package Wine Dealers License
☐	Special Off-Sale Package Wine Dealers License – Donated Beverages
☐	Special Off-Sale Package Malt Beverage Dealers License – Donated Beverages
☐	Special Off-Sale Package Dealers License – Donated Beverages

2. Name and Description of Special Event Jenkins Christmas Party

3. Event Date(s) and times: Jan 17 2025 - Jan 18 2025
4pm – 2am

(Licenses can be issued for a period of time to be established by the Council for a duration of a special event, but not to exceed fifteen (15) consecutive days)

4. Describe Event Location: Codington County Extension building
Event Address: 1910 West Kemp Watertown SD 57201

5. Event Applicant and Applicant Address: Cloud 9 bar & casino
625 20th Ave SE Watertown, SD 57201

To apply for a Special Event License, you must be one of the following (please check one)
- If Civic, Charitable, Educational or Fraternal: please provide copy of 501(c)(3).

☐	Civic
☐	Charitable
☐	Educational
☐	Fraternal
☐	Veterans Organization
☐	Existing On-Off Sale Malt Beverage Licensee
☐	Existing On-Off Sale Wine Licensee
☒	Existing On-Sale Liquor Licensee

6. Event Coordinator's Name Cloud 9 bar & casino
Email: bjw-00@hotmail.com
Business Ph# 605-520-6469

7. Name of Entity Serving Alcohol *(if not applicant)*: _____

_____

_____

8. Method of alcohol consumption:

☒	Sold and consumed on site
☐	Sold/Auctioned and consumed off site *-for example, a winery basket at a silent auction*

9. Estimated number of Participants 250
Estimated number of Minors 50

Method in which applicants plan to prevent underage consumption: ID w/ wirstbands

_____

_____

***Thursday Night Live Applicants must use wrist bands as method to prevent underage consumption**

10. For outdoor events, please submit a drawing illustration of the event area, including stage/platforms, alcohol serving area(s), food serving facilities, garbage collection receptacles, restroom facilities and other amenities.

11. Post-event clean-up is required prior to vacating the area.

12. **Insurance Requirements**: Per City Ordinance, licensees shall maintain liability insurance in an amount of not less than One Million Dollars ($1,000,000) for bodily injury, death, disability, and property damage liability during the time the special alcoholic beverage license is in effect. **Licensee shall also maintain Liquor Liability insurance with a limit of not less than One Million Dollars ($1,000,000) for each occurrence, and if such insurance contains a general aggregate limit, the general aggregate limit shall apply separately or be no less than two times the occurrence limit.** The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the special alcoholic beverage license during the time such license is in effect. The licensee must also agree to indemnify and hold the City of Watertown, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of the alleged negligence of the applicant and/or that is in any way connected or associated with the event(s) for which any special alcoholic beverage license is issued which do not solely arise from errors or omissions of the City of Watertown, its officers, agents, or employees. Please submit proof of insurance with your application.

13. **Fee:** For Special Event Alcoholic Beverage Licenses, a fee of $300 is required. For Special Weekly Seasonal Alcoholic Beverage Licenses, the fee is $50/per day of event at one lcoation. If applicable, a $50 notice of public hearing fee must also be submitted by separate check. Fees are to be made payable to the City of Watertown and must be submitted with your application.

14. **Legal Notice:** For certain applicants, the City of Watertown is required by South Dakota state law to publish a legal notice in the local newspaper at least 7 days prior to City Council action. In order to make publication deadlines, we need your completed application at least 20 days prior to the City Council meeting.

15. **Public Hearing & Council Action**: A public hearing and City Council action is required on all special event alcohol licenses in which the applicant does not hold an existing alcoholic beverage license.

    A public hearing *is not* required if the applicant holds an existing alcoholic beverage license per SDCL 35-4-124. City Council action is required, however.

    The Watertown City Council meets the first and third Monday of each month. This application will be scheduled only after all required documents are submited to the Records & Licensing Manager and internal approvals are completed.

16. Miscellaneous Information for City Council Review:

    _____
    _____
    _____
    _____

17. **Certificate:** The undersigned applicant certifies under the penalties of perjury that all statements provided herin are true and correct; that the said applicant complies with all requiements for the Special Event Alcohol License in the City of Watertown, SD.

    _____ 11/3/25
    Signature Date

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201
Phone# (605) 882-6203 ● Fax# (605) 882-6218 ● licenses@watertownsd.us

To Be Completed by Records & Licensing Manager:

1. Notice of public hearing was published on _____ in the Watertown Public Opinion.
2. Public Hearing and/or Council action was held on _____.
   The Watertown City Council took action to
   _____ Approve
   _____ Disapprove license due to _____.

3. The following restrictions were imposed: _____
   _____
   _____.

4. Receipt Number _____

5. Special Event License Number _____

6. Mailed to applicant on _____.

7. Signature of City Manager: _____ Date _____

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/31/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Meyer Insurance Inc 1933 Willow Creek Drive Suite 1 Watertown, SD 57201	CONTACT NAME: Laura Reiner PHONE (A/C, No, Ext): (605) 753-5698 FAX (A/C, No): (605) 878-3022 E-MAIL ADDRESS: customerservice@meyersd.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Midwest Family Mutual	23574
INSURED Rebecca Waldner-Cloud 9 Bar and Casino, Tom Boldt 625 20TH AVE SE WATERTOWN, SD	INSURER B : National Indemnity Co.	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			CPSD0560138921	4/8/2024	4/8/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG LIQUOR LIABILIT	$ 1,000,000 $ 500,000 $ 1,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 1,000,000
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY			PENDING	6/4/2024	6/4/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
A	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			CPSD0560138921	4/8/2024	4/8/2025	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		CPSD0560138921	4/8/2024	4/8/2025	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City Of Watertown
PO Box 910
Watertown, SD 57201

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)
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City Council

Agenda Item

Subject: Authorization to declare a 2007 Club Car as surplus and dispose of as trade-in.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Declare the following items as surplus and dispose of as trade-in:

- 2007 Club Car Turf 2. Serial #RG0735-803749

FINANCIAL CONSIDERATIONS:
Trade-in value of approximately $2000.00 towards a new Club Car Utility Vehicle as part of the new golf cart lease package.

OVERSIGHT / PROJECT RESPONSIBILITY:
Scott Schunter - Golf Course Superintendent

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the authorization to declare a 2007 Club Car as surplus and dispose of as trade-in.

ATTACHMENT(S):
2007 Club Car Turf 2

ASSET NUMBER	DESCRIPTION	MODEL	SERIAL NUMBER
2637	**2007 Club Car Turf 2**		**RG0735-803749**

City Council

Agenda Item

Subject: Authorization for the Police Department to declare miscellaneous equipment as surplus and dispose of as junk.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
The items listed do not work.

FINANCIAL CONSIDERATIONS:
None

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move for the authorization for the Police Department to declare miscellaneous equipment as surplus and dispose of as junk.

ATTACHMENT(S):
Items for destruction

ASSET NUMBER	DESCRIPTION	MODEL	SERIAL NUMBER
1976	Kustom Talon Radar	074	T05211
2077	**Street Thunder Multi-Sound Megaphone**	**AP101**	**None**
3071	**I Record Digital Recorder**	**VI Professional**	**AB1834273**
3403	**Magnavox DVD Player**	**MDV2210**	**U37169497MDV2100**
3616	**Vello 3" TTL off-camera cord**	**TTL**	**AZ0612**
4025	**Dyson DC Vacuum**	**DC65**	**GJ1U5FGA1537A**
4750	**Dirt Devil Vacuum**	**SD12530**	**4004028**
6621	**Fire Suppression Tool**	**None**	**92839**
0879	**Radar Palm Top Stat-Pak**	**None**	**SG90603738**

City Council

Agenda Item

Subject: Authorization for the Parks & Recreation Dept. to declare miscellaneous equipment as surplus and dispose of as junk.

Meeting: City Council - Jan 06 2025

From: Dusty Rodiek, Director of Parks, Recreations & Forestry

BACKGROUND INFORMATION:
To dispose of equipment that is no longer useful.

FINANCIAL CONSIDERATIONS:
No major financial consideration for this item.

OVERSIGHT / PROJECT RESPONSIBILITY:
Scott Schunter - Golf Course Superintendent

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the Authorization for the Parks & Recreation Dept. to declare miscellaneous equipment as surplus and dispose of as junk.

ATTACHMENT(S):
EZ GO Utility Vehicle

ASSET NUMBER	DESCRIPTION	MODEL	SERIAL NUMBER
1983	**EZ GO Utility Vehicle**	**1200**	**2286101**

City Council

Agenda Item

Subject: Approval of Change Order No. 1 (Final) for the 2024 Neighborhood Street Reconstruct-7th Avenue SE, Project No. 2414 with Duininck, Inc, for a decrease of $26,051.05 for a new contract price of $604,260.03.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Change Order No. 1 (Final) is to adjust for final quantities and liquidated damages for the 7th Avenue SE Street Reconstruction project.

The 7th Avenue SE project consisted of a full street reconstruction between 2nd Street SE and 4th Street SE.

FINANCIAL CONSIDERATIONS:
The funding for this project has been budgeted in the Capital Improvement Fund, Account 212-43180-43919 in the amount of $630,311.08.
The contract price change with this change order is -$26,051.05. The contract would decrease to $604,260.03 and is within budget.

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer
Caitlyn German, Engineering Technician/Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:
Staff recommends approval of the change order with the following motion:

I move to approve Change Order No. 1 (Final) for the 2024 Neighborhood Street Reconstruct-7th Avenue SE, , Project No. 2414 with Duininck, Inc, for a decrease of $26,051.05 for a new contract price of $604,260.03.

ATTACHMENT(S):
2414 CCO1 - Contractor Signed

CHANGE ORDER NO.: 1 (Final)

Owner: City of Watertown, SD
Engineer:
Contractor: Duininck, Inc.
Project: 2024 PMP C - Neighborhood Street Reconstruction Project
7th Avenue SE, 8th Avenue NE & 13th Avenue NE
Contract Name: 2024 PMP C - Neighborhood Street Reconstruction Project
7th Avenue SE, 8th Avenue NE & 13th Avenue NE
Date Issued: 11/13/2024

Owner's Project No.: 2414
Engineer's Project No.:
Contractor's Project No.:

Effective Date of Change Order: 12/2/2024

The Contract is modified as follows upon execution of this Change Order:

Description: **Removal of sidewalk, adjustment of final quantities, & day count penalties.**

Attachments:

See attached summary of quantities.

Change in Contract Price	**Change in Contract Times**
Original Contract Price: $ 630,311.08	Original Contract Times: Substantial Completion: September 27, 2024 Ready for final payment: October 25, 2024
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. $ N/A	**[Increase] [Decrease]** from previously approved Change Orders No.1 to No. **[Number of previous Change Order]**: Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: $ 630,311.08	Contract Times prior to this Change Order: Substantial Completion: September 27, 2024 Ready for final payment: October 25, 2024
Decrease this Change Order: $ 26,051.05	**[Increase] [Decrease]** this Change Order: Substantial Completion: N/A Ready for final payment: N/A
Contract Price incorporating this Change Order: $ 604,260.03	Contract Times with all approved Change Orders: Substantial Completion: September 27, 2024 Ready for final payment: October 25, 2024

Recommended by Engineer (if required)	Accepted by Contractor
By:	KDL Kristopher Duininck (Dec 19, 2024 14:46 CST)
Title:	Kristopher Duininck, Vice President
Date:	December 19, 2024
Authorized by Owner	**Approved by Funding Agency (if applicable)**
By:	
Title:	
Date:	

EJCDC® C-941, Change Order.
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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Watertown, SD
Engineer:
Contractor: Duininck, Inc
Project: 2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE
Contract: 2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE

Owner's Project No.: 2414
Engineer's Project No.:
Contractor's Project No.:

Application No.: 5 Application Period: From 10/18/24 to 10/25/24 Application Date: 11/01/24

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
Bid Item No.	Description	Item Quantity	Units	Unit Price ($)	Value of Bid Item (C X E) ($)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) ($)	Materials Currently Stored (not in G) ($)	Work Completed and Materials Stored to Date (H + I) ($)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) ($)
					Original Contract						
	SCHEDULE A				-		-		-		-
1	Mobilization	1.00	LS	45,000.00	45,000.00	1.00	45,000.00		45,000.00	100%	-
2	Traffic Control, Miscellaneous	1.00	LS	2,000.00	2,000.00	1.00	2,000.00		2,000.00	100%	-
3	Traffic Control, Signs	201.00	S.F.	15.00	3,015.00	201.00	3,015.00		3,015.00	100%	-
4	Type 3 Barricade, 6' Double Sided	21.00	Each	150.00	3,150.00	21.00	3,150.00		3,150.00	100%	-
5	Clear & Grub Tree	4.00	Each	2,000.00	8,000.00		-		-	0%	8,000.00
6	Remove Concrete Curb & Gutter	674.00	L.F.	7.00	4,718.00	674.00	4,718.00		4,718.00	100%	-
7	Remove Concrete Curb	367.00	L.F.	6.00	2,202.00	367.00	2,202.00		2,202.00	100%	-
8	Remove Concrete Sidewalk	2,268.00	S.F.	2.00	4,536.00	1,581.00	3,162.00		3,162.00	70%	1,374.00
9	Remove Concrete Pavement	510.00	S.Y.	18.00	9,180.00	406.00	7,308.00		7,308.00	80%	1,872.00
10	Remove Concrete Approach Pavement	135.00	S.Y.	25.00	3,375.00	49.00	1,225.00		1,225.00	36%	2,150.00
11	Remove Concrete Fillet Section	28.00	S.Y.	25.00	700.00	28.00	700.00		700.00	100%	-
12	Remove Concrete Valley Gutter	21.00	S.Y.	25.00	525.00	21.00	525.00		525.00	100%	-
13	6" PCC Driveway Pavement	63.00	S.Y.	50.00	3,150.00	63.00	3,150.00		3,150.00	100%	-
14	6" PCC Approach Pavement	464.00	S.Y.	18.00	8,352.00	464.00	8,352.00		8,352.00	100%	-
15	Install 6" PCC Reinforced Fillet Section	151.00	S.Y.	30.00	4,530.00	140.00	4,200.00		4,200.00	93%	330.00
16	Install 6" Reinforced Concrete Valley Gutter	23.00	S.Y.	120.00	2,760.00	23.00	2,760.00		2,760.00	100%	-
17	Install B66/P6 Concrete Curb and Gutter	1,700.00	L.F.	32.00	54,400.00	1,700.00	54,400.00		54,400.00	100%	-
18	Install 4" Concrete Sidewalk	6,553.00	S.F.	6.25	40,956.25	2,342.00	14,637.50		14,637.50	36%	26,318.75
19	Install 6" Concrete Sidewalk	2,709.00	S.F.	10.00	27,090.00	81.00	810.00		810.00	3%	26,280.00
20	Furnish & Install Detectable Warning Panels	230.00	S.F.	45.00	10,350.00	210.00	9,450.00		9,450.00	91%	900.00
21	Remove Concrete Drop Inlet	6.00	Each	350.00	2,100.00	6.00	2,100.00		2,100.00	100%	-
22	Remove Storm Sewer Pipe	322.00	L.F.	10.00	3,220.00	295.00	2,950.00		2,950.00	92%	270.00
23	Remove Drop Inlet Frame and Grate Assembly for Reset	7.00	Each	250.00	1,750.00	7.00	1,750.00		1,750.00	100%	-
24	Remove and Reset Pipe	38.00	L.F.	45.00	1,710.00	38.00	1,710.00		1,710.00	100%	-
25	Reset Drop Inlet Frame and Grate Assembly	7.00	Each	250.00	1,750.00	7.00	1,750.00		1,750.00	100%	-
26	Type B Drop Inlet with Type B Frame and Grate Assembly	6.00	Each	6,500.00	39,000.00	6.00	39,000.00		39,000.00	100%	-
27	Modify Drop Inlet	7.00	Each	600.00	4,200.00	7.00	4,200.00		4,200.00	100%	-
28	Furnish & Install 18" RCP Pipe	322.00	L.F.	100.00	32,200.00	297.00	29,700.00		29,700.00	92%	2,500.00
29	Storm Sewer Pipe Bedding Material	362.00	L.F.	18.00	6,516.00	336.00	6,048.00		6,048.00	93%	468.00
30	Adjust Manhole	4.00	Each	600.00	2,400.00	4.00	2,400.00		2,400.00	100%	-
31	Valve Box Adjustment	6.00	Each	300.00	1,800.00	4.00	1,200.00		1,200.00	67%	600.00
32	2" Milling	2,280.00	S.Y.	3.00	6,840.00	2,280.00	6,840.00		6,840.00	100%	-
33	Full Depth Milling	5,222.00	S.Y.	5.00	26,110.00	5,108.31	25,541.55		25,541.55	98%	568.45
34	Asphalt Concrete Composite - Overlay	257.00	Ton	97.52	25,062.64	257.00	25,062.64		25,062.64	100%	-
35	4" Asphalt Concrete Composite	4,191.00	S.Y.	26.59	111,438.69	4,191.00	111,438.69		111,438.69	100%	-
36	Salvage Traffic Sign for Reset	3.00	Each	160.00	480.00	3.00	480.00		480.00	100%	-
37	Unclassified Excavation	1,490.00	C.Y.	26.00	38,740.00	1,486.00	38,636.00		38,636.00	100%	104.00
38	Haul & Place Salvaged Asphalt Mix	1,496.00	S.Y.	8.25	12,342.00	1,496.00	12,342.00		12,342.00	100%	-
39	Woven Geotextile Fabric	4,191.00	S.Y.	3.75	15,716.25	4,191.00	15,716.25		15,716.25	100%	-
40	4" Aggregate Base Course, Roadway	4,191.00	S.Y.	6.75	28,289.25	4,191.00	28,289.25		28,289.25	100%	-
41	6" Aggregate Base Course, Curb & Gutter	1,700.00	L.F.	2.50	4,250.00	1,700.00	4,250.00		4,250.00	100%	-

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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Watertown, SD
Engineer:	
Contractor:	Duininck, Inc
Project:	2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE
Contract:	2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE

Owner's Project No.:	2414
Engineer's Project No.:	
Contractor's Project No.:	

Application No.: 5 **Application Period:** From 10/18/24 to 10/25/24 **Application Date:** 11/01/24

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
Bid Item No.	Description	Item Quantity	Units	Unit Price ($)	Value of Bid Item (C X E) ($)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) ($)	Materials Currently Stored (not in G) ($)	Work Completed and Materials Stored to Date (H + I) ($)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) ($)
42	2" Aggregate Base Course, 4" Sidewalk	736.00	S.Y.	4.00	2,944.00	260.00	1,040.00		1,040.00	35%	1,904.00
43	6" Aggregate Base Course, 6" Sidewalk	301.00	S.Y.	12.00	3,612.00	9.00	108.00		108.00	3%	3,504.00
44	6" Aggregate Base Course, Fillet Section	151.00	S.Y.	12.00	1,812.00	140.00	1,680.00		1,680.00	93%	132.00
45	6" Aggregate Base Course, Approach Pavement	464.00	S.Y.	12.00	5,568.00	464.00	5,568.00		5,568.00	100%	-
46	6" Aggregate Base Course, Driveway Pavement	63.00	S.Y.	12.00	756.00	63.00	756.00		756.00	100%	-
47	Inlet Protection	19.00	Each	125.00	2,375.00	19.00	2,375.00		2,375.00	100%	-
48	Temporary Vehicle Tracking Control	2.00	Each	500.00	1,000.00	2.00	1,000.00		1,000.00	100%	-
49	Landscaping	1.00	LS	8,000.00	8,000.00	1.00	8,000.00		8,000.00	100%	-
50	Remove & Reset Mailbox & Post	1.00	Each	340.00	340.00	1.00	340.00		340.00	100%	-
				Original Contract Totals	$ 630,311.08		$ 553,035.88	$ -	$ 553,035.88	88%	$ 77,275.20

EJCDC C-620 Contractor's Application for Payment
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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Watertown, SD
Engineer:
Contractor: Duininck, Inc
Project: 2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE
Contract: 2024 Neighborhood Street Reconstruction Project - 7th Ave SE, 8th Ave NE & 13th Ave NE

Owner's Project No.: 2414
Engineer's Project No.:
Contractor's Project No.:

Application No.: 5 **Application Period:** From 10/18/24 to 10/25/24 **Application Date:** 11/01/24

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
Bid Item No.	Description	Item Quantity	Units	Unit Price ($)	Value of Bid Item (C X E) ($)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) ($)	Materials Currently Stored (not in G) ($)	Work Completed and Materials Stored to Date (H + I) ($)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) ($)
	Change Orders										
	CHANGE ORDER NO. 1										
5-1	Clear & Grub Tree	(4.00)	Each	2,000.00	(8,000.00)		-		-	0%	(8,000.00)
6-1	Remove Concrete Curb & Gutter	81.00	L.F.	7.00	567.00	81.00	567.00		567.00	100%	-
8-1	Remove Concrete Sidewalk	(687.00)	S.F.	2.00	(1,374.00)		-		-	0%	(1,374.00)
9-1	Remove Concrete Pavement	(104.00)	S.Y.	18.00	(1,872.00)		-		-	0%	(1,872.00)
10-1	Remove Concrete Approach Pavement	(86.00)	S.Y.	25.00	(2,150.00)		-		-	0%	(2,150.00)
11-1	Remove Concrete Fillet Section	2.00	S.Y.	25.00	50.00	2.00	50.00		50.00	100%	-
15-1	Install 6" PCC Reinforced Fillet Section	(11.00)	S.Y.	30.00	(330.00)		-		-	0%	(330.00)
17-1	Install B66/P6 Concrete Curb and Gutter	19.00	L.F.	32.00	608.00	19.00	608.00		608.00	100%	-
18-1	Install 4" Concrete Sidewalk	(4,211.00)	S.F.	6.25	(26,318.75)		-		-	0%	(26,318.75)
19-1	Install 6" Concrete Sidewalk	(2,628.00)	S.F.	10.00	(26,280.00)		-		-	0%	(26,280.00)
20-1	Furnish & Install Detectable Warning Panels	(20.00)	S.F.	45.00	(900.00)		-		-	0%	(900.00)
22-1	Remove Storm Sewer Pipe	(27.00)	L.F.	10.00	(270.00)		-		-	0%	(270.00)
24-1	Remove and Reset Pipe	1.00	L.F.	45.00	45.00	1.00	45.00		45.00	100%	-
27-1	Modify Drop Inlet	1.00	Each	600.00	600.00	1.00	600.00		600.00	100%	-
28-1	Furnish & Install 18" RCP Pipe	(25.00)	L.F.	100.00	(2,500.00)		-		-	0%	(2,500.00)
29-1	Storm Sewer Pipe Bedding Material	(26.00)	L.F.	18.00	(468.00)		-		-	0%	(468.00)
30-1	Adjust Manhole	1.00	Each	600.00	600.00	1.00	600.00		600.00	100%	-
31-1	Valve Box Adjustment	(2.00)	Each	300.00	(600.00)		-		-	0%	(600.00)
32-1	2" Milling	1,000.00	S.Y.	3.00	3,000.00	1,000.00	3,000.00		3,000.00	100%	-
33-1	Full Depth Milling	(113.69)	S.Y.	5.00	(568.45)		-		-	0%	(568.45)
34-1	Asphalt Concrete Composite - Overlay	130.00	Ton	97.52	12,677.60	130.00	12,677.60		12,677.60	100%	-
35-1	4" Asphalt Concrete Composite	152.30	S.Y.	26.59	4,049.66	152.30	4,049.66		4,049.66	100%	-
37-1	Unclassified Excavation	(4.00)	C.Y.	26.00	(104.00)		-		-	0%	(104.00)
38-1	Haul & Place Salvaged Asphalt Mix	2,847.30	S.Y.	8.25	23,490.23	2,847.30	23,490.23		23,490.23	100%	-
39-1	Woven Geotextile Fabric	152.30	S.Y.	3.75	571.13	152.30	571.13		571.13	100%	-
40-1	4" Aggregate Base Course, Roadway	152.30	S.Y.	6.75	1,028.03	152.30	1,028.03		1,028.03	100%	-
41-1	6" Aggregate Base Course, Curb & Gutter	19.00	L.F.	2.50	47.50	19.00	47.50		47.50	100%	-
42-1	2" Aggregate Base Course, 4" Sidewalk	(476.00)	S.Y.	4.00	(1,904.00)		-		-	0%	(1,904.00)
43-1	6" Aggregate Base Course, 6" Sidewalk	(292.00)	S.Y.	12.00	(3,504.00)		-		-	0%	(3,504.00)
44-1	6" Aggregate Base Course, Fillet Section	(11.00)	S.Y.	12.00	(132.00)		-		-	0%	(132.00)
47-1	Inlet Protection	6.00	Each	125.00	750.00	6.00	750.00		750.00	100%	-
51-1	Drop Inlet Box Modification	4.00	Each	1,110.00	4,440.00	4.00	4,440.00		4,440.00	100%	-
52-1	Additional Work - M&O	1.00	LS	1,300.00	1,300.00	1.00	1,300.00		1,300.00	100%	-
53-1	Day Count Adjustment	13.00	Each	(200.00)	(2,600.00)	13.00	(2,600.00)		(2,600.00)	100%	-
				Change Order Totals	$ (26,051.05)		$ 51,224.15	$ -	$ 51,224.15	-197%	$ (77,275.20)
	Original Contract and Change Orders										
				Project Totals	$ 604,260.03		$ 604,260.03	$ -	$ 604,260.03	100%	$ -

EJCDC C-620 Contractor's Application for Payment
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City Council

Agenda Item

Subject: Approval of Change Order No. 2-Final for the 2024 Neighborhood Street Reconstruction 12th Avenue NW, Project No. 2403, with Duininck Inc., for an Increase of $271.00 for a New Contract Price of $1,517,781.17.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Change Order No. 2 (Final) is to adjust for final quantities and liquidated damages for the 12th Avenue NW Street Reconstruction project.

The 12th Avenue NW project consisted of a full street reconstruction between 6th Street NW and 1st Street NW. Water main replacement is included in this project between Crestview Drive and 1st Street NW.

History:

Change Order No.1 adjusted quantities, the substantial completion date from October 4, 2024, to September 27, 2024, and the final completion date from November 1, 2024, to October 25, 2024. Duininck proposed altering how the project will be completed in two phases. This proposed option extended phase one from 1st Street NW to Crestview Drive to include all of the water main replacement into phase one. Our contract has phase 1 from 1st Street NW to 4th Street NW and would have 1.5 blocks of water main replacement in phase 2. Duininck has agreed to move the completion dates up one week and maintain crossings along 12th Avenue NW for the general public.

The quantity adjustments include watermain adjustments, additional material (unclassified excavation) removal, and drain tile to account for an underground spring.

FINANCIAL CONSIDERATIONS:

The funding for this project has been budgeted in the Capital Improvement Fund, Account 212-43180-43919 in the amount of $2,500,000. The (City) Bid Schedule A portion of the project is $1,006,853.71. The (WMU) Bid Schedule B portion of the project is $510,927.46. WMU has paid Duininck for their portion of this project.

(City) Bid Schedule A: $995,946.95
Change Order 1A: $10,635.76
Change Order 2-Final: $271.00

New Contract Price-Bid Schedule A: $1,006,853.71

(WMU) Bid Schedule B: $447,913.00
Change Order 1B: $63,014.46
New Contract Price-Bid Schedule B: $510,927.46

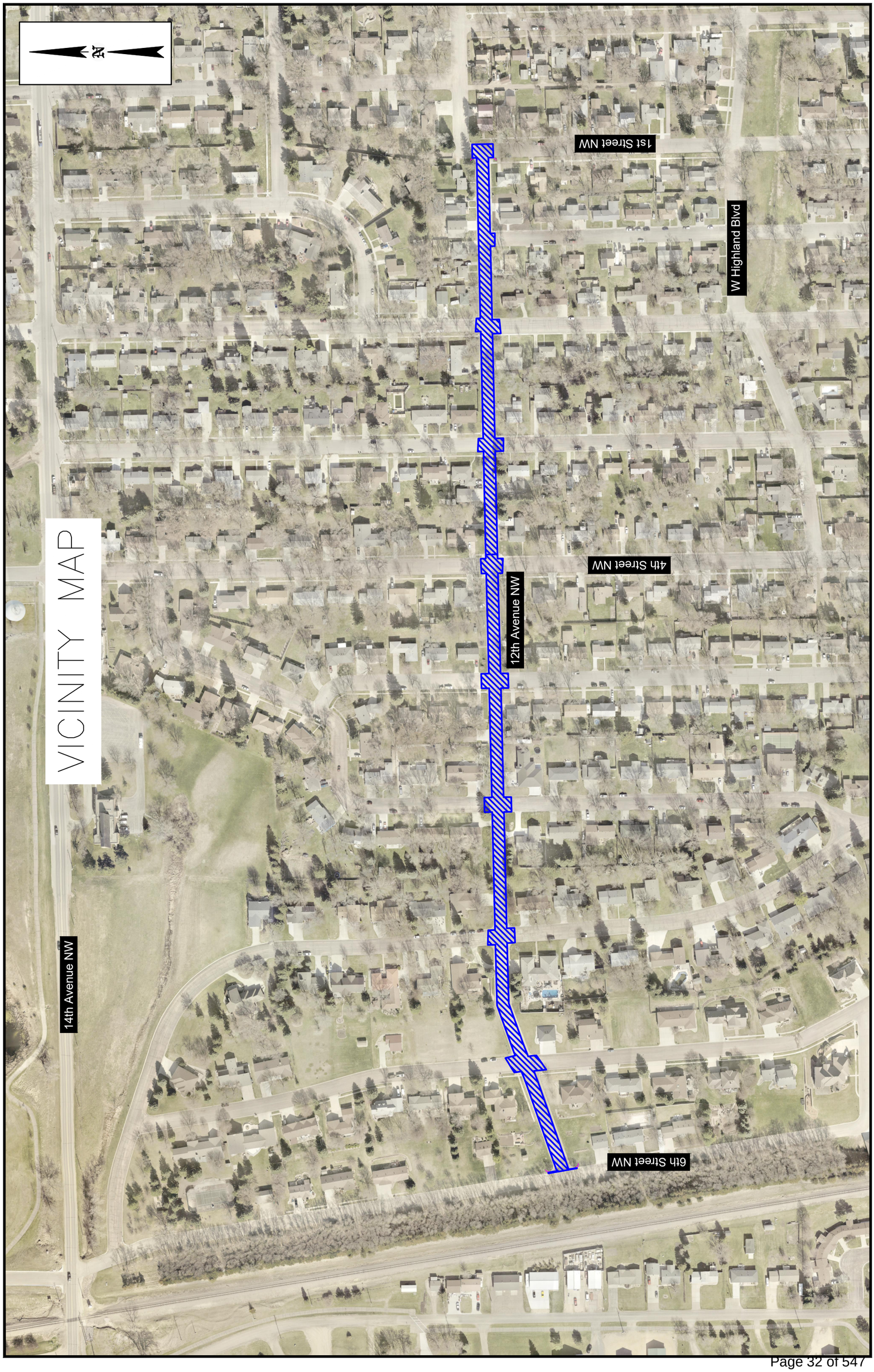
Original Bid-Total of Bid Schedules A & B: $1,443,859.95
Change Order No. 1: $73,650.22
Change Order No. 2-Final: $271.00
New Contract Price-Total of Bid Schedules A & B: $1,517,781.17

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer
Kraig Engen, Engineer Technician/Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:
Staff recommends approval of the change order with the following motion:

I move to approve Change Order No. 2-Final for the 2024 Neighborhood Street Reconstruction12th Avenue NW, Project No. 2403, with Duininck Inc., for an Increase of $271.00 for a New Contract Price of $1,517,781.17.

ATTACHMENT(S):
Vicinity Map
Change Order No.2-Final


VICINITY MAP
1st Street NW
W Highland Blvd
4th Street NW
12th Avenue NW
14th Avenue NW
6th Street NW

CHANGE ORDER NO.: 2-Final

Owner: City of Watertown, SD
Engineer: Kraig Engen
Contractor: Duininck, Inc.
Project: 2024 Neighborhood Street Reconstruction-12th Avenue NW
Contract Name: 2024 Neighborhood Street Reconstruction-12th Avenue NW
Date Issued: 12/03/2024

Owner's Project No.: 2412
Engineer's Project No.:2412
Contractor's Project No.:
Effective Date of Change Order: 12/16/2024

The Contract is modified as follows upon execution of this Change Order:

Description: **Adjust for additional milling quantities and Substantial and Final Completion Liquidated Damages**

Attachments: **Quantities**

Change in Contract Price	**Change in Contract Times**
Original Contract Price: $ 1,443,859.95	Original Contract Times: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024
Increase from previously approved Change Orders No. 1 to No. $ 73,650.22	**(Increase) (Decrease)** from previously approved Change Orders No.1 to No. **(Number of previous Change Order)**: Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: $ 1,517,510.17	Contract Times prior to this Change Order: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024
Increase this Change Order: $ 271.00	**(Increase) (Decrease)** this Change Order: Substantial Completion: N/A Ready for final payment: N/A
Contract Price incorporating this Change Order: $ 1,517,781.17	Contract Times with all approved Change Orders: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024

Recommended by Engineer (if required)	Accepted by Contractor
By: Kraig Engen	KDe Kristopher Duininck (Dec 12, 2024 14:16 CST)
Title: Engineering Tech	Kristopher Duininck, Vice President
Date: 12/16/2024	12/12/2024
Authorized by Owner	**Approved by Funding Agency (if applicable)**
By:	
Title:	
Date:	

EJCDC® C-941, Change Order.
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Progress Estimate - Unit Price Work | **Contractor's Application for Payment**

Owner:	City of Watertown	**Owner's Project No.:**	2403
Engineer:	Kraig Engen	**Engineer's Project No.:**	2403
Contractor:	Duininck, Inc.	**Contractor's Project No.:**	
Project:	2024 12th Avenue NW		
Contract:	2024 12th Avenue NW		

Application No.: 4 **Application Period:** From 10/18/24 to 11/18/24 **Application Date:** 11/18/24

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
Bid Item No.	Description	Item Quantity	Units	Unit Price ($)	Value of Bid Item (C X E) ($)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) ($)	Materials Currently Stored (not in G) ($)	Work Completed and Materials Stored to Date (H + I) ($)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) ($)
	Bid Schedule A										
1	Mobilization	Lump	Sum	98,000.00	98,000.00	1.00	98,000.00	-	98,000.00	100%	-
2	Traffic Control, Miscellaneous	Lump	Sum	9,500.00	9,500.00	1.00	9,500.00	-	9,500.00	100%	-
3	Traffic Control Signs	416.00	S.F.	2.75	1,144.00	416.00	1,144.00	-	1,144.00	100%	-
4	Type 3 Barricade, 6' Double Sided	60.00	Each	75.00	4,500.00	60.00	4,500.00	-	4,500.00	100%	-
5	Clear and Grub Shrub	1.00	Each	500.00	500.00	1.00	500.00	-	500.00	100%	-
6	Clear and Grub Tree	1.00	Each	1,500.00	1,500.00	1.00	1,500.00	-	1,500.00	100%	-
7	Remove Concrete Curb & Gutter	4,515.00	L.F.	4.00	18,060.00	4,515.00	18,060.00	-	18,060.00	100%	-
8	Remove Concrete Sidewalk	2,409.00	S.F.	2.00	4,818.00	2,409.00	4,818.00	-	4,818.00	100%	-
9	Remove Concrete Approach Pavement	580.00	S.Y.	17.00	9,860.00	580.00	9,860.00	-	9,860.00	100%	-
10	Remove Concrete Valley Gutter	17.00	S.Y.	25.00	425.00	17.00	425.00	-	425.00	100%	-
11	6" PCC Driveway Pavement	304.00	S.Y.	70.00	21,280.00	304.00	21,280.00	-	21,280.00	100%	-
12	6" PCC Approach Pavement	243.00	S.Y.	70.00	17,010.00	243.00	17,010.00	-	17,010.00	100%	-
13	Install 6" PCC Fillet Section	190.00	S.Y.	120.00	22,800.00	190.00	22,800.00	-	22,800.00	100%	-
14	Install 6" Reinforced Concrete Valley Gutter	183.00	S.Y.	120.00	21,960.00	183.00	21,960.00	-	21,960.00	100%	-
15	Install B66/P6 Concrete Curb and Gutter	4,507.00	L.F.	24.50	110,421.50	4,507.00	110,421.50	-	110,421.50	100%	-
16	Install 4" Concrete Sidewalk	5,812.00	S.F.	8.00	46,496.00	5,812.00	46,496.00	-	46,496.00	100%	-
17	Install 6" Concrete Sidewalk	174.00	S.F.	9.00	1,566.00	174.00	1,566.00	-	1,566.00	100%	-
18	Furnish & Install Detectable Warning Panels	640.00	S.F.	55.00	35,200.00	640.00	35,200.00	-	35,200.00	100%	-
19	Adjust Manhole	7.00	Each	750.00	5,250.00	7.00	5,250.00	-	5,250.00	100%	-
20	Valve Box Adjustment	18.00	Each	350.00	6,300.00	18.00	6,300.00	-	6,300.00	100%	-
21	Full Depth Milling	11,295.00	S.Y.	4.25	48,003.75	11,295.00	48,003.75	-	48,003.75	100%	-
22	4" Asphalt Concrete Composite	9,481.00	S.Y.	24.95	236,550.95	9,481.00	236,550.95	-	236,550.95	100%	-
23	Salvage Traffic Sign for Reset	2.00	Each	100.00	200.00	2.00	200.00	-	200.00	100%	-
24	Unclassified Excavation	3,210.00	C.Y.	23.00	73,830.00	3,210.00	73,830.00	-	73,830.00	100%	-
25	Haul & Place Salvaged Asphalt Mix	4,336.00	Ton	13.00	56,368.00	4,336.00	56,368.00	-	56,368.00	100%	-
26	Woven Geotextile Fabric	9,481.00	S.Y.	3.25	30,813.25	9,481.00	30,813.25	-	30,813.25	100%	-
27	4" Aggregate Base Course, Roadway	9,481.00	SY	6.00	56,886.00	9,481.00	56,886.00	-	56,886.00	100%	-
28	6" Aggregate Base Course, Curb & Gutter	4,509.00	LF	1.50	6,763.50	4,509.00	6,763.50	-	6,763.50	100%	-
29	2" Aggregate Base Course, 4" Sidewalk	646.00	SY	3.50	2,261.00	646.00	2,261.00	-	2,261.00	100%	-
30	6" Aggregate Base Course, 6" Sidewalk	20.00	SY	9.50	190.00	20.00	190.00	-	190.00	100%	-
31	6" Aggregate Base Course, Fillet Section	190.00	SY	9.50	1,805.00	190.00	1,805.00	-	1,805.00	100%	-
32	6"Aggregate Base Course, Valley Gutter	183.00	SY	9.50	1,738.50	183.00	1,738.50	-	1,738.50	100%	-
33	6" Aggregate Base Course, Approach Pavement	243.00	SY	9.50	2,308.50	243.00	2,308.50	-	2,308.50	100%	-
34	6" Aggregate Base Course, Driveway Pavement	304.00	SY	9.50	2,888.00	304.00	2,888.00	-	2,888.00	100%	-
35	Silt Fence	42.00	LF	10.00	420.00	42.00	420.00	-	420.00	100%	-
36	Sediment Filter Bag	20.00	LF	4.00	80.00	20.00	80.00	-	80.00	100%	-
37	Temporary Vehicle Tracking Control	3.00	Each	500.00	1,500.00	3.00	1,500.00	-	1,500.00	100%	-
38	Landscaping	Lump	Sum	26,000.00	26,000.00	1.00	26,000.00	-	26,000.00	100%	-
39	Remove and Reset Fence	65.00	L.F.	100.00	6,500.00	65.00	6,500.00	-	6,500.00	100%	-
40	Remove & Reset Mailbox and Post	1.00	Each	250.00	250.00	1.00	250.00	-	250.00	100%	-
41	Temporary Access Sidewalk	400.00	L.F.	10.00	4,000.00	400.00	4,000.00	-	4,000.00	100%	-
	Bid Schedule A Totals				**$ 995,946.95**		**$ 995,946.95**	**$ -**	**$ 995,946.95**	**100%**	**$ -**
	Bid Schedule B										
1	Remove Asbestos Cement (AC) Pipe	377	LF	35.00	13,195.00	377.00	13,195.00	-	13,195.00	100%	-
2	Furnish and Install 16-inch PVC Water Main	647	LF	175.00	113,225.00	647.00	113,225.00		113,225.00	100%	-
3	Furnish and Install 10-inch PVC Water Main	463	LF	115.00	53,245.00	463.00	53,245.00		53,245.00	100%	-
4	Furnish and Install 6-inch PVC Water Main	536	LF	85.00	45,560.00	536.00	45,560.00		45,560.00	100%	-
5	Furnish and Install 4-inch PVC Water Main	10	LF	125.00	1,250.00	10.00	1,250.00		1,250.00	100%	-
6	Furnish and Install 16 x 10-inch Reducer	3	EA	1,550.00	4,650.00	3.00	4,650.00		4,650.00	100%	-
7	Furnish and Install 16 x 6-inch Reducer	2	EA	1,350.00	2,700.00	2.00	2,700.00		2,700.00	100%	-
8	Furnish and Install 10 x 6-inch Reducer	1	EA	525.00	525.00	1.00	525.00		525.00	100%	-
9	Furnish and Install 6 x 4-inch Reducer	2	EA	275.00	550.00	2.00	550.00		550.00	100%	-
10	Furnish and Install 16 x 6-inch Cross	1	EA	2,550.00	2,550.00	1.00	2,550.00		2,550.00	100%	-
11	Furnish and Install 10-inch Romac Macro XL Coupling	1	EA	1,500.00	1,500.00	1.00	1,500.00		1,500.00	100%	-
12	Furnish and Install 10-inch MJ Coupling	2	EA	575.00	1,150.00	2.00	1,150.00		1,150.00	100%	-
13	Furnish and Install 6-inch MJ Coupling	8	EA	350.00	2,800.00	8.00	2,800.00		2,800.00	100%	-
14	Furnish and Install 4-inch MJ Coupling	2	EA	250.00	500.00	2.00	500.00		500.00	100%	-
15	Furnish and Install 16-inch Tee	3	EA	3,350.00	10,050.00	3.00	10,050.00		10,050.00	100%	-
16	Furnish and Install 10-inch Tee	1	EA	1,150.00	1,150.00	1.00	1,150.00		1,150.00	100%	-
17	Furnish and Install 6-inch Tee	9	EA	525.00	4,725.00	9.00	4,725.00		4,725.00	100%	-
18	Furnish and Install 10 x 6-inch Tee	2	EA	875.00	1,750.00	2.00	1,750.00		1,750.00	100%	-
19	Furnish and Install 16-inch Valve and Box	3	EA	11,250.00	33,750.00	3.00	33,750.00		33,750.00	100%	-
20	Furnish and Install 10-inch Valve and Box	4	EA	4,900.00	19,600.00	4.00	19,600.00		19,600.00	100%	-
21	Furnish and Install 6-inch Valve and Box	20	EA	2,500.00	50,000.00	20.00	50,000.00		50,000.00	100%	-
22	Furnish and Install 16-inch MJ Foster Adaptor	3	EA	1,250.00	3,750.00	3.00	3,750.00		3,750.00	100%	-
23	Furnish and Install 10-inch MJ Foster Adaptor	1	EA	575.00	575.00	1.00	575.00		575.00	100%	-
24	Furnish and Install 16-inch Megalug	18	EA	825.00	14,850.00	18.00	14,850.00		14,850.00	100%	-
25	Furnish and Install 10-inch Megalug	18	EA	350.00	6,300.00	18.00	6,300.00		6,300.00	100%	-
26	Furnish and Install 6-inch Megalug	91	EA	125.00	11,375.00	91.00	11,375.00		11,375.00	100%	-
27	Furnish and Install 4-inch Megalug	6	EA	70.00	420.00	6.00	420.00		420.00	100%	-
28	Furnish and Install 6-inch PVC Hydrant Lead	91	LF	70.00	6,370.00	91.00	6,370.00		6,370.00	100%	-
29	Furnish and Install I/C #1 Tracer Wire	1896	LF	0.50	948.00	1,896.00	948.00		948.00	100%	-
30	Install Salvaged Fire Hydrant	7	EA	1,150.00	8,050.00	7.00	8,050.00		8,050.00	100%	-
31	Plug Existing Water Main	7	EA	475.00	3,325.00	7.00	3,325.00		3,325.00	100%	-
32	Fill Valve Box Hole	5	EA	425.00	2,125.00	5.00	2,125.00		2,125.00	100%	-
33	Furnish and Install 1-in to 3/4-in Copper Service Coupling	7	EA	1,750.00	12,250.00	7.00	12,250.00		12,250.00	100%	-
34	Furnish and Install 1-in to 3/4-in Copper Service	21	LF	150.00	3,150.00	21.00	3,150.00		3,150.00	100%	-
33	Furnish Temporary Water	1	LS	10,000.00	10,000.00	1.00	10,000.00		10,000.00	100%	-
	Bid Schedule B Totals				**$ 447,913.00**		**$ 447,913.00**	**$ -**	**$ 447,913.00**	**100%**	**$ -**

EJCDC C-620 Contractor's Application for Payment
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Progress Estimate - Unit Price Work | **Contractor's Application for Payment**

Owner:	City of Watertown	**Owner's Project No.:**	2403
Engineer:	Kraig Engen	**Engineer's Project No.:**	2403
Contractor:	Duininck, Inc.	**Contractor's Project No.:**	
Project:	2024 12th Avenue NW		
Contract:	2024 12th Avenue NW		

Application No.: 4 **Application Period:** From 10/18/24 to 11/18/24 **Application Date:** 11/18/24

A	B	C	D	E	F	G	H	I	J	K	L
		Contract Information				Work Completed					
Bid Item No.	Description	Item Quantity	Units	Unit Price ($)	Value of Bid Item (C X E) ($)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) ($)	Materials Currently Stored (not in G) ($)	Work Completed and Materials Stored to Date (H + I) ($)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) ($)
	Change Orders										
	(City) Change Order No.1A										
1	Mobilization	Lump	Sum	(30,380.00)	(30,380.00)	1.00	(30,380.00)	-	(30,380.00)	100%	-
5	Clear and Grub Shrub	(1.00)	Each	500.00	(500.00)	(1.00)	(500.00)	-	(500.00)	100%	-
6	Clear and Grub Tree	(1.00)	Each	1,500.00	(1,500.00)	(1.00)	(1,500.00)	-	(1,500.00)	100%	-
7	Remove Concrete Curb & Gutter	340.00	L.F.	4.00	1,360.00	340.00	1,360.00	-	1,360.00	100%	-
8	Remove Concrete Sidewalk	(577.00)	S.F.	2.00	(1,154.00)	(577.00)	(1,154.00)	-	(1,154.00)	100%	-
9	Remove Concrete Approach Pavement	139.00	S.Y.	17.00	2,363.00	139.00	2,363.00	-	2,363.00	100%	-
11	6" PCC Driveway Pavement	92.00	S.Y.	70.00	6,440.00	92.00	6,440.00	-	6,440.00	100%	-
12	6" PCC Approach Pavement	(85.00)	S.Y.	70.00	(5,950.00)	(85.00)	(5,950.00)	-	(5,950.00)	100%	-
15	Install B66/P6 Concrete Curb and Gutter	340.00	L.F.	24.50	8,330.00	340.00	8,330.00	-	8,330.00	100%	-
16	Install 4" Concrete Sidewalk	(577.00)	S.F.	8.00	(4,616.00)	(577.00)	(4,616.00)	-	(4,616.00)	100%	-
22	4" Asphalt Concrete Composite	202.00	S.Y.	24.95	5,039.90	202.00	5,039.90	-	5,039.90	100%	-
24	Unclassified Excavation	1,200.00	C.Y.	23.00	27,600.00	1,200.00	27,600.00	-	27,600.00	100%	-
25	Haul & Place Salvaged Asphalt Mix	93.00	Ton	13.00	1,209.00	93.00	1,209.00	-	1,209.00	100%	-
27	4" Aggregate Base Course, Roadway	60.00	SY	6.00	360.00	60.00	360.00	-	360.00	100%	
28	6" Aggregate Base Course, Curb & Gutter	340.00	LF	1.50	510.00	340.00	510.00	-	510.00	100%	
29	2" Aggregate Base Course, 4" Sidewalk	(577.00)	SY	3.50	(2,019.50)	(577.00)	(2,019.50)	-	(2,019.50)	100%	-
33	6" Aggregate Base Course, Approach Pavement	(85.00)	SY	9.50	(807.50)	(85.00)	(807.50)	-	(807.50)	100%	-
34	6" Aggregate Base Course, Driveway Pavement	92.00	SY	9.50	874.00	92.00	874.00	-	874.00	100%	-
35	Silt Fence	82.00	LF	10.00	820.00	82.00	820.00	-	820.00	100%	-
37	Temporary Vehicle Tracking Control	(3.00)	Each	500.00	(1,500.00)	(3.00)	(1,500.00)	-	(1,500.00)	100%	-
39	Remove and Reset Fence	(65.00)	L.F.	100.00	(6,500.00)	(65.00)	(6,500.00)	-	(6,500.00)	100%	-
41	Temporary Access Sidewalk	(400.00)	L.F.	10.00	(4,000.00)	(400.00)	(4,000.00)	-	(4,000.00)	100%	-
42	6" Drain Tile	222.00	L.F.	31.06	6,895.32	222.00	6,895.32		6,895.32	100%	-
43	Bituminous Patch	Lump	Sum	3,568.91	3,568.91	1.00	3,568.91		3,568.91	100%	-
44	Regrade Base Course	415.00	S.Y.	2.36	979.40	415.00	979.40		979.40	100%	-
45	Backfill Curb & Gutter	253.00	L.F.	2.87	726.11	253.00	726.11		726.11	100%	-
46	Additional Mobilization	Lump	Sum	2,487.12	2,487.12	1.00	2,487.12		2,487.12	100%	-
				(City) Change Order No.1A Total:	**$ 10,635.76**		$ 10,635.76		$ 10,635.76	100%	
	(WMU) Change Order No.1B										
1	Mobilization	Lump	Sum	30,380.00	30,380.00	1.00	30,380.00	-	30,380.00	100%	-
47	Furnish & Install 16"-45 deg. Bends (WMU)	8.00	Each	2,767.29	22,138.32	8.00	22,138.32		22,138.32	100%	-
48	Furnish & Install 6-inch PVC Watermain (WMU)	88.00	L.F.	30.43	2,677.84	88.00	2,677.84		2,677.84	100%	-
49	1" to 3/4" Copper Service (WMU)	51.00	L.F.	153.30	7,818.30	51.00	7,818.30		7,818.30	100%	-
				(WMU) Change Order No.1B Total:	**63,014.46**		$ 63,014.46		$ 63,014.46	100%	
				Change Order No.1 Total:	**$ 73,650.22**						
	Change Order No.2-Final										
21	Full Depth Milling	Lump	Sum	7,000.00	7,000.00	1.00	7,000.00	-	7,000.00	100%	-
24	Unclassified Excavation	68.00	C.Y.	23.00	1,564.00	68.00	1,564.00	-	1,564.00	100%	-
45	Backfill Curb & Gutter	257.00	L.F.	1.00	257.00	257.00	257.00		257.00	100%	-
50	Substantial Completion (Liquidated Damages)	8.00	Days	-900.00	(7,200.00)	8.00	(7,200.00)		(7,200.00)	100%	-
51	Final Completion (Liquidated Damages)	3.00	Days	-450.00	(1,350.00)	3.00	(1,350.00)		(1,350.00)	100%	-
				(City) Change Order No.2-Final Total:	**$ 271.00**		$ 271.00		$ 271.00	100%	
				Change Order Totals	**$ 73,921.22**		$ 73,921.22	$ -	$ 73,921.22	100%	$ -
	Original Contract and Change Orders										
				Project Totals	**$ 1,517,781.17**		$ 1,517,781.17	$ -	$ 1,517,781.17	100%	$ -

EJCDC C-620 Contractor's Application for Payment
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City Council

Agenda Item

Subject: Approval of the 2025-27 AFSCME Collective Bargaining Agreement

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Please see attached redline version of the contract for an illustration of the revisions upon which AFSCME and the City's negotiating team have reached agreement.

Highlights:

For the purpose of recruitment and retention a change in vacation accrual was agreed upon through the negotiation process:

Annual Vacation Schedule in Hours	
Years 1 through 5	120 hours
Years 6 through 10	160 hours
Years 11 through 15	200 hours
Years 16 and beyond	240 hours

- All employees shall be allowed to accumulate 200 hours of vacation as of December 31st of each year.
- Payment of accrued vacation upon voluntary separation , termination, or retirement is based upon a maximum of 200 hours.
- In the event of an employee's death, the cash value of accrued unused sick leave not in excess of 600 hours shall be paid to the employee's designated beneficiary of record in the employee's personnel file.

FINANCIAL CONSIDERATIONS:

- All AFSCME employees are moving up one step (2%) on the wage matrix, and a 2% COLA was applied to their base salary. This will result in all employees receiving approximately a 4% increase in pay.
- An amendment on supplemental retirement contributions was agreed upon as a result of negotiating wages and benefits. The City will contribute a minimum of $10/month with an employee match of $20/month to a maximum of $75/month with an employee match of $150/month.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the 2025-27 AFSCME Collective Bargaining Agreement.

ATTACHMENT(S):

2025 Wage Matrix

AFSCME - 2025-27- Redlined Proposal

New Pay Grade		1	2	3	4	5	6	7	8 (M)	9	10	11	12	13	14	15
			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100		$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.26	$ 20.67	$ 21.08	$ 21.50
		$ 33,883.20	$ 34,569.60	$ 35,256.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,168.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,846.40	$ 44,720.00
105	1.10	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.79	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
		$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,561.60	$ 40,352.00	$ 41,163.20	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	1.10	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.49	$ 26.00
		$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	1.05	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
		$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	1.05	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.99	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
		$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	1.05	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
		$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	1.05	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
		$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	1.05	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
		$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	1.05	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
		$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,529.60
145	1.05	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
		$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	1.05	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.69	$ 38.44
		$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	1.05	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
		$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	1.05	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
		$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	1.05	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.54
		$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	1.10	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
		$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	1.10	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
		$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,745.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	1.10	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
		$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,785.60	$ 123,198.40
185	1.10	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
		$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,553.60
190	1.10	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.99	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.68
		$ 113,006.40	$ 115,273.60	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,779.20	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	1.10	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.87
		$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	1.12	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.33
		$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	1.22	$ 81.65	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
		$ 169,832.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

AGREEMENT BETWEEN

CITY OF WATERTOWN, SOUTH DAKOTA

AND LOCAL UNION 2488

OF THE

AMERICAN FEDERATION OF STATE,

COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO

FOR THE PERIOD OF
JANUARY 1, ~~2022~~ 2025 TO DECEMBER 31, ~~2024~~2027

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ARTICLE 1

PREAMBLE

The City of Watertown, South Dakota, hereinafter referred to as "Employer", and Local 2488 of the American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as "Union", do hereby agree to promote and ensure harmonious relations, cooperation and understanding between the Employer and the Union to establish rates of pay, hours of work, and conditions of employment and to these ends, the Employer agrees to provide considerate and courteous treatment of its employees and the employees directly through their representatives (the Union) to provide the Employer loyal and efficient service.

The parties recognize that the Employer has duly adopted a ~~Civil Service Ordinance~~Home Rule Charter pursuant to State Law and that the provisions thereof, as well as other applicable laws and regulations are binding on both Employer and the Union. The parties further recognize that the ~~Civil Service Ordinance~~Home Rule Charter will be followed and will govern in the event of any conflict arising between this Agreement and that Ordinance. It is further agreed that neither party to this Agreement will promote, or implement, any change to the ~~Civil Service Ordinance~~Home Rule Charter in effect at the time of execution of this Agreement, which, if adopted, would alter the terms of this Agreement, without having first provided written notice to the other party of any proposed change, and without having first entered into a written agreement among the parties hereto that this Agreement be amended to reflect any proposed ordinance change.

ARTICLE 2

RECOGNITION

Section 2.01 Recognition

Pursuant to the provisions of SDCL Chapter 3-18 and applicable regulations of the Department of Labor, Local 2488 of the American Federation of State, County and Municipal Employees, AFL-CIO, was certified on the 29th day of August, 1972, as the formal representative of the employees of the City of Watertown, South Dakota, except for the following persons or positions: elected officials, superintendents, department heads, supervisors, foremen, managers, professionals, and employees eligible to be covered under another collective bargaining agreement. In addition, the following shall be excluded from coverage under this Agreement: ~~the Police Chief's Administrative~~Executive Assistants, employees of the Library, ~~the Administrative Assistant of the City Manager and City Attorney~~Human Resource Generalists, as well as all part-time and temporary employees.

Section 2.02 Exclusive Representation
The Employer agrees not to enter into any other agreement with the employees subject to this Agreement, either individually, or collectively which conflicts with any portion of this Agreement.

ARTICLE 3

MANAGEMENT RIGHTS

Section 3.01 Management Rights Statement
It is understood and agreed by the parties that the Employer possesses the sole right to operate its departments and facilities so as to carry out the statutory mandate and goals assigned to it and that all management rights repose in the Employer unless specifically modified by this Agreement. It is further agreed and understood that in the event any legislative or final adjudicative action occurs during the term of this Agreement which has the effect of invalidating or altering the management rights herein, the parties agree that this Agreement shall be amended to conform with any such final legislative or adjudicative action.

Section 3.02 Management Rights
These management rights include but are not limited to the following:

(a) To utilize personnel, methods, and means in the most appropriate and efficient manner possible;
(b) To manage and direct the employees of the Employer;
(c) To hire, promote, transfer, assign, retain or retire employees in positions under the jurisdiction of the Employer;
(d) To establish reasonable work rules of conduct;
(e) To suspend, demote, discharge or take other appropriate disciplinary action against employees for just cause;
(f) To determine the size and composition of the work force and to lay off employees in the event of lack of work or funds or under conditions where the Employer believes the continuation of such work would be inefficient or nonproductive; and
(g) To determine the mission of the agency and the methods and means necessary to efficiently fulfill that mission including the contracting out for or the transfer, alteration, curtailment or discontinuance of any service.

Section 3.03 Exercising of Management Rights
The exercise of management rights shall not be used for the purpose of undermining the Union or discriminating against any employee.

Section 3.04 Amendment of ~~Personnel Policy Manual~~The Employee Handbook
The parties agree that any amendment to the existing ~~personnel policy~~employee handbook is a management right, however, the parties agree that prior to final adoption of any amendment to the ~~personnel policy~~employee handbook, a copy of the intended changes shall first be given to the Union for review and comment with a posted time frame of not to exceed 14 calendar days.

~~The Policy Committee will review any written comments received and make any reasonable adjustments prior to presenting the recommended changes for approval. The final policy manual or policy will not be placed into effect until after such comment is considered by management. The parties agree and understand that the City Council has the final right of adoption.~~

ARTICLE 4

COMMITTEE FOR UNION-MANAGEMENT COOPERATION

Section 4.01 Labor Management Committee
The parties recognize that during the term of this Agreement, problems of administration may arise which are not now anticipated by either party. They also recognize that during such period more mutually constructive and productive relationships are likely to exist between the Employer and the Union and among both management and non-management employees, if both the Employer and the Union continue and enlarge their respective efforts to gain a better appreciation and understanding of each other's problems and objectives. They recognize that frequently what first appear to be problems or areas of conflict and disagreement are actually misunderstandings which are cleared away upon a complete exchange of viewpoints and ideas. The parties believe that even though limitations exist upon formal collective bargaining negotiations through the term of this Agreement, a better atmosphere in which to achieve improved day-by-day relations between the parties, which they both desire, can be created through meetings of the kind described below:

Section 4.02 LMC Limitations
On an as needed basis, if requested by either party, a meeting will be held by the committee formed as a part of this article. It is understood that such meetings will be held for the purpose of appraising and discussing problems, if any, which may exist concerning administration, interpretation or application of the Agreement or other matters which either party believes will contribute to the improvement in the relations between them within the framework of this Agreement. It is understood that such meetings shall not be for the purpose of discussing grievances or conducting collective bargaining negotiations or for any purpose which would modify any provisions of this Agreement. In agreeing to such meetings, the parties are providing evidence of their sincere desire to encourage friendly, cooperative relationships between their representatives at all levels and between all employees covered by this Agreement and to find ways to overcome difficulties, influences or attitudes which interfere with such relationships**.** To facilitate the process, the party requesting the meeting shall notify the other party of the items to be discussed two days prior to the meeting. Additional topics may be added as they develop. There is no requirement that any meeting described herein be had during the term of this Agreement unless requested by either party. The parties further agree that circumstances may occur during the term of this Agreement that will require either party to request a continuance or delay in the scheduling of any meeting. The parties agree that they will make reasonable accommodations when scheduling meetings.

Section 4.03 Scope of LMC
Wherever in this Agreement reference is made to matters to be referred to a committee for resolution, this committee will take such matters into its consideration.

Section 4.04 LMC Participation
The committee for Union Management Cooperation shall be composed of two (2) members designated by the Union and two (2) members designated by the Employer. ~~Both parties shall have the right to replace any of its members during the term of this Agreement and agree to inform the other of the names of its members.~~

~~**Section 4.05. Minutes Required**~~
~~Minutes shall be kept of all meetings by the Secretary of the Union and shall be distributed to the Employer and the Union members.~~

ARTICLE 5

DISCRIMINATION AND COERCION

Section 5.01 Discrimination Prohibited
The Employer agrees not to discriminate against any employee because of race, color, creed, national origin, ancestry per SDCL 20 13 10, sexual orientation/gender identity, disability, protected veteran status per Uniformed Services Employment and Reemployment Rights Act, genetic information, pregnancy, sex, age, marital status, religion, union affiliation or political affiliations; or to coerce any employee or their organization in any way.

ARTICLE 6

DUES CHECK OFF

Section 6.01. Union Dues/Payroll Deductions
The Employer agrees to deduct from the employee's pay the monthly union dues prescribed by said local union and to remit those dues each month to the treasurer, or such other person designated by the union. Dues collected shall be forwarded to the designee on or before the last day of each month during which the dues were deducted with an itemized statement for all dues collected.

Section 6.02 Dues Deduction Form
The Employer and the Union shall agree on the form used by the employee for this deduction.

ARTICLE 7

HOURS OF WORK

Section 7.01 Hours of Work
This article is intended to set forth normal practices to be engaged in by the City. It does not constitute a guarantee of hours per day or days per week, but the City does intend to, where practical in light of circumstances, employ its personnel on a regular basis of forty (40) hours per week provided the employee is able to perform the required duties ~~and is ready, willing and able to perform~~of the work to which they are assigned. It is expressly understood, however, that whenever the City, in its sole discretion, determines a reduction of the work force necessary, it may do so upon notice consistent with Section 7.04 of this article.

Section 7.02 Work Day
The normal hours of work shall be consecutive in any twenty-four (24) hour period ~~and shall be either eight (8) hours or ten (10) hours~~ as provided in this Article. Hours worked need not be consecutive at the ~~Zoo~~zoo, ~~Wellness~~ wellness ~~Center~~center, ice arena, ~~and~~ Aquatic Center, wastewater treatment plant, landfill or other such areas as those determined by Section 7.03.

Section 7.03 Work Period
The normal schedule of days worked shall be either five (5) or four (4) days as determined in accordance with this Agreement. Days off will normally be consecutive except to accommodate vacations, sick leave, ~~and~~ scheduled rotations within the job classification and facility operations. ~~In the Sanitation Department and Zoo Department, work~~ Work days in a week and days off in a week need not be consecutive.

Section 7.04 Posted Work Schedule
Work schedules showing the employee's shifts, work days and hours shall be posted on bulletin boards, which may be electronic, ~~in~~ in the respective department at least fourteen (14) days in advance. Posted work schedules shall not be changed in less than 14 days without consultation between the Employer and the employees affected unless an emergency is declared by the Department Head. ~~Examples of an emergency includes flood, tornado, ice storm and other catastrophic events. An emergency may be declared either orally or in writing by the Department Head. An emergency that is orally declared by the Department Head will be reduced to writing as soon as practically possible. Any changes in the work schedule shall be subject to the grievance procedure. Employees must be notified at least one (1) hour in advance of the shift that an emergency situation exists to avoid payment of reporting time. If an employee is not notified and reports for work and the shift is changed, a minimum of two (2) hours work or pay shall be received, and counted as regular hours worked for purposes of computing overtime. A telephone call to the residence of the employee or to such other telephone number provided by the employee shall be construed as proper notification.~~ This notice may be waived by mutual written agreement between the City and the affected employee.

Section 7.05 Emergency Work Schedule
An emergency may be declared either orally or in writing by the Department Head. An emergency that is orally declared by the Department Head will be reduced to writing as soon as practically possible. Employees must be notified at least one (1) hour in advance of the shift that an emergency situation exists to avoid payment of reporting time. If an employee is not notified and reports for work and the shift is changed, a minimum of two (2) hours work or pay shall be received and counted as regular hours worked for purposes of computing overtime. A telephone

call to the residence of the employee or to such other telephone number provided by the employee shall be construed as proper notification. Any changes in the work schedule shall be subject to the grievance procedure. Examples of an emergency include, but are not limited to, flooding, tornado, and a severe winter blizzard or ice storm.

Section 7.~~05~~ 06 Pay for Other Duties Performed
When an employee is assigned job duties outside of their essential functions the employee shall receive no less than their regular rate of pay in accordance with the provisions of Article 20.

Section 7.~~06~~ 07 Fair Labor Standards Act
Both the City and the Union believe this Article and Article 8 comply with the Fair Labor Standards Act, and they shall be so construed. It is understood that the Fair Labor Standards Act provides minimums and the contract controls if more is agreed. The work week shall be a seven day work period with a maximum of forty hours unless overtime is paid.

Section 7.~~07~~ 08 Closing of City Facilities
~~On days when City facilities/departments are closed by the City Manager (e.g. during a snow emergency), any employees who are required to continue working (as determined by the City Manager) shall receive equal time off on an hour for hour basis identical to the number of hours the other City facilities/departments were closed not to exceed eight (8) hours.~~When City facilities/departments are closed by the City Manager or their designee (e.g. during a snow emergency) and employees are sent home, employees who are required to continue working (as determined by the City Manager or designee) shall receive equal time off on an hour for hour basis identical to the number of hours the other City facilities/departments were closed between the hours of 8:00 A.M. to 5:00 P.M., not to exceed eight (8) hours. ~~-~~Employees of closed City facilities/departments may leave work during the hours such facility/department is declared closed and such employees will not be required to use vacation or compensation time for this time away from work. This Section does not impact policies relating to weekends, holidays, or observed holidays. This does not apply to closures for work related activities where employees are not sent home (such as city events/functions, trainings/professional development, software outages or other activities impacting customer services and triggering closures, etc.)

ARTICLE 8

OVERTIME

Section 8.01 Eligibility for Overtime Earnings
One and one-half (1 ½) times the employee's regular hourly rate of pay shall be paid for work under any of the following conditions:

(a) All work performed in excess of forty (40) hours in one week; vacation and/or compensatory time taken cannot be used in calculating overtime.
(b) All sick leave and holidays (either actual or observed, as applicable to the department) shall be considered as hours worked to calculate overtime.

(c) Work performed under provisions of call-back ~~and reporting~~ and stand-by pay cannot be used in calculating overtime.

(d) The parties further agree that compensatory time at the rate of one and one-half (1 ½) times the hours worked may be used in place of overtime pay if mutually agreed between the employee and the Department Head.

(e) Employees shall be permitted to accumulate additional compensatory time after drawing down their accumulated compensatory time from a department or division-specific annual cap on accumulated compensatory time.

Section 8.02 Work Performed on Sunday

Two (2) times the regular hourly rate of pay shall be paid for any overtime work performed on Sunday.

Section 8.03 Prior Approval Required for Overtime

Overtime will not be allowed without the approval of the Department Head or designee and, where overtime is allowed, it shall be distributed as equitably as practical among employees in the same job classification within a specific work unit. Unwillingness to perform the overtime hours may result in disciplinary action.

Section 8.04 Distribution of Overtime/Call Back

The policy of the City with respect to the distribution of overtime is:

(a) City Responsibility. It shall be the responsibility of the City to determine in each instance if overtime work is required and, if so, how many employees will be required to perform the work.

(b) Division of Call Back and Overtime. Overtime work will be distributed as equitably as is reasonably practical among full-time employees normally engaged in the classification involved. Overtime work and call back work shall be distributed equally to full-time employees working within the same job classification within each department. A record of overtime hours worked by each employee shall be updated and posted on the department bulletin board weekly. The total amount of overtime accumulated for each employee shall be equalized on January 1st and July 1st annually.

(c) Additional Work Hours Distribution. If a work task is in progress and the task will result in additional work hours, the employee working on the task will be allowed to complete the task and the overtime distribution procedure shall not apply. However, if a supervisor is reasonably aware when assigning a task that it may result in additional hours worked, the task will be offered to the employees on duty with the least amount of overtime. If after making the offer by this procedure no employee has accepted the additional work hours, the supervisor may assign the additional work hours to an employee on duty with the lowest overtime amount within the job classification. The only exception to this will be when a job classification has only one individual performing the essential functions, the employee may be required to work the additional work hours. Unwillingness to perform the additional work hours may result in disciplinary action.

(d) Call Back Distribution. Normally, the standby person will be the first person to respond to a call for service outside regularly scheduled shifts. On each occasion, except in declared emergencies, the opportunity to perform call back work shall be offered to the employee within the job classification within each department who has the least number of overtime hours to the employee's credit at that time. If this employee does not accept this assignment, the employee with the next fewest number of overtime hours to the employee's credit shall be offered the assignment. This procedure shall be followed until each employee in the classification who is not on leave (sick leave, vacation leave, unpaid leave or compensatory time off) has been offered the call back. If after making the offer by this procedure no employee has accepted the call back work, the supervisor may assign the call back to the employee with the lowest overtime amount within the job classification who is not on leave (sick leave, vacation leave, unpaid leave or compensatory time off). The only exception to this will be when a job classification has only one individual performing the essential functions, the employee may be required to work the call back work. Unwillingness to perform the call back work may result in disciplinary action.

ARTICLE 9

REST PERIODS

Section 9.01 Rest Periods
All employees shall be granted a rest period of fifteen (15) minutes in each half of their work shift. The Employer retains the right to schedule employee's rest periods to fulfill the operational needs of the work units; however, the rest period shall be scheduled as nearly as possible to the middle of each one-half shift.

Section 9.02 Eligibility for Additional Rest Periods
An employee who is scheduled to work beyond the regular eight (8) hour shift or ten (10) hour shift shall be granted a fifteen (15) minute rest period as near as possible to starting the work beyond the regular shift. The employee shall also be entitled to one additional fifteen (15) minute rest period on a regular two (2) hour basis thereafter.

ARTICLE 10

MEAL PERIODS

Section 10.01 Meal Periods
All employees shall be allowed a thirty (30) or a sixty (60) minute unpaid, duty-free meal period during each eight (8) or ten (10) hour shift. Those employees required to be at their post by reason of continuous operations will eat lunch as circumstances permit without any deduction in pay for the meal period. This meal period shall be scheduled as nearly as possible to the middle of the regular work shift. Meal periods of thirty (30) minutes may be used if agreed to by the employee and the Department Head or their designee. Employees required to return to work

prior to the conclusion of their meal period shall be allowed either to use their remaining time (starting from the time the employee is called back to work) of their meal period at a later time in the day or to obtain additional work hours for the day.

ARTICLE 11

CLEAN UP TIME AND EQUIPMENT

Section 11.01 Clean up Time

The Employer recognizes that there are jobs within the bargaining unit where by reason of the nature of the work it is proper that the employee have a reasonable period to clean prior to leaving work (without deduction from pay). The employer shall determine which employees should be allowed time to clean, and any refusal or other alleged abuse by either the Employee or Employer shall be a proper subject for grievance.

Section 11.02 Reimbursement for Damaged Vision Wear and Timepieces

The City shall reimburse the employee for glasses (including contacts) or watches (including bands) broken, damaged, or lost within the line of duty. The maximum value of watches shall be $50.00 or replacement value, whichever is less. The maximum value of glasses or contacts shall be $500 or replacement value, whichever is less. The loss must be reported to the supervisor prior to the termination of the employee's current shift. The City's reimbursement will be by voucher approved by the Department Head.

Section 11.03 Safety Concern

An employee shall not be subject to disciplinary action for the employee's refusal to operate or handle any piece of equipment or work in a work situation that the employee believes will place them in imminent danger of injury. If it is later proven that the employee's objection was unfounded, the City can take disciplinary action for the employee's refusal to perform their duties.

ARTICLE 12

CALL BACK AND REPORTING PAY

Section 12.01 Reporting Pay

In the event an employee reports for duty on a regular shift without previously having been notified not to report shall be given two (2) hours pay at regular straight time hourly rate; except that if work is unavailable as the result of weather emergencies or causes beyond the control of the City, the City shall not be so obligated. Work that cannot be performed due to inclement weather conditions will not be deemed a cause beyond the control of the City. It is understood that if the regular duties of the employee cannot be performed, the supervisor may reassign duties for the period above mentioned in any capacity. Employees shall keep the City advised at all times of their addresses and telephone numbers where they can be notified.

Section 12.02 Call Back Pay
Any employee not on standby who is called in to work outside of the employee's regular shift or schedule shall receive overtime for all such hours and be guaranteed at least two (2) hours work or two (2) hours pay at the rate of time and one-half (1 1/2) their regular rate of pay, and two (2) times the regular rate of pay shall be paid on holidays (either applicable or observed, as applicable to the department). The two-hour minimum shall not apply, however, to employees who are called in to begin work within two (2) hours prior to the start of their shift and work continuously into their shift; provided the City work permits the employee to work their regular scheduled shift for that day.

Call back pay does not begin until the employee arrives at work and ends upon completion of the work for which the employee responded. However, in situations where the employee is required to respond immediately, call back pay will begin upon receipt of the phone call.

ARTICLE 13

STANDBY PAY

Section 13.01 Standby Requirements
The Department may make standby arrangements which shall be rotated among qualified employees. A standby situation shall exist when an employee is specifically notified by the supervisor to be available for work outside the regular shift. Standby time shall be distributed equally to employees working in the same classification by the same method as overtime distribution. The employee on such standby shall maintain availability for any need for service that may arise. The employee shall give the supervisor a telephone number where the employee can be reached and be ready to respond to a call for service. The employee need not remain at home; but must remain within a fifteen (15) mile radius of the Watertown Regional Airport.

Section 13.02 Standby Periods Defined
Standby time shall not commence until the employee assigned to such duty has completed the work on their assigned shift. Standby periods shall be from 8:00 o'clock A.M. Tuesday to 8:00 o'clock A.M. the following Tuesday, or a time period mutually agreed between management and union.

Section 13.03 Standby Availability Pay
Employees on standby shall be paid for standby time at the rate of Three Hundred Dollars ($300.00) per week or Forty-Two Dollars and Eighty-Six Cents ($42.86) per day. Employees on standby shall be provided a city issued cell phone to be shared among employees in the same classification to be used during the assigned standby period.

Section 13.04 Standby Pay When Response Is Required
An employee on standby who is called to work outside their regular shift or schedule shall receive overtime for all such hours from the time the call is made until the time of completion of work for which the employee responded and be guaranteed at least (1) hour of work or (1) hour

at a rate of time and one-half (1 1/2) of their regular rate of pay, and two (2) times the regular rate of pay shall be paid on holidays (per Section 14.02).

ARTICLE 14

HOLIDAYS

Section 14.01 Holidays Defined
The following days shall be recognized and observed as paid holidays:

New Year's Day	Independence Day
Martin Luther King Jr. Day	Labor Day
Native American Day	Veteran's Day
Memorial Day (Monday)	Thanksgiving Day
Christmas Day	President's Day
Christmas Eve	Juneteenth
Day After Thanksgiving	

Section 14.02 Holidays Observed
~~Whenever any of the above holidays shall occur on a Saturday, the preceding Friday shall be observed as the holiday. Whenever any of the above holidays shall occur on a Sunday, the Monday following shall be observed as the holiday. If either Christmas Eve or Christmas Day occur on a Saturday or Sunday, Christmas Eve shall be observed on the preceding Friday, and Christmas Day shall be observed on the following Monday.~~The City of Watertown will observe the holidays and close in accordance with the holidays observed by the State of South Dakota. In departments or divisions where employees are scheduled to work seven days per week, all holidays shall be observed on the actual date of the holiday.

Section 14.03 Holiday Pay and Rate
When a holiday (either actual or observed, as applicable to the department) falls on a day when the employee is not scheduled to work, if eligible, an employee will be paid for normal hours of work, not in excess of ten (10) hours, at the employee's regular rate as defined in Article 20.

Section 14.04 Holidays Worked
An employee who works on a holiday (either actual or observed, as applicable to the department) will be paid time one and one-half (1 1/2 times), for all hours worked. The employee will also receive the regular eight (8) or ten (10) hours of holiday pay.

Section 14.05 Employees on Leave of Absence
Holiday pay allowance will not be paid to a full-time regular employee on an unpaid leave of absence or layoff.

Section 14.06 Easter Pay
Any employee who, as part their regular work schedule, works on Easter, shall receive additional pay hour for hour at their regular rate, capped at 10 hours, or may elect instead to receive compensatory time.

ARTICLE 15

VACATIONS

Section 15.01. Vacation Accrual Schedule
All full time employees shall be entitled to annual vacation leave. Vacation leave shall accrue in accordance with the following schedule:

(a) Starting Year 1 through Year ~~6~~5 -- ~~Eighty (80) hours~~One hundred twenty (120) hours;
(b) Starting Year ~~7~~ 6 through Year ~~13~~10 -- One hundred ~~twenty~~ sixty (~~120~~160) hours;
(c) Starting Year ~~14~~ 11 through Year ~~19~~ 15 -- ~~One hundred sixty~~Two hundred (~~160~~)200) hours;
(d) Year ~~20~~ 16 and beyond -- Two hundred forty (~~200~~240) hours.

No employee may use accrued vacation within the first ninety (90) days of employment.

Section 15.02 Vacation Usage and Monthly Accruals
Employee vacation hours shall be credited to the employee's vacation account as accrued on a monthly basis and cannot be taken in advance of being earned. Vacation accrues on the 15th day of each month and new monthly accruals can only be used after the 15th of the month.

Section 15.03.Vacation Requests
Vacations normally will be granted at the time requested by the employee, unless operational necessity requires full staff. If there is a dispute as to operational necessity, the dispute may be presented at Step 2 of the grievance procedure. If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, or in the event of any conflict over vacation periods, the employee with the greater seniority shall be given the choice of vacation period, consistent with this paragraph.

Section 15.04 Annual Vacation Bid Process/Use of Vacation
On or about ~~January 10~~December 1 of each year for the upcoming year, department heads will circulate appropriate forms to the employees, starting with the most senior and continuing to circulate until the least senior employee may list their choice of vacation periods during the calendar year. Vacation requests shall be recorded on a vacation request sheet which is circulated to all department/division staff from most senior employee to least senior employee. Senior employees may sign up for eighty (80) hours of their total allowable vacation before other employees. Once the vacation sheet has been passed through the department, it is returned to the senior employee to sign up for the remainder of the employee's vacation hours. Such selection

must be on the basis of the unused and accrued vacation for which the employee would be eligible on December 31 of that year. These forms shall be returned to the Department Head within ten (10) days and the Employer shall post the schedule of vacations by February 1st. An employee not bidding for full entitlement will relinquish any seniority rights for the purpose of selecting vacation time for the balance of accrued and unused vacations. The remainder of an employee's unused and accrued vacation time may be taken in increments of not less than one (1) full hour, unless excused by the supervisor, at such time as the employee may desire but consistent with the provisions for full service requirements. A request to use the remainder of unbid vacation leave shall be submitted as follows:

(a) At least twenty-four (24) hours prior to use when one (1) day is intended unless excused by supervisor.

(b) At least ~~forty-eight (48) hours~~one (1) week prior to use when two (2) days or more are intended unless excused by supervisor.

Section 15.05 Vacation Leave for ~~Sanitation Worker/Drivers~~Four (4) Ten (10) Hour Day Operations

Vacation pay shall be at the employee's regular hourly rate of pay at the time vacation is taken. When a holiday occurs during a week in which ~~a Sanitation Driver~~the employee has scheduled vacation leave, the employee shall have the option to either be paid up to ten (10) hours of vacation leave at their regular rate of pay or adjust their work schedule so that no vacation leave is used during the work week in which the holiday occurs.

Section 15.06 Work Performed During Scheduled Vacation

Any employee who is required to work during their scheduled vacation shall be compensated for the same at the rate of time and one-half for all hours worked**.** In addition, the employee's vacation shall be rescheduled to any future time the employee may request provided such request does not conflict with the vacations of other employees previously scheduled under the provisions of this article.

Section 15.07 Maximum Accruals Permitted

Employees shall be allowed to accumulate two hundred (200) hours of vacation as of December 31st of each year. Payment of accrued vacation upon voluntary separation, termination or retirement is based upon a maximum of two hundred (200) hours.

Section 15.08 Vacation Carry-Over Provision

If a vacation regularly scheduled during the last six weeks of the calendar year is canceled by the City and cannot be rescheduled during the remainder of the year at a mutually agreed upon time, the employee may carry over the vacation time for use during the first two calendar months of the next year.

ARTICLE 16

SICK LEAVE

Section 16.01 Purpose of Sick Leave

All regular full-time employees will be allowed to accrue sick leave. Each of the parties recognizes that sick leave is designed to provide some measure of protection to an employee unable to perform their duties by reason of actual permissible usage of sick leave accruals. Each of the parties realize that abuse of sick leave hinders the employee's production and the Employer's ability to fully staff the service and therefore, abuses of sick leave will be the basis for disciplinary action.

Section 16.02 Sick Leave Monthly Accruals

Sick leave shall be accrued at the rate of one (1) day, eight (8) hours per month but not to exceed ninety-six (96) hours per year. An employee's sick leave account shall be credited with the accrued sick leave on the 15th of each month, such newly accrued monthly sick leave can only be used after the 15th of the month. An employee in probationary status shall be allowed the use of accumulated sick leave as any regular, full-time employee. Sick leave must have accrued before it can be used.

Section 16.03 Sick Leave Rate of Pay and Prohibition of Use

The rate of sick leave pay shall be at the regular rate of pay and for the regular scheduled hours of work but not in excess of ten (10) hours in any one day. Sick benefits will not be paid for the following:

~~(a) Self-inflicted or self-induced disabilities caused by willful misconduct or commission of any crime; or~~

~~(b)~~(a) Disabilities occurring in the course of gainful employment for other than the Employer.~~;~~

Section 16.04 Notification Required

In the event of sickness, an employee must contact their supervisor to request the use of sick leave as far in advance as possible before the beginning of their shift. A physician's statement may be required to support an absence or the employee may suffer loss of sick leave pay for time absent.

Section 16.05 Permissible Uses of Sick Leave

Sick leave may be used to the extent of the accrued and unused sick leave as follows:

(a) Family illness – for purposes of family sick leave, family member relationships include: employee's spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, sibling, and/or assigned ward or legal guardianship of the employee.

(b) Doctor or dental appointments.~~;~~

(c) For the birth or adoption of an employee's child.

(d) Any employee accidentally injured on the job who qualifies for worker's compensation pay will receive pay and/or benefits according to the following formula:

Receive regular pay from the Employer for any days of work missed as a result of the injury and sign all workers compensation checks received from the insurer over to the Employer. Sick leave will be deducted from the balance available to the employee at the rate of 1:3 (for example: one (1) hour of sick leave deducted for every three (3) hours of work missed). The Employer will allow such use of sick leave up to the maximum number of hours of sick leave available to the employee.
In the event an employee choosing this option exhausts all available sick leave prior to returning to work, then upon such occurrence, the following provisions shall thereafter apply:

The employee with no available sick leave will accept workers compensation payment from the insurer as full compensation with no leave time charged to any leave balance (sick leave, vacation leave, compensatory time) and no pay from the Employer.

In the event an employee receives benefits pursuant to this provision, employee will be eligible for benefits only to the extent provided for under the Employer's personnel policy governing leaves of absence without pay.

(e) Employees shall be entitled to three days deducted from accrued sick leave to attend the funeral of the following family relationships: son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories. An additional two days may be used with approval of the supervisor. Use of this three day or additional two day sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

Section 16.06 Sick Leave Pay upon Retirement
An employee who has been determined eligible for retirement in accordance with eligibility requirements of the South Dakota Retirement System (SDRS), such eligible employee can receive payment for accrued unused sick leave not in excess of six hundred (600) hours. Deposits to the South Dakota Retirement System, hereinafter referred to as SDRS, for the cash value of unused accrued sick leave are subject to limits of the Internal Revenue Service (IRS) Code Section 415, and the eligibility as set forth by the SDRS.

Employees who are determined not eligible for deposit of unused accrued sick leave cash payouts to the employee retirement plan under SDRS, as determined by SDRS, but are eligible for retirement as determined by SDRS, will receive the cash value of accrued unused sick leave not in excess of six hundred (600) hours. Such payout will be provided by the City to the employee through the payroll process or by the SDRS Special Pay Plan.

Section 16.07 Sick Leave Pay Death Benefit
~~In case of the death of an employee~~In the event of an employee's death, ~~all unused,~~the cash value of accrued unused sick leave not in excess of six hundred (600) hours shall be paid to the employee's designated beneficiary of record in the employee's personnel file.

Section 16.08 Sick Leave upon Termination

In the event of voluntary separation by the employee or in the event an employee is discharged for just cause, all unused accrued sick leave shall be forfeited.

Section 16.09. Pregnancy/Parenting Leave

Employees who meet the requirements for Family Medical Leave Act hereinafter referred to as FMLA, as defined by the Department of Labor, Wage and Hour Division CFR 29 Part 825, shall be offered Family Medical Leave for an employee's own pregnancy and/or the birth or adoption of a child, as well as parenting leave. The entitlements of the FMLA are recited in CFR 29 Part 825 as noted above. FMLA is administered by Human Resources.

Those employees who do not meet the eligibility requirements for FMLA, and are on an approved leave of absence for pregnancy or parenting leave, are subject to the policies governing paid and unpaid leaves of absence as set forth in Article 17.

~~(a) Pregnancy - Pregnancy is cause for use of sick leave, annual leave or leave without pay. The type of leave taken is up to the employee with the approval of the department head.~~

~~Pregnancy will be treated as any other temporary disability or illness. During the pregnancy, or after the birth of the child, if the medical provider determines the employee is incapacitated and/or temporarily unable to work due to health concerns, the department head/supervisor shall not allow the employee to work until the employee provides medical documentation from the medical provider of work limitations to performing essential duties, and/or if restricted duty is ordered. If restrictions are imposed, the medical documentation must state how long the temporary restrictions will be in place. If the employee does not have any medical limitations or restrictions to performing duties, the documentation must indicate "no restrictions."~~

~~If restrictions exist, the supervisor may work with the employee to determine available work tasks included in the employee's normal duties to the extent possible and provide temporary accommodations to the essential functions while the employee is on temporary restrictions. Use of sick leave shall be used in accordance with Section 16.05.~~

~~(b) Parenting Leave - Leave following the birth or adoption of a child is defined as Parenting Leave. The amount of leave taken for parenting leave following the birth or adoption of a child, is to be requested by the employee and approved by the department head. The department head will take into account such factors as the amount of accrued leave available, the work load and the health of the employee based on a medical provider's statement. Additionally, if the employee has taken pregnancy and parenting leave consecutively following the birth of the child (not returned to work after child was born), the parenting employee on medical leave of absence shall provide documentation by the medical provider regarding the ability to return to work with or without restrictions. If restrictions exist, the medical~~

~~documentation must include the length of time any restrictions are in place. Medical documentation must be submitted to the department head or supervisor and immediately turned in to Human Resources, prior to returning to work.~~

~~(c) Return to Position Upon Return From Approved Leave-Employees who are given leaves of absence due to pregnancy and return to work within the time approved by the department head, seniority permitting, shall be assigned to available work in the classification they permanently occupied and at the rate of pay appropriate for that classification. It is understood that the work to which they are assigned may not necessarily be in the work function in which they were employed at the start of such leave of absence.~~

Section 16.10. Sick Leave Bank

In the event an employee has a serious or life threatening illness, the employee or Department Head may submit a request for the Sick Leave Bank by completing the required form which is appended to this document. The completed Sick Leave Bank Request Form will be submitted to the City Finance Office.

The Sick Leave Bank Request Form should also include any relevant information the applicant wishes to disclose to the committee and donating employees related to his/her condition. It should be noted that the employee's signature on the Sick Leave Bank Request Form authorizes release of the information the employee has elected to disclose.

The Sick Leave Bank Committee will review the request form to determine eligibility to receive donated hours from other employees. The Committee shall consist of two (2) members of the union, two (2) members from management, and the ~~Human Resources Coordinator~~Director of Human Resources. The Committee will determine if the applicant is approved for donations. The decision to grant such a request lies solely at the Committee's discretion, and is not subject to the grievance procedure.

The Committee will notify the employee requesting the Sick Leave Bank donations of approval or denial of request. If approved, the Union will post the completed Sick Leave Bank Request Form to solicit for donations via department bulletin board or email. The Union will collect donation forms and inform approved employee and management when maximum donations have been received, or donation period has ended. Once all donation forms have been received, the Union will submit them to the Finance Office for payroll processing.

Upon approval, the following guidelines apply:

(a) Maximum of two hundred (200) hours of donated time.
(b) No requests for less than five (5) working days will be accepted, unless those days are to be added on to an already in progress leave of more than ten (10) days.
(c) Employees approved for donations must use all sick leave, vacation and compensatory time prior to receiving any donated hours.

(d) Donating employees are allowed to donate a maximum of forty (40) hours; the donating employee's sick leave accrual balance cannot be less than one hundred twenty (120) hours after donating sick leave.

If the request is denied, a letter will be provided to the requesting employee via email or hand delivery.

ARTICLE 17

LEAVES OF ABSENCE

Section 17.01 Paid Leaves of Absence

An employee shall be granted a paid leave of absence from work for the following reasons:

(a) Jury Duty: An employee who is called to Jury Duty shall receive full pay from the City, provided, however, that all pay received from such jury duty during a regular workday be endorsed to the City Finance Department. If the Jury Duty pay includes both worked and non-work days, the employee shall reimburse to the City, the Jury Duty pay received for the work days only. When not engaged in actual jury service, the employee must report to work to their assigned duties. An employee summoned as a juror shall notify their immediate supervisor in advance. It is not intended by this article that he will receive pay unless he is absent on jury duty.

(b) Voting: Ample time, up to two (2) hours, to vote in any election with no loss of pay when the work duties of the employee with the Employer would otherwise prevent them from voting.

(c) Civic Duty: Any other civic or similar duty with no loss of pay, pursuant to the prior approval of the City Manager and Department Head.

(d) Bereavement Leave: Employees shall be entitled to a three day leave with pay to attend the funeral for family member relationships to include: employee's spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories, and/or assigned ward or legal guardianship of the employee. An additional two days to be deducted from accrued sick leave may be granted with approval of the department head. Use of the two-day additional sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

~~Provisions for funeral leave for family members not included in the above family relationship list are covered under sick leave Section 16.05(e).~~

Section 17.02 Military Leaves of Absence

(a) Subject to and consistent with applicable statute or other binding rule or regulation, any member of the Bargaining Unit, who has been employed by the City for ninety (90) calendar days, who reports or performs duty in any branch of the Armed Forces of the United States, shall be entitled to reinstatement with the City, provided:

1. The employee makes written request for reinstatement to the position held prior to or within ninety (90) days of release from the service, or within ninety (90) days after a hospitalization continuing after such release for not more than one (1) year;
2. The position with the City still exists;
3. The employee is capable of discharging the duties of the position;
4. Separation from the Armed Forces was other than dishonorable;
5. The employee shall not be entitled to pay during such leave.

(b) Military leave for annual duty. An employee who has served the probationary period, who is a duly qualified member of the "Reserve Component of the Armed Forces," who is a member of the "Ready Reserve," who is a member of an organized unit, and who, in order to receive military training with the Armed Forces of the United States, not to exceed fifteen (15) days in one (1) calendar year, shall be entitled to a leave of absence and shall be returned to service, provided the employee is still able to perform the duties of the position, without loss of status, pay, and seniority, provided:

1. The employee has given ten (10) days' notice prior to the time of departure, unless the circumstances under which the employee is required to report for reserve training does not permit the giving of such notice;
2. The employee has fulfilled the obligation to attend the training prescribed;
3. The employee must return to this City position immediately on being relieved from such military service, and not later than the expiration of the term herein limited for such leave, unless prevented from so returning by physical or mental disability or other cause not due to the employee's own fault, or is required by proper authority to continue in such military service beyond the time herein limited for such military leave; and
4. In case the military pay allowances for such fifteen (15) day period are less than normal wages, the difference shall be paid by the City.

An employee separated from employment pursuant to this section; who is within the probationary period at the time of such separation shall have their probationary period held in abeyance until such time as they return to regular full-time service with the City.

Section 17.03 Unpaid Leaves of Absence

An employee may be granted unpaid leaves of absence, with prior approval from the City Manager and Department Head, for the following reasons:

(a) For illness or injury up to one (1) year.

(b) Resumption of education for completion or pursuit of a high school degree and/or higher education necessary for a City related position, with the approval of the City Manager and Department Head.

(c) The Employer will grant a total of fifteen (15) days of leave of absence, without pay, per year for members of the Union to attend functions of the Union, provided such leave is requested in advance and the needs of the service will not be adversely affected by such absence. The Union may request leave of absence without pay for one employee for a period of not to exceed one (1) year if elected to Union office or if employed by the Union and required to be absent from the services of the Employer. This leave of absence may be extended for successive period of one (1) year by the approval of the Employer. The employee shall retain accrued seniority during such leave but shall not accumulate further seniority credit.

(d) Any reasonable purpose, subject first to the approval of the City Manager and Department Head.

During the leave of absence for items (a), (b), (c) or (d) as noted above, the employee shall not accrue seniority except for the first thirty (30) days, but shall remain on the seniority list and from the commencement of the leave, shall accumulate no further rights for any paid leave of absence.

An employee in an approved ***leave without pay*** status for 17 calendar days or more during any calendar month or 17 consecutive calendar days or more during any two or more consecutive months will not be entitled to receive the following employee benefits for that calendar month or the subsequent calendar months affected by the leave:

- Vacation leave accrual
- Sick leave accrual
- Longevity pay
- City contribution to supplemental retirement

Eligibility for health insurance when on a non-FMLA protected leave of absence is determined in accordance with the health insurance contract between the City and the contracted health insurance company. If an employee is not entitled to the City contribution toward the group health insurance premium while in an approved leave without pay status, the employee is responsible for the entire amount of the group health insurance premium. Such employee shall be eligible to participate in the employer's group health plan offered through rights set forth through the Consolidated Omnibus Budget Reconciliation Act health benefit provision (COBRA) which is offered to the employee on leave after exhaustion of all paid time.

ARTICLE 18

FAMILY AND MEDICAL LEAVE ACT

The City of Watertown having in excess of 50 employees is governed by and will comply with the Family and Medical Leave Act of 1993 as well as any subsequent amendments and/or modifications to the law.

~~Consistent with the provisions of the federal Family Medical Leave Act (FMLA) of 1993 and the~~

~~National Defense Authorization Act of 2008, an eligible employee and covered care giver may be entitled to up to twenty-six (26) weeks of unpaid Military Care Giver Leave during any twelve (12) month period to provide care for a recovering service member or eligible veteran.~~

~~Eligible employees with a spouse, child, or parent on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including a member of the National Guard or Reserves) in support of a contingency operation may take up to twelve (12) work weeks of unpaid normal FMLA leave because of any "Qualifying Exigency." The City shall post the most current mandated poster for employees to review and serve as a guide for FMLA coverage.~~

~~Section 18.01 FMLA Eligibility and Leave Allowances~~

~~Consistent with the provisions of the federal Family and Medical Leave Act (FMLA) of 1993, an eligible employee may be entitled to up to twelve (12) workweeks of unpaid job protected leave within any twelve (12) month period of employment when specific conditions are met. Please contact Human Resources for conditions required. To be eligible to take Family Medical Leave, the employee must have worked for the City of Watertown for at least twelve (12) months and at least 1,250 hours during the twelve (12) months preceding the start of the leave.~~

~~Family Medical Leave may also be approved for up to twenty six (26) weeks in a twelve (12) month period for a qualifying military exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty, or to care for a covered service member~~

~~The City of Watertown uses a "rolling" twelve (12) month period measured forward from the first day the employee uses any FMLA leave to determine eligibility for, and availability of, leave time under FMLA. To determine if an employee is eligible for FMLA leave during any given work week on a "rolling year" basis, one looks back over the twelve (12) months immediately preceding that week. Applicable sick leave benefits and leave resulting from Workers' Compensation claims will be included in the twelve (12) week period allowed. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the FMLA. The fact that a holiday may occur within a workweek taken as FMLA leave without pay has no effect; the week will be counted as a week of FMLA leave.~~

~~Employees can request job protected FMLA leave status for a period of "incapacity" of more than three (3) calendar days for FMLA eligible absences. However, employees will be required to be on an approved leave of absence and complete leave of absence paperwork for paid and/or unpaid absences in excess of three (3) calendar days. Employees must provide sufficient and complete information regarding the reason they are requesting leave, the timing of the leave, and when they are expected to return to work. Employees may not prospectively waive their FMLA rights.~~

~~If the accrued number of leave hours is fewer than twelve (12) weeks (or twenty-six (26) weeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran), the additional weeks of leave necessary to obtain the twelve (12) workweeks (or twenty-six (26)~~

~~workweeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran) required under FMLA will be considered unpaid leave. If a serious health condition of the employee is involved, an employee must first use any paid medical sick leave. The employee is entitled to paid medical sick leave to care for a seriously ill family member only if authorized in accordance with the existing leave plan. Paid vacation leave may be used following the exhaustion of sick leave accruals.~~

Section 18.~~02~~ 01 Spouses as City Employees

If both husband and wife are employed by the City, each shall have full access to twelve (12) weeks leave with respect to their own parents and each shall have full access to twelve (12) weeks for the birth of their child or a placement with them for adoption or foster care.

~~**Section 18.03 FMLA Qualifying Events**~~

~~Eligible events limited to a total of twelve (12) workweeks include:~~

~~(a) the birth of a child, or placement of a child with you for adoption or foster care;~~
~~(b) employee's serious health condition;~~
~~(c) employee's need to care for spouse, child, or parent due to his/her serious health condition;~~
~~(d) a qualifying exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty with the Armed Forces.~~

- ~~Qualifying exigencies include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, additional activities as the need arises.~~
- ~~Covered active duty means in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101 (a) (13) (B) of Title 10, United States Code.~~

~~Eligible events limited to a total of twenty-six (26) unpaid workweeks in a twelve month period:~~

~~(a) next of kin of a covered service member with a serious injury or illness (next of kin includes: spouse, son or daughter, parent) which is limited to a total of twenty-six (26) workweeks of leave during a single twelve (12) month period.~~

~~Whenever the necessity of leave is foreseeable, the employee must provide thirty (30) days advance notice of his or her desire to use FMLA and shall consult with the employer when planning the medical treatment to make reasonable efforts to schedule those leaves so as not to unduly disrupt the employer's operations.~~

Section 18.~~04~~ 02 Documentation and Medical Certification Required
The employer requires appropriate medical certification for a Family Medical Leave qualifying absence or for an employee leave for the employee's or family member's serious health condition, including a statement that the employee is needed to care for the family member and the amount of time needed.

Under the FMLA regulations in effect January 16, 2009, a human resources professional, leave administrator, or management official, but not the employee's immediate supervisor, may contact the health care provider directly for purposes of authentication and clarification after the employer has first given the employee an opportunity to cure the deficiencies in the certification paperwork.

Employees and next of kin of covered service members utilizing family medical leave as listed in 18.03, are also required to provide documentation of the service member's serious health condition, or deployment paperwork provided by the military unit with beginning and end dates included.

The City may require an employee on Family Medical Leave to report periodically on his/her status, the intention of the employee to return to work, and periodic re-certification paperwork regarding the medical condition as allowed under federal FMLA statutes.

~~**Section 18.05 Intermittent FMLA Usage**~~
~~An employee may take family leave on an intermittent basis because of the birth or placement of a child for adoption or foster care only if the employer agrees. Intermittent leave to care for a sick family member or the employee's own serious health condition may be taken when medically necessary, and if such intermittent leave is granted, the City may require the employee to temporarily transfer to an alternate position as defined under federal law.~~

Section 18.~~06~~ 03 Group Health Insurance
Employees on Family Medical Leave continue to receive group health insurance coverage while they are on an approved Family Medical Leave absence. The employee will have premiums deducted for any portion of the premium cost the employee is already required to pay. The employer shall provide advance written notice of the terms and conditions in which payments must be made prior to commencement of leave. If the employee does not return to work after expiration of the approved FMLA period of leave, the employer may receive from the employee all of the premiums it paid, unless the failure to return was because of the continuation, recurrence or onset of a serious health condition of the employee or a family member as defined herein, or because of other circumstances beyond the control of the employee.

Seniority, other than to the extent authorized in Section 17.03(d) hereof, and any other employment benefits, will not accrue during the period of any unpaid leave.

Section 18.~~07~~ 04 Restoration to Pre-Leave Position
If an employee returns to work upon expiration of the approved period of leave, reasonable efforts shall be made to return said employee to the same position as vacated, but the employee shall be reinstated to an equivalent position having substantially similar duties and conditions.

Section 18.~~08 05~~ Return to Work

Prior to returning from a continuous leave of absence (not intermittent), an employee under Family Medical Leave for their own serious health condition is required to provide the City Human Resources department a proper fitness-for-duty certification from his/her healthcare provider addressing the employee's ability to perform the essential functions of his/her pre-leave position. Medical documentation must be complete and indicate any medical restrictions the employee has, if any, to performing the essential functions of the position. If restrictions exist, such documentation must state the start and end dates that specific restricted duties are in place. If restrictions exist, the City will assess the ability of light duty options unless a reasonable safety concern exists for doing so.

ARTICLE 19

GROUP INSURANCE AND BENEFITS

Section 19.01 Group Insurance

As authorized by SDCL 9-14-30 and 9-14-32, the Employer agrees to participate with the employee in the cost of group health and group life insurance for each employee and group health insurance for the dependents of such employee. ~~The current policy of group health insurance includes two alternative plans of coverage, i.e., PPO Plan 1 and PPO Plan 2. During the term of this Agreement, the group health shall provide options for single, employee plus spouse, employee plus children and family coverage.~~

Section 19.02 Insurance Committee

An insurance committee shall be established to review and approve any changes that are made in the existing group health insurance. This committee shall be composed of one representative chosen by each union which represents employee groups within the City of Watertown and desires to participate on the committee and one representative chosen by management of each employee group participating with the City Manager as the voting chairperson. All decisions will be made by a majority vote of this committee. It is further agreed that decisions of the committee and decisions on whether or not coverage are "substantially similar" are the subject of the grievance procedure set forth in this contract together with all statutory rights therein.

~~**Section 19.03 Health Insurance Plans**~~

~~The monthly premiums paid for the above plans will be shared by the City and employees as follows:~~

~~PPO Plan #1~~

- ~~The City will match the dollar amount allocated to the PPOII plans by Tier for the contribution to the PPOI Plan ($1,500 DEDUCTIBLE)~~

~~PPO Plan #2~~

- ~~95% City contribution to the Single Premium for PPOII Plan ($3,000 DEDUCTIBLE)~~
- ~~75% City contribution to the Employee/Spouse, Employee/Children and Family Premium for PPOII Plan ($3000 DEDUCTIBLE per person)~~

~~It is agreed and understood that the amount of the contribution of the City is a negotiable item during the negotiation of a new contract and shall be considered together with wages at the time of such negotiation.~~

Section 19.~~04~~ 03 Coverage Changes
It is agreed and understood that during the term of this contract the City has the right to change companies providing the coverage set forth above; however, any new policy shall have substantially similar coverage. It is understood that the words "substantially similar" mean that there may be increased coverage in some areas and decreased coverage in others but that the total coverage will be substantially similar. It is understood and agreed by and between the parties that it is not the intent of the City nor may the City reduce coverage for the purpose of lowering premiums, however, it is understood and agreed that the City may, during the term of this Agreement take quotations on insurance and may select a company with a lower premium if the coverage are substantially similar.

Section 19.~~05~~ 04 Retiree Health Insurance
The City agrees to provide group health coverage for each employee who retires at age 60, or at age 55 or over with 20 years of service, or after age 50 according to a "rule of 75" combining age and years of service which total 75. Such retired employees and their dependents will be included in the City's group insurance plan at the rates charged by the insurance carrier.

The City contribution shall be as follows:

- Retiree only (single) - $60.00 per month
- Retiree plus spouse - $140.00 per month
- Retiree plus children - $120.00 per month
- Retiree Family coverage - $200.00 per month

In no event shall the contribution of the City exceed 1/2 of the cost of such premium. The City shall not be obligated to provide or pay any amount when the retired employee is eligible for Medicare.

Section 19.~~06~~ 05 Dental Insurance
The City offers to the employees a dental plan on the basis of voluntary participation at no cost to the City.

Section 19.~~07~~ 06 Vision Insurance
The City offers to the employees a vision plan on the basis of voluntary participation at no cost to the City.

Section 19.~~08~~ 07 Optional Supplemental Retirement Fund
To promote and encourage savings for retirement, the City agrees that if an employee desires to participate in the South Dakota Retirement System Supplemental Retirement Fund, that the City will make a contribution as follows:

Employee Contribution	City Contribution
$~~50~~20.00	$~~25~~10.00

$~~40~~30.00	$15.00 ~~$20.00~~
$~~30~~40.00	$20.00 ~~$15.00~~
$~~20~~50.00	$25.00 ~~$10.00~~
$60.00	$30.00
$70.00	$35.00
$80.00	$40.00
$90.00	$45.00
$100.00	$50.00
$110.00	$55.00
$120.00	$60.00
$130.00	$65.00
$140.00	$70.00
$150.00	$75.00

City contributions shall be by an increase in wages in the amount of the option selected by the employee. Employee contributions shall be by deduction from wages and the employee must sign up and designate one of the above contribution levels.

ARTICLE 20

WAGES, LONGEVITY AND GRADES:

Section 20.01 Wages
Wages for all employees of the Union shall be paid according to Exhibit A, a pay matrix, which is attached hereto and incorporated by reference.

It is specifically agreed and understood by the parties hereto that the wages paid to employees during the term of this Agreement are based on the grade assigned to each position within the bargaining unit using the 2019 Classification and Compensation Study commissioned by the City of Watertown. Under the Classification and Compensation Study, all positions within the City of Watertown were assigned a Grade between ~~100~~ 105 and ~~200~~205. The following position titles in the Union are named as such according to the controlling job description on file in Human Resources and have been assigned the following classification grades:

Custodian	Grade 105
Maintenance Worker I – Cemetery	Grade 115
~~Maintenance Worker I – Facilities~~	~~Grade 115~~
Police Records Clerk	Grade ~~115~~120
Office Specialist II	Grade ~~115~~120
Visitor Services/Education Assistant	Grade 120
Evidence/Records Clerk – Lead	Grade ~~120~~125
Facilities Maintenance Technician I	Grade ~~120~~125
~~Fiscal Specialist I~~	~~Grade 120~~

~~Driver – Solid Waste/Collections~~	~~Grade 125~~
Maintenance Worker II – Forestry	Grade 125
Maintenance Worker II – Parks	Grade 125
Mechanic I	Grade 125
Driver – Solid Waste Collections	Grade 130
Operator I – Landfill	Grade ~~125~~130
~~Fiscal Specialist II~~	~~Grade 125~~
~~Office Specialist III~~	~~Grade 125~~
~~Records/Licensing Specialist~~	~~Grade 125~~
Operator I – Street~~s~~ Division	~~——~~Grade 130
~~WW Treatment Plant Operator I~~	~~Grade 130~~
~~WW Collections Operator I~~	~~Grade 130~~
Turf Technician	Grade 130
Facilities Maintenance Technician II – Airport	Grade 130
Facilities Maintenance Technician II – Zoo	Grade 130
Zookeeper	Grade 130
~~Building Services Specialist~~Permit Technician	~~——————~~Grade 130
WW Treatment Plant Operator I~~I~~	Grade 135
WW Collections Operator I~~I~~	Grade 135
Operator II – Street Division~~s~~	Grade 135
Sign/Signal Technician	Grade 135
~~Lab Technician~~AP Specialist	~~——~~Grade 135
~~Payroll Specialist~~AR Specialist	~~————~~Grade 135
Code Enforcement Officer	Grade 135
Animal Control Officer/CSO	Grade 135
Building Inspector	Grade 135
WW Pretreatment Assistant	Grade 140
~~Engineer~~ Lab Technician	~~——~~Grade 140
WW Treatment Plant Operator II	Grade 140
WW Collections Operator II	Grade 140
Operator III – Street Division	Grade 145
WW Treatment Plant Operator III	Grade 145
WW Collections Operator III	Grade 145
~~Program/Activities Coord. (Rec. Prog. Spec.)~~	~~Grade 150~~
Engineering Technician	Grade 150

Section 20.02 Placement on the Pay Matrix and Contract Reopening

Effective January 1, ~~2022~~2025, all current employees will receive a 4~~2~~% increase to their ~~2021~~ 2024 base salary and ~~then placed on the wage matrix at the step nearest to, and not lower than, the calculated amount. Additionally, to address certain compression issues, if an employee's cumulative years of service to the City, divided by two, then rounded up, is a higher number than the step on which they would otherwise be placed, the employee will move up to the step equal to such higher number.~~ movement of one (1) step on the wage matrix.

If an employee's wage, after applying a 4~~2~~% increase to their ~~2021~~ 2024 salary, is higher than Step 15 in their respective grade, such wage shall be the employee's ~~2022~~ 2025 wage. The

employees affected by this provision will receive any negotiated cost of living adjustments for ~~years 2023 and 2024 added to their base salary.~~future years of this contract.

Each August 1, ~~2022~~ 2025 and ~~2023~~2026, there will be a reopening of the contract for the purpose of discussing wages ~~and benefits for 2023 and 2024, respectively~~.

Section 20.03 Starting Wages

New employees hired on or after January 1, ~~2022~~2025, will start at the minimum salary for the classification grade in Exhibit 1. In the case of difficult to fill positions, applicants with related previous experience may be allowed a starting pay of ~~not more than four (4) percent of beginning base pay (no higher than Step 3 on current wage matrix)~~no higher than Step 5 on the current wage matrix.

Section 20.04 Direct Deposit Required

The City provides electronic posting for all payroll checks. Employees will be required to submit to the Finance Office the appropriate information for ACH deposit to the checking/savings account they chose. In the event an employee's banking information changes, employees shall provide notification of new account information to ~~the Finance Office~~Human Resources by the fifteenth (15th) of the month. The City will provide a pay information sheet to each employee with the amount deposited each payroll period.

Section 20.05 Longevity Pay

All employees hired prior to January 1, 2022 having completed five (5) years of continuous employment with the City of Watertown shall receive, in addition to their regular pay, $8.00 per month for each year of service ("Longevity Pay"). For example, an employee with eight years of service shall receive Longevity Pay of $64.00 per month. All employees hired after January 1, 2022 will not receive Longevity Pay until completing ten (10) years of continuous employment with the City.

Section 20.06 Longevity Pay Increases

Longevity pay shall be determined and increased, where appropriate, on an employee's anniversary date (the anniversary date being the date of hire). When an employee's anniversary is prior to the 15th day of the month, longevity will be paid during that month based on the new years of service.

Section 20.07 City Paid Training/Certification Fees

The parties agree that the City will pay any necessary fees, allow for training during City time and use of equipment for an employee required to obtain or renew a commercial driver's license. The City will pay the cost of any training required by the City prior to the examination for such commercial driver's license and for testing fees or certifications that are required in an employee's position, as stated in the position description, which is maintained by the Employer. Obtaining or renewing a commercial driver's license may be completed during work hours. The City retains the right to determine which certifications are a requirement of an employee's position. In the event an employee fails any required test and additional costs result for subsequent testing, the employee shall be responsible for any additional cost.

Section 20.08 Pay for Temporary Performance of ~~Department Head~~Supervisor Duties
The parties agree that where a ~~Department Head~~Supervisor is incapacitated and will be off work for more than thirty (30) days, or where a ~~Department Head~~Supervisor goes on part-time status that additional pay may be granted over and above the grade of the workers involved for any worker or workers required to take on additional responsibilities. Such pay may be given during the term of disability or for such period of time as the parties agree and any increase in pay must be agreed on between the City Manager and Finance Officer and the Union in writing, both as to the amount and the duration.

ARTICLE 21

SENIORITY

Section 21.01. Seniority Defined
The definition of seniority shall be construed to mean total years of continuous service with the City of Watertown.

Section 21.02 Loss of Seniority
Only voluntary resignation, justifiable discharge or those unpaid leave of absences exceeding thirty (30) days defined in Section 17.03 (a); (b); (c); and (d) shall constitute breaks in continuous service for the purpose of computing seniority.

Section 21.03 Probationary Period Defined
Probationary period shall be the first six (6) months for a new employee. ~~Employees under federal programs whose salaries are fully federally funded shall be on probation for the term of full federal funding.~~The probationary period may be extended to accommodate for required certification or licensure.

Section 21.04 Seniority Lists
Seniority lists will be posted on a conspicuous place, such as the worksite bulletin board, which may be electronic, where all employees can readily read them and shall be kept up to date on a quarterly basis. Any appeal to the accuracy of the list shall be made within ten (10) days of the date of posting.

Section 21.05 Layoff Based on Inverse Seniority
In the event it becomes necessary to lay off employees for any reason, employees shall be laid off in the inverse order of their seniority. No new employees shall be hired until all employees on layoff status desiring to return to work have been recalled. All seasonal or part-time employees shall be laid off first before any full-time regular employees can be laid off. Employees on leave of absence and wishing to return to work shall be returned to work according to their accrued seniority.

ARTICLE 22

WORK FORCE

Section 22.01 Workforce Defined
The work force shall be construed to mean all employees covered by this Agreement.

Section 22.02 Job Postings.
Whenever a job vacancy occurs (other than a temporary opening as defined below), in any existing job classification or as a result of the development or establishment of new job classifications, a notice of such vacancy describing such position shall be posted on all department bulletin boards or electronically for ten (10) calendar days.

Section 22.03 Promotion/Transfer Defined
The term promotion, as used in this article, means the advancement of an employee to a higher classification pay grade. The term transfer, as used in this article, means movement to another job classification title within the same pay grade or a lower pay grade. If the transfer results in movement to a lower pay grade, the transferring employee's wage will be calculated based on the lower pay grade.

Section 22.04 Internal Hiring
Employees who have completed their initial probationary period, who wish to apply for a promotion/transfer as defined in Section 22.03, must meet the minimum stated qualifications. Applications for vacant positions will be accepted during the timeframe listed on the job posting. The opportunity for application includes employees on layoff.

Section 22.05 Promotion/Transfer Process
The employee desiring to promote or transfer to a current internal vacancy, shall thoroughly complete a City of Watertown application which shall be submitted to Human Resources by the application deadline stated on the position posting. The Employer shall fill the vacancy from the promotional/transfer applicants with the employee who is most qualified and meets the minimum qualifications for the position. If two or more applicants are equally qualified for the vacancy, it shall then be filled by seniority. The Employer shall determine when a position is vacant and when it will be filled.

If the Employer wishes to transfer an employee to a different position for any reason, the employee shall be paid the rate for the former job or the going rate for the new job, whichever is greater.

~~**Section 22.06 Trial Period**~~
~~The promoted/transferred employee shall be granted a thirty (30) calendar day trial period to determine:~~

~~(a) the employee's ability to perform the job.~~
~~(b) the employee's desire to remain on the job.~~

~~Provided the employee's previous position has not been filled, such employee has the opportunity to revert to their previous position within thirty (30) calendar days. The Employer~~

~~may begin the hiring process for the resulting vacancy (vacancy created by the promotion/transfer of the current employee) when said employee has begun the 30-day trial period. The Employer will notify the employee if the position has been filled prior to the end of the 30-day trial period.~~

~~If the employee is unsatisfactory in the new position (in the opinion of the Employer), notice and reasons will be submitted to them in writing by the Employer with a copy to the Union upon the consent of the employee. The matter may then become a proper subject for the grievance procedure.~~

Section 22.~~07~~ 06 External Postings.

When a vacancy occurs, the vacant position will be advertised internally and externally simultaneously. Preference for hiring will be given to any internal candidate who meets the qualifications for the position. ~~and no employee has applied for promotion/transfer to said vacancy prior to the application deadline, after following the above prescribed steps, the vacant position can then be advertised to the public and opened externally. An external applicant is defined as an applicant who does not work for the City of Watertown.~~

Section 22.~~08~~ 07 Temporary Assignments.

The Employer shall have the right to temporarily assign employees within the bargaining unit, irrespective of seniority status, from one job classification to another to cover for employees who are absent from work due to illness, accident, vacation or leave of absence for a period not to exceed thirty (30) regular scheduled working days. The Employer shall also have the right to temporarily assign employees within the bargaining unit, irrespective of seniority status, to fill jobs or temporary vacancies and to take care of unusual conditions or situations which may arise for a period of not to exceed thirty (30) regular scheduled working days. It is understood and agreed that any employee within the unit temporarily assigned in accordance with the provisions of this section shall not acquire any permanent title or right to the job to which they are temporarily assigned, but shall retain seniority in the permanent classification from which they were assigned.

A temporary assignment as described in Section 22.07, which exceeds thirty (30) days in duration shall be offered to the employee with the greatest seniority within the job classification or job family from which the transfer is being made. If the most senior employee should decline the temporary assignment, it shall be offered to the next senior employee and this will continue until the temporary assignment has been accomplished.

When the assignment is to a position of an equal or lower pay grade, the employee shall receive their regular rate of pay.

When an employee is directed by their supervisor to temporarily serve in and perform job duties in a position of higher job classification for more than four (4) hours in a day, such employee shall receive the pay rate of the employee being replaced in the job classification being assumed for hours worked during the day.

This will not apply for individuals who are in the same job classification having ranges of pay grades.

Section 22.~~09 08~~ Subcontracting/Reductions In Force.
The Employer shall not consolidate, eliminate or subcontract work because of Union activity or affiliation. If a job is to be consolidated or eliminated, or work subcontracted which would result in the displacement of an employee, the Employer shall do the following:

(a) Provide six (6) months written notice to the Union;
(b) Provide first preference for any other job openings for which the involved employees qualify. If more than one employee would qualify for the opening, seniority shall govern;
(c) Place employees unable to find other work on layoff status in accordance with Article 21of this contract.

ARTICLE 23

DISCIPLINE, DEMOTION AND DISCHARGE

Section 23.01 Measures Consistent with ~~Civil Service Ordinance~~Grievance & Arbitration Procedure
All disciplinary measures shall be ~~consistent with the Civil Service ordinance 8.03.02, and~~ subject to Article 24.

Section 23.02 Reinstatement; Grievance Procedure Available; Private Reprimand
Any employee who is disciplined or discharged and is found to have been unjustly dealt with, shall be reinstated with no loss of time, or pay and with no reference of the matter to be written in the employee's personnel file. Upon request, employees may have union representation present at any meeting that could lead to discipline.

Any disciplinary action or measure imposed on an employee may be processed as a grievance through the regular grievance procedure. If the Employer has reason to reprimand an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public.

Section 23.03 Unsatisfactory Work Performance
~~Before an employee may be disciplined for unsatisfactory work performance a notice in writing to the employee must be given outlining the areas of work performance that must be improved. The employee will then have a minimum of thirty (30) working days to improve the performance before further action is taken. If after thirty (30) working days the work performance has not improved, the Employer may take such action as may be determined appropriate, including suspension or dismissal.~~
All employees are expected to meet the Employer's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the Employer's policies and procedures. The Employer wishes to create a work

environment that promotes job satisfaction, respect, responsibility, integrity and value for all employees, and expects Employees to perform in a manner in which such objectives are achieved. The highest standards of honesty, integrity, and fairness must be exhibited by each Employee when engaging in any activity involving co-workers, management and the public.

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of verbal reprimand, written reprimand, suspension, demotion or reassignment, or discharge. The Employer may, but is not required to, apply these actions progressively and for example, suspension or termination of employment may be applied as a first step of discipline.

No Employee shall be disciplined, suspended, discharged or demoted from their position except for just cause, which shall not be race, color, religion, sex, sexual orientation, gender identity, national origin, creed, ancestry, pregnancy, age, genetic information, disability, or any other legally protected class. When imposing discipline for work related incidents, for which Employer has received notice, the Employer shall not take into consideration, or action, against the Employee for any offense which is more than 30 days old. Prior verbal reprimands or written discipline older than 30 days may be considered when such prior action shows a pattern of behavior that warrants reference. Off duty criminal conduct shall not be considered a “work related incident” for purposes of this section.

The Employee shall have the right of Union representation at any disciplinary meeting or hearing. The Employee will be given 24-hour notice prior to any disciplinary meeting or hearing. The Employer shall not question the Employee after a preliminary investigation by the Employer has determined that disciplinary action is necessary unless the Employee has been given the opportunity to have a representative of the Union present at such questioning. The Employee and the Union shall receive copies of any disciplinary action placed in the Employee personnel record. Verbal reprimands shall not constitute a disciplinary action requiring 24-hour notice. The Employer shall make a good faith effort to document verbal reprimands.

The Employee shall have the right of Union representation at any disciplinary meeting or hearing. The Employer shall not question the Employee after a preliminary investigation by the Employer has determined that disciplinary action is necessary unless the Employee has been given the opportunity to have a representative of the Union present at such questioning. The Employee and the Union shall receive copies of any disciplinary action placed in the Employee personnel record.

The following will be considered just cause for discipline, discharge, removal or suspension of an Employee:

A. Conviction of any criminal offense instituting a felony;

B. Violation of any lawful and reasonable official order or regulation where such violation resulted in or could reasonably result in loss or injury to the Employer, or to the public;

C. Conduct that is offensive toward the Employer, public or other Employees;

D. Recklessness resulting in a serious accident while on duty;

E. Failure to report an accident or criminal incident while on duty;

F. Carelessness or negligence with the property of the Employer;

G. Inefficiency or incompetence in the performance of his or her duties of the position;

H. Determination of guilt of a criminal act;

I. Insubordination

An Employee discharged, suspended or demoted from his position will be furnished in writing the reasons for the action taken and provided by management taking the action. A copy of the action will also be immediately forwarded to the Human Resources Department and the President of the Union if requested by the Employee.

Any incident report that can become part of the Employee's official record or result in formal disciplinary action being taken against the Employee shall be given in writing to the Employee affected during their pre-determination hearing with the Employee having the right to have Union Representation present.

The Union may request and review the investigatory file pertaining to the allegation outlined in an incident report. The purpose of the review is to help prepare the representative for the pre-determination hearing process.

ARTICLE 24

GRIEVANCE AND ARBITRATION PROCEDURE

Section 24.01 Grievance Defined
Grievance means a complaint by an employee or group of employees concerning the interpretation or application of the provisions of this agreement or of rules or regulations governing personnel practices or conditions, which complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. The employee may request that the formal representative be present. No person shall be discriminated against because of the filing or involvement in a grievance.

Section 24.02 Commencement of Grievance
Individual employees or groups of employees shall have the right to present grievances in person or through the formal representative, provided that any settlement reached is not inconsistent with the provisions of this agreement, the formal representative is given an opportunity to be present at such adjustments, and the grievance has been properly filed and adjusted according to the established procedure set forth in this article.

Section 24.03 Time Limitations
Failure by an employee to comply with any time limitation shall constitute a withdrawal of the grievance. Failure of the City to comply with any time limitation shall constitute a settlement of the grievance in accordance with the requested remedy. It is agreed that all time limits may be extended by agreement of the parties, which shall not be unreasonably withheld.

Section 24.04 Union Representation
Both parties agree to encourage an employee to discuss a complaint with the immediate supervisor. An Employee shall have the right to have their formal representative present.

Section 24.05 STEP 1 (Dept. Head)
Within ten (10) days after the employee had knowledge of its occurrence, the employee and/or a representative shall submit to the department head or designee a written grievance, which shall be labeled as Step 1. The department head shall meet with the employee and/or representative, and within ten (10) days of the receipt of the grievance and submit a written answer labeled as Step 1 response. A copy shall be provided to Human Resources.

Section 24.06 STEP 2 (City Manager)
If the employee or steward disagrees with the Step 1 decision of the department head, the employee or steward shall file within fourteen (14) days of the notice date of the Step 1 decision, a written grievance to the City Manager, which shall be labeled as Step 2. Within fourteen (14) days of the receipt of the grievance, the City Manager will meet with the employee, who may be accompanied by a representative, to discuss the grievance. The City Manager may be substituted by a designee upon agreement of the parties, which shall not be unreasonably withheld. Within fourteen (14) days of this meeting a written decision labeled as Step 2 response, will be submitted to the employee by the City Manager. A copy shall be provided to Human Resources.

~~**Section 24.07 STEP 3 (Civil Service Board)**~~
~~If the grievance has not been satisfactorily adjusted at Step 2, it shall be presented in writing by the employee or representative to the Civil Service Board within ten (10) days after the City Manager's Step 2 response which shall be labeled as Step 3. The Civil Service Board shall attempt to adjust the matter and shall respond in writing within seven (7) working days to the Union steward or union representative, setting a hearing date if necessary.~~

Section 24.~~08~~ 07 Appeal Process
If the employee disagrees with the decision rendered at either Step 2 or Step 3, the employee and/or representative may, within thirty (30) days after receipt of the Step 3 decision, initiate an appeal to the Department of Labor, who shall conduct an investigation and hearing and shall issue an order covering the points listed, and shall order it to be binding on the employee and the City in accordance with provisions of SDCL 3-18-15.2, subject to either party's right of appeal pursuant to SDCL 1-26. The employee and the employee's representative retain the right, after review by ~~the Civil Service Board and~~ the Department of Labor, to appeal to the Circuit Court of Codington County.

Section 24.09 Initiation of Grievance at Step 2
Grievances raised by a group of employees by the formal representative or the City which are of general concern regarding application or interpretation of this agreement, shall be initiated at Step 2 of the grievance procedure. This shall not be used to resurrect an individual grievance.

Section 24.10 Timelines Defined
All references to days in this Article shall be construed to mean calendar days.

ARTICLE 25

UNION AFFAIRS AND GENERAL PROVISIONS

UNION AFFAIRS

Section 25.01 Bulletin Boards
The Union shall be entitled to the use of bulletin boards for the purpose of keeping its members informed as to the times and dates of upcoming meetings, etc.

Section 25.02 Promoting Union Activities
The employees shall be entitled to conduct a minimum amount of union business on Employer's time and premises. The Employer shall notify its Department Heads that discussions concerning the Union shall not be singled out against any other type of discussions as cause for discipline. Other than those bulletin boards provided pursuant to this agreement, employees may not use the premises or equipment of the Employer to promote union activities.

Section 25.03 Visitation
Paid Union representatives shall be entitled to visit employees on the job regarding union business providing it does not interfere with the employee's duties and after notice to the supervisor.

Section 25.04 Union Membership
The City will not interfere with the rights of its employees to become members of the Union.

Section 25.05 Shop Steward Notification to his/her Supervisor
Each shop steward shall report to the immediate supervisor or designated representative prior to the time of leaving work to perform the functions of such shop steward as set forth herein and shall also report on returning to the work assignment unless the prior consent of the shop steward's supervisor not to so report has been secured.

Section 25.06 Notification to Management
When it is necessary for a shop steward to enter a work area other than their own for the purpose of conducting Union business authorized by this agreement, they shall notify the supervisor of that area of their presence and of the nature of their business.

Section 25.07 Shop Stewards
Shop stewards shall be selected by the Union and shall function on behalf of the employees in the bargaining unit. The Union shall furnish the City with the names of those selected.

Section 25.08 Abuse of Union Privileges
Any charges of the City which indicate that a shop steward, or a Union representative is abusing the privileges set forth in this Article may be invoked by any supervisor notifying the individual, and such activity shall cease. If the shop steward or Union representative disagrees, the matter shall be referred to the Labor-Management Committee for discussion. If not resolved by the Committee, it shall be subject to the grievance procedure. The City shall have the right to request the Union to refrain from any abuse of the privileges described herein.

Section 25.09 Discrimination Prohibited
In the administration of its affairs pursuant to its designation as formal representative, the Union agrees that it will administer the contract equally and equitably to all employees in the bargaining unit without discrimination as to age, sex, marital status, race, color, creed, national origin, disability or political affiliation. It agrees that its membership is open to all eligible bargaining unit employees who desire under the same terms.

Section 25.10 Union Membership
The City recognizes that it shall apply the terms and conditions of employment on the same basis as the Union pledges above, and it will not interfere, restrain, or coerce any employee with respect thereto. Members of the bargaining unit shall be eligible for union membership beginning on their first day of non-probationary status of employment with the City. The Union shall be provided an opportunity to include Union membership information in the new hire orientation paperwork.

GENERAL PROVISIONS

Section 25.11 Uniforms/Protective Clothing
Uniforms or protective clothing will be provided by the Employer, at no cost to an employee, where such uniforms or protective clothing are deemed necessary by the Employer or required by law. Budgetary allocations are determined by management to meet those needs.

Section 25.12 Tools, Equipment and Supplies
Any and all tools, equipment and supplies furnished by the Employer prior to the date of this agreement shall continue to be furnished unless the parties through collective bargaining mutually agree to change or have specifically waived any of these conditions. Any required equipment will be returned to the City upon termination of employment.

Section 25.13 Employee Mileage Reimbursement
An employee asked to travel on City business ~~using an employee-owned automobile is entitled to collect a mileage allowance that shall be computed according to the shortest passable route at the IRS' standard mileage rate for the applicable year. Claims for maintenance and repair of employee-owned vehicles will not be paid. Any violation(s), whether moving or non-moving, issued in conjunction with travel on City business are the responsibility of the employee and will not be paid by the City~~will follow the policies set forth for travel in the Employee Handbook.

Section 25.14 Employee Vaccinations
Where a risk of a particular job requires, City shall make available Hepatitis B and /or tetanus shots for employees. Such shots shall not be mandatory, however, City shall have full discretion as to the method, manner and place of making such shots available.

ARTICLE 26

SAVINGS CLAUSE

Section 26.01 Separability and Savings
Should any Article, Section or portion thereof of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific Article, Section or portion thereof directly specified in the decision. Upon the issuance of such decision, the parties agree immediately to negotiate a substitute for the invalidated Article, Section or portion thereof.

ARTICLE 27

NO STRIKE

Section 27.01 No Strike
Neither the Union, nor any of the employees covered by this Agreement, will engage in, encourage or sanction any strikes, work slowdowns or mass absenteeism of the faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions of compensation or obligations of employment. In the event that any employee violates this article, the union shall immediately notify any such employees in writing to cease and desist from such action and shall instruct them to return to their normal duties. Any and all employees who violate any of the provisions of this article may be discharged or otherwise disciplined.

ARTICLE 28

TERMINATION

Section 28.01 Term of Agreement
The provisions of this Agreement shall be effective from January 1, ~~2022~~ 2025 through December 31, ~~2024~~2027.

Section 28.02 Renewal of Agreement
Negotiations for a new contract shall commence by ~~July~~ August 1, ~~2024~~2027. Wages, along with one (1) additional item brought by the Union, will be negotiated annually for the term of this agreement

Section 28.03 Collective Bargaining
On or before June 1, ~~2021~~2027, either party hereto may notify the other party in writing of their desire to negotiate the terms and provisions of a successor agreement. Following such notification, conferences, and negotiations shall be carried as follows:

(a) Step 1, simultaneous submission of City and Union proposals ~~by June 15, 2024~~at a mutually agreed upon time;
(b) Step 2, negotiations continue thereafter at such mutually agreeable times until an agreement is reached.

Section 28.04 Post Expiration Life of Agreement
This Agreement shall remain in full force and effect during the period of negotiations even if negotiations continue beyond the term of this contract.

IN WITNESS WHEREOF, the parties hereto have set their hands this ____ day of _____, ~~2021~~2025.

Signature Page Follows

CITY OF WATERTOWN

_____
~~Amanda Mack~~Kristen Bobzien
Interim City Manager

ATTEST:

_____
~~Kristen Bobzien~~
~~Finance Officer~~

(SEAL)

LOCAL UNION 2488
AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO

~~Brent Mohrmann~~Cory Wohlleber
AFSCME 2488
~~Acting~~ President

EXHIBIT A
WAGE MATRIX

New Pay Grade	1	2	3	4	5	6	7	8 (NA)	9	10	11	12	13	14	15
		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100	$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.26	$ 20.67	$ 21.08	$ 21.50
	$ 33,883.20	$ 34,560.60	$ 35,254.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,188.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,846.40	$ 44,720.00
105	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.79	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
	$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,561.60	$ 40,352.00	$ 41,163.20	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.49	$ 26.00
	$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
	$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.99	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
	$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
	$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
	$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
	$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
	$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,529.60
145	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
	$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.69	$ 38.44
	$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
	$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
	$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.53
	$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
	$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
	$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,745.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
	$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,785.60	$ 123,198.40
185	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
	$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,533.60
190	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.99	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.69
	$ 113,006.40	$ 115,278.40	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,779.20	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.87
	$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.32
	$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	$ 81.85	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
	$ 170,232.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

EXHIBIT B
SICK LEAVE DONATION REQUEST FORM

SICK LEAVE BANK EMPLOYEE REQUEST

I, _____, am requesting the use of a Sick Leave Bank for the
(print name)

following serious or life threatening illness:

_____

_____

_____

Employee Signature: _____ Date: _____

**The above information will be provided to your co-workers for donation requests.*

Request approved:

_____

SICK LEAVE BANK TRANSFER AUTHORIZATION

I, _____ , hereby authorize the City of Watertown's
(print name)

payroll administrator to transfer _____ hours from my sick leave accrual
(# of hours to donate)

account to _____sick leave account.
(person to receive the sick leave time donation)

I understand this is an unconditional, irrevocable transfer.

Employee Signature: _____ Date: _____

- *Donating employees may donate a maximum of 40 hours sick leave but may not reduce their bank below 120 hours.*

City Council

Agenda Item

Subject: Approval of the 2025-27 IAFF Collective Bargaining Agreement

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Please see attached redline version of the contract for an illustration of the revisions upon which the IAFF and the City's negotiating team have reached agreement.

Highlights:

For the purpose of recruitment and retention a change in vacation accrual was agreed upon through the negotiation process:

Annual Vacation Schedule In Hours	Battalion Chiefs/IAFF	Annual Vacation Schedule in Hours	All Others
Years 1 through 5	168 hours	Years 1 through 5	120 hours
Years 6 through 10	224 hours	Years 6 through 10	160 hours
Years 11 through 15	280 hours	Years 11 through 15	200 hours
Years 16 and beyond	336 hours	Years 16 and beyond	240 hours

- All employees shall be allowed to accumulate 200 (312 BC) hours of vacation as of December 31st of each year.
- Payment of accrued vacation upon voluntary separation , termination, or retirement is based upon a maximum of 200 (312 BC) hours.
- In the event of an employee's death, the cash value of accrued unused sick leave not in excess of 600 hours shall be paid to the employee's designated beneficiary of record in the employee's personnel file.

FINANCIAL CONSIDERATIONS:

- All IAFF employees are moving up one step (2%) on the wage matrix, and a 2% COLA was applied to their base salary. This will result in all employees receiving approximately a 4% increase in pay.
- An adjustment was made to Assignment Pay for Senior Firefighters from $40/month and $85/month to $100/month for Fire Apparatus Officer 1, $75/month for Fire Apparatus Officer 2, and $50/month for Fire Apparatus Operator 3. A, B, and C Shift will each have a FAO 1, 2, and 3.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the 2025-27 IAFF Collective Bargaining Agreement.

ATTACHMENT(S):

IAFF 2025-27-Redlined Proposal

2025 Wage Matrix

AGREEMENT BETWEEN

CITY OF WATERTOWN, SOUTH DAKOTA AND

LOCAL UNION 1724 OF THE

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

For the period of
January 1, ~~2022~~ 2025 to December 31, ~~2024~~2030~~30~~27

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ARTICLE 1

PREAMBLE:

The City of Watertown, South Dakota, hereinafter referred to as the Employer, and Local Number 1724 of the International Association of Firefighters, hereinafter referred to as the Union, do hereby agree to promote and ensure harmonious relations, cooperation, and understanding between the Employer and the Union to establish rates of pay, hours of work, and conditions of employment and to these ends, the Employer agrees to provide considerate and courteous treatment of its employees and the employees directly through their representatives (the Union) to provide the Employer loyal and efficient service.

The parties recognize that the City has adopted a ~~Civil Service Ordinance~~Home Rule Charter and that such ~~ordinance~~ charter together with ~~civil service regulations and~~ state law are binding on City (Employer). It is further understood that City (Employer) will not authorize changes in the ~~civil service ordinance~~Home Rule Charter or regulations from the date hereof, which vary the terms of this Agreement.

The parties further recognize that the City is governed by state and federal law and that any state law or federal law is binding upon City and should any conflict arise between this Agreement and any federal or state law, such law will be controlling.

ARTICLE 2

RECOGNITION:

Section 2.01 Recognition
The City hereby recognizes the Union as the sole collective bargaining representative, pursuant to SDCL 3-18-3 and SDCL 3-18-5, for all of the employees employed by the City in the following described unit:

All full-time Fire Rescue Department employees, excluding the Chief, Assistant Chief, Battalion Chiefs, Fire Marshal/Fire Prevention Officer, and ~~Office and Clerical workers~~EMS Chief.

Section 2.02 Exclusive Representation
The Employer agrees not to enter into any other agreement with the employees who came under this Agreement, either individually or collectively, which conflicts with any portion of this Agreement.

ARTICLE 3

MANAGEMENT RIGHTS:

Section 3.01 Management Rights Statement
Except to the extent expressly modified by a specific provision of this Agreement, the City of

Watertown reserves and retains all of its statutory and common law rights to manage the operation of the Fire Rescue Department of the City of Watertown, South Dakota, as such rights existed prior to the execution of this Agreement with the Union.

Section 3.02 Management Rights

It is expressly recognized merely by way of illustration and not by way of limitation that such rights and functions include, but are not limited to:

1) Manage the city;
2) Schedule working hours;
3) Establish, modify or change work schedules or standards;
4) Institute changes in procedures;
5) Direct the work force, including the right to hire, promote, demote, transfer, suspend, discipline or discharge for just cause, any employee;
6) Determine the location of any facilities, buildings, divisions, or subdivisions thereof, and the relocation, sale, leasing or closing of facilities, departments, divisions, or subdivisions thereof;
7) Determine services to be rendered;
8) Determine the layout of buildings and equipment and materials to be used therein;
9) Determine processes, techniques, methods, and means of performing work;
10) Determine the size, character and use of inventories;
11) Determine financial policy including accounting procedure;
12) Determine the administrative organization of the system;
13) Determine selection, promotion, or transfer of employees;
14) Determine the size and characteristics of the work force;
15) Determine the allocation and assignment of work to employees;
16) Determine the policy affecting the selection of new employees;
17) Determine the establishment of quality and quantity standards and the judgment of quality and quantity of work required;
18) Determine administration of discipline;
19) Determine control and use of City property, materials, and equipment;
20) Schedule work periods and determine the number of duration of work periods;
21) Establish, modify, eliminate or enforce rules and regulations including SOP's SOG's and MOU's and communicate any such actions in a timely manner to all covered employees;
22) Determine the kinds and numbers of personnel necessary;
23) Determine the methods and means by which such operations are to be conducted;
24) Require employees, where necessary, to take in-service training courses during working hours;
25) Determine duties to be included in any job classification;
26) Determine the necessity of overtime and the amount of overtime required;
27) Take any necessary action to carry out the mission of the City in cases of an emergency
28) Prescribe a uniform dress to be worn by designated employees.

The exercises of the foregoing powers, rights, authority, duties and responsibilities by the City,

the adoption of policies, reasonable rules, regulations and practices in furtherance thereof, and the use of judgment and discretion in connection therewith, shall be limited only by the specific and express terms of this contract, and then only to the extent such specific and express terms are in conformance with law.

Section 3.03 Subject to Other Laws
The exercise of the foregoing management rights shall be subject to all applicable federal, state and local laws or regulations. If there is any conflict, the applicable law or regulation shall govern.

Section 3.04 Non-Abuse of Management Rights
The exercise of management rights shall not be used for the purpose of undermining the Union or discriminating against any employee.

ARTICLE 4

COMMITTEE FOR UNION-MANAGEMENT COOPERATION:

Section 4.01 Labor Management Committee
The parties recognize that during the period in which this Agreement is in effect, problems of administration of this Agreement may arise which are not now anticipated by either party. They also recognize that during such period more mutually constructive and productive relationships are likely to exist between the Employer and the Union and among both management and non-management employees, if both the Employer and the Union continue to enlarge their respective efforts to gain a better appreciation and understanding of each other's problems and objectives. They recognize that frequently what first appears to be problems or areas of conflict and disagreements, are actually the result of misunderstandings which are cleared away upon a complete and frank exchange of viewpoints and ideas. They believe that even though limitations are being placed upon formal collective bargaining negotiations through the term of this Agreement, a better atmosphere in which to achieve improved day-to-day relations between the parties which they both desire, can be created through meetings of the kind described below.

Section 4.02 LMC Limitations
When the need arises, if requested by either party, meetings will be held during the term of this Agreement of the committee formed as a part of the article. It is understood that such meetings will be held for the purpose of appraising and discussing the problems, if any, which may arise concerning administration, interpretation or application of the Agreement or other matters which either party believes will contribute to improvement of the relations between them within the framework of this Agreement. It is understood that such meetings shall not be for the purpose of handling grievances or conducting grievances or conducting collective bargaining negotiations nor for any purpose which in any way will modify, add to or detract from the provisions of this Agreement. In agreeing to such meetings, the parties are providing concrete evidence of their sincere desire to encourage friendly, cooperative relationships between their respective representatives at all levels and with and between all employees covered by this Agreement and to find ways to overcome difficulties, influences or attitudes which interfere with such

relationships. To facilitate the process, an agenda of items will be given by the party requesting the meeting two days prior to the meeting. Additional topics may be added as they develop.

Section 4.03 Scope of LMC
Wherever in the Agreement reference is made to matters to be referred to a committee for resolution, this committee will take such matters into its consideration and may enter into Memorandums of Understanding that reduce to writing any changes or clarifications to the express language of this Agreement after its execution.

Section 4.04 Equipment Concerns
The committee or any employee may call to the attention of the Fire Chief the fact that certain equipment may be dangerous to use and the Fire Chief shall have effective authority to remedy the situation by withdrawal of the equipment from use or arranging for its immediate repair.

Section 4.05 LMC Participation
The committee shall be composed of two (2) members designated by the Union and two (2) members designated by the Employer. ~~Both parties shall have the right to replace any of its members during the term of this Agreement and agree to inform the other of the names of its members.~~ All recommendations with respect to safety shall be adopted by a majority of the committee. If the committee is unable to reach a majority decision on any question of safety, the question shall be referred to the person or persons selected by a majority of the committee to decide the issue.

Section 4.06 Minutes Required
Minutes shall be kept of all meetings by a member of the Union and shall be distributed to the Employer and the Union members.

ARTICLE 5

WORK RULES:

Section 5.01 Communication of New Work Rules
Whenever the City shall adopt work rules governing Fire Rescue Department operations, they shall be posted and assigned through an electronic training software program (e.g., TargetSolutions). Employees will be required to electronically acknowledge that they are aware of such rules.

Section 5.02 Application of Rules
Any such rule adopted by the City shall be applied uniformly and without discrimination. The failure to adopt work rules shall not be regarded as authorizing employees to disregard general conditions of employment such as faithful performance of duties, timely observance of posted schedules of work and following legitimate directions of supervisors with respect to the work to be performed.

Section 5.03 Work Rule Dispute Resolution

Any dispute over the reasonableness of work rules shall be first submitted to the committee of union-management relations created under Article 4 and if not resolved, the dispute may be processed through the grievance procedure described in Article 9.

ARTICLE 6

NONDISCRIMINATION:

Section 6.01 Discrimination Prohibited
There shall be no discrimination against employees or applicants for employment, or advancement on account of race, creed, color, national origin, ancestry per SDCL 20 13 10, sexual orientation/gender identity, disability, protected veteran status per Uniformed Services Employment and Reemployment Rights Act, genetic information, sex, age, pregnancy, marital status, religion, or any political or union affiliation or to coerce any employee or their organization in any way.

ARTICLE 7

CONDUCT OF UNION AFFAIRS:

Section 7.01 Visitation
Representatives of the International Association of Firefighters Union shall be free to visit the Fire Rescue Department at all reasonable hours and shall be permitted to carry on their duties, provided that they shall first notify the Fire Chief and there shall be no interference with the conduct of the operations in the department.

Section 7.02 Union Membership
The City will not interfere with the rights of its employees to become members of the Union.

Section 7.03 Activities of Stewards
The City recognizes the right of the Union to designate one (1) steward for each shift and one (1) alternate steward to replace any regular steward unable to perform their duties. The authority of union stewards so designated by the Union shall be limited to, and shall not exceed, the following duties and activities:

The investigation and presentation of grievances with the employer or the designated employer representative in accordance with the provisions of this Agreement.

The transmission of such message and information which shall originate with, and are authorized by the Union, provided such message or information has been reduced to writing or is of a routine nature.

Section 7.04 Union Time
The stewards shall be permitted a reasonable time, not exceeding one hour per week, to conduct necessary union business during regular working hours without loss of pay, providing it does not

interfere with efficient operation of the department, and providing that the stewards' supervisor(s) is advised in advance of the absence. Such time spent on necessary union business during duty hours shall be used in computing weekly overtime. The one hour limit does not apply to contract negotiations.

Section 7.05 Notice to Management

Authorized agents of the Union, after having notified the Fire Chief, shall have reasonable access to the City's buildings and premises and be permitted to visit and converse with employees during regular on-duty hours for the purpose of adjusting disputes, investigating working conditions and ascertaining that the Agreement is being adhered to, provided, however, that there is no significant effect on the City's responsibilities toward the general public.

Section 7.06 Bulletin Boards

The City will provide adequate space on its bulletin board which may be used by the Union for the purpose of posting notices relating to the Union and such notices shall be restricted to: (1) changes in rules and regulations of the Union; (2) changes in personnel of committees and officers of the Union; and (3) notice of time and place of regular and special Union meetings and its social functions and entertainment sponsored by the Union or its international. All notices to be posted on the bulletin board shall bear the signature of the designated representative of the Union, and any other notices that may be agreed upon by the Union and the City.

ARTICLE 8

DISCIPLINE AND DISCHARGE:

Section 8.01 Just Cause

~~All disciplinary measures shall be consistent with civil service ordinance.~~ The Employer shall not discharge nor suspend any employee without just cause, but in respect to discharge or suspension shall give at least one (1) warning notice of a complaint against employee to the employee in writing and a copy of the same to the Union.

The warning notice as herein provided shall be given to the employee with a copy to the Union within ten (10) days of said complaint or within ten (10) days of knowledge of said complaint and shall not remain in effect for a period of more than one (1) year from the date of said warning notice. If the employee is unavailable or otherwise cannot be personally provided the warning notice within ten (10) days as prescribed herein, providing a copy to the Union Representative, within ten (10) days, on behalf of the employee, will suffice.

No warning notice need be given to an employee before being discharged or suspended if the cause of such discharge or suspension is:

a) Dishonesty;
b) Drinking, or being under the influence, of alcoholic beverage while on City paid time;
c) Use, or being under the influence, of cannabis while on City paid time;
d) Conviction of sale, possession or use of Schedule I or II substances (See SDCL 34-

20B-11 to 17 without proper prescription;

e) Recklessness resulting in serious accident while on duty. Such recklessness must be gross.

It is understood that there are other offenses of extreme seriousness for which an employee will be discharged or suspended without a warning letter. Discharge or suspension must be by proper written notice to the employee and the local Union and the Civil Service Board. Any employee may request an investigation of their discharge or suspension as provided in this Agreement.

Section 8.02 Employee Reinstatement; Grievance; Private Reprimand

Any employee who is disciplined, suspended or discharged and is found to have been unjustly dealt with shall be reinstated with no loss of time, or pay and with no reference to the matter to be written in their personnel file.

Any disciplinary action or measure imposed on an employee may be processed as a grievance through the regular grievance procedure, as set forth in Article 9. If the Employer has reason to reprimand an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public.

Section 8.03 Performance Improvement Requirements ~~(disc. Re: Physical Fitness Standards)~~

Before an employee may be disciplined for unsatisfactory work performance, which act is not specifically related to life safety or the health and safety of other employees or the general public, a notice in writing to the employee must be given outlining the areas of work performance that must be improved. The employee will then have a minimum of three (3) calendar weeks to improve the performance before further action is taken. A training officer may be assigned to provide assistance to an employee for the purpose of making any improvement, and if assistance is provided, it will be documented by the training officer. If after three (3) calendar weeks the employee's work performance has not improved, the Employer may require additional training, or take additional action.

ARTICLE 9

GRIEVANCE AND ARBITRATION PROCEDURE:

Section 9.01 Grievance Defined

Grievance means a complaint by an employee or group of employees concerning the interpretation or application of the provisions of this agreement or of rules or regulations governing personnel practices or conditions, which complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. The employee may request that the formal representative be present. No person shall be discriminated against because of the filing or involvement in a grievance.

Section 9.02 Commencement of Grievances

Individual employees or groups of employees shall have the right to present grievances in person

or through the formal representative, provided that any settlement reached is not inconsistent with the provisions of this agreement, the formal representative is given an opportunity to be present at such adjustments, and the grievance has been properly filed and adjusted according to the established procedure set forth in this article.

Section 9.03 Time Limitations
Failure by an employee to comply with any time limitation shall constitute a withdrawal of the grievance. Failure of the City to comply with any time limitation shall constitute a settlement of the grievance in accordance with the requested remedy. It is agreed that all times may be extended by agreement of all parties.

Section 9.04 Union Representation
Both parties agree to encourage an employee to ~~discuss a complaint with the Assistant Chief~~utilize the chain of command to resolve a complaint. Employee may request that the formal representative be present.

Section 9.05 STEP 1 (Dept Head):
Within ten (10) days after the employee had knowledge of its occurrence or should have had knowledge of its occurrence, the employee and/or representative shall submit to the Department Head or designee a written grievance, which shall be labeled as Step 1. The Fire Chief or designee shall meet with the employee and/or representative, and within ten (10) days of the receipt of the grievance submit a written answer labeled as Step 1 response. A copy shall be provided to Human Resources.

Section 9.06 STEP 2 (City Manager):
If the employee disagrees with the Step 1 decision of the Fire Chief, the employee shall file within fourteen (14) days of the notice date of the Step 1 decision, a written grievance to the City Manager, which shall be labeled as Step 2. Within fourteen (14) days of the receipt of the grievance, the City Manager or designee will meet with the employee, who may be accompanied by a representative, to discuss the grievance. Within fourteen (14) days of this meeting a written decision labeled as Step 2 response, will be submitted to the employee by the City Manager. A copy shall be provided to Human Resources.

~~**Section 9.07 STEP 3 (Civil Service Board):**~~
~~If the grievance has not been satisfactorily adjusted at Step 2, it shall be presented in writing by the employee or representative to the Civil Service Board with a copy to Human Resources within seven days after the City Manager's Step 2 response which shall be labeled as Step 3. The Civil Service Board shall attempt to adjust the matter and shall respond in writing within seven (7) days to the Union steward and Union representative, setting a hearing date if necessary.~~

Section 9.08 Appeal Process
If the employee disagrees with this decision, the employee and/or representative may, within thirty (30) days after receipt of the Step 3 decision, initiate an appeal to the Department of Labor, who shall conduct an investigation and hearing and shall issue an order covering the points listed, and shall order it to be binding on the employee and the City in accordance with provisions of SDCL 3-18-15.2, subject to either party's right of appeal pursuant to SDCL 1-26.

The employee and their representative retain the right, after review by ~~the Civil Service Board and~~ the Department of Labor, to appeal to the Circuit Court of Codington County.

Section 9.09 Initiation at Step 2
Grievances raised by a group of employees by the formal representative or the City which are of general concern regarding application or interpretation of this agreement, shall be initiated at Step 2 of the grievance procedure. This shall not be used to resurrect an individual grievance.

Section 9.10 Timelines Defined
All references to days in this Article shall be construed to mean calendar days.

ARTICLE 10

SENIORITY:

Section 10.01 Application of Seniority
Both parties are in accord that, along with other considerations, seniority should be a factor in filling vacancies, in promotions, demotions, layoffs, and recalls. All actions taken in these areas shall be taken with due consideration to ability, fitness, experience, qualifications, past performance and relative seniority. If all other considerations are relatively equal, seniority should prevail. The City shall be the judge of the controlling considerations but shall not act arbitrarily or capriciously in its decision. If seniority is bypassed, the employee shall be furnished with written reasons therefore if requested and such affected employee may process a complaint through the grievance procedures under this Agreement.

Section 10.02 Seniority Defined
Seniority means the length of continuous service with the Fire Rescue Department beginning with the latest date of hire with the City in the Fire Rescue Department.

Section 10.03 Seniority While on Probation
Any new entry level personnel as well as existing employees who begin working in a new position title following a staffing process, shall be considered a probationary employee for a period of one year.

During the probationary period employees shall have no seniority status, and may be laid off or terminated at the sole discretion of the City without regard to their relative length of service. When an employee completes this probationary period as defined above, seniority shall date back to the date of hire.

Section 10.04 Seniority List
The City will furnish a list of the employees within the bargaining unit, showing the names of all employees and their seniority ranking upon request by the union. ~~Such list shall be revised and posted at least annually during the term of this Agreement or any extension thereof. Protests of errors in or omissions from seniority rosters must be made to the City within sixty (60) days from the date of the first furnishing of the list or the list and all subsequent lists will~~

~~be deemed correct for all purposes, unless incorrectly computed from the first list furnished.~~

Section 10.05 Loss of Seniority
Seniority and the employment relationship shall terminate when an employee:

a) Quits
b) Is discharged for just cause
c) Retires
d) Is absent for three (3) successive working days without notifying the City, unless evidence is presented to the satisfaction of the City that extenuating circumstances existed, and the City shall determine that a lesser discipline is appropriate
e) Fails to report at the end of a leave of absence including Union service and military service, or educational leave
f) Fails to report for work following a lay off after being notified to return, unless such time is extended in writing by the City. The City shall notify in writing those employees who are to return to work after a lay off by mailing such notice by certified mail, return receipt requested, to the last address furnished the City by the employee, or in writing, personally delivered. Any employee thus notified must, within ten (10) days after the receipt of such notification; advise the City whether they intend to return to work. Such notice shall be sent not more than ninety (90) days prior to the recall date. The periods mentioned previously in this paragraph shall commence on the date of mailing or date personally served. Each employee shall keep a current address on file with the City
g) Is laid off for a continuous period of twenty-four (24) months, unless such time is extended in writing by the City and requested by the employee
h) Is absent for one (1) year because of a non-occupational illness or injury, unless such time is extended in writing by the City and requested by the employee, or unless the member is granted a personal leave under Article 18
i) Is absent for thirty-six (36) months because of an occupational illness or injury, unless such time is extended in writing by the City and requested by the employee

ARTICLE 11

WORKFORCE:

Section 11.01 Temporary Assignments

The Employer shall have the right to temporarily assign employees within the bargaining unit, irrespective of seniority status, from one job classification to another to cover for employees who are absent from work due to illness, accident, vacation or leave of absence for a period not to exceed thirty (30) regular scheduled working days. The Employer shall also have the right to temporarily assign employees within the bargaining unit, irrespective of seniority status, to fill jobs or temporary vacancies and to take care of unusual conditions or situations which may arise for a period of not to exceed thirty (30) regular scheduled working days. It is understood and agreed that any employee with the unit temporarily assigned in accordance with the provisions of this section shall not acquire any permanent title or right to the job to which they are temporarily

assigned, but shall retain seniority in the permanent classification from which they were assigned.

A temporary transfer which exceeds thirty (30) days in duration shall be offered in accordance with Section 10.01.

When the transfer is to a position of any equal or lower pay grade, the employee shall receive their regular rate of pay.

All new positions, temporary assignments exceeding thirty (30) days, and regular positions within the sworn personnel classifications shall be offered to the employees in the sworn personnel classifications by posting notice for a minimum of five (5) consecutive days. Employees who desire the position shall sign the notice. Awarding of the position or assignment shall be consistent with Section 1.

Employees on paid leaves of absence shall be considered in awarding the assignment, and available employees on authorized unpaid leave shall be considered if they so notify the Chief.

Section 11.02 Vacancies and New Positions

The City shall post on the Union bulletin board all vacancies and new positions within the City.

Vacancies or new positions that occur within the Fire Rescue Department other than entry level Firefighter/EMTs, shall be posted, and any eligible Firefighter/EMT applying for said vacancy or opening shall be given consideration for the position. The employee shall be advised of the reasons for not being selected for the position upon the employee's request.

The position of entry level Firefighter/EMTs shall be posted and open to all applicants on an equal basis.

Section 11.03 Veteran's Preference

The provisions of this article and Agreement are subject to the provisions of SDCL Chapter 3-3 relating to veterans' preference in employment.

Section 11.04 Eligibility for Application to Promote

Current employees who have completed a minimum of five (5) years of experience, 2 of which are with Watertown Fire Rescue, as a Firefighter/EMT or Firefighter/Paramedic shall be eligible to apply for promotional openings of Fire Apparatus Operator and ~~to~~ the rank of Fire Lieutenant within the Fire Rescue Department. Applicants must have a paramedic certification. All candidates will be required to take a competitive examination. The top ~~ten~~ twelve (~~10~~12) scorers on the examination will be eligible to continue with the interview process.

Section 11.05 Certifications and Promotions

The parties to this Agreement acknowledge that the nature of the work performed by the covered employees require a certain defined level of competence and skill and training. Accordingly, the management staff within the Watertown Fire Rescue Department will continue to maintain its educational and testing protocol for all ranks within the Department to ensure its personnel

maintain their levels of proficiency and professionalism as well as ensuring employees seeking promotion meet or exceed any requirements established for promotion within the department.

Section 11.06 Layoffs Based on Inverse Seniority

A layoff is the separation of any employee from the department for lack of work or lack of funds or for reasons other than the acts of delinquencies of the employee. Layoffs, if required, shall be according to reverse seniority, with the least senior employee in the job classification grade laid off first. If an employee has been promoted and layoffs shall occur in all grade classifications, a promoted employee will have the opportunity to return to the job classification held prior to promotion.

Employees being laid off shall be given written notice, when circumstances permit, fourteen (14) calendar days in advance of such layoffs. The Union shall also be given written notice, when circumstances permit, of all layoffs in the bargaining unit fourteen (14) days in advance of such layoffs.

Employees will be recalled to work as vacancies arise in the inverse order of their layoff.

ARTICLE 12

HOURS OF WORK AND OVERTIME:

Section 12.01 No Guarantee of Hours

This article is intended to set forth normal practices to be engaged in by the City. It does not constitute a guarantee of hours per day or days per week, but the City does intend to, where practical in light of circumstances, employ its personnel on a regular basis provided the employee is able to perform the work to which they are assigned. It is expressly understood, however, that whenever the City, in its sole discretion, determines a reduction of the work force is necessary, it may do so.

Section 12.02 Work Periods

Hours of work shall be determined by the Fire Chief. At the present time the schedule and hours of work are 24 hours "on duty" and 48 hours "off duty" subject to time off as directed by the City at the end of a 27 day period. The parties agree and understand that under the Fair Labor Standards Act that the work shifts of Firefighters have been divided into 27 day periods for the purpose of the Fair Labor Standards Act and that currently at the end of each 27 day period, each Firefighter is sent home for 12 hours. The parties agree that the actual mechanics are to be worked out between IAFF Local 1724 and the Fire Chief, and further agree that if the requirements of the Fair Labor Standards Act change or are held to be not applicable to municipalities or to fire departments, then this paragraph shall be of no force and effect. With the exception of the 14-day 80 hour work period established for the Firefighter/Paramedic EMS Assignment, the City agrees to maintain a 27 day, 204-hour work schedule for employees assigned to a shift schedule only for the term of this Agreement or until modifications are required by applicable state or federal wage and hour statues.

If it becomes necessary for the City to modify the 27 day, 204 hour scheduling approach for any reason prior to the expiration of this Agreement, the City or the Union may reopen the contract for the purpose of renegotiating modification of the work schedule. The City agrees that any additional work schedules will conform to the regulations and requirements regarding hours of work, wages, overtime, and other provisions of the Federal Fair Labor Standards Act (FLSA) and all other federal or state statues that may be applicable.

Section 12.03 Hours of Work and Training

It is agreed that all employees shall maintain certification and training as required by the Chief. It is further agreed that the City shall make available the means for any such training; except such paramedic training described in §20.05. It is further agreed that no firefighter shall be required to return from vacation, Garcia Day, sick leave or other approved leave to attend any training. Scheduled training that occurs outside the corporate limits of the City of Watertown and not on the employee's duty day shall be counted as regular hours worked unless the training causes the employee to go over 204 hours in a 27-day work period.

Section 12.04 Posted Work Schedule

Work schedules showing the employee's shifts, work days and training hours shall be posted on bulletin boards in the respective departments at least seven (7) days in advance. Posted work schedules shall not be changed without consultation between the Employer and the employees affected unless an emergency is declared by the Department Head or Shift Supervisor. Any changes in the work schedule shall be subject to the grievance procedure. If an employee is not notified and reports for work and their shift is changed, the employee shall receive a minimum of two (2) hours work or pay, which shall be counted as regular hours worked for purposes of computing overtime. A completed telephone call to the employee shall be construed as proper notification. Voicemail is not considered a completed call.

Section 12.05 Availability outside of Shift

Except in cases of illness or other causes satisfactory to the City,

a) No employee should refuse to work on regular days off;
b) No employee shall have the right to leave their duties until being relieved or released by the immediate supervisor;
c) No employee should refuse to come to work earlier than the regular starting time.

Employees of the same rank or job classification may trade time in their work schedules with consent of the supervisor.~~(within the same 80 hour timeframe or same pay period??)~~

Section 12.06 Hours Worked outside of Shift

Employees covered by this Agreement shall be paid at the rate of one and one-half (1½) times for all authorized hours worked in excess of 204 hours in a 27 day work cycle if assigned to a 27 day work schedule. Vacation leave, compensatory time taken off, and Garcia Days shall not be considered in determining the number of hours worked in any 27 day work cycle; but shall be counted as hours worked for the purposes of determining eligibility for a Garcia Day. Sick leave shall be considered hours worked for both calculating overtime and for Garcia Day eligibility. Continuity after shifts and need for a particular skill are specifically recognized as considerations for offering overtime.

Section 12.07 Compensatory Time Earned

Compensatory time at the rate of one and one-half (1½) times the hours actually worked may be used in place of overtime pay if mutually agreed upon between the employee and the Chief or designee. Compensatory time will be received at one and one-half (1½) hours per hour for, but not limited to, the following:

a) Any approved education or training that an employee must do while not on their duty day

b) Travel time to and from an educational facility outside Watertown for the purpose of approved education or training

c) ~~On days when City Hall is closed by official action, other than holidays, all employees whose normal duty day occurs during such closure shall receive up to a maximum of 8 hours compensatory time on an hour-for- hour basis identical to the total number of hours City Hall was closed~~When City facilities are closed by the City Manager or their designee (e.g. during a snow emergency) and employees are sent home, employees who are required to continue working (as determinedby the City Manager or designee) shall receive equal time off on an hour for hour basis identical to the number of hours the other City facilities/departments were closed between the hours of 8:00 A.M. to 5:00 P.M., not to exceed eight (8) hours. Employees of closed City facilities/departments may leave work during the hours such facility/department is declared closed and such employees will not be required to use vacation or compensation time for this time away from work. This section does not impact policies relating to weekends, holidays, or observed holidays. This does not apply to closures for work related activities where employees are not sent home (such as city events/functions, trainings/professional development, softwre outages or other activities impacting customer services and triggering closures, etc.)

d) Compensatory time may be accumulated to a maximum of 480 hours for Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants; compensatory time may be accumulated to a maximum of 240 hours for the Firefighter/Paramedic EMS Assignment. It is agreed that compensatory time is earned time and upon the employee's discharge, resignation, or retirement, compensatory time shall be paid out at the employee's current wage rate

e) The use of compensatory time for time off shall be regulated the same as vacation time

Section 12.08 Special Overtime Considerations

Any employee who is required to work outside of their regular shift or schedule shall receive overtime for all such hours and be guaranteed at least two (2) hours pay at the rate of one and one-half (1½) their regular rate of pay regardless of the amount of time needed and the employee may leave if the work is completed in less than two hours. If the employee returns to work again to compete additional work during the original two-hour period, the employee is not entitled to a new two-hour minimum guarantee. The two-hour minimum shall not apply, however, to employees who are called in to begin work prior to the start of their shift and work continuously into their shift; or required to stay on at the end of their shift; provided the employee is permitted

to work their regular scheduled shift for that day.

ARTICLE 13

TRAVEL EXPENSES:

Section 13.01 Meal Reimbursement

All travel and subsistence expenses where authorized whether in-state or out-of-state shall be governed by City travel regulations, however, for ambulance trips out-of-town, all necessary meals shall be reimbursed in accordance with the fee schedule for in-state or out-of-state trips as applicable. For ambulance trips out of town, that last longer than three (3) hours, employee meals shall be reimbursed, upon presentation of receipt, in an amount not greater than that amount allowed by the City's personnel policy. No mileage, travel or subsistence expense shall be allowed unless authorized by the Chief or designee. Reimbursement requests will be denied unless they are submitted within 14 days of the date the reimbursable expense is incurred.

Section 13.02 Training and Travel Expenses

The City will be responsible for all necessary training of new and existing employees and will pay any travel and subsistence required for any training required outside of the City limits. All travel and subsistence shall be in accordance with existing travel regulations of the City.

ARTICLE 14

WORKING CONDITIONS, UNIFORMS, GROOMING AND FIRE EQUIPMENT:

Section 14.01 Reimbursement

~~The City shall reimburse the employee for glasses, including contacts, or watches (including bands) broken damaged, or lost while responding in a Fire Rescue Department vehicle, or engaged in normal Fire Rescue Department duties. The maximum value of watches shall be $50.00 or replacement value, whichever is less.~~ The City shall reimburse the employee for glasses, including contacts, or watches (including bands) which are broken, damaged, or lost while responding in a Fire Rescue Department vehicle, or engaged in normal Fire Rescue Department duties. The maximum reimbursement value for glasses shall be $500.00 or replacement value, whichever is less. Any loss must be reported to the supervisor prior to the termination of the employee's current shift. The City's reimbursement will be by voucher approved by the Fire Chief.

Section 14.02 Equipment and Uniform Requirements

The Employer shall furnish, at no expense to the employees, fire equipment and personal safety equipment which it requires employees to use in connection with their official duties. It is agreed that employees shall wear black shoes or boots while on duty unless an exception is granted by the Chief. Such footwear shall be purchased by the employee. The City will ensure that two (2) sets of usable bunker gear are available to each employee. The City will purchase and maintain particulate flash hoods for each firefighter.

Section 14.03 Furnished Items Property of City
All items furnished shall remain the property of the City, and shall be used only in connection with duties required by the City or with the approval of the Chief. The employee shall return the issued article to the City before a replacement will be made. Maintenance and cleaning of all equipment shall be the responsibility of the employee. Repairs due to normal use or accidents not due to negligence shall be the responsibility of the City. No alterations of safety equipment shall be done by employees without the consent of the Chief or designee.

Section 14.04 Not Subject to Grievance
The sufficiency of such furnishings of the City shall not be a subject to the grievance procedures but shall be the subject of discussions in the labor management committee.

Section 14.05 Replacement of Furnished Items
In cases of gross negligence or improper use and care on the part of the employees, employees shall replace lost or damaged items at their own expense.

Section 14.06 City Property upon Termination
All issued items shall be returned to the City upon termination of employment prior to settlement of wages or other payments due.

Section 14.07 Uniform Standards
Any new uniforms purchased shall meet National Fire Protection Agency (NFPA) codes unless mutually agreed upon by both the Union and Fire Rescue Department.

Section 14.08 Proper Safety/Select Jewelry Prohibited
Employees, while on duty, shall not wear earrings, nose rings, or facial jewelry of any sort.

Section 14.09 Personal Grooming Requirements
While on duty, hair length shall be no more than one inch (1") below the top of the ear and not more than one inch (1") below the collar line of a uniform, as per S.O.G. for grooming standards effective on 3-20-2009.

Section 14.10 Cell Phone Allowance
Subject to the discretion of the Fire Chief, certain employees may be eligible to receive a cell phone stipend of Forty Dollars ($40.00) per month, subject to applicable taxes and withholdings, and paid through normal payroll practices. In determining which employees are eligible to receive the stipend, the Fire Chief shall consider whether an employee's use of their personal cell phone is required or unavoidable in order to efficiently and effectively perform their work function.

ARTICLE 15

VACATIONS:

Section 15.01 Vacation Use/Accrual Schedule

No vacation may be taken without prior approval of the Chief or designee. Vacation leave for ***Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants*** shall accrue in accordance with the following schedule:

Year 1 through Year ~~6~~5	~~120~~ 168 hours (~~10~~ 14 hours/month)
Year ~~7~~ 6 through Year ~~13~~10	~~192~~ 224 hours (~~16~~ 18.66 hours/month)
Year ~~14~~ 11through Year ~~19~~15	~~240~~ 280 hours (~~20~~ 23.33 hours/month)
Year ~~20~~ 16 and beyond	~~288~~ 336 hours (~~24~~ 28 hours/month)

No employee may use accrued vacation within the first ninety (90) days of employment.

Vacation leave for the ***Firefighter/Paramedic EMS Assignment*** shall accrue in accordance with the following schedule:

Year 1 through Year ~~6~~5	~~Eighty~~ One hundred twenty (~~80~~120) hours
Year ~~7~~ 6 through Year ~~13~~10	One hundred ~~twenty~~ sixty (~~120~~160) hours
Year ~~14~~ 11 through Year ~~19~~15	~~One~~ Two hundred ~~sixty~~ (~~160~~200) hours
Year ~~20~~ 16 and beyond	Two hundred forty (~~200~~240) hours

No employee may use accrued vacation within the first ninety (90) days of employment.

Section 15.01a. Vacations-January 1 to March 31
Selection of vacations is to start on January 1 for the timeframe of April 1 of the current year to March 31 of the following year (e.g. 4/1/2021 – 3/31/2022).

Section 15.01b First Choice of Vacation
First choice of vacations is to be selected by seniority, with a maximum of six (6) consecutive working days. If more vacation days are needed, it must be approved by the Chief or designee. The first round of selections will begin on each shift's first scheduled shift of January. Each employee will have up to 72 hours to make their selection from when they are notified that the previous employee has selected. If the employee does not make a selection in the 72 hour allotment, the next person will be allowed to make their selection and continuing on. If the employee does not make their selection by the end of the first round, they forfeit that selection. The first round ends when the original last employee makes their selection.

Section 15.01c Second Choice of Vacation
Second choice is to be selected after all members have taken a first choice or passed. Second choice is also selected by seniority, with a maximum of six (6) consecutive days. The second

round of selections will begin as soon as the first round is complete. Each employee will have up to 72 hours to make their selection from when they are notified that the previous employee has selected. If the employee does not make a selection in the 72 hour allotment, the next person will be allowed to make their selection and continuing on. If the employee does not make their selection by the end of the second round, they forfeit that selection. The second round ends when the original last employee makes their selection. Vacation selected after the second round is a first come first serve, without regard to seniority.

Section 15.01d Vacation upon Shift Transfer

If, during the term of this Agreement an employee makes a vacation choice, and is subsequently transferred to a different shift for justifiable cause, e.g., promotion, retirement, seniority, etc., the transferred employee may elect to keep their vacation selection within that new shift rotation. For example, an employee on Shift B has selected a vacation on Monday and Thursday and is subsequently transferred to Shift A. Having already made a vacation selection, that employee would be eligible to take vacation on Sunday and Wednesday, i.e., Shift A. during that same week in which the original vacation selection had been made.

Section 15.02 Vacation Available for Use

Employee vacation hours shall be credited to the employee's vacation account as they are accrued on a monthly basis. The monthly accrual amount earned cannot be taken in advance of being earned. Vacation accrues on the 15th day of each month and new monthly accruals can only be used after the 15th of each month.

Section 15.03 Vacation Carryover

Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants shall not be allowed to carry over to the following year more than ~~312~~ ~~336 (equivalent of 6 weeks)~~ 312 hours of vacation. Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants may use all accrued vacation but at retirement only ~~312~~ ~~336~~ 312 hours may be paid in a lump sum (cashed out). The Firefighter/Paramedic EMS Assignment shall not be allowed to carry over to the following year more than two hundred ~~hundred forty (200~~240~~)~~ (200) hours of vacation. The Firefighter/Paramedic EMS Assignment may use all accrued vacation but at retirement only ~~200~~ ~~240~~200 hours may be paid in a lump sum (cashed out).

Section 15.04 Minimum Vacation Increment Allowed

Vacation may be taken in 15 minute increments.

Section 15.05 Scheduled Vacation and Overtime Option

When a situation arises that would call for the use of overtime personnel, an employee who has vacation or compensatory time scheduled at least 2 hours in advance of leave time requested, will be given the option of staying and earning overtime pay or taking the scheduled time off. If the employee elects to stay, there will be no loss of vacation or compensatory time. In the event the employee has not given 2 hour notification and a situation arises where the additional personnel is needed, if the individual has already reported to work, they will not be allowed to leave nor be eligible for overtime pay.

ARTICLE 16

HOLIDAYS:

Section 16.01 Paid Holidays

The following days shall be recognized and observed as paid holidays in accordance with the day observed by state law:

New Year's Day	Independence Day
Martin Luther King Jr. Day	Labor Day
Native American Day	Veteran's Day
Memorial Day (Monday)	Thanksgiving Day
Christmas Day	President's Day
Christmas Eve	Juneteenth
Day After Thanksgiving	

~~Any employee who, as part of their regular work schedule works on Easter, shall receive straight time pay for all hours actually worked, up to a maximum of eight (8) hours.~~

~~**Section 16.02 Conditions for Holiday Pay**~~

~~The paid holidays identified in Section 16.01 shall be paid only under the following conditions:~~

~~a) The employee must have worked those hours required by the Employer on their last scheduled work day prior to the holiday, and must also have worked on their first scheduled work day after any holiday unless on paid leave or excused from work for some justifiable cause;~~

~~b)~~a) ~~If any employee is scheduled or is requested to work on any holiday and does not work, they shall not be entitled to receive holiday pay, unless on vacation, sick leave or unless excused from work for some justifiable cause.~~

Any employee who, as part of their regular work schedule works on Easter, shall receive straight pay for all hours actually worked, up to a maximum of eight (8) hours.

Section 16.03 Holiday Pay

Holidays, as defined in Section 16.01 shall be paid as follows:

~~a) If the employee has complied with those requirements identified in Section 16.02, they shall be compensated for an additional eight (8) hours of straight time pay; and~~

~~b)~~a) If an employee's regularly scheduled work day falls on a holiday as defined in Section 16.01, they shall receive the following pay: regular salary for their twenty-four (24) hour shift plus the additional eight (8) hours of straight time pay provided for in 16.03(a) above and, in the event they are on duty between the hours of 12:00a.m. and 11:59 p.m., straight time pay for all hours actually worked, up to a maximum of eight (8) hours;

~~c)~~b) If an employee is not regularly scheduled to work on any holiday as defined in

Section 16.01, and performs work on a holiday, they shall receive the overtime (1 ½) rate of pay for all such work performed and will also receive eight (8) hours of holiday pay;

~~d)~~c) Pay for holidays shall be included in the employees payroll check, based on the month the timesheet indicating payment is due, is presented to payroll.

~~**Section 16.04 Holidays-Probationary Employees**~~

~~Probationary employees are entitled to holiday pay provided they worked those hours required by the Employer on their last scheduled work day prior to the holiday, and must also have worked on their first scheduled work day after any holiday unless on paid leave or excused from work for some justifiable cause.~~

~~If a probationary employee is scheduled or is requested to work on any holiday and does not work, they shall not be entitled to receive holiday pay, unless on vacation, sick leave or unless excused from work for some justifiable cause.~~

ARTICLE 17

SICK LEAVE:

Section 17.01 Purpose of Sick Leave

All regular full time employees will be allowed sick leave with regular pay. Each of the parties recognize that sick leave is designed to provide some measure of protection to an employee who is unable to perform their duties by reason of actual permissible usage of sick leave. Each of the parties realize that abuse of sick leave hinders the employee's production and Employer's ability to fully staff the service and, therefore, abuses of sick leave will be the basis for disciplinary action.

Section 17.02 Sick Leave Accrual Rates

Sick leave for Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants shall be accrued at the rate of twelve (12) hours per month but not to exceed 144 hours per year. Sick leave for the Firefighter/Paramedics EMS Assignment shall be accrued at the rate of eight (8) hours per month but not to exceed ninety six (96) hours per year. An employee's sick leave account shall be credited with the accrued sick leave on the 15th of each month; such newly accrued monthly sick leave can only be used after the 15th of the month. Sick leave balances may be carried over from year to year and are not limited as to the amount. The sick leave account of a new Firefighter/EMT or a new Firefighter/Paramedic will receive a one-time credit of twenty-four (24) hours in their first month of employment, in addition to the twelve (12) hours accrued per month.

~~**Section 17.03 Sick Leave Use Prohibited**~~

~~Sick benefits may not be paid for the following:~~

~~a) Self-inflicted disabilities caused by use of drugs;~~
~~b) Intoxication;~~
~~c) Willful misconduct or self-induced disability; or~~

~~d) Commission of any crime.~~

Section 17.04 Notification Required

In the event of sickness, an employee must notify their supervisor as far in advance as possible in accordance with the policy of the Chief unless there is an emergency. An employee may be required to submit a physician's statement to support an absence or other acceptable evidence or suffer loss of sick leave pay for time absent.

Section 17.05 Permissible Uses of Sick Leave

Sick leave may be used to the extent of the accrued and unused sick leave as follows:

a) Family Illness - for purposes of family sick leave, family member relationships include: employee's spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, sibling, and/or assigned ward or legal guardianship of the employee;

b) Doctor or dental appointments;

c) For the birth or adoption of an employee's child;

d) Any employee accidentally injured on the job who qualifies for workers compensation pay will receive pay and/or benefits according to the following formula:

   i. Receive regular pay from the Employer for any days of work missed as a result of the injury and sign all workers compensation checks received from the insurer over to the Employer. Sick leave will be deducted from the balance available to the employee at the rate of 1:3 (for example: one (1) hour of sick leave deducted for every three (3) hours of work missed). The Employer will allow such use of sick leave up to the maximum number of hours of sick leave available to the employee. In the event an employee choosing this option exhausts all available sick leave prior to returning to work, then upon such occurrence, the following provisions shall thereafter apply:

      1. The employee with no available sick leave will accept workers compensation payment from the insurer as full compensation with no leave time charged to any leave balance (sick leave, vacation leave, compensatory time) and no pay from the Employer. In the event an employee receives benefits pursuant to this provision, the employee will be eligible for benefits only to the extent provided for under the Employer's personnel policy governing leaves of absence without pay.

~~e) Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants shall be entitled to 24 hours (Firefighter/Paramedics EMS Assignment shall be entitled to 3 days) deducted from accrued sick leave to attend the funeral of the following family relationships: son-in-law, daughter-in-law, father-in-law, mother-in-law, grandparent in-law, brother-in-law, sister-in- law, and step-relatives in these same categories. An additional 24 hours (Firefighter/Paramedics EMS Assignment- 2 additional days) may be used with approval of the supervisor. Use of this sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.~~

Section 17.06 Sick Leave Pay at Retirement

For employees hired before January 1, 2025, ~~An employee~~ who ~~has completed at least ten (10) years of service with the City of Watertown and~~ is determined eligible for retirement in accordance with eligibility requirements of the South Dakota Retirement System (SDRS), such eligible employee can receive payment for accrued unused sick leave not in excess of six hundred (600) hours. Deposits to the South Dakota Retirement System, hereinafter referred to as SDRS, for the cash value of unused accrued sick leave are subject to limits of the Internal Revenue Service (IRS) Code Section 415, and the eligibility as set forth by the SDRS.

Employees who are determined not eligible for deposit of unused accrued sick leave cash payouts to the employee retirement plan under SDRS, as determined by SDRS, but are eligible for retirement as determined by SDRS, will receive the cash value of accrued unused sick leave not in excess of six hundred (600) hours. Such payout will be provided by the City to the employee through the payroll process.

To be eligible for Sick Leave Pay at Retirement, employees must have completed a minimum of ten (10) years of service with the City of Watertown.

Section 17.07 Sick Leave Pay Death Benefit

In ~~case of death~~the event of an employee's death, ~~all~~ the cash value of unused accrued sick leave not in excess of six hundred (600) hours shall be paid to the employee's beneficiary of record in the employee's personnel file.

Section 17.08 Sick Leave upon Termination

In the event of voluntary separation by the employee ~~or in~~ In the event an employee is discharged for just cause, all unused accrued sick leave shall be ~~canceled~~ forfeited unless the employee was eligible for retirement.

Section 17.09 Pregnancy/Parenting Leave

Employees who meet the requirements for Family Medical Leave Act hereinafter referred to as FMLA, as defined by the Department of Labor, Wage and Hour Division CFR 29 Part 825, shall be offered Family Medical Leave for an employee's own pregnancy and/or the birth or adoption of a child, as well as parenting leave. The entitlements of the FMLA are recited in CFR 29 Part 825 as noted above. FMLA is administered by Human Resources.

Those employees who do not meet the eligibility requirements for FMLA, and are on an approved leave of absence for pregnancy or parenting leave, are subject to the policies governing paid and unpaid leaves of absence as set forth in Article 19.

~~a) Pregnancy- Pregnancy is cause for use of sick leave, annual leave or leave without pay. The type of leave taken is up to the employee with the approval of the department head.~~

~~Pregnancy will be treated as any other temporary disability or illness. During the pregnancy, or after the birth of the child, if the medical provider determines the~~

employee is incapacitated and/or temporarily unable to work due to health concerns, the department head/supervisor shall not allow the employee to work until the employee provides medical documentation from the medical provider of work limitations to performing essential duties, and/or if restricted duty is ordered. If restrictions are imposed, the medical documentation must state how long the temporary restrictions will be in place. If the employee does not have any medical limitations or restrictions to performing duties, the documentation must indicate "no restrictions."

If restrictions exist, the supervisor may work with the employee to determine available work tasks included in the employee's normal duties to the extent possible and provide temporary accommodations to the essential functions while the employee is on temporary restrictions. Use of sick leave shall be used in accordance with Section 17.05.

b) Parenting Leave – Leave following the birth or adoption of a child is defined as Parenting Leave. The amount of leave taken for parenting leave following the birth or adoption of a child, is to be requested by the employee and approved by the department head. The department head will take into account such factors as the amount of accrued leave available, the work load and the health of the employee based on a medical provider's statement. Additionally, if the employee has taken pregnancy and parenting leave consecutively following the birth of the child (not returned to work after child was born), the parenting employee on medical leave of absence shall provide documentation by the medical provider regarding the ability to return to work with or without restrictions. If restrictions exist, the medical documentation must include the length of time any restrictions are in place. Medical documentation must be submitted to the department head or supervisor and immediately turned in to Human Resources, prior to returning to work.

c) Return to Position Upon Return From Approved Leave-Employees who are given leaves of absence due to pregnancy and return to work within the time approved by the department head, seniority permitting, shall be assigned to available work in the classification they permanently occupied and at the rate of pay appropriate for that classification. It is understood that the work to which they are assigned may not necessarily be in the work function in which they were employed at the start of such leave of absence.

Section 17.10 Sick Leave Bank

In the event an employee has a serious or life threatening illness, the employee or Department Head may submit a request for the Sick Leave Bank by completing the required form which is appended to this document as Exhibit B. The completed Sick Leave Bank Request Form will be submitted to the City Finance Office.

The Sick Leave Bank Request Form should also include any relevant information the applicant wishes to disclose to the committee and donating employees related to his/her condition. It should be noted that the employee's signature on the Sick Leave Bank Request Form authorizes release of the information the employee has elected to disclose.

~~The Sick Leave Bank Committee will review the request form to determine eligibility to receive donated hours from other employees. The Committee shall consist of two (2) members of the union, two (2) members from management, and the Human Resources Coordinator. The Committee will determine if the applicant is approved for donations. The decision to grant such a request lies solely at the Committee's discretion, and is not subject to the grievance procedure.~~

~~The Committee will notify the employee requesting the Sick Leave Bank donations of approval or denial of request. If approved, the Union will post the completed Sick Leave Bank Request Form to solicit for donations via department bulletin board or email. The Union will collect donation forms and inform approved employee and management when maximum donations have been received, or donation period has ended. Once all donation forms have been received, the Union will submit them to the Finance Office for payroll processing.~~

~~Upon approval, the following guidelines apply:~~

~~a) Maximum of two hundred (200) hours of donated time.~~
~~b) No requests for less than five (5) working days will be accepted, unless those days are to be added on to an already in progress leave of more than ten (10) days.~~
~~c) Employees approved for donations must use all sick leave, vacation and compensatory time prior to receiving any donated hours.~~
~~d) Donating employees are allowed to donate a maximum of forty (40) hours; the donating employee's sick leave accrual balance cannot be less than one hundred twenty (120) hours after donating sick leave.~~

~~If request is denied, a letter will be provided to the requesting employee via email or hand delivery.~~

ARTICLE 18

FAMILY MEDICAL LEAVE ACT (FMLA):

The City of Watertown having in excess of 50 employees is governed by and will comply with the Family and Medical Leave Act of 1993 as well as any subsequent amendments and/or modifications to the law.

~~Consistent with the provisions of the federal Family Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Act of 2008, an eligible employee and covered care giver may be entitled to up to twenty-six (26) weeks of unpaid Military Care Giver Leave during any twelve (12) month period to provide care for a recovering service member or eligible veteran.~~

~~Eligible employees with a spouse, child, or parent on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including a member of the National Guard or Reserves) in support of a contingency operation may take up to twelve (12) work weeks of unpaid normal FMLA leave because of any "Qualifying Exigency." The~~

~~City shall post the most current mandated poster for employees to review and serve as a guide for FMLA coverage.~~

~~Section 18.01 FMLA Eligibility and Leave Allowances~~

~~Consistent with the provisions of the federal Family and Medical Leave Act (FMLA) of 1993, an eligible employee may be entitled to up to twelve (12) workweeks of unpaid job protected leave within any twelve (12) month period of employment when specific conditions are met. Please contact Human Resources for conditions required. To be eligible to take Family Medical Leave, the employee must have worked for the City of Watertown for at least twelve (12) months and at least 1,250 hours during the twelve (12) months preceding the start of the leave.~~

~~Family Medical Leave may also be approved for up to twenty six (26) weeks in a twelve (12) month period for a qualifying military exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty, or to care for a covered service member.~~

~~The City of Watertown uses a "rolling" twelve (12) month period measured forward from the first day the employee uses any FMLA leave to determine eligibility for, and availability of, leave time under FMLA. To determine if an employee is eligible for FMLA leave during any given work week on a "rolling year" basis, one looks back over the twelve (12) months immediately preceding that week. Applicable sick leave benefits and leave resulting from Workers' Compensation claims will be included in the twelve (12) week period allowed. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the FMLA. The fact that a holiday may occur within a workweek taken as FMLA leave without pay has no effect; the week will be counted as a week of FMLA leave.~~

~~Employees can request job protected FMLA leave status for a period of "incapacity" of more than three (3) calendar days for FMLA eligible absences. However, employees will be required to be on an approved leave of absence and complete leave of absence paperwork for paid and/or unpaid absences in excess of three (3) calendar days. Employees must provide sufficient and complete information regarding the reason they are requesting leave, the timing of the leave, and when they are expected to return to work. Employees may not prospectively waive their FMLA rights.~~

~~If the accrued number of leave hours is fewer than twelve (12) weeks (or twenty-six (26) weeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran), the additional weeks of leave necessary to obtain the twelve (12) workweeks (or twenty-six (26) workweeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran) required under FMLA will be considered unpaid leave. If a serious health condition of the employee is involved, an employee must first use any paid medical sick leave. The employee is entitled to paid medical sick leave to care for a seriously ill family member only if authorized in accordance with the existing leave plan. Paid vacation leave may be used following the exhaustion of sick leave accruals.~~

Section 18.02 Spouses as City Employees

If both husband and wife are employed by the City, each shall have full access to twelve weeks leave with respect to their own parents and each shall have full access to twelve (12) weeks for the birth of their child or a placement with them for adoption or foster care.

Section 18.03 FMLA Qualifying Events
Eligible events limited to a total of twelve (12) workweeks include:

a) the birth of a child, or placement of a child with you for adoption or foster care;
b) employee's serious health condition;
c) employee's need to care for spouse, child, or parent due to his/her serious health condition;
d) a qualifying exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty with the Armed Forces.
    i. Qualifying exigencies include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, additional activities as the need arises.
    ii. Covered active duty means in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101 (a) (13) (B) of Title 10, United States Code.

Eligible events limited to a total of twenty-six (26) unpaid workweeks in a twelve month period:

a) next of kin of a covered service member with a serious injury or illness (next of kin includes: spouse, son or daughter, parent) which is limited to a total of twenty-six (26) workweeks of leave during a single twelve (12) month period.

Whenever the necessity of leave is foreseeable, the employee must provide thirty (30) days advance notice of his or her desire to use FMLA and shall consult with the employer when planning the medical treatment to make reasonable efforts to schedule those leaves so as not to unduly disrupt the employer's operations.

Section 18.04 Documentation and Medical Certification Required
The employer requires appropriate medical certification for a Family Medical Leave qualifying absence or for an employee leave for the employee's or family member's serious health condition, including a statement that the employee is needed to care for the family member and the amount of time needed.

Under the FMLA regulations in effect January 16, 2009, a human resources professional, leave administrator, or management official, but not the employee's immediate supervisor, may

~~contact the health care provider directly for purposes of authentication and clarification after the employer has first given the employee an opportunity to cure the deficiencies in the certification paperwork.~~

~~Employees and next of kin of covered service members utilizing family medical leave as listed in 18.03, are also required to provide documentation of the service member's serious health condition, or deployment paperwork provided by the military unit with beginning and end dates included.~~

~~The City may require an employee on Family Medical Leave to report periodically on his/her status, the intention of the employee to return to work, and periodic re-certification paperwork regarding the medical condition as allowed under federal FMLA statutes.~~

~~Section 18.05 Intermittent FMLA Usage~~

~~An employee may take Family Medical Leave on an intermittent basis because of the birth or placement of a child for adoption or foster care only if the employer agrees. Intermittent leave to care for a sick family member or the employee's own serious health condition may be taken when medically necessary, and if such intermittent leave is granted, the City may require the employee to temporarily transfer to an alternate position as defined under federal law.~~

Section 18.06 Group Health Insurance

Employees on Family Medical Leave continue to receive group health insurance coverage while they are on an approved Family Medical Leave absence. The employee will have premiums deducted for any portion of the premium cost the employee is already required to pay. The employer shall provide advance written notice of the terms and conditions in which payments must be made prior to commencement of leave. If the employee does not return to work after expiration of the approved FMLA period of leave, the employer may receive from the employee all of the premiums it paid, unless the failure to return was because of the continuation, recurrence or onset of a serious health condition of the employee or a family member as defined herein, or because of other circumstances beyond the control of the employee.

Seniority, other than to the extent authorized in Section 19.03 hereof, and any other employment benefits, will not accrue during the period of any unpaid leave.

Section 18.07 Restoration to Pre-Leave Position

If an employee returns to work upon expiration of the approved period of leave, reasonable efforts shall be made to return said employee to the same position as vacated, but the employee shall be reinstated to an equivalent position having substantially similar duties and conditions.

Section 18.08 Return to Work

Prior to returning from a continuous leave of absence (not intermittent), an employee under Family Medical Leave for their own serious health condition is required to provide the City Human Resources department a proper fitness-for-duty certification from his/her healthcare provider addressing the employee's ability to perform the essential functions of his/her pre-leave position. Medical documentation must be complete and indicate any medical restrictions the employee has, if any, to performing the essential functions of the position. If restrictions exist, such documentation must state the start and end dates that specific restricted duties are in place.

If restrictions exist, the City will assess the ability of light duty options unless a reasonable safety concern exists for doing so.

ARTICLE 19

LEAVES OF ABSENCE:

Section 19.01 Paid Leaves of Absence

An employee shall be granted a paid leave of absence from work for the following reasons:

a) Jury Duty: An employee who is called to Jury Duty shall receive full pay from the City, provided, however, that all pay received from such jury duty during a regular workday be endorsed to the City Finance Department. If the Jury Duty pay includes both worked and non-worked days, the employee shall reimburse to the City, the Jury Duty pay received for the work days only. When not engaged in actual jury service, the employee must report to work to their assigned duties. An employee summoned as a juror shall notify their immediate supervisor in advance. It is not intended by this article that the employee will receive pay unless absent on jury duty.

b) Voting: Ample time, up to two (2) hours to vote in any election with no loss of pay when the work duties of the employee with the Employer would otherwise prevent them from voting.

c) Civic Duty: Any other civic or similar duty with no loss of pay, pursuant to the prior approval of the City Manager and Fire Chief.

d) Bereavement Leave: Firefighter/EMTs, Firefighter/Paramedics, and Fire Lieutenants shall be entitled to a 24 hour leave with pay to attend the funeral for family member relationships to include: employee's spouse, child, step-child, parent, step-parent, brother, step- brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories, and/or assigned ward or legal guardianship of the employee. An additional 24 hours to be deducted from accrued sick leave may be granted with approval of the Fire Chief. Use of the additional sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

Firefighter/Paramedics EMS Assignment shall be entitled to a three (3) day leave with pay to attend the funeral for family member relationships to include: employee's spouse, child, step-child, parent, step-parent, brother, step- brother, sister, step-sister, grandparent, step-grandparent grandchild, step-grandchild, , son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories, and/or assigned ward or legal guardianship of the employee. An additional two (2) days to be deducted from accrued sick leave may be granted with approval of the Fire Chief. Use of the two (2) days additional sick leave as funeral leave benefit for family relationships is not included in the restricted hours for family illness.

~~Provisions for funeral leave for family members not included in the above family relationship list are covered under sick leave Section 17.05 (e).~~

Section 19.02 Military Leaves of Absence

a) Subject to and consistent with applicable statute or other binding rule or regulation, any member of the Bargaining Unit, who has been employed by the City for ninety (90) calendar days, who reports or performs duty in any branch of the Armed Forces of the United States, shall be entitled to reinstatement with the City, provided:

1. The employee makes written request for reinstatement to the position held prior to or within ninety (90) days of release from the service, or within ninety (90) days after a hospitalization continuing after such release for not more than one (1) year;
2. The position with the City still exists;
3. The employee is capable of discharging the duties of the position;
4. Separation from the Armed Forces was other than dishonorable;
5. The employee shall not be entitled to pay during such leave.

b) Military leave for annual duty. An employee who has served the probationary period, who is a duly qualified member of the "Reserve Component of the Armed Forces," who is a member of the "Ready Reserve," who is a member of an organized unit, and who, in order to receive military training with the Armed Forces of the United States, not to exceed fifteen (15) days in one (1) calendar year, shall be entitled to a leave of absence and shall be returned to service, provided the employee is still able to perform the duties of the position, without loss of status, pay, and seniority, provided:

1. The employee has given ten (10) days' notice prior to the time of departure, unless the circumstances under which the employee is required to report for reserve training does not permit the giving of such notice;
2. The employee has fulfilled the obligation to attend the training prescribed;
3. The employee must return to this City position immediately on being relieved from such military service, and not later than the expiration of the term herein limited for such leave, unless prevented from so returning by physical or mental disability or other cause not due to the employee's own fault, or is required by proper authority to continue in such military service beyond the time herein limited for such military leave; and
4. In case the military pay allowances for such fifteen (15) day period are less than normal wages, the difference shall be paid by the City.

An employee separated from employment pursuant to this section; who is within the probationary period at the time of such separation shall have their probationary period held in abeyance until such time as they return to regular full-time service with the City.

Section 19.03 Unpaid Leaves of Absence

An employee may be granted unpaid leaves of absence, with prior approval from the Fire Chief, for the following reasons:

a) For illness or injury up to one (1) year.
b) Resumption of education for completion or pursuit of a high school degree and/or higher education necessary for a City related position.
c) The Employer may grant a total of fifteen (15) days of leave of absence without pay per year for members of the Union to attend functions of the Union, provided such leave is requested in advance and the needs of the service will not be adversely affected by such absence. The Union may request leave of absence without pay for one employee for a period of not to exceed one (1) year elected to a Union office or is employed by the Union and required to be absent from the services of the Employer. This leave of absence may be extended for a successive period of one (1) year with the approval of the Employer. The employee shall retain accrued seniority during such leave but shall not accumulate further seniority credit.
d) Any reasonable purpose, subject to approval of the City Manager and Fire Chief.

During the leave of absence for items (a), (b), (c), or (d) the employee shall not accrue seniority except for the first thirty (30) days, but shall remain on the seniority list and from the commencement of the leave, shall accumulate no further rights for any paid leave of absence.

ARTICLE 20

INSURANCE AND BENEFITS:

Section 20.01 Group Insurance

As authorized by SDCL 9-14-30 and 9-14-32, the Employer agrees to participate with the employee in the cost of group life and group health insurance for each employee and group health insurance for the dependents of such employee. ~~The current policy of group health insurance includes two alternative plans of coverage, i.e., PPO Plan 1 and PPO Plan 2. During the term of this Agreement, the group health shall provide options for single, employee plus spouse, employee plus children and family coverage.~~

Section 20.02 Insurance Committee

An Insurance committee shall be established to review and approve any changes that are made in the existing group health insurance. This committee shall be composed of one representative chosen by each union which represents employee groups within the City of Watertown and desires to participate on the committee and one representative chosen by management of each employee group participating with the City Manager as the voting chairperson. All decisions will be made by a majority vote of this committee. It is further agreed that decisions of the committee and decisions on whether or not coverage's are "substantially similar" are the subject of the grievance procedure set forth in this contract together with all statutory rights therein.

~~**The monthly premiums paid for the above plans will be shared by the City and employees as follows:**~~

~~**PPO Plan #1**~~

- ~~The City will match the dollar amount allocated to the PPOII plans by Tier for the~~

~~contribution to the PPOI Plan ($1500 DEDUCTIBLE)~~

~~**PPO Plan #2**~~

- ~~95% City contribution to the Single Premium for PPOII Plan ($3000 DEDUCTIBLE)~~
- ~~75% City contribution to the Employee/Spouse, Employee/Children and Family Premium for PPOII Plan ($3000 DEDUCTIBLE per person)~~

~~It is agreed and understood that the amount of the contribution of the City is a negotiable item at the time of the negotiation of a new contract and shall be considered together with wages at the time of such negotiation~~.

Section 20.03 Coverage Changes

It is agreed and understood that during the term of this contract the City has the right to change companies providing the coverage set forth above, however, any new policy shall have substantially similar coverage. It is understood that the words "substantially similar" mean that there may be increased coverage in some areas and decreased coverage in others but that the total coverage(s) will be substantially similar. It is understood and agreed by and between the parties that it is not the intent of the City nor may the City reduce coverage(s) for the purposes of lowering premiums, however, it is understood and agreed that the City may, during the term of this Agreement take quotations on insurance and may select a company with a lower premium if the coverage(s) are substantially similar. ~~It is further agreed that decisions on whether or not coverage(s) are "substantially similar" are subject to the grievance procedure set forth in this contract together with all statutory rights therein.~~

Section 20.04 Retiree Health Insurance

The City agrees to provide group health coverage for each employee who retires at age 60, or at age 55 or over with 20 years of service, or after age 48 according to a “rule of 75” combining age and years of service which total 75. Such retired employees and their dependents will be included in the City’s group insurance plan at the rates charged by the insurance carrier.

The City contribution shall be as follows:

- Retiree only (single) - $60.00 per month
- Retiree plus spouse - $140.00 per month
- Retiree plus children - $120.00 per month
- Retiree Family coverage - $200.00 per month

In no event shall the contribution of the City exceed 1/2 of the cost of such premium. The City shall not be obligated to provide or pay any amount when the retired employee is eligible for Medicare.

Section 20.05 Liability Coverage

The City will provide, when allowed by statute, liability insurance coverage for employees operating during the course of their duty and acting within the scope of their employment as Firefighter/EMTs, Firefighter/Paramedics, or ambulance workers. The extent and amount of such coverage shall be at the discretion of the City Council.

Section 20.06 Dental Insurance
The City offers employees a dental plan on the basis of voluntary participation at no cost to the City.

Section 20.07 Vision Insurance
The City offers employees a vision plan on the basis of voluntary participation at no cost to the City.

Section 20.08 Optional Supplemental Retirement Fund
To promote and encourage savings for retirement,and in lieu of the employees and the City contributing to Social Security, the City agrees that if an employee desires to participate in the South Dakota Retirement System Supplemental Retirement Fund, ~~t~~that the City will match an employee's contribution up to $1500.00 per year or $125.00 per month to the South Dakota Retirement System Supplemental Retirement Fund. ~~make a contribution as follows:~~

~~Employee Contribution City Contribution~~

~~$50.00 $25.00~~
~~$40.00 $20.00~~
~~$30.00 $15.00~~
~~$20.00 $10.00~~

~~City contributions shall be by an increase in wages in the amount of the option selected by the employee.~~ Employee contributions shall be by deductions from wages ~~and the employee must sign up and designate one of the above contribution levels in the event they elect to participate~~through the payroll process.

ARTICLE 21

WAGES, SENIOR FIREFIGHTERS, AND EMT REQUIREMENT:

Section 21.01 Wages & Assignment Pay
Wages for all employees of the Union shall be paid according to Exhibit A, a pay matrix wage scale, which is attached hereto and incorporated by reference (the "~~2022~~ Pay Matrix"). ~~The Pay Matrix reflects a two and half percent (2.5%) cost-of-living adjustment applied to the 2021 pay matrix.~~

It is specifically agreed and understood by the parties that the wages paid to employees during the term of this Agreement are based on the pay grade assigned to each position using the 2019 Classification and Compensation Study commissioned by the City of Watertown. Under the Classification and Compensation Study, all positions within the City of Watertown were assigned a Grade between ~~115~~ 105 and ~~200~~205. The following positions in the Union have been assigned the following classification(s):

- Fire Lieutenant Grade 160
- Firefighter/Paramedic Grade 150
- Firefighter/Paramedic EMS Assignment Grade 150
- Firefighter/EMT Grade 145

For Calendar Year ~~2022~~2025:
Effective January 1, ~~2022~~ 2025 all current employees will receive a ~~1~~2% increase to their 2024 base salary reflecting a ~~1~~2% Cost of Living Adjustment. Employees will also move up one step (1 step) on the ~~2022~~ Pay Matrix. ~~Additionally, to address certain compression issues, if an employee's cumulative years of service to the City, divided by two, then rounded up, is a higher number than the step on which they would otherwise be placed in 2022, the employee will move up to the step equal to such higher number.~~

~~For Calendar Year 2023 and 2024:~~
Each August 1st, ~~2022 and 2023~~2026, 2027, 2028, 2029, and 2030, there will be a reopening of the contract for the purpose of discussing wages ~~and benefits for 2023 and 2024, respectively~~only.

Section 21.02 Senior Firefighter Pay
~~Three~~ An employee~~s~~ that frequently perform the duties of Fire Lieutenants, designated as ~~"senior firefighters"~~Fire Apparatus Operator 1 (FAO 1) by Fire Rescue Department management, will receive an additional $~~85~~ 100 per month. ~~Three additional~~An employee~~s~~, FAO 2 ~~–~~that occasionally (but less often than "senior firefighters") perform the duties of Fire Lieutenants, as designated by Fire Rescue Department management, will receive an additional $~~40~~ 75 per month. An employee, FAO 3, who also but less frequently performs the duties of a Fire Lieutenant as designated by Fire Rescue Department management will receive $50 per month.

Section 21.03 Paramedic Certification
The parties agree and understand that any employee hired after January 1, 2022 must become certified as a Paramedic by the National Registry of Emergency Medical Technicians within five (5) years of hire and will be responsible for all costs associated with obtaining such certification and the employee will not be permitted to accumulate any compensatory time for any time spent towards paramedic certification. Employees' work schedules will be adjusted to allow class attendance as needed.

Anyone who refuses or is unable to maintain paramedic certification for any non-medical reason or who is refused testing privileges by the certifying authority will be terminated.

Section 21.04 Direct Deposit Required
The City provides electronic posting for all payroll checks and employees need to submit to the ~~Finance~~ Human Resources Department the appropriate information for ACH direct deposit of the checking/savings account they choose. In the event an employee's banking information changes, employees shall provide notification of new account information to the ~~Finance~~ Human Resources Department by the fifteenth (15th) of the month. The City will provide a payroll statement ~~information sheet~~ to each employee with the amount deposited each payroll period. This may be provided electronically or via email.

ARTICLE 22

LONGEVITY AND PROMOTIONAL PAY:

Section 22.01 Longevity Pay Eligibility
All employees hired prior to January 1, 2022 having completed five (5) years of continuous employment with the City of Watertown shall receive, in addition to their regular pay, $8.00 per month for each year of service ("Longevity Pay"). For example, an employee with eight (8) years of service shall receive $64.00 per month. All employees hired after January 1, 2022 will not receive Longevity Pay until completing ten (10) years of continuous employment with the City.

Section 22.02 Longevity Pay Increases
Longevity pay shall be determined and increased, where appropriate, based on the first day an employee commenced full-time employment for the City. When such anniversary date occurs prior to, or on, the 15th of the month, longevity will be paid during that month based on the new years of service.

Section 22.03 Promotional Pay
Upon promotion to a higher pay grade, the promoted employee will be placed on the step in the higher pay grade that will result in the promoted employee receiving no less than a 5% increase to their base salary. This provision is in lieu of the 3.5% increase for promotions indicated in the City of Watertown ~~Personnel Policy~~Employee Handbook.

ARTICLE 23

PHYSICALS AND IMMUNIZATION:

Section 23.01 Physical Examinations
All employees are required to have a physical examination every two years conducted by a physician designated by the City. The two (2) year examination shall include an EKG, 29 panel blood test, chest x-ray and general physical and any other tests prescribed by the City's designated physician. The cost of these tests shall be paid for by the City on presentation of the bill and a determination of fitness for duty shall be furnished to the Finance Office. The Fire Chief and the Finance Officer shall make a schedule of physical examinations which shall be mutually agreeable to the parties and it is understood that the intent is that half of the employees shall be scheduled for examination in each year.

Section 23.02 Exposure to Communicable Disease
In the event that a member of the department is exposed to a communicable disease in the line of duty and a physician recommends that a certain treatment and testing be given to the employee, the City will pay for the cost of such treatment and testing if Worker's Compensation or health insurance will not cover the costs of such treatment. Where the physician also recommends that members of the employee's family who are living at home be given the treatment and testing, the

City will pay for the cost of such treatment and testing if Worker's Compensation or health insurance will not cover the costs of such treatment or testing.

Section 23.03 Vaccinations
Because the job requirements may put employees at risk, the City shall make available vaccinations, testing, and screening including, but not limited to, hepatitis, tuberculosis, influenza, and tetanus for employees. Watertown Fire Rescue Department Medical Director has authority to make recommendations over any additional vaccinations and screenings. Such shots shall not be mandatory; however, the City shall have full discretion as to the method, manner and place of making such shots available.

ARTICLE 24

NO STRIKE OR LOCKOUT:

Section 24.01 Grievance Procedures Adequate
The City and the Union agree that the grievance and arbitration procedures provided in this Agreement are adequate to provide fair and final determination of all grievances arising under the term of this contract.

Section 24.02 No Strike
During the period of this Agreement, there shall be no strikes, stoppages, slow-down, picketing or other interferences with the operations of the City, nor shall there be abstinence in whole or in part from the full, faithful and proper performance of the duties of employment by concerted action with others, all of which are hereinafter referred to as strikes.

Section 24.03 No Lockout
There shall be no lockouts during the term of this Agreement.

Section 24.04 Ability to Participate in Other Strikes
Employees may participate in a strike as long as it does not occur within the Watertown Fire Rescue Department or against the City of Watertown, and provided such participation does not disrupt the employee's ability to perform their work on assigned shifts or for call back.

ARTICLE 25

UNION DUES CHECKOFF:

Section 25.01 Union Dues/Payroll Deductions
The Employer agrees that upon receiving written authorization by the employee from the Union, the Employer will deduct all dues, initiation fees and assessments designated by the local Union. Such deductions shall be remitted by the Employer to the local Union within fifteen (15) days from the end of the month in which such deductions occurred. New- hire probationary employees shall be considered ineligible for Union participation for dues deductions by the City.

ARTICLE 26

SAVINGS CLAUSE:

Section 26.01 Separability and Savings
Should any article, section or portion thereof of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific article, section or portion thereof directly specified in the decision. Upon the issuance of such decision, the parties agree immediately to negotiate a substitute for the invalidated article, section or portion thereof.

ARTICLE 27

TERMINATION:

Section 27.01 Term of Agreement
The provisions of this Agreement shall be effective from January 1, ~~2022~~2025, and shall continue in effect until December 31, ~~2024~~2030~~30~~27.

Section 27.02 Renewal of Agreement
Negotiations for a new contract shall commence by ~~July~~ August 1, ~~2024~~2025 and by August 1st each subsequent year. The collective bargaining process will follow the standard budget calendar.

Section 27.03 Collective Bargaining
On or before June 1, ~~2024~~2030~~30~~27, either party hereto may notify the other party in writing of their desire to negotiate the terms and provisions of a successor agreement. Following such notification, conferences, and negotiations shall be carried as follows:

a) Step 1, submission of bargaining unit proposals ~~by June 1, 2024~~at a mutually agreed upon time;
~~b) Step 2, City responses by July 1, 2024, and~~
~~c)~~b) Step ~~3~~2, negotiations continue thereafter at such mutually agreeable times until an agreement is reached.

Section 27.04 Post-Expiration Life of Agreement
This Agreement shall remain in full force and effect during the period of negotiations even if negotiations continue beyond the term of this contract.

IN WITNESS WHEREOF, the parties hereto have set their hands this _____day of _____ ~~2021~~2025~~24~~.

CITY OF WATERTOWN

_____

~~Amanda Mack~~Kristen Bobzien
Interim City Manager

ATTEST:

_____

~~Kristen Bobzien~~
~~Finance Officer~~

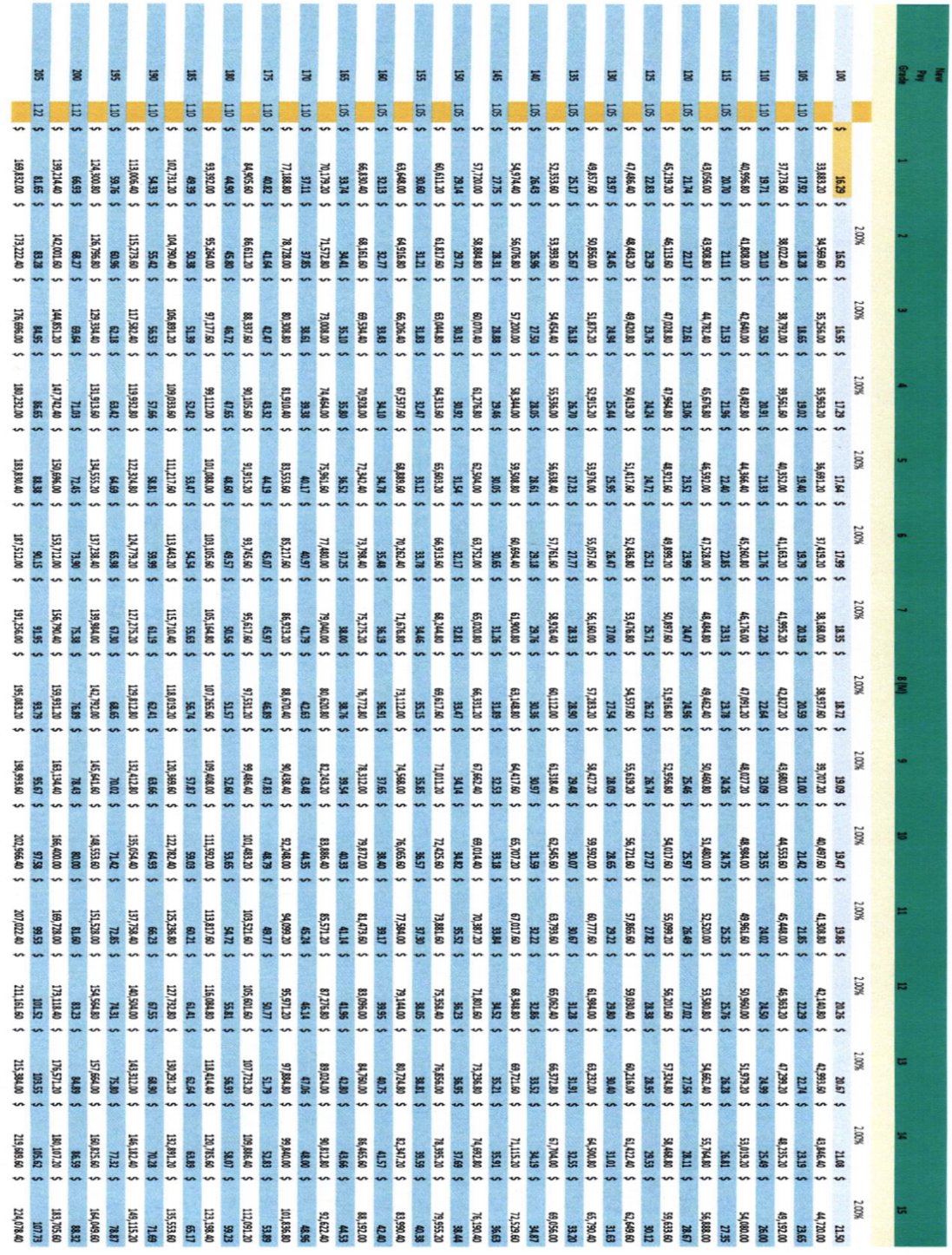
(SEAL)

LOCAL UNION 1724
INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS

_____

~~Christopher Robinson~~Tyler Gorrell
President

EXHIBIT A
WAGE MATRIX



New Pay Grade		1	2	3	4	5	6	7	8 (M)	9	10	11	12	13	14	15
			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100		$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.25	$ 20.67	$ 21.08	$ 21.50
		$ 33,883.20	$ 34,560.60	$ 35,256.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,168.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,866.40	$ 44,720.00
105	1.10	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.79	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
		$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,561.60	$ 40,352.00	$ 41,163.20	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	1.10	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.49	$ 26.00
		$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	1.05	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
		$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	1.05	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.99	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
		$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	1.05	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
		$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	1.05	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
		$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	1.05	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
		$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	1.05	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
		$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,529.60
145	1.05	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
		$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	1.05	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.69	$ 38.44
		$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	1.05	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
		$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	1.05	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
		$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	1.05	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.53
		$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	1.10	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
		$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	1.10	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
		$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,765.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	1.10	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
		$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,765.60	$ 123,198.40
185	1.10	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
		$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,553.60
190	1.10	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.99	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.69
		$ 113,006.40	$ 115,273.60	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,779.20	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	1.10	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.87
		$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	1.12	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.32
		$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	1.22	$ 81.65	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
		$ 169,832.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

EXHIBIT B
EMPLOYEE SICK LEAVE BANK REQUEST FORM

SICK LEAVE BANK EMPLOYEE REQUEST

I, _____, am requesting the use of a Sick Leave Bank for the
(print name)

following serious or life threatening illness:

_____

_____

_____

Employee Signature: _____ Date: _____

**The above information will be provided to your co-workers for donation requests.*

Request approved:

_____

SICK LEAVE BANK TRANSFER AUTHORIZATION

I, _____, hereby authorize the City of Watertown's
(print name)

payroll administrator to transfer _____ hours from my sick leave accrual
(# of hours to donate)

account to _____ sick leave account.
(person to receive the sick leave time donation)

I understand this is an unconditional, irrevocable transfer.

Employee Signature: _____ Date: _____

- *Donating employees may donate a maximum of 40 hours sick leave but may not reduce their bank below 120 hours.*

EXHIBIT B
EMPLOYEE SICK LEAVE BANK REQUEST FORM

SICK LEAVE BANK EMPLOYEE REQUEST

I, _____, am requesting the use of a Sick Leave Bank for the _____
(print name)

following serious or life threatening illness:

_____

_____

_____

Employee Signature: _____ Date: _____

**The above information will be provided to your co-workers for donation requests.*

Request approved:

_____

SICK LEAVE BANK TRANSFER AUTHORIZATION

I, _____, hereby authorize the City of Watertown's
(print name)

payroll administrator to transfer _____ hours from my sick leave accrual
(# of hours to donate)

account to _____sick leave account.
(person to receive the sick leave time donation)

I understand this is an unconditional, irrevocable transfer.

Employee Signature: _____ Date: _____

- *Donating employees may donate a maximum of 40 hours sick leave but may not reduce their bank below 120 hours.*

New Pay Grade		1	2	3	4	5	6	7	8 (M)	9	10	11	12	13	14	15
			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100		$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.26	$ 20.67	$ 21.08	$ 21.50
		$ 33,883.20	$ 34,569.60	$ 35,256.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,168.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,846.40	$ 44,720.00
105	1.10	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.79	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
		$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,561.60	$ 40,352.00	$ 41,163.20	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	1.10	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.49	$ 26.00
		$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	1.05	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
		$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	1.05	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.99	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
		$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	1.05	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
		$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	1.05	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
		$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	1.05	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
		$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	1.05	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
		$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,529.60
145	1.05	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
		$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	1.05	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.69	$ 38.44
		$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	1.05	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
		$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	1.05	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
		$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	1.05	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.53
		$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	1.10	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
		$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	1.10	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
		$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,745.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	1.10	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
		$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,785.60	$ 123,198.40
185	1.10	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
		$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,553.60
190	1.10	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.99	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.68
		$ 113,006.40	$ 115,273.60	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,779.20	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	1.10	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.87
		$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	1.12	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.32
		$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	1.22	$ 81.65	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
		$ 169,832.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

City Council

Agenda Item

Subject: Approval of the 2025-27 WPOA Collective Bargaining Agreement

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Please see attached redline version of the contract for an illustration of the revisions upon which the WPOA and the City's negotiating team have reached agreement.

Highlights:

For the purpose of recruitment and retention a change in vacation accrual was agreed upon through the negotiation process:

Annual Vacation Schedule in Hours	
Years 1 through 5	120 hours
Years 6 through 10	160 hours
Years 11 through 15	200 hours
Years 16 and beyond	240 hours

- All employees shall be allowed to accumulate 200 hours of vacation as of December 31st of each year.
- Payment of accrued vacation upon voluntary separation , termination, or retirement is based upon a maximum of 200 hours.
- In the event of an employee's death, the cash value of accrued unused sick leave not in excess of 600 hours shall be paid to the employee's designated beneficiary of record in the employee's personnel file.

FINANCIAL CONSIDERATIONS:

- All WPOA employees are moving up one step (2%) on the wage matrix, and a 2% COLA was applied to their base salary. This will result in all employees receiving approximately a 4% increase in pay.
- An amendment on supplemental retirement contributions was agreed upon as a result of negotiating wages and benefits. The City will contribute a minimum of $10/month with an employee match of $20/month to a maximum of $75/month with an employee match of $150/month.
- An adjustment from $65/month to $90/month to assignment pay for Training Officers in Patrol and E911 Communications Center.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the 2025-27 WPOA Collective Bargaining Agreement.

ATTACHMENT(S):
WPOA-2025-27-Redlined Proposal
2025 Wage Matrix

Agreement By and Between

Watertown Police Officers Association

And

City of Watertown

For the period of
January 1, ~~2022~~ 2025 to December 31, ~~2024~~2030~~30~~27

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ARTICLE 1

PREAMBLE:

The City of Watertown, South Dakota, hereinafter referred to as the City, and the Watertown Police Officers Association (WPOA) hereinafter referred to as the Bargaining Unit, do hereby agree to promote and insure harmonious relations, cooperation and understanding between the Employer and the Bargaining Unit to establish rates of pay, hours of work, and conditions of employment and to these ends the Employer agrees to provide considerate and courteous treatment of its employees and the employees directly through their representatives (Bargaining Unit) to provide the Employer loyal and efficient service.

The parties recognize that the employer has adopted a ~~Civil Service Ordinance~~Home Rule Charter pursuant to state law and that ~~such~~ the provisions of such ~~Ordinance~~ Charter are binding on the City. It is further understood that the City will not authorize changes in the ~~civil service ordinance~~Home Rule Charter or regulations from the date hereof, which vary the terms of this agreement.

ARTICLE 2

RECOGNITION:

Section 2.01 Recognition

The Employer hereby recognizes the WPOA as the sole collective bargaining representative pursuant to SDCL 3-18-3 and 3-18-5 for all of the employees employed by the Police Department of the city in the following described unit:

All eligible Police Officers of the City of Watertown, South Dakota including Police Sergeants, Police Corporals, Police Detectives, Police Officers, 911 Dispatchers - Lead, 911 Assistant Manager, and 911 Dispatchers are represented by the Bargaining Unit. The Bargaining Unit does not include the Chief, Assistant Chief~~(s)~~, Captains, ~~-~~and ~~Captains 911 Center Assistant Manager,~~ and 911 Communications Manager, as well as ~~Office~~ office and ~~Clerical~~ clerical help specifically excluded from representation by the Bargaining Unit.

Section 2.02 Amendment to Personnel Policy

The parties agree that any amendment to the existing ~~personnel policy~~employee handbook is a management right, however, the parties agree that prior to final adoption of any amendment to the ~~personnel policy~~employee handbook, a copy of the intended changes shall first be given to the bargaining unit for review and comment ~~consistent with timeline as set forth in Section 2.03 of the Personnel Policy manual~~with a posted time frame of not to exceed 14 calendar days. ~~The parties agree that while comment is sought, final adoption is the right of management and is not subject to the grievance procedure described herein except as to whether the policy violates this Agreement or any applicable Civil Service Ordinance, Regulation, or State Law. The final policy manual or policy will not be placed into effect until after such comment is considered by management. The parties agree and understand that the City Council has the final right of adoption.~~

Upon adoption of a policy manual or any amendment, each officer shall ~~be informed of and~~ receive access to an electronic copy or a hard copy retained at the department. ~~and acknowledge such receipt.~~

Section 2.03 Exclusive Representation
The City agrees not to enter into any other agreement with the employees within the Bargaining Unit, either individually, or collectively, that could be construed to conflict with any portion of this agreement.

ARTICLE 3

MANAGEMENT RIGHTS:

Section 3.01 Management Rights Statement
Except to the extent expressly modified by a specific provision of this agreement, the City reserves and retains solely and exclusively all of its statutory and common law rights to manage the operation of the Police Department of the City of Watertown, South Dakota, as such rights existed prior to the execution of this agreement with the Bargaining Unit.

Section 3.02 Management Rights
Such rights shall include but are not limited to:

1. Management.
2. Schedule working hours.
3. Establish, modify or change work schedules or standards.
4. Determine the location of any facilities, buildings, divisions, or subdivisions thereof, and the relocation, sale, leasing or closing of facilities departments, subdivisions thereof.
5. Determine the layout of buildings and equipment and materials to be used therein.
6. Determine processes, techniques, methods, and means of performing work.
7. Determine the size, character and use of inventories.
8. Determine financial policy including accounting procedure.
9. Determine the size and characteristics of the work force.
10. Determine the establishment of quality and quantity standards and the judgment of quality and quantity of work required.
11. Determine control and use of City property, materials and equipment.
12. Determine the kinds and numbers of personnel necessary.
13. Require employees, where necessary to take in service training courses during working hours.
14. Determine the necessity of overtime and the amount of overtime required.
15. Take any necessary action to carry out the mission of the city in cases of an emergency.
16. Prescribe a uniform to be worn by designated employees.

Section 3.03
To the extent that the above rights are specifically limited by the provisions of this agreement, alleged violations are subject to the grievance procedure. The exercise of management rights

shall not be used for the purpose of undermining the bargaining unit or discriminating against any employee.

ARTICLE 4

BARGAINING UNIT STATUS AND RIGHTS:

Section 4.01 Right to Organize
Eligible employees shall have the right to join and participate in the Bargaining Unit of the Watertown Police Officers Association.

Section 4.02 Right to Representation
Eligible employees shall have the right to be represented by the Bargaining Unit to negotiate collectively with the City in the determination of their conditions of employment, and the administration of grievances for the purpose of administering this agreement.

Section 4.03 Dues Deduction
The City agrees to deduct monthly Bargaining Unit dues from the wages of employees in the Bargaining Unit who voluntarily provide the City with a written authorization. Such authorization shall be irrevocable for the term of this contract, or for one year, whichever is less, and shall automatically renew for successive terms, unless written notice of revocation to the City is given at least sixty (60) days and not more than ninety (90) days before any periodic renewal date of such authorization from a designated member of the Watertown Police Officers Association. New-hire probationary employees shall be considered ineligible for WPOA participation and dues deductions.

Section 4.04 Deductions while on Leave of Absence or Layoff
Following a layoff or leave of absence, previously signed and unrevoked written authorizations shall continue to be effective. When an employee has left employment with the City and is rehired, previous authorizations shall not be considered to be effective.

Section 4.05 Remittance of Dues Deductions
Such authorization for dues deductions shall be made from the payroll period for each calendar month and will within ten (10) days be remitted to the duly designated Bargaining Unit official. The Bargaining Unit shall advise the city in writing of the name of such official.

Section 4.06 Increase in Monthly Dues
Should the Bargaining Unit increase the monthly dues, the authorization provided for in section 4.03 may be revoked by an employee serving written notice to the City and the Bargaining Unit within thirty (30) days of the effective increase.

Section 4.07 Overpayments or Dues Deductions Not Taken
The City shall remit payment for actual deductions made to the person or entity designated by the Bargaining Unit. If for any reason the City fails to make a deduction for an employee, the City shall, after receiving written notification of the error, make that deduction from the employee's next pay period in which Bargaining Unit dues are normally deducted. If the City

makes an overpayment to the Bargaining Unit, the City will deduct that amount from the next remittance to the Bargaining Unit.

Section 4.08 Bargaining Unit Time Away From Work

The City agrees that the President, Vice President, Secretary, Treasurer and trustees of the Bargaining Unit; hereinafter collectively referred to as the "Executive Board" may conduct authorized Bargaining Unit business during regular working hours as necessary. When practical the employee shall provide the Chief of Police advance notice. If these activities will have a significant effect on the City's responsibility toward the general public or the operations of the department, the Chief may deny the employee's request to conduct union business during working hours.

Section 4.09 Bargaining Unit Activities of Executive Board

The authority of the Executive Board Members so designated by the Bargaining Unit shall include:

A. The investigation and presentation of grievances with the City in accordance with the provisions of this agreement;
B. The dissemination of information to the members of the Bargaining Unit.

Section 4.10 Paid Time for Bargaining Unit Executive Board Activities

The Executive Board Members shall be permitted a reasonable time, not exceeding 1 hour per week to conduct necessary bargaining unit business during working hours without loss of pay, providing it does not interfere with efficient operation of the department, and providing that the Executive Board Members' supervisor is advised in advance of the absence. Such time spent on necessary WPOA business during duty hours shall be used in computing weekly overtime. The one (1) hour limit does not apply to contract negotiations.

Section 4.11 Bargaining Unit Visitation

Members of the Executive Board shall have reasonable access to the City's establishment and be permitted to visit and converse with employees during regular on duty hours for the purpose of adjusting disputes, investigating working conditions and ascertaining that the agreement is being adhered to; provided, however, that there is no significant effect on the City's responsibility toward the general public or the operations of the department.

Section 4.12 Bulletin Boards/Communications

Bulletin Boards, Inter-office mail, and E-mail:

A. The WPOA shall have the privilege of the use of designated bulletin boards for the purpose of posting of notices of its legitimate activities. All notices so posted shall contain a letterhead which clearly indicates that the notice relates to activities of the WPOA and a copy of any posting will be submitted to the office of the Chief of Police contemporaneous with its posting. It shall be the responsibility of the WPOA to remove notices, which are outdated or unauthorized.
B. The WPOA shall have the privilege of the reasonable use of the existing inter-office mail service for transmittal of communication for the official business of the WPOA

to its members. The use of said system shall be limited to communications within the public safety building of the Police Department. The correspondence shall contain the same letterhead and signature and submittal required of bulletin board postings.

C. The WPOA shall have the privilege of the reasonable use of the City's email system for transmittal of communications for the official business of the WPOA to its members. The use of said system shall be limited to communications within the public safety building of the Police Department and comply with and be subject to the City's existing policy on e-mail.

ARTICLE 5

LABOR MANAGEMENT COMMITTEE:

Section 5.01 Committee for Labor Management Cooperation

The parties recognize that during the period in which this Agreement is in effect, problems of administration of this agreement may arise which are not now anticipated by either party. They also recognize that during such period more mutually constructive and productive relationships are likely to exist between the City and the Bargaining Unit, among both management and non-management employees, if both the City and the Bargaining Unit continue and enlarge their respective efforts to gain a better appreciation and understanding of each other's problems and objectives. They recognize that frequently what first appear to be problems or areas of conflict and disagreements are actually the result of misunderstandings, which are cleared away upon a complete and frank exchange of viewpoints and ideas. They believe that even though limitations are being placed upon formal collective bargaining negotiations through the extended period of this Agreement, a better atmosphere in which to achieve improved day by day relations between the parties, which they both desire, can be created through meeting of the kind described below.

Section 5.02 LMC Limitations

On an as needed basis, meetings will be held during the term of this Agreement between management and the committee formed as part of this article. It is understood that such meetings will be held for the purpose of appraising and discussing the problems, if any, which may arise concerning administration, interpretation or application of the Agreement or other matters which either party believes will contribute to the improvement in the relations between them within the framework of this agreement. It is understood that such meetings shall not be for the purpose of handling grievances or conducting continuing collective bargaining negotiations, nor for any purpose, which in any way will modify, add to or detract from the provisions of this Agreement.

Section 5.03 LMC Participation

The committee shall be composed of two (2) members designated by the Bargaining Unit and the (2) members designated by the City.

Section 5.04 LMC Recordkeeping

Minutes of all meetings shall be taken by the WPOA Secretary and shall be distributed to the Employer and the Bargaining Unit to the end that both the Employer and the employees will have an understanding of the deliberations of the committee.

ARTICLE 6

NONDISCRIMINATION:

Section 6.01 Discrimination Prohibited

There shall be no discrimination against employees or applicants for employment, or advancement on account of race, creed, color, national origin, ancestry per SDCL 20 13 10, sexual orientation/gender identity, disability, protected veteran status per Uniformed Services Employment and Reemployment Rights Act, genetic information, pregnancy, sex, age, marital status, religion or any political or bargaining unit affiliation or to coerce any employee or their organization in any way.

ARTICLE 7

DISCIPLINE AND DISCHARGE:

Section 7.01 Discipline and Discharge Requirements

~~All disciplinary measures shall be consistent with Civil Service ordinance.~~ The City shall not discharge, or suspend, nor demote any employee without just cause. Prior to discharge, demotion, or suspension, the employer shall give at least one (1) warning notice of a complaint against such employee to the employee in writing and a copy of the same to the WPOA, except that no warning notice need be given to any employee before he is discharged, demoted, or suspended if the cause is:

1. Dishonesty.
2. Drinking of, or under the influence of alcoholic beverage while on duty.
3. Conviction of possession or use of drugs or narcotics, marijuana or L.S.D.
4. Recklessness resulting in serious accident while on duty. Such recklessness must be gross.
5. The carrying of unauthorized passengers while on the job.
6. Failure to report an accident.
7. Gross reckless use of a City issued firearm on or off duty.

It is understood that there are other offenses of extreme seriousness that an employee will be discharged or suspended for without a warning letter. The warning notice as herein provided shall be given to the employee with a copy to the WPOA within ten (10) days of said complaint or within ten (10) days of knowledge of said complaint and shall not remain in effect for a period of more than one (1) year from the date of said warning notice. If the employee is unavailable or otherwise cannot be personally provided the warning notice within ten (10) days as prescribed herein, providing a copy to the WPOA Representative, within ten (10) days, on behalf of the employee, will suffice.

Discharge, demotion, or suspension must be by proper written notice to the employee~~,~~ and the Bargaining Unit~~, and the Civil Service Board~~. Any employee may request an investigation of their discharge or suspension as provided in this agreement.

Section 7.02 Bargaining Unit Representation

All employees shall be afforded a reasonable opportunity to have a WPOA representative present at all intra-departmental interviews of a non-criminal matter from which discipline may result; and to be treated fairly and with the same consideration as any other person under the laws of the United States and the State of South Dakota. This section shall not preclude the Chief from relieving any employee from duty; provided, however, any employee who is disciplined, suspended or discharged and is found to have been unjustly dealt with shall be reinstated with no loss of time, or pay and with no reference of the matter to be written in their personnel file. This provision shall not limit the legal remedies available to an employee.

Any disciplinary action or measure imposed on an employee may be processed as a grievance through the regular grievance procedure. If the Employer has reason to reprimand an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public.

Section 7.03 Internal Investigation Requirements

Formal internal investigations will always be conducted with an impartial and non-biased attitude.

An employee is required to respond to all inquiries made during an interview. The employee has the obligation to answer all questions truthfully. Any refusal to answer questions is a violation of Police Department policy, and may subject the employee to disciplinary action.

Any internal investigative interview of Police Department personnel who are the subject of misconduct allegations will be in accordance with the following procedures:

1. Interview shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
2. The interview shall take place at the Watertown Police Department or at a location designated by the investigating officer or agency and in such a manner as to minimize any negative attention being brought upon the officer subject to the investigation.
3. The officer under investigation shall be informed of the name, rank and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interview.
4. The officer under investigation shall be informed of the nature of the investigation prior to any interview, and shall be informed of the name of all complainants.
5. The officer under investigation shall be given an appropriate administrative warning.
6. Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.
7. The officer under interview shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.
8. The formal interview of an officer, including all recess periods, shall be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements.

9. If the officer under investigation is under arrest, or is likely to be placed under arrest as a result of the interview, the officer shall be completely informed of all rights (Miranda Warning) prior to the commencement of the interview.
10. At their request, the officer under investigation shall have the right to be represented by counsel or any other WPOA representative of choice, who shall be present at all times during such interview whenever the interview relates to the officer's continued fitness for law enforcement duties.

Section 7.04 Unsatisfactory Work Performance
Before an employee may be disciplined for unsatisfactory work performance, a notice in writing to the employee must be given outlining the areas of work performance that must be improved. The employee will then have a minimum of thirty (30) working days to improve the performance before further action is taken. If after thirty (30) working days the work performance has not improved, the employer may take such action as may be determined appropriate, including suspension or dismissal. Any action taken pursuant to this article is subject to Article 8 (Grievance Procedure).

ARTICLE 8

GRIEVANCE PROCEDURE:

Section 8.01-Definition of Grievance
Grievance means a complaint by an employee or group of employees concerning an alleged violation, misinterpretation, or inequitable application of any existing agreements, contract, ordinances, polices, or rules of the government of the State of South Dakota or the government of any one or more of the political subdivisions thereof (as per SDCL 3-18-1.1) which complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. The employee may request that the formal representative be present. No person shall be discriminated against because of the filing or involvement in a grievance.

Section 8.02 Commencement and Presentation of Grievances
Individual employees or groups of employees shall have the right to present grievances in person or through the formal representative, provided that any settlement reached is not inconsistent with the provisions of this agreement, and the formal representative is given an opportunity to be present at such adjustments, and the grievance has been properly filed and adjusted according to the established procedure set forth in this article.

Section 8.03 Grievance Time Limits
Failure by an employee to comply with any time limitation shall constitute a withdrawal of the grievance. Failure of the City to comply with any time limitation shall constitute a settlement of the grievance in accordance with the requested remedy. It is agreed that all times may be extended by agreement of all parties, which shall not be unreasonably withheld.

Section 8.04 Step 1 Grievance Process
Within ten (10) days after the employee had knowledge of its occurrence or should have had knowledge of its occurrence, the employee and or a Bargaining Unit representative shall submit

to the department head or designee a written grievance, which shall be known as Step I. The department head or designee shall meet with the employee and/or representative, and within seven (7) days of the receipt of the grievance submit a written answer to the employee and the Bargaining Unit representative.

Section 8.05 Step 2 Grievance Process
If the employee disagrees with the decision of the department head, the employee shall file within fourteen (14) days of the notice of decision a written grievance with the City Manager, which shall be known as Step II. Within fourteen (14) days of the receipt of the grievance, the City Manager or designee will meet with the employee, who may be accompanied by a representative, to discuss the grievance. Within fourteen (14) days of this meeting a written decision will be submitted to the employee and the Bargaining Unit representative by the City Manager. Grievances raised by a group of employees by the formal representative which are of general concern regarding application or interpretation of this agreement, shall be initiated at Step II of the grievance procedure. This shall not be used to resurrect an individual grievance.

~~**Section 8.06 Step 3 Grievance Process**~~
~~If the grievance has not been satisfactorily adjusted at Step II, it shall be presented in writing to the Civil Service Board within five (5) days after the City Manager's response to the employee and/or representative, which shall be known as Step III. The Civil Service Board shall attempt to adjust the matter and shall respond in writing within seven (7) days to the bargaining unit steward and bargaining unit representative, setting a hearing date if necessary.~~

Section 8.07 Appeal to Dept. of Labor
If the employee disagrees with this decision, the employee and/or representative may, within thirty (30) days after receipt of the decision, initiate an appeal to the Department of Labor, in accordance with provisions of S.D.C.L. 3-18-15.2, subject to either party's right of appeal pursuant to S.D.C.L. Chapter 1-26. The Employee and their representative retain the right, after review by the ~~Civil Service Board~~City Manager and the Department of Labor to appeal to the Circuit Court.

Section 8.08 Time Limits Defined
All references to days in this article shall be construed to mean calendar days.

ARTICLE 9

NO STRIKE OR LOCKOUT:

Section 9.01
The City and the Bargaining Unit agree that the grievance and appeal procedures provided in this Agreement are adequate to provide fair and final determination of all grievances arising under the term of this contract.

Section 9.02 No Strike
During the period of this Agreement there shall be no strikes, stoppages, slow-down, picketing or other interferences with the operations of the City nor shall there be abstinence in whole or in

part from the full, faithful and proper performance of the duties of employment by concerted action with others, all of which are hereinafter referred to as strikes.

Section 9.03 No Lockout
There shall be no lockouts during the term of this agreement.

Section 9.04 Violations by Employees
The City may discipline or discharge any employee who engaged in a strike or otherwise participates in a strike and such action shall not be subject to grievance and arbitration upon any ground other than that the employee did not take part in the strike, either by picketing or failing to report to work on their assigned shift or under the callback provision of this Agreement, without being excused by the Chief or designee.

ARTICLE 10

SENIORITY AND PROBATIONARY EMPLOYEES:

Section 10.01 Seniority Defined
Seniority means the length of continuous service with the Police Department beginning with the latest date of hire with the City in the Police Department. Seniority shall be separate and distinct among certified and non-certified (communications officers) employees. For the purpose of selecting vacations and bidding overtime, seniority shall be determined based on an employee's continuous service within a classification. For the purpose of bidding shifts, seniority within a particular position will be controlling.

Section 10.02 Classification, Position and Assignment Seniority Defined
For the purposes of this article the terms classification, position and assignment shall be construed to mean the following:

a) Classification: Separation between certified and non-certified employees.
b) Position: Shall be construed as Police Sergeant, Police Corporal, Police Detective, Police Officer, 911 Dispatcher – Lead, and 911 Dispatcher.
c) Assignment: Shall be construed to mean School Resource Officer, Police Training Officer, Communication Training Officer, and Mental Health Officer.

Section 10.03 Seniority in Personnel Actions
Both parties are in accord that, along with other considerations, seniority should be a factor in filling vacancies, in promotions, demotions, layoffs and recalls. All actions taken in these areas shall be taken with due consideration to ability, fitness, experience, qualifications, past performance and relative seniority. If all other considerations are relatively equal seniority will prevail. The City shall be the judge of controlling considerations but shall not act arbitrarily or capriciously in its decision. If seniority is bypassed, the employee shall be furnished with written reasons therefore if requested and such affected employee may process this complaint through the grievance procedures under this Agreement.

Section 10.04 Specialized Assignments Defined

Assignment positions are those positions deemed necessary by the Chief for specialized law enforcement or communication purposes. ~~Assignment positions are not classified or defined in the Civil Service Ordinance.~~ Employees appointed to assignment positions receive assignment pay only as compensation. Their official position titles remain the title in which they are officially classified. Assignment positions are not positions exempt from the classified service. When an employee completes, leaves, or resigns from an assignment position, the assignment pay is forfeited. The Chief of Police has the discretion to remove any officer in an assignment position. Assignment positions are lateral for the purposes of transfer and removal from an assignment is not a demotion ~~in accordance with Civil Service Ordinance~~. Any removal from an assignment is not subject to the grievance procedure.

Section 10.05 Probationary Period for New Employee

Any newly-hired personnel shall be considered probationary employees for a period of one year.

The City, consistent with the needs of the department, and if required by law, will as soon as possible after employment and without loss of pay, send the sworn employees to the first Law Enforcement Officers Standards Commission school to which the officer may be admitted. Communications Officers shall also receive outside training deemed appropriate by the City. Communications Officers shall attend Basic Certification and shall receive outside training from the Police Academy for Communications Officers. The City will pay travel and subsistence in accordance with existing travel regulations.

During such probation period, the employee shall not be furnished uniforms or police equipment until satisfactory completion of courses in firearms as required by the City.

During the probationary period, employees shall have no seniority status and may be laid off or terminated at the sole discretion of the City without regard to their relative length of service. Any such lay off or termination shall not be subject to the grievance procedure. When an employee completes this probationary period as above defined, accrued seniority shall date back to the employee's date of hire.

~~Probationary employees are entitled to holiday pay provided they worked those hours required by the Employer on their last scheduled work day prior to the holiday, and must also have worked on their first scheduled work day after any holiday unless on paid leave or excused from work for some justifiable cause.~~ Not current practice. Everyone gets Holiday Pay and everyone gets Holiday Addon, but only those employees who work on the holiday get Holiday Worked.

~~If a probationary employee is scheduled or is requested to work on any holiday and does not work, they shall not be entitled to receive holiday pay, unless on vacation, sick leave or unless excused from work for some justifiable cause.~~ ~~Not current practice. We don't know their schedule.~~

Section 10.06 Seniority Lists

The City shall furnish a list of the employees within the Bargaining Unit, showing the names of all employees in the order of their seniority ranking~~. Such list will be revised and posted every~~

~~six (6) months during the term of this agreement. Protests of errors in or omissions from seniority rosters must be made, in writing, to the City within sixty (60) days from the date of the first furnishing of the list, or the list and all subsequent lists will be deemed correct for all purposes, unless incorrectly computed from the first list furnished. There shall be separate seniority lists in the classifications of certified and non- certified (communications) officers.~~ ~~when and as requested by the Bargaining Unit. Not current practice. Employee lists provided as requested.~~

Section 10.07 Loss of Seniority

Seniority and the employment relationship shall terminate when an employee:

A. Quits.
B. Is discharged for just cause.
C. Is retired.
D. Is absent for three (3) successive working days without first having notified the City, unless employee presents evidence to the satisfaction of the City that a lesser discipline is appropriate.
E. Fails to report at the end of a leave of absence including bargaining unit service and military service, or educational leave.
F. Fails to report for work following a lay off after being notified to return, unless such time is extended in writing by the City. The city shall notify employees who are to return to work after a layoff by mailing such certified mail, return receipt requested, to the last address furnished to the City by the employee, or in writing, personally delivered. Any employee thus notified must, within ten (10) days after the receipt of such notification, advise the City whether they intend to return to work. Such notice shall be sent not more than ninety (90) days prior to the recall date. The periods mentioned previously in this paragraph shall commence on the date of mailing or date personally served. Each employee shall keep a correct address on file with the City.
G. Is laid off for a continuous period of twenty four (24) months, unless such time is extended in writing by the City and requested by the employee.
H. Is absent for one (1) year because of a non-occupational illness or injury unless the employee is granted a personal leave under Article 20.
I. Is absent for thirty-six (36) months because of an occupational illness or injury, unless such time is extended in writing by the City.

Section 10.08 Reduction in Force Requirements

A layoff is the separation of any employee from the department for reasons other than any misconduct by the employee. In the event any lay-off becomes necessary, probationary employees shall be laid off first with the criteria set forth in Section 10.01 to be followed for additional layoffs.

Any employee laid off shall be given written notice where practicable, fourteen (14) calendar days in advance of such layoff. The Bargaining Unit shall also be given any such written notice.

Employees will be recalled to work in the inverse order of their layoff.

Section 10.09 Temporary Assignment and Application to Disability
When employees have a medical incapacity, or partial incapacity as a result of their employment, are not able to perform the work in the classification in which they are employed, such employees may be temporarily transferred without posting to another position or classification where there is work available and shall be paid at the rate for the job actually performed. If any employee is incapacitated and unable to continue work after use of all benefits, the employee will be encouraged to apply for disability benefits and seniority shall remain in effect in accordance with Section 10.07, subsection "H" or "I". Any determination made pursuant to this section may be contested by the employee, or representative, through the grievance procedure.

Section 10.10 Veteran's Preference
The provisions of this article and Agreement are subject to the provisions of SDCL Chapter 3-3, and all acts amendatory thereto relating to veterans' preference in employment.

Section 10.11 Filling Temporary Vacancies
The employer shall have the right to temporarily assign employees within the Bargaining Unit, irrespective of seniority status, from one job classification or position to another to cover for employees who are absent from work due to illness, accident, vacation or leave of absence for a period not to exceed thirty (30) regular scheduled working days. The employer shall further have the right to temporarily assign employees within the Bargaining Unit, irrespective of seniority status, to fill jobs or temporary vacancies and to take care of unusual conditions or situations which may arise for a period of not to exceed thirty (30) regular scheduled working days. It is understood and agreed that any employee with the classification or position temporarily assigned in accordance with the provisions of this section shall not acquire any permanent title or right to the job to which they are temporarily assigned, but shall retain seniority in the permanent classification and position from which they were assigned.

A temporary transfer which exceeds thirty (30) regularly scheduled working days in duration shall be offered in accordance with section 10.01.

When the temporary transfer is to a classification or position of an equal or lower pay grade, the employee shall receive their regular rate of pay.

When an employee is directed to temporarily serve in and accepts the responsibility for work in a classification or position of higher pay grade for longer than thirty (30) days, the employee shall receive the minimum pay for the grade of the position into which they have been temporarily assigned, or 3.5% above their current rate of pay during the period of such temporary assignment, whichever is greater.

Section 10.12 Posting of Position Vacancies
Notice of Vacancies and Positions: The employer shall post on the Bulletin Board, as provided under Section 4.12 supra, all vacancies and new positions.

Vacancies or new positions that occur within the Police Department other than probationary Police Officer shall be posted, and any eligible Police Officer having applied shall be considered. Upon request, an employee shall be provided the basis for non-selection of any position.

The position of probationary Police Officer and 911 Dispatcher shall be open to all applicants.

ARTICLE 11

HOURS OF WORK AND OVERTIME:

Section 11.01 Work Periods and Work Week--No Guarantee
This article is intended to set forth normal practices but shall not be construed to constitute a guarantee of hours per day or days per week, but the City does intend to, where practical, employ its personnel on a regular basis. It is expressly understood however, that whenever the City determines a reduction of the work force is necessary, it may so reduce employees covered under this contract.

Section 11.02 Work Periods
Regular scheduled hours of work for sworn officers and communication officers covered by this Agreement shall be forty (40) hours per week for eight (8) hour and ten (10) hour shifts, and eighty (80) hours every two weeks for twelve (12) hour shifts. All sworn officers and Communications Officers will work approximately 2080 hours in a year and this figure shall be divided into annual pay for the purpose of determining hourly wage for overtime or other benefits. Days worked and days off shall be consecutive unless mutually agreed upon between the employee and the Chief.

Section 11.03 Overtime and Required Training
It is agreed that all sworn and non-sworn officers shall maintain such certification deemed necessary by the State of South Dakota and required by the Chief or designee. It is further agreed that the Employer shall make such required training available at least once each year during each shift. Off-duty officer(s) shall attend such training, if necessary, and will be paid their overtime rate for all required training. No officer shall be required to return from vacation, sick leave or other approved leave to complete training, however if the training is required the employer will arrange for the employee to receive the training with normal pay or overtime pay if necessary.

Section 11.04 Work Performed Outside of Posted Schedule
Work schedules for each month shall be posted on bulletin boards, in the respective departments, at least seven (7) days prior to the beginning of the month. Posted work schedules shall not be changed absent some unusual condition or situation which may arise or unless an emergency is declared by the department head or shift supervisor. With the prior consent of a supervisor, employees may trade shifts within classification and position as long as the trades are done within the pay period affected and do not result in a shortage or excess of an employee's regular hours within that pay period. Any change in the posted work schedule shall be subject to the grievance procedure. Employees must be notified at least one (1) hour in advance of the shift that an emergency situation exists to avoid payment of reporting time. If an employee is not notified, reports for work and the shift is changed, they shall receive a minimum of two (2) hours work or pay, which shall be counted as regular hours worked for purposes of computing

overtime. Proper notification, as that term is used in this section, shall be deemed to include a telephone call placed to the number furnished by the employee, and leaving a message with any person answering the phone.

Section 11.05 Availability outside of Shift

Except in cases of illness or other cause satisfactory to the City,

A. No employee should refuse to work on any regular day off;
B. In the event of a holdover, no employee shall leave their duties until being relieved, or released by an immediate supervisor;
C. No employee should refuse to come to work earlier than their regular starting time. In the case of an emergency, an employee, having provided twenty four (24) hour notice to a supervisor, may be permitted to switch schedule and work times with employees of the same rank or classification.

Section 11.06 Overtime Rate/Compensatory Time

One and one-half (1 ½) times the employee's regular hourly rate, as determined by this contract and pursuant to the Fair Labor Standards Act, shall be paid for all overtime work. Authorized use of sick leave shall be considered regular hours worked for the purpose of calculating the amount of overtime work._Compensatory time at the rate of one and one-half (1 ½) times the hours actually worked may be used in place of overtime pay if mutually agreed between the employee and the Chief or designee, however, compensatory time at the rate of one and one-half times (1 ½) the hours actually worked shall be used for any overtime worked on the 4th of July celebration or any other activity sponsored by the Fraternal Order of Police provided that any such sponsored activity shall have received prior approval by the Chief of Police or designee. It is understood that such overtime hours are voluntary. Employees shall be scheduled so they have a minimum of seven (7) consecutive hours off duty between regularly scheduled full shifts. This minimum may be waived by the employee or by the employer in the event of an emergency situation, as determined by management in its good faith discretion.

Officers shall be allowed to accumulate up to a maximum of two hundred (200) hours of compensatory time.

Section 11.07 Requests for Annual Payout of Compensatory Time

Officers shall be allowed to cash-out up to forty (40) hours of compensatory time in each December under this Agreement under the following conditions/restrictions:

a) Employee must make such cash-out request in writing addressed to the Chief or the Chief's designee between December 1st and December 5th;
b) The Chief may deny or reduce the requested cash-out amount based upon budgetary restrictions or to ensure equal distribution among requesting employees;
c) Any employee who converts vacation time to compensatory time at any time during the calendar year will be ineligible to request cash-out of compensatory time during that same year;
d) Payment for hours cashed out under this section will be included with the regular December payroll.

Section 11.08 Overtime Procedures
All overtime shall be offered in accordance with Section 10.01; however, both the Employer and employee recognize that when offering overtime, continuity before and after shifts, as well as the need for a particular skill, may be considered.

Section 11.09 Off-duty Employment
No sworn officer shall engage in any off-duty security employment without having first executed a waiver in the name of the City of Watertown and the Watertown Police Department indemnifying and holding the City of Watertown harmless during any off-duty security employment.

ARTICLE 12

CALLBACKS, REPORTING, OFF DUTY COURT AND STANDBY PAY:

Section 12.01 Reporting Pay
In the event an employee reports to work on their regular shift without previously having been notified not to report, as provided in Section 12.04, supra, shall be given four (4) hours pay at their regular hourly rate. It is understood that if the City is unable to utilize an employee in their regular capacity, it may require an employee to provide service in any capacity. Employees shall keep the Employer advised at all times of their permanent addresses and telephone number(s) where they may be notified.

Section 12.02 Call Backs
Any employee who is called in to work outside their regular shift or schedule shall receive overtime for all such hours. The employee at a minimum shall receive at least two (2) hours work, or two (2) hours pay, or compensatory time at the rate of time and one-half his regular rate of pay. The two hour minimum shall not apply, however, to employees who are called in to begin work prior to the start of their shift, and work continuously into their shifts, provided the additional work does not prohibit the employee working their regular scheduled shift for that day. The provisions of this section do not apply to any employee who voluntarily alters their work schedule or who attends any non-mandatory training.

Section 12.03 Off-Duty Court Appearance Pay
All off duty court appearances resulting from official duties shall be at the rate of time and one-half for hours worked, with a minimum of two (2) hours time for reporting. If an officer is required to report for two (2) separate cases which are not taken care of at continuous times (other than lunch break) then there will be a two (2) hour minimum for each case.

Section 12.04 Stand-by Pay
The department may, but is not required to, make standby arrangements which shall be rotated among qualified employees. The employee on such standby shall keep themselves available for immediate service that may arise. The employee shall give the department a telephone number where they can be reached and be ready to respond to a call for service. They need not remain at home, but must remain within a fifteen (15) mile radius of the Watertown Regional Airport.

Standby time shall not commence until the employee assigned to such duty has completed the work on their assigned shift.

Any employee required to standby on order from the department shall receive for each such assignment one and one-half (1 ½) hours for each week day at their straight time rate of pay and two and one-half (2 ½) hours straight time pay additional for each holiday, Saturday or Sunday assigned for such duty.

Hours paid for standby shall not be counted towards overtime but an employee called to work shall be paid overtime for hours actually performed, in addition to standby time.

ARITCLE 13

REST PERIODS:

Section 13.01 Rest Periods Allowed
All employees shall receive one (1) paid fifteen (15) minute rest period and one (1) paid thirty (30) minute lunch period per shift, but only when such rest period causes no interruption in service. The City retains the right to schedule employee's rest periods. Rest periods may not be accumulated or converted into compensatory time. If any employee is not able to avail themselves of a rest period because of operation necessities, such rest period shall not be available during a subsequent work shift.

Section 13.02 Rest Period Restrictions and Notification
Rest periods shall not be taken in the first one-half (1/2) hours, nor the last one-half (1/2) hour, of an employee's shift without prior express authorization of the shift commander. Employees shall notify the dispatcher prior to beginning, and at the conclusion of, any rest period.

ARTICLE 14

TRAVEL EXPENSES:

Section 14.01 Travel Pre-Authorization Required
All travel shall be governed by City Travel regulations. No mileage, travel or other reimbursable expense shall be allowed unless authorized by the Chief or designee.

ARTICLE 15

UNIFORMS AND POLICE EQUIPMENT:

Section 15.01 Uniforms
The City agrees that if any regular employee is required to wear any kind of uniform as a condition of employment, such uniform shall be furnished by the City free of charge.

Section 15.02 Reimbursement for Damaged Vision Wear and Timepieces
The City shall reimburse the employee for glasses (including contact lenses) or watches (including bands)~~or watches (including bands)~~ broken, damaged or lost while attempting or securing any arrest or apprehension or for any other cause in the line of duty. ~~The maximum reimbursement value for watches shall be $75.00 or replacement value, whichever is less.~~ The maximum reimbursement value for watches shall be $75.00 or replacement value, whichever is less.~~–~~The maximum reimbursement value for glasses shall be $500.00 or replacement value, whichever is less. Any loss must be reported to the Supervisor prior to the termination of the employee's current shift during which the loss or damage occurred and be included in the arrest or incident report. The Chief of Police will determine if the loss is in fact in the line of duty and not by mere negligence of the employee. If the loss is determined by the Chief to be the employee's own negligence, no reimbursement will be made for said loss. The Chief's decision will be final. The Chief's decision shall not be arbitrary or capricious. This section does not affect items of personal property covered by or reimbursed pursuant to the South Dakota Workman's Compensation Laws.

Section 15.03 Protective Clothing Provided
The City shall provide protective clothing which includes, but is not limited to: parkas, caps and raincoats.

Section 15.04 Personal Safety and Police Equipment
The employer shall furnish, at no expense to the employees, police equipment and personal safety equipment which officers are required to use in connection with official duties. Personal safety equipment shall include pistols and ammunition. Unauthorized weapons shall not be carried. The City shall provide body armor as part of the on duty uniform requirement. The City shall replace such body armor in accordance with Threat level III guidelines or other generally accepted law enforcement standard governing the recommended timing for replacement of body armor.

Section 15.05 Conditions of Use for Uniforms and Equipment
All uniforms and equipment issued by the City shall remain property of the City, and shall be used only in connection with duties required by the City. Prior to City providing the replacement of any item, the employee shall return the issued article. Maintenance and cleaning of all equipment shall be the responsibility of the employee. Repairs or replacements due to normal use or wear shall be the responsibility of the City. No alterations to any equipment shall be done by an officer without express written consent of the Chief or designee.

Section 15.06 Not Subject to Grievance
The sufficiency of such furnishing of the City shall not be a subject to the grievance procedure, but shall be the subject of discussions in the Labor Management Committee.

Section 15.07 Replacement of Furnished Items
Any equipment damaged by gross negligence will be replaced by the employee at their own expense.

Section 15.08 City Property upon Termination
Any item issued pursuant to this article shall be returned to the City upon termination or separation from employment and prior to settlement of wages or other payments due.

Section 15.09 Detectives Clothing Allowance
Detectives, if working in plain clothes, shall be allowed a clothing allowance up to a maximum amount of Three-Hundred Fifty Dollars ($350.00) per year. The Chief or designee shall determine which detectives shall work in plain clothes. The clothing allowance as provided for herein, shall be remitted to detective(s) ~~on the basis of receipts submitted to the Finance Office~~in their January payroll in an amount not to exceed Three-Hundred Fifty Dollars ($350.00). ~~Said amount will be reimbursed in a timely manner pursuant to Finance Office Policy. Any reimbursement amount not claimed by any detective prior to the end of any fiscal year during the term of this agreement shall be deemed waived.~~

Section 15.10 Sworn Officer Cell Phone Allowance
All Police Officers, Police Corporals, Police Detectives, and Police Sergeants shall receive a cell phone stipend of Forty Dollars ($40.00) per month, subject to applicable taxes and withholdings, and paid through normal payroll practices.

ARTICLE 16

VACATIONS:

Section 16.01 Vacation Use/Accrual Schedule
All full time employees shall be entitled to annual vacation leave in accordance with the following schedule:

A. Starting Year 1 through Year ~~6~~ 5 -- ~~Eighty~~ One hundred twenty (~~80~~120) hours;
B. Starting Year ~~7~~ 6 through Year ~~13~~ 10 -- One hundred ~~twenty~~ sixty (~~120~~160) hours;
C. Starting Year ~~14~~ 11 through Year ~~19~~ 15 -- ~~One~~ two hundred ~~sixty~~ (~~160~~200) hours;
D. Starting Year ~~20~~ 16 and beyond -- Two hundred forty (~~200~~240) hours.

No employee may use accrued vacation within the first ninety (90) days of employment.

Section 16.02 Vacation Available for Use
All vacation hours earned shall be credited to an employees' vacation account as accrued on the 15th day of each month and new monthly accruals can only be used after the 15th of the month

Section 16.03 Vacation Approval and Staffing Requirements
Vacations will when possible, be granted at the time scheduled by the employee, unless operational necessity requires a full staff. Any dispute as to operational necessity may be presented at Step II of the grievance procedure. If it becomes necessary to limit the number of employees on vacation at any time or in the event of any conflict over vacation periods, the employee with the most seniority shall be given their choice of vacation period, consistent with

this paragraph. No more than one officer from each shift shall be on vacation at the same time unless approved by the Chief or designee.

Section 16.04 Vacation Conversion to Compensatory Time

Between December 1st and 5th of each year, any employee may elect to have up to sixteen (16) hours of accumulated, but unused vacation time converted to compensation time. Additionally, between July 1st and July 3rd of each year, any officer may elect to have up to eight (8) hours of vacation time converted to compensation time. Such election shall be in writing to the Chief or his designee and not revocable thereafter. Such converted hours are "one for one" and are not subject to the compensation time rules of this contract or the Fair Labor Standards Act.

Section 16.05 Annual Vacation Selection Process

On or about ~~January 3rd~~December 1stJanuary 3rd of each year, the Chief or designee will circulate forms to sworn employees on each separate shift with the rank of Sergeant and below so they may list their choice of vacation periods during the calendar year. Among Communications Officers, selecting vacation shall be done solely on the basis of seniority and not on individually scheduled work shifts. Employees will be notified, in writing, on or about ~~January 3rd~~December 1stJanuary 3rd of each year during this agreement, the date on which they will individually be required to submit their vacation form(s) to the Chief's designee. No employee will be permitted to submit an initial vacation form listing more than one starting or more than one ending date. Failure of any employee to submit a vacation request prior to the deadline as described herein, will constitute a waiver of the employee's right to make a vacation selection until the process is again repeated on the basis of seniority.

Further, commencing on or about ~~January 3rd~~December 1st–January 3rd of each year during the term of this Agreement, the Chief or designee will conspicuously post and continuously update a yearly calendar clearly showing those vacation times selected by employees in the manner provided under this section. Such conspicuous posting will afford all employees an opportunity to determine which vacation dates remain available during any calendar year prior to making the selection and submitting their form. Employees will be permitted to provide the department a written proxy authorizing another named employee to submit their vacation request form in their absence. All vacation times selected must be on the basis of the unused and accrued vacation for which the employee would be eligible at the commencement of the time selected. After all employees have been provided an opportunity to make a vacation selection, the selection process will be repeated in a manner identical to the first selection process.

Vacation selected during the months of January, February and March is considered *open* and are not subject to the selection process. During these open months, employees may, on a first come first serve basis, regardless of seniority, select vacation. *Open month* vacation requests shall be granted by the employer provided the employee submits such requests at least one (1) month in advance of, but not more than one (1) year before, the start date of the intended vacation. Open month vacation selections shall not count toward an employee's two vacation selections, but rather are in addition to the selection process.

The remainder of an employee's unused and accrued vacation time may be taken in increments of not less than one (1) hour. After the vacation schedule has been posted, no employee may

take more than two days of vacation without the express consent of the Chief. At least twenty four (24) hour notice must be given by any employee requesting sixteen (16) or twenty (20) hours of vacation time unless permitted by a supervisor. Compensation time may not be used in conjunction with vacation time unless approved by the Chief or designee, which approval shall not be unreasonably withheld.

Section 16.06 Vacation Pay Rate
Vacation pay shall be at the employee's regular hourly rate of pay at the time the vacation is taken.

Section 16.07 Call Backs from Vacation Leave
Any employee required to work during a scheduled vacation shall receive pay for vacation and pay for the hours actually worked, and in addition shall be entitled to additional vacation time in an amount equal to the hours worked. Any call back from vacation shall be done solely by the Chief or designee.

Section 16.08 Vacation Maximum Accrual
All Bargaining Unit employees shall be allowed to accumulate two hundred (~~200~~240200) hours of vacation.

ARTICLE 17

HOLIDAYS:

Section 17.01 Paid Holidays
The following days are recognized as paid holidays:

New Year's Day	Independence Day
Martin Luther King Jr. Day	Labor Day
Native American Day	Veteran's Day
Memorial Day (Monday)	Thanksgiving Day
Christmas Day	President's Day
Christmas Eve	Juneteenth
Day After Thanksgiving	

Whenever any of the foregoing holidays fall on Sunday, Sunday shall be observed as the holiday. Whenever any of the foregoing holidays fall on Saturday, then Saturday shall be observed as the holiday. ~~An employee who, as part of their regular work schedule, works on Easter, shall receive additional pay hour for hour or may elect instead to receive vacation time for the Easter holiday.~~ An employee who, as part of their regular work schedule, works on Easter, shall receive additional pay hour for hour or may elect instead to receive vacation time for the Easter holiday.

~~**Section 17.02 Conditions for Holiday Pay**~~
~~Qualifications: The holidays defined in Section 17.01 shall be paid, if the following requirements are met:~~

~~A. The employee worked the hours required by the Employer on their scheduled work day prior to the holiday and on their first scheduled work day after the holiday unless on paid leave or excused for cause; and~~

~~B. An employee who is scheduled or requested to work on the holiday and does not work shall receive no holiday pay unless on vacation or sick leave or excused for cause.~~

Section 17.03 Holiday Pay Compensation

Employees shall be compensated for holidays as follows:

a) ~~If the~~An employee ~~has complied with those requirements identified in Section 17.02~~, whether regularly scheduled to work or not, ~~they~~ shall be compensated for an additional eight (8) hours of straight time pay.

b) If an employee is regularly scheduled to work on any holiday defined in Section 17.01**,** they shall receive the following pay:
   1) Regular salary for hours actually worked;
   2) Additional eight (8) hours of straight time pay provided for in 17.03(a) above; and
   3) Additional straight time pay hour for hour on the holiday (12am to 12am).

c) If an employee is not regularly scheduled to work on a holiday defined in Section 17.01, but does perform work on a holiday, they shall receive pay at the overtime (1 ½) rate for all hours of work performed in addition to the eight (8) hours of holiday pay provided for in 17.03(a) above.

d) Pay for holidays shall be included in the employees payroll check, based on the month the timesheet indicates payment is due.

ARTICLE 18

SICK LEAVE:

Section 18.01 Paid Sick Leave

All regular full time employees will be allowed to accrue sick leave. Each of the parties recognizes that sick leave is designed to provide some measure of protection to an employee who is unable to perform their regular duties by reason of illness. Each of the parties recognizes that abuse of sick leave is detrimental to the City and accordingly will be the basis for disciplinary action.

Section 18.02 Sick Leave Monthly Accruals

Sick leave shall be accrued at the rate of eight (8) hours per month for all Bargaining Unit employees, not to exceed ninety-six hours per year. An employee's sick leave account shall be credited with the accrued sick leave on the 15th of each month, such newly accrued monthly sick leave can only be used after the 15th of the month. Sick Leave may be accumulated from year to year in an unlimited amount.

Section 18.03 Sick Leave Rate of Pay and Prohibition of Use

The rate of pay for sick leave shall be the regular rate of pay. Sick leave pay shall not be paid for the following:

~~a) Self-inflicted disabilities caused by use of drugs, intoxication, willful misconduct or self-induced disability, or commission of any crime.~~ Self inflicted disabilities caused by use of drugs, intoxication, willful misconduct or self induced disability, or commission of any crime.

a)

b) Disabilities occurring in the course of gainful employment for other than the City.

Section 18.04 Notification Required

In the event of sickness, an employee must notify their supervisor as far in advance as possible, but must inform a supervisor no later than thirty (30) minutes prior to their shift unless there is an emergency. An employee may be required to submit a physician's statement to support any absence or other acceptable evidence or may suffer loss of sick leave pay for time absent.

Section 18.05 Permissible Uses of Sick Leave

Sick leave may be used to the extent of the accrued and unused sick leave as follows:

a) Family illness – for purposes of family sick leave, family member relationships include: employee's spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, sibling, and/or assigned ward of legal guardianship of the employee.;

b) Doctor or dental appointments;

c) For the birth or adoption of an employee's child.

d) Any employee accidentally injured on the job who qualifies for workers compensation pay will receive pay and/or benefits according to the following formula; Receive regular pay from the Employer for any days of work missed as a result of the injury and sign all workers compensation checks received from the insurer over to the Employer. Sick leave will be deducted from the balance available to the employee at the rate of 1:3 (for example: one (1) hour of sick leave deducted for every three hours of work missed). The Employer will allow such use of sick leave up to the maximum number of hours of sick leave available to the employee. In the event an employee choosing this option exhausts all available sick leave prior to returning to work, then upon such occurrence, the following provisions shall thereafter apply:

    i. The employee with no available sick leave will accept workers compensation payment from the insurer as full compensation with no leave time charged to any leave balance (sick leave, vacation leave, compensatory time) and no pay from the Employer. In the event an employee receives benefits pursuant to this provision, employee will be eligible for benefits only to the extent provided for under the Employer's personnel policy governing leaves of absence without pay.

~~e) Employees shall be entitled to three (3) days deducted from accrued sick leave to attend the funeral of the following relationships: son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories. An additional two (2) days may be used with approval of the supervisor.~~

Section 18.06 Sick Leave Pay upon Retirement

~~For employees hired before January 1, 2024 An employee~~ An employee who ~~has have~~has completed at least ten (10) years of service with the City of Watertown and is determined eligible for retirement in accordance with eligibility requirements of the South Dakota Retirement System (SDRS) or has completed 20 years of service, such eligible employee can receive payment for accrued unused sick leave not in excess of six hundred (600) hours. Deposits to the South Dakota Retirement System, hereinafter referred to as SDRS, for the cash value of unused accrued sick leave are subject to limits of the Internal Revenue Service (IRS) Code Section 415, and the eligibility as set forth by the SDRS.

Employees who are determined not eligible for deposit of unused accrued sick leave cash payouts to the employee retirement plan under SDRS, as determined by SDRS, but are eligible for retirement as determined by SDRS, will receive the cash value of accrued unused sick leave not in excess of six hundred (600) hours. Such payout will be provided by the City to the employee through the payroll process.

To be eligible for Sick Leave Pay at Retirement, employees must have completed a minimum of ten (10) years of service with the City of Watertown.

Section 18.07 Sick Leave Pay Death Benefit

In the ~~case~~ event of the death of an employee, ~~all~~ the cash value of unused, accrued sick leave not in excess of six hundred (600) hours shall be paid to the employee's designated beneficiary.

Section 18.08 Sick Leave Pay upon Termination

In the event of voluntary separation by the employee ~~the employee will receive a payout of up to eighty (80) hours of accrued unused sick leave if the employee has successfully completed their probationary period. or in~~ In or in the event an employee is discharged for just cause, all unused and accrued sick leave shall be forfeited unless employee was eligible for retirement.

Section 18.09 Pregnancy and Parenting Leave

Employees who meet the requirements for Family Medical Leave Act hereinafter referred to as FMLA, as defined by the Department of Labor, Wage and Hour Division CFR 29 Part 825, shall be offered Family Medical Leave for an employee's own pregnancy and/or the birth or adoption of a child, as well as parenting leave. The entitlements of the FMLA are recited in CFR 29 Part 825 as noted above. FMLA is administered by Human Resources.

Those employees who do not meet the eligibility requirements for FMLA, and are on an approved leave of absence for pregnancy or parenting leave, are subject to the policies governing paid and unpaid leaves of absence as set forth in Article 20.

~~a) Pregnancy- Pregnancy is cause for use of sick leave, annual leave or leave without pay. The type of leave taken is up to the employee with the approval of the department head.~~

~~Pregnancy will be treated as any other temporary disability or illness. During the pregnancy, or after the birth of the child, if the medical provider determines the~~

employee is incapacitated and/or temporarily unable to work due to health concerns, the department head/supervisor shall not allow the employee to work until the employee provides medical documentation from the medical provider of work limitations to performing essential duties, and/or if restricted duty is ordered. If restrictions are imposed, the medical documentation must state how long the temporary restrictions will be in place. If the employee does not have any medical limitations or restrictions to performing duties, the documentation must indicate "no restrictions."

If restrictions exist, the supervisor may work with the employee to determine available work tasks included in the employee's normal duties to the extent possible and provide temporary accommodations to the essential functions while the employee is on temporary restrictions. Use of sick leave shall be used in accordance with Section 18.05.

b) Parenting Leave- Leave following the birth or adoption of a child is defined as Parenting Leave. The amount of leave taken for parenting leave following the birth or adoption of a child, is to be requested by the employee and approved by the department head. The department head will take into account such factors as the amount of accrued leave available, the work load and the health of the employee based on a medical provider's statement. Additionally, if the employee has taken pregnancy and parenting leave consecutively following the birth of the child (not returned to work after child was born), the parenting employee on medical leave of absence shall provide documentation by the medical provider regarding the ability to return to work with or without restrictions. If restrictions exist, the medical documentation must include the length of time any restrictions are in place. Medical documentation must be submitted to the department head or supervisor and immediately turned in to Human Resources, prior to returning to work.

c) Return to Position Upon Return From Approved Leave- Employees who are given a leaves of absence due to pregnancy and return to work within the time approved by the department head, seniority permitting, shall be assigned to available work in the classification they permanently occupied and at the rate of pay that they were receiving at the time the leave of absence was granted. It is understood that upon return, the work to which they are assigned may not necessarily be in the work function in which they were employed at the start of such leave of absence.

Section 18.10 Sick Leave Bank

In the event that a need arises for an employee to request leave from the sick leave bank the process established in the Employee Handbook will be followed. (The City is working on updating that section of the Employee Handbook.)an employee has a serious or life threatening illness, the employee or Department Head may submit a request for the Sick Leave Bank by completing the required form which is appended to this document. The completed Sick Leave Bank Request Form will be submitted to the City Finance Office.

~~The Sick Leave Bank Request Form should also include any relevant information the applicant wishes to disclose to the committee and donating employees related to his/her condition. It should be noted that the employee's signature on the Sick Leave Bank Request Form authorizes release of the information the employee has elected to disclose.~~

~~The Sick Leave Bank Committee will review the request form to determine eligibility to receive donated hours from other employees. The Committee shall consist of union members. The Committee will determine if the applicant is approved for donations. Following committee approval the request must then be approved by the Department Head and Human Resources. This process is not subject to the grievance procedure.~~

~~The Committee will notify the employee requesting the Sick Leave Bank donations of approval or denial of request. If approved, the Union will post the completed Sick Leave Bank Request Form to solicit for donations via department bulletin board or email. The Union will collect donation forms and inform approved employee and management when maximum donations have been received, or donation period has ended. Once all donation forms have been received, the Union will submit them to the Finance Office for payroll processing.~~

~~Upon approval, the following guidelines apply:~~

- ~~Maximum of two hundred (200) hours of donated time.~~
- ~~No requests for less than five (5) working days will be accepted, unless those days are to be added on to an already in progress leave of more than ten (10) days.~~
- ~~Employees approved for donations must use all sick leave, vacation and compensatory time prior to receiving any donated hours.~~
- ~~Donating employees are allowed to donate a maximum of forty (40) hours; the donating employee's sick leave accrual balance cannot be less than one hundred twenty (200) hours after donating sick leave.~~

~~If request is denied, a letter will be provided to the requesting employee via email or hand delivery.~~

In the event an employee has a serious or life threatening illness, the employee or Department Head may submit a request for the Sick Leave Bank by completing the required form which is appended to this document. The completed Sick Leave Bank Request Form will be submitted to the City Finance Office.

The Sick Leave Bank Request Form should also include any relevant information the applicant wishes to disclose to the committee and donating employees related to his/her condition. It should be noted that the employee's signature on the Sick Leave Bank Request Form authorizes release of the information the employee has elected to disclose.

The Sick Leave Bank Committee will review the request form to determine eligibility to receive donated hours from other employees. The Committee shall consist of union members. The Committee will determine if the applicant is approved for donations. Following committee approval the request must then be approved by the Department Head and Human Resources. This process is not subject to the grievance procedure.

The Committee will notify the employee requesting the Sick Leave Bank donations of approval or denial of request. If approved, the Union will post the completed Sick Leave Bank Request Form to solicit for donations via department bulletin board or email. The Union will collect donation forms and inform approved employee and management when maximum donations have been

received, or donation period has ended. Once all donation forms have been received, the Union will submit them to the Finance Office for payroll processing.
Upon approval, the following guidelines apply:
• Maximum of two hundred (200) hours of donated time.
• No requests for less than five (5) working days will be accepted, unless those days are to be added on to an already in progress leave of more than ten (I 0) days.
• Employees approved for donations must use all sick leave, vacation and compensatory time prior to receiving any donated hours.
• Donating employees are allowed to donate a maximum of forty (40) hours; the donating employee's sick leave accrual balance cannot be less than one hundred twenty (200) hours after donating sick leave.
If request is denied, a letter will be provided to the requesting employee via email or hand delivery.

ARTICLE 19

FAMILY MEDICAL LEAVE ACT (FMLA):

Family and Medical Leave Act
The City of Watertown having in excess of 50 employees is governed by and will comply with the Family and Medical Leave Act of 1993 as well as any subsequent amendments and/or modifications to the law.

Consistent with the provisions of the federal Family Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Act of 2008, an eligible employee and covered care giver may be entitled to up to twenty-six (26) weeks of unpaid Military Care Giver Leave during any twelve (12) month period to provide care for a recovering service member or eligible veteran.
Eligible employees with a spouse, child, or parent on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including a member of the National Guard or Reserves) in support of a contingency operation may take up to twelve (12) work weeks of unpaid normal FMLA leave because of any "Qualifying Exigency." The City shall post the most current mandated poster for employees to review and serve as a guide for FMLA coverage.

Section 19.01 FMLA Eligibility and Leave Allowances

~~Consistent with the provisions of the federal Family and Medical Leave Act (FMLA) of 1993, an eligible employee may be entitled to up to twelve (12) workweeks of unpaid job protected leave within any twelve (12) month period of employment when specific conditions are met. Please contact Human Resources for conditions required. To be eligible to take Family Medical Leave, the employee must have worked for the City of Watertown for at least twelve (12) months and at least 1,250 hours during the twelve (12) months preceding the start of the leave.~~

~~Family Medical Leave may also be approved for up to twenty six (26) weeks in a twelve (12) month period for a qualifying military exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty, or to care for a covered service member.~~

~~The City of Watertown uses a rolling twelve (12) month period, measured forward from the first day the employee first uses any FMLA leave to determine eligibility for, and availability of, leave time under FMLA. To determine if an employee is eligible for FMLA leave during any given work week on a "rolling year" basis, one looks back over the twelve (12) months immediately preceding that week. Applicable sick leave benefits and leave resulting from Workers' Compensation claims will be included in the twelve (12) week period allowed. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the FMLA. The fact that a holiday may occur within a workweek taken as FMLA leave without pay has no effect; the week will be counted as a week of FMLA leave.~~

~~Employees can request job protected FMLA leave status for a period of "incapacity" of more than three (3) calendar days for FMLA eligible absences. However, employees will be required to be on an approved leave of absence and complete leave of absence paperwork for paid and/or unpaid absences in excess of three (3) calendar days. Employees must provide sufficient and complete information regarding the reason they are requesting leave, the timing of the leave, and when they are expected to return to work. Employees may not prospectively waive their FMLA rights.~~

~~If the accrued number of leave hours is fewer than twelve (12) weeks (or twenty-six (26) weeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran), the additional weeks of leave necessary to obtain the twelve (12) workweeks (or twenty-six (26) workweeks in the case of a Military Caregiver Leave for a covered service member or eligible veteran) required under FMLA will be considered unpaid leave. If a serious health condition of the employee is involved, an employee must first use any paid medical sick leave. The employee is entitled to paid medical sick leave to care for a seriously ill family member only if authorized in accordance with the existing leave plan. Paid vacation leave may be used following the exhaustion of sick leave accruals.~~

Section 19.02 Spouses as City Employees

If both husband and wife are employed by the City, each shall have full access to twelve (12) weeks leave with respect to their own parents and each shall have full access to twelve (12) weeks for the birth of their child or a placement with them for adoption or foster care.

~~**Section 19.03 FMLA Qualifying Events**~~

~~Eligible events limited to a total of twelve (12) workweeks include:~~

- ~~a) the birth of a child, or placement of a child with you for adoption or foster care;~~
- ~~b) employee's serious health condition~~
- ~~c) employee's need to care for spouse, child, or parent due to his/her serious health condition;~~
- ~~d) a qualifying exigency arising out of the fact that the employee, employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty with the Armed Forces.~~
  - ~~i. Qualifying exigencies include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment~~

activities, additional activities as the need arises.

ii. Covered active duty means in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101 (a) (13) (B) of Title 10, United States Code.

Eligible events limited to a total of twenty six (26) unpaid workweeks in a twelve month period:

a) next of kin of a covered service member with a serious injury or illness (next of kin includes: spouse, son or daughter, parent) which is limited to a total of twenty-six (26) workweeks of leave during a single twelve (12) month period.

Whenever the necessity of leave is foreseeable, the employee must provide thirty (30) days advance notice of his or her desire to use FMLA and shall consult with the employer when planning the medical treatment to make reasonable efforts to schedule those leaves so as not to unduly disrupt the employer's operations.

Section 19.04 Documentation and Medical Certification Required

The employer requires appropriate medical certification for a Family Medical Leave qualifying absence or for an employee leave for the employee's or family member's serious health condition, including a statement that the employee is needed to care for the family member and the amount of time needed.

Under the FMLA regulations in effect January 16, 2009, a human resources professional, leave administrator, or management official, but not the employee's immediate supervisor, may contact the health care provider directly for purposes of authentication and clarification after the employer has first given the employee an opportunity to cure the deficiencies in the certification paperwork.

Employees and next of kin of covered service members utilizing family medical leave as listed in 18.03, are also required to provide documentation of the service member's serious health condition, or deployment paperwork provided by the military unit with beginning and end dates included.

The City may require an employee on Family Medical Leave to report periodically on his/her status, the intention of the employee to return to work, and periodic re-certification paperwork regarding the medical condition as allowed under federal FMLA statutes.

Section 19.05 Intermittent FMLA Usage

An employee can take Family Medical Leave on an intermittent basis because of the birth or placement of a child for adoption or foster care only if the employer agrees. Intermittent leave to care for a sick family member or the employee's own serious health condition may be taken when medically necessary, and if such intermittent leave is granted, the City may require the employee to temporarily transfer to an alternate position as defined under federal law.

Section 19.06 Group Health Insurance
Employees on Family Medical Leave continue to receive group health insurance coverage while they are on an approved Family Medical Leave absence. The employee will have premiums deducted for any portion of the premium cost the employee is already required to pay. The employer shall provide advance written notice of the terms and conditions in which payments must be made prior to commencement of leave. If the employee does not return to work after expiration of the approved period of leave, the employer may receive from the employee all of the premiums it paid, unless the failure to return was because of the continuation, recurrence or onset of a serious health condition of the employee or a family member as defined herein, or because of other circumstances beyond the control of the employee.

Seniority, other than to the extent authorized in Section 10.06 (H) or authorized in Section 20.02, and any other employment benefits will not accrue during the period of any unpaid Family Medical Leave.

Section 19.07 Restoration to Pre-Leave Position
If an employee returns to work upon expiration of the entitled period of leave, reasonable efforts shall be made to return said employee to the same position as vacated, but the employee shall be reinstated to an equivalent position having substantially similar duties and conditions.

Section 19.08 Return to Work
Prior to returning from a continuous leave of absence (not intermittent), an employee under Family Medical Leave for their own serious health condition is required to provide the City Human Resources department a proper fitness-for-duty certification from his/her healthcare provider addressing the employee's ability to perform the essential functions of his/her pre-leave position. Medical documentation must be complete and indicate any medical restrictions the employee has, if any, to performing the essential functions of the position. If restrictions exist, such documentation must state the start and end dates that specific restricted duties are in place. If restrictions exist, the City will assess the ability of light duty options unless a reasonable safety concern exists for doing so.

ARTICLE 20

LEAVES OF ABSENCE:

Section 20.01 Paid Leaves of Absence
An employee shall be granted a paid leave of absence from work for the following reasons:

1. Jury Duty: An employee who is called to Jury Duty shall receive full pay from the City, provided, however, that all pay received from such jury duty during a regular workday be endorsed to the City Finance Department. If the Jury Duty pay includes both worked and non-work days, the employee shall reimburse to the City, the Jury Duty pay received for the work days only. When not engaged in actual jury service, the employee must report to work to their assigned duties. An employee summoned

as a juror shall notify their immediate supervisor in advance. It is not intended by this article that the employee will receive pay unless absent on jury duty.

2. Voting: Ample time, up to two (2) hours to vote in any election with no loss of pay when the work duties of the Employee with the City would otherwise prevent them from voting.

3. Civic Duty: Any other civic or similar duty with no loss of pay, pursuant to the prior approval of the City Manager and Department Head.

4. Bereavement Leave: Employees shall be entitled to a three (3) day leave with pay to make arrangements for the funeral, attend the funeral and/or estate planning for family member relationships to include: employee's spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, step-relatives in these same categories, and/or assigned ward or legal guardianship of the employee. The three (3) workdays do not need to be consecutive and an additional two (2) days to be deducted from accrued sick leave may be granted with approval of the department head.

~~Provisions for funeral leave for family members not included in the above family relationship list are covered under sick leave Section 18.05(E).~~

Section 20.02 Unpaid Leaves of Absence

An employee may be granted unpaid leaves of absence, with prior approval of the Department Head, for the following reasons:

a) For non-job related illness or injury up to one (1) year;
b) Resumption of education for completion or pursuit of a high school degree and/or higher education necessary for a City related position;
c) Any other reasonable purpose.

During the leave of absence for items (a) or (b) as noted above, the employee shall not accrue seniority except for the first thirty (30) days, but shall remain on the seniority list and from the commencement of the leave, shall accumulate no further rights for any paid leave of absence including sick leave, vacation or holiday pay.

An employee in an approved ***leave without pay*** status for 17 calendar days or more during any calendar month or 17 consecutive calendar days or more during any two or more consecutive months will not be entitled to receive the following employee benefits for that calendar month or the subsequent calendar months affected by the leave:

- Vacation leave accrual
- Sick leave accrual
- Longevity pay
- City contribution to supplemental retirement

Eligibility for health insurance when on a non-FMLA protected leave of absence is determined in accordance with the health insurance contract between the City and the contracted health insurance company. If an employee is not entitled to the City contribution toward the group health insurance premium while in an approved leave without pay status, the employee is responsible for the entire amount of the group health insurance premium. Such employee shall be eligible to participate in the employer's group health plan offered through rights set forth through the Consolidated Omnibus Budget Reconciliation Act health benefit provision (COBRA) which is offered to the employee on leave after exhaustion of all paid time.

Section 20.03 Military Leaves of Absence

a) Subject to and consistent with applicable statute or other binding rule or regulation, any member of the Bargaining Unit, who has been employed by the City for ninety (90) calendar days, who reports or performs duty in any branch of the Armed Forces of the United States, shall be entitled to reinstatement with the City, provided:

1. The employee makes written request for reinstatement to the position held prior to or within ninety (90) days of release from the service, or within ninety (90) days after a hospitalization continuing after such release for not more than one (1) year;
2. The position with the City still exists;
3. The employee is capable of discharging the duties of the position;
4. Separation from the Armed Forces was other than dishonorable;
5. The employee shall not be entitled to pay during such leave.

b) Military leave for annual duty. An employee who has served the probationary period, who is a duly qualified member of the "Reserve Component of the Armed Forces," who is a member of the "Ready Reserve," who is a member of an organized unit, and who, in order to receive military training with the Armed Forces of the United States, not to exceed fifteen (15) days in one (1) calendar year, shall be entitled to a leave of absence and shall be returned to service, provided the employee is still able to perform the duties of the position, without loss of status, pay, and seniority, provided:

1. The employee has given ten (10) days' notice prior to the time of departure, unless the circumstances under which the employee is required to report for reserve training does not permit the giving of such notice;
2. The employee has fulfilled the obligation to attend the training prescribed;
3. The employee must return to this City position immediately on being relieved from such military service, and not later than the expiration of the term herein limited for such leave, unless prevented from so returning by physical or mental disability or other cause not due to the employee's own fault, or is required by proper authority to continue in such military service beyond the time herein limited for such military leave; and
4. In case the military pay allowances for such fifteen (15) day period are less than normal wages, the difference shall be paid by the City.

An employee separated from employment pursuant to this section; who is within the probationary period at the time of such separation shall have their probationary period held in abeyance until such time as they return to regular full-time service with the City.

ARTICLE 21

GROUP INSURANCE AND BENEFITS:

Section 21.01 Group Health Insurance

As authorized by SDCL 9-14-30 and 9-14-32, the Employer agrees to participate with the employee in the cost of group health and group life insurance for each employee and group health insurance for the dependents of such employee. ~~The current policy of group health insurance includes two alternative plans of coverage, i.e., PPO Plan 1 and PPO Plan 2. During the term of this Agreement, the group health shall provide options for single, employee plus spouse, employee plus children and family coverage.~~

~~The monthly premiums paid for the above plans will be shared by the City and employees as follows:~~

~~**PPO Plan #1**~~

- ~~The City will match the dollar amount allocated to the PPOII plans by Tier for the contribution to the PPOI Plan ($1500 DEDUCTIBLE)~~

~~**PPO Plan #2**~~

- ~~95% City contribution to the Single Premium for PPOII Plan ($3000 DEDUCTIBLE)~~
- ~~75% City contribution to the Employee/Spouse, Employee/Children and Family Premium for PPOII Plan ($3000 DEDUCTIBLE per person)~~

~~It is agreed and understood that the amount of the contribution of the City is a negotiable item at the time of the negotiation of a new contract and shall be considered together with wages at the time of such negotiation.~~

Section 21.02 Insurance Committee

An insurance committee shall be established to review and approve any changes that are made in the existing group health and life insurance. This committee shall be composed of one representative chosen by each bargaining unit which represents employee groups within the City of Watertown and desires to participate on the committee and one representative chosen by management of each employee group participating with the City Manager as the voting chairman. All decisions will be made by a majority vote of this committee. It is further agreed that decisions of the committee and decisions on whether or not coverage's are "substantially similar" are the subject of the grievance procedure set forth in this contract together with all statutory rights therein.

Section 21.03 Coverage Changes

It is agreed and understood that during the term of this contract the City has the right to change companies providing the coverage set forth above, however, any new policy shall have

substantially similar coverage. It is understood that the words "substantially similar" mean that there may be increased coverage in some areas and decreased coverage in others but that the total coverage's will be substantially similar. It is understood and agreed by and between the parties that it is not the intent of the City nor may the City reduce coverage for the purposes of lowering premiums, however, it is understood and agreed that the City may, during the term of this Agreement, take quotations on insurance and may select a company with a lower premium if the coverage are substantially similar. It is further agreed that decisions on whether or not coverage is "substantially similar" are subject to the grievance procedure set forth in this contract together with all statutory rights therein.

Section 21.04 Retiree Health Insurance

The City agrees to provide group health coverage for each employee who retires at age 60, or at age 55 or over with 20 years of service, or after age 48 according to a "rule of 75" combining age and years of service which total 75. Such retired employees and their dependents will be included in the City's group insurance plan at the rates charged by the insurance carrier.

The City contribution shall be as follows:

- Retiree only (single) - $60.00 per month
- Retiree plus spouse - $140.00 per month
- Retiree plus children- $120.00 per month
- Retiree Family coverage - $200.00 per month

In no event shall the contribution of the City exceed 1/2 of the cost of such premium. The City shall not be obligated to provide or pay any amount when the retired employee is eligible for Medicare.

Section 21.05 Liability Coverage

The City will provide, when allowed by statute, not less than the current coverage with respect to liability insurance covering police employees during the course of their duty and acting within the scope of their employment. Such coverage is not to be less than that currently furnished.

Section 21.06 Dental Insurance

The City offers to the employee a dental plan on the basis of voluntary participation at no cost to the City.

Section 21.07 Vision Insurance

The City offers to the employees a vision plan on the basis of voluntary participation at no cost to the City.

Section 21.08 Optional Supplemental Retirement Fund

To promote and encourage savings for retirement, the City agrees that if an employee desires to participate in the South Dakota Retirement System Supplemental Retirement Fund, that the City will make a contribution as follows:

Employee Contribution	City Contribution
~~$50.00~~$20.00	–$10.00 ~~$25.00~~

~~$40.00~~$30.00	$15.00	~~$20.00~~
~~$30.00~~$40.00	$20.00	~~$15.00~~
~~$20.00~~$50.00	$25.00	~~$10.00~~
$60.00	$30.00	
$70.00	$35.00	
$80.00	$40.00	
$90.00	$45.00	
$100.00	$50.00	
$110.00	$55.00	
$120.00	$60.00	
$130.00	$65.00	
$140.00	$70.00	
$150.00	$75.00	

City Contributions shall be an increase in wages in the amount of the option selected by the employee. Employee contributions shall be by deductions from wages and the employee must sign up and designate one of the above contribution levels.

ARTICLE 22

SHIFT DIFFERENTIAL PAY:

The term "night shift" as used herein, shall be deemed to include the hours of 10:00 p.m. to 6:00 a.m., C.S.T.

Section 22.01 Night Differential Eligibility
Employees shall receive night differential pay at a rate of ~~Forty~~ One Hundred Dollars ($~~40~~100.00) per week while assigned to work night shifts as part of their regular schedule. Only employees working night shifts *as part of their regular schedule* are entitled to night differential pay.

ARTICLE 23

RIDES TO WORK:

Section 23.01 Rides to Work
Rides to work may be given at the sole discretion of the Chief in cases of hardship or severe adverse weather. The decisions of the Chief shall be final and shall not be subject to the grievance procedure.

ARTICLE 24

DAYS CITY HALL IS CLOSED:

Section 24.01 Closing of City Hall

~~On days when City Hall is~~Any City facilities which are ~~closed by official action, not including holidays listed under this Agreement, storm days, or weekends, officers who are working during such hours City Hall is closed shall receive time off in accordance with the balance of this Agreement on an hour for hour basis but not time and one-half. This clause applies only to those officers who are working during such time as City Hall is closed, not to exceed eight (8) hours, and the time off shall be granted in the sole discretion of the Chief when excess manpower is available. and~~When City facilities/departments are closed by the City Manager or their designee (e.g. during a snow emergency) and employees are sent home, employees who are required to continue working (as determined by the City Manager or designee) shall receive equal time off on an hour for hour basis identical to the numberof hours the other City facilities/departments were closed between the hours of 8:00 A.M to 5:00 P.M., not to exceed eight (8) hours. Employees of closed City facilities/departments may leave work during the hours such facility/department is declared closed and such employees will not be required to use vacation or compensation time for this time away from work. This Section does not impact policies relating to weekends, holidays, or observed holidays. This does not apply to closures for work related activities where employees are not sent home (such as city events/functions, trainings/professional development, software outages or other activities impacting customer services and triggering closures, etc.)~~T~~t~~his time is considered compensation time and may not be turned in for overtime pay. ~~The closing of City Hall by official action, is not the same as a "snow day."~~

ARTICLE 25

WAGES, PAY GRADES AND ASSIGNMENT PAY:

Section 25.01 Wages

Wages for all employees represented by the WPOA shall be paid according to Exhibit A, a pay matrix wage scale, which is attached hereto. ~~and incorporated by reference (the "2022 Pay Matrix). The 2022 Pay Matrix reflects a 2.5% cost-of-living adjustment applied to the 2021 pay matrix.~~ The pay grades for employees in this bargaining unit are as follows:

911 Dispatcher	Grade ~~120~~130
911 Dispatcher – Lead	Grade ~~125~~135
Police Officer	Grade ~~145~~150
Police Corporal	Grade ~~150~~155
Police Detective	Grade ~~150~~155
Police Sergeant	Grade 165

For Calendar Year ~~2022~~2025:

Effective January 1st, ~~2022~~ 2025 employees will receive a ~~1~~2% Cost of Living Adjustment and will move up one step (1 Step) on the ~~2022 Pay~~ wage ~~Matrix~~matrix. ~~Additionally, to address certain compression issues, if an employee's cumulative years of service to the City, divided by two, then rounded up, is a higher number than the step on which they would otherwise be placed in 2022, the employee will move up to the step equal to such higher number.~~

For Calendar Year ~~2023~~ 2026 ~~and 2024~~Through ~~2030~~:2027
Each August 1st~~, 2022 and 2023~~ of the next consecutive ~~five (5)~~three (3) years, there will be a reopening of the contract for the purpose of discussing wages ~~and benefits for 2023 and 2024, respectively~~only.

Section 25.02 Starting Pay
New employees hired on or after January 1 of each year will start at the minimum salary for their grade classification. ~~Previous law enforcement experience or previous dispatch experience may be considered in determining the starting salary of a Police Officer or a 911 Dispatcher, respectively. However, starting pay above Step 1 is only permitted with the express approval of the WPOAApplicants with related previous experience in law enforcement or dispatch may be allowed a starting pay of not more than Step 5 on the current wage matrix.~~ Previous law enforcement experience or previous dispatch experience, law enforcement education (such as the LATC LE program, or equivalent), and a bachelor's degree or higher may be considered in determining the starting salary of a Police Officer or a 911 Dispatcher, respectively. However, starting pay above Step 1 is only permitted with the express approval of the WPOA.

Section 25.03 Assignment Pay
In addition to the base salary, Assignment Pay will be provided for employees designated by the Chief under Article 10 to fill the following assignments:

Police Training Officer (Maximum of 5) - $~~65~~90.00 per month
Communications Training Officer (Maximum of 4) - $~~65~~90.00 per month
School Resource Officer (Maximum of 2) - $90.00 per month
Mental Health Officer (Maximum of 1) - $90.00 per month

ARTICLE 26

LONGEVITY:

Section 26.01 Longevity Pay Eligibility
All employees hired prior to January 1, 2022 having completed five (5) years of continuous employment with the City of Watertown shall receive, in addition to their regular pay, $8.00 per month for each year of service ("Longevity Pay"). For example, an employee with eight years of service shall receive Longevity Pay of $64.00 per month. All employees hired after January 1, 2022 will not receive Longevity Pay until completing ten (10) years of continuous employment with the City.

Section 26.02 Longevity Pay Increases
Longevity pay shall be determined and increases, where appropriate, on an employee's anniversary date of hire. When an employee's anniversary date is prior to or on the 15th, longevity will be paid during that month based on the new years of service.

ARTICLE 27

SEPARABILITY AND SAVINGS CLAUSE:

Section 27.01 Separability and Savings
If any provision of this agreement is in contravention of the laws or regulations of the United States or of the State of South Dakota, such provision shall be superseded by the appropriate provisions of such law or regulation, so long as the same is in force and effect; but all other provisions of this agreement shall continue in full force and effect. If the parties are unable to agree as to whether or not any provision hereof is in contravention of any such laws or regulations, the provisions hereof involved shall remain in effect until the court or other authority having jurisdiction in the matter settles the dispute.

ARTICLE 28

WORK RULES:

Section 28.01 Work Rule Changes
Whenever the City shall adopt any policy or procedure not already implemented or in effect at the time this agreement is executed, or adopt work rules governing operations, they shall be posted on the bulletin board and by delivery of a copy to the Bargaining Unit.

The City agrees that during the term of the Agreement it will periodically update its internal departmental policy manual or employee handbook. Prior to implementation of any new policy or amendment to any existing policy, any such policy shall first be submitted to the Bargaining Unit for comment. The parties agree that while comment is sought, final adoption is the right of management and is not subject to the grievance procedure described herein except as to whether the policy violates this Agreement or any applicable ~~Civil Service Ordinance, Regulation, or~~ State Law. ~~Upon adoption of a policy manual or any amendment, each officer shall receive a copy and acknowledge such receipt.~~

Section 28.02 Application of Rules
Any such rule adopted by the City shall be applied uniformly and without discrimination. The failure to adopt work rules shall not be regarded as authorizing employees to disregard general conditions of employment such as faithful performance of duties timely observance of posted schedules of work and following legitimate directions of supervisors with respect to the work to be performed.

Section 28.03 Work Rule Dispute Resolution
Any dispute over the reasonableness of work rules shall be first submitted to the Committee of Labor Management relations and if not there resolved shall be processed through the grievance procedure.

ARTICLE 29

TERMINATION:

Section 29.01 Term of Agreement
The provisions of this Agreement shall be effective from January 1, ~~2022~~ 2025 and shall continue in effect until December 31, ~~2024~~2030~~2027~~.

Section 29.02 Renewal of Agreement
Negotiations for a new contract shall commence by ~~July~~ August 1, ~~2024~~2030~~2027~~.

Section 29.03 Collective Bargaining
On or before June 1, ~~2024,~~2030~~2027~~ either party hereto may notify the other party in writing of their desire to negotiate the terms and provisions of a successor agreement. Following such notification, conferences, and negotiations shall be carried as follows:

a) Step 1, submission of bargaining unit proposals ~~by June 1, 2024~~at a mutually agreed upon time;
~~b) Step 2, City responses by July 1, 2024~~negotiations continue thereafter at such mutually agreeable times until an agreement is reached.~~, and~~
~~c) Step 3, negotiations continue thereafter at such mutually agreeable times until an agreement is reached.~~

Section 29.04 Post-Expiration Life of Agreement
This Agreement shall remain in full force and effect during the period of negotiations even if negotiations continue beyond the term of this contract.

IN WITNESS WHEREOF, the parties hereto have set their hands this _____day of _____, ~~2021~~2024~~2025~~.

CITY OF WATERTOWN

_____
~~Amanda Mack~~Kristen Bobzien
Interim City Manager

ATTEST:

_____
~~Kristen Bobzien~~
~~Finance Officer~~

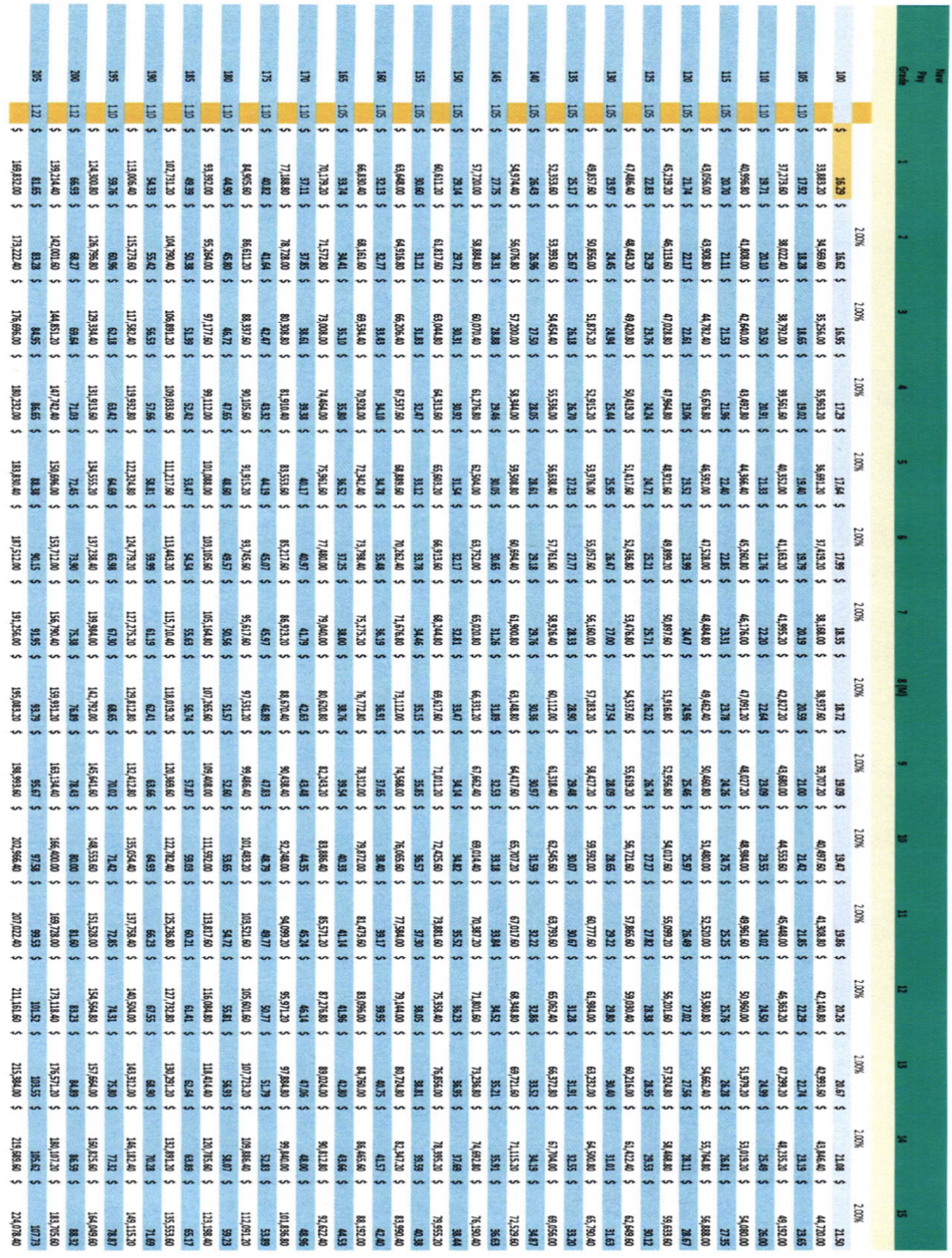
(SEAL)

WATERTOWN POLICE OFFICERS ASSOCIATION

_____
~~Travis Gutzmer~~Matt Hegg

President

EXHIBIT A
WAGE MATRIX



New Pay Grade	1	2	3	4	5	6	7	8 (M)	9	10	11	12	13	14	15
		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100	$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.26	$ 20.67	$ 21.08	$ 21.50
	$ 33,883.20	$ 34,580.60	$ 35,256.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,168.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,846.40	$ 44,720.00
105	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.78	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
	$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,582.40	$ 40,352.00	$ 41,142.40	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.48	$ 26.00
	$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
	$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.98	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
	$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
	$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
	$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
	$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
	$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,539.60
145	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
	$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.68	$ 38.44
	$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
	$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
	$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.53
	$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
	$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
	$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,765.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
	$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,765.60	$ 123,198.40
185	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
	$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,553.60
190	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.98	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.69
	$ 113,006.40	$ 115,273.60	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,758.40	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.87
	$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.32
	$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	$ 81.65	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
	$ 169,832.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

EXHIBITB
EMPLOYEE SICK LEA VE BANK REQUEST FORM

Employee Sick Leave Bank Request Form

Employee's Name: _____ Employee's Position: _____
Hours remaining of: Comp Time: ___ Vacation Time: ___ Sick Time: ___
Estimated date Employee's paid leave will be exhausted: _____
Estimated return to work date: ----------

Reason for request:
Will be released to other WPD Employees or WPOA Members (Upon approval, this information will be sent via email with request for sick leave hours)

_____
_____
_____
_____
_____
_____

Requesting how many hours: __ (max 200)
Requesting Sick Leave hours from:
Watertown Police Dept. Employees: __ WPOA Members ~nly: __

Employee Signature: _____ Date: _____

**By signing this form, the employee gives the WPOA and the City of Watertown approval to release the above medical and personal information to other employees/members in an attempt to collect hours to establish a sick leave bank.*

Form submitted to WPOA Board Member: ---------- Date: ----

WPOA President Signature: _____ Date: _____

Approved_____ Denied __ _____

Chief of Police Signature: _____ Date: _____

Approved ___ Denied ----

Human Resources Signature: _____ Date: _____

Approved ___ Denied _____

If employee of the Watertown Police Department is requesting hours be donated for a sick bank, they must complete this form. Once the form is completed, the employee must submit the form to a board member of the Watertown Police Officer's Association (WPOA). There is a list of the board members on the bulletin board by the patrol officer's mailboxes. The board will then meet and decide to approve the request. Once approved by the WPOA board, the form will be turned over to the Department Head/Chief of Police for approval. Once approved, an email will be sent out to the selected group notifying them of the request and the reason for the request. Once individuals have responded with how many hours they would like to donate, their name and the amount of hours will be randomly drawn until the requested amount of hours is met. A member/employee cannot donate more than 40 hours or go below 200 hours of sick time. The max amount of hours for the sick leave bank is 200. The employee requesting the sick bank must exhaust all of their own sick, comp, and vacation time prior to using donated sick bank hours.

To be completed by WPOA Board and submitted to Human Resources

Employee's donating sick leave: _____ Hours (max40/employee)

Print Name _____ Sign _____ Date

_____ X _____ Date _____

_____ X _____ Date _____

_____ X _____ Date _____

_____ X _____ Date _____

_____ X _____ Date _____

Total Hours (max 200) ----
*Once approved, all donated hours to employee sick bank are non-revocable

~~EXHIBIT B~~
~~EMPLOYEE SICK LEAVE BANK REQUEST FORM~~

~~Employee Sick Leave Bank Request Form~~

~~Employee's Name: _____ Employee's Position: _____~~

~~Hours remaining of: Comp Time: _____ Vacation Time: _____ Sick Time: _____~~

~~Estimated date Employee's paid leave will be exhausted: _____~~

~~Estimated return to work date: _____~~

~~Reason for request:~~
~~Will be released to other WPD Employees or WPOA Members (Upon approval, this information will be sent via email with request for sick leave hours)~~

_____
_____
_____
_____
_____
_____
_____

~~Requesting how many hours: _____ (max 200)~~

~~Requesting Sick Leave hours from:~~

~~Watertown Police Dept. Employees: _____ WPOA Members only: _____~~

Employee Signature: _____ Date: _____

**By signing this form, the employee gives the WPOA and the City of Watertown approval to release the above medical and personal information to other employees/members in an attempt to collect hours to establish a sick leave bank.*

Form submitted to WPOA Board Member: _____ Date: _____

WPOA President Signature: _____ Date: _____
Approved_____ Denied_____

Chief of Police Signature: _____ Date: _____

Approved_____ Denied_____

Page 1 of 2

Human Resources Signature: _____ Date: _____

Approved_____ Denied_____

If employee of the Watertown Police Department is requesting hours be donated for a sick bank, they must complete this form. Once the form is completed, the employee must submit the form to a board member of the Watertown Police Officer's Association (WPOA). There is a list of the board members on the bulletin board by the patrol officer's mailboxes. The board will then meet and decide to approve the request. Once approved by the WPOA board, the form will be turned over to the Department Head/Chief of Police for approval. Once approved, an email will be sent out to the selected group notifying them of the request and the reason for the request. Once individuals have responded with how many hours they would like to donate, their name and the amount of hours will be randomly drawn until the requested amount of hours is met. A member/employee cannot donate more than 40 hours or go below 200 hours of sick time. The max amount of hours for the sick leave bank is 200. The employee requesting the sick bank must exhaust all of their own sick, comp, and vacation time prior to using donated sick bank hours.

To be completed by WPOA Board and submitted to Human Resources

Employee's donating sick leave: _____ Hours (max 40/employee)

Print Name	Sign	Date
_____	X_____	_____

	X		
	X		
	X		
	X		
	X		
	X		

Total Hours (max 200)

*Once approved, all donated hours to employee sick bank are non-revocable

New Pay Grade		1	2	3	4	5	6	7	8 (M)	9	10	11	12	13	14	15
			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
100		$ 16.29	$ 16.62	$ 16.95	$ 17.29	$ 17.64	$ 17.99	$ 18.35	$ 18.72	$ 19.09	$ 19.47	$ 19.86	$ 20.26	$ 20.67	$ 21.08	$ 21.50
		$ 33,883.20	$ 34,569.60	$ 35,256.00	$ 35,963.20	$ 36,691.20	$ 37,419.20	$ 38,168.00	$ 38,937.60	$ 39,707.20	$ 40,497.60	$ 41,308.80	$ 42,140.80	$ 42,993.60	$ 43,846.40	$ 44,720.00
105	1.10	$ 17.92	$ 18.28	$ 18.65	$ 19.02	$ 19.40	$ 19.79	$ 20.19	$ 20.59	$ 21.00	$ 21.42	$ 21.85	$ 22.29	$ 22.74	$ 23.19	$ 23.65
		$ 37,273.60	$ 38,022.40	$ 38,792.00	$ 39,561.60	$ 40,352.00	$ 41,163.20	$ 41,995.20	$ 42,827.20	$ 43,680.00	$ 44,553.60	$ 45,448.00	$ 46,363.20	$ 47,299.20	$ 48,235.20	$ 49,192.00
110	1.10	$ 19.71	$ 20.10	$ 20.50	$ 20.91	$ 21.33	$ 21.76	$ 22.20	$ 22.64	$ 23.09	$ 23.55	$ 24.02	$ 24.50	$ 24.99	$ 25.49	$ 26.00
		$ 40,996.80	$ 41,808.00	$ 42,640.00	$ 43,492.80	$ 44,366.40	$ 45,260.80	$ 46,176.00	$ 47,091.20	$ 48,027.20	$ 48,984.00	$ 49,961.60	$ 50,960.00	$ 51,979.20	$ 53,019.20	$ 54,080.00
115	1.05	$ 20.70	$ 21.11	$ 21.53	$ 21.96	$ 22.40	$ 22.85	$ 23.31	$ 23.78	$ 24.26	$ 24.75	$ 25.25	$ 25.76	$ 26.28	$ 26.81	$ 27.35
		$ 43,056.00	$ 43,908.80	$ 44,782.40	$ 45,676.80	$ 46,592.00	$ 47,528.00	$ 48,484.80	$ 49,462.40	$ 50,460.80	$ 51,480.00	$ 52,520.00	$ 53,580.80	$ 54,662.40	$ 55,764.80	$ 56,888.00
120	1.05	$ 21.74	$ 22.17	$ 22.61	$ 23.06	$ 23.52	$ 23.99	$ 24.47	$ 24.96	$ 25.46	$ 25.97	$ 26.49	$ 27.02	$ 27.56	$ 28.11	$ 28.67
		$ 45,219.20	$ 46,113.60	$ 47,028.80	$ 47,964.80	$ 48,921.60	$ 49,899.20	$ 50,897.60	$ 51,916.80	$ 52,956.80	$ 54,017.60	$ 55,099.20	$ 56,201.60	$ 57,324.80	$ 58,468.80	$ 59,633.60
125	1.05	$ 22.83	$ 23.29	$ 23.76	$ 24.24	$ 24.72	$ 25.21	$ 25.71	$ 26.22	$ 26.74	$ 27.27	$ 27.82	$ 28.38	$ 28.95	$ 29.53	$ 30.12
		$ 47,486.40	$ 48,443.20	$ 49,420.80	$ 50,419.20	$ 51,417.60	$ 52,436.80	$ 53,476.80	$ 54,537.60	$ 55,619.20	$ 56,721.60	$ 57,865.60	$ 59,030.40	$ 60,216.00	$ 61,422.40	$ 62,649.60
130	1.05	$ 23.97	$ 24.45	$ 24.94	$ 25.44	$ 25.95	$ 26.47	$ 27.00	$ 27.54	$ 28.09	$ 28.65	$ 29.22	$ 29.80	$ 30.40	$ 31.01	$ 31.63
		$ 49,857.60	$ 50,856.00	$ 51,875.20	$ 52,915.20	$ 53,976.00	$ 55,057.60	$ 56,160.00	$ 57,283.20	$ 58,427.20	$ 59,592.00	$ 60,777.60	$ 61,984.00	$ 63,232.00	$ 64,500.80	$ 65,790.40
135	1.05	$ 25.17	$ 25.67	$ 26.18	$ 26.70	$ 27.23	$ 27.77	$ 28.33	$ 28.90	$ 29.48	$ 30.07	$ 30.67	$ 31.28	$ 31.91	$ 32.55	$ 33.20
		$ 52,353.60	$ 53,393.60	$ 54,454.40	$ 55,536.00	$ 56,638.40	$ 57,761.60	$ 58,926.40	$ 60,112.00	$ 61,318.40	$ 62,545.60	$ 63,793.60	$ 65,062.40	$ 66,372.80	$ 67,704.00	$ 69,056.00
140	1.05	$ 26.43	$ 26.96	$ 27.50	$ 28.05	$ 28.61	$ 29.18	$ 29.76	$ 30.36	$ 30.97	$ 31.59	$ 32.22	$ 32.86	$ 33.52	$ 34.19	$ 34.87
		$ 54,974.40	$ 56,076.80	$ 57,200.00	$ 58,344.00	$ 59,508.80	$ 60,694.40	$ 61,900.80	$ 63,148.80	$ 64,417.60	$ 65,707.20	$ 67,017.60	$ 68,348.80	$ 69,721.60	$ 71,115.20	$ 72,529.60
145	1.05	$ 27.75	$ 28.31	$ 28.88	$ 29.46	$ 30.05	$ 30.65	$ 31.26	$ 31.89	$ 32.53	$ 33.18	$ 33.84	$ 34.52	$ 35.21	$ 35.91	$ 36.63
		$ 57,720.00	$ 58,884.80	$ 60,070.40	$ 61,276.80	$ 62,504.00	$ 63,752.00	$ 65,020.80	$ 66,331.20	$ 67,662.40	$ 69,014.40	$ 70,387.20	$ 71,801.60	$ 73,236.80	$ 74,692.80	$ 76,190.40
150	1.05	$ 29.14	$ 29.72	$ 30.31	$ 30.92	$ 31.54	$ 32.17	$ 32.81	$ 33.47	$ 34.14	$ 34.82	$ 35.52	$ 36.23	$ 36.95	$ 37.69	$ 38.44
		$ 60,611.20	$ 61,817.60	$ 63,044.80	$ 64,313.60	$ 65,603.20	$ 66,913.60	$ 68,244.80	$ 69,617.60	$ 71,011.20	$ 72,425.60	$ 73,881.60	$ 75,358.40	$ 76,856.00	$ 78,395.20	$ 79,955.20
155	1.05	$ 30.60	$ 31.21	$ 31.83	$ 32.47	$ 33.12	$ 33.78	$ 34.46	$ 35.15	$ 35.85	$ 36.57	$ 37.30	$ 38.05	$ 38.81	$ 39.59	$ 40.38
		$ 63,648.00	$ 64,916.80	$ 66,206.40	$ 67,537.60	$ 68,889.60	$ 70,262.40	$ 71,676.80	$ 73,112.00	$ 74,568.00	$ 76,065.60	$ 77,584.00	$ 79,144.00	$ 80,724.80	$ 82,347.20	$ 83,990.40
160	1.05	$ 32.13	$ 32.77	$ 33.43	$ 34.10	$ 34.78	$ 35.48	$ 36.19	$ 36.91	$ 37.65	$ 38.40	$ 39.17	$ 39.95	$ 40.75	$ 41.57	$ 42.40
		$ 66,830.40	$ 68,161.60	$ 69,534.40	$ 70,928.00	$ 72,342.40	$ 73,798.40	$ 75,275.20	$ 76,772.80	$ 78,312.00	$ 79,872.00	$ 81,473.60	$ 83,096.00	$ 84,760.00	$ 86,465.60	$ 88,192.00
165	1.05	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 38.00	$ 38.76	$ 39.54	$ 40.33	$ 41.14	$ 41.96	$ 42.80	$ 43.66	$ 44.52
		$ 70,179.20	$ 71,572.80	$ 73,008.00	$ 74,464.00	$ 75,961.60	$ 77,480.00	$ 79,040.00	$ 80,620.80	$ 82,243.20	$ 83,886.40	$ 85,571.20	$ 87,276.80	$ 89,024.00	$ 90,812.80	$ 92,622.40
170	1.10	$ 37.11	$ 37.85	$ 38.61	$ 39.38	$ 40.17	$ 40.97	$ 41.79	$ 42.63	$ 43.48	$ 44.35	$ 45.24	$ 46.14	$ 47.06	$ 48.00	$ 48.96
		$ 77,188.80	$ 78,728.00	$ 80,308.80	$ 81,910.40	$ 83,553.60	$ 85,217.60	$ 86,923.20	$ 88,670.40	$ 90,438.40	$ 92,248.00	$ 94,099.20	$ 95,971.20	$ 97,884.80	$ 99,840.00	$ 101,836.80
175	1.10	$ 40.82	$ 41.64	$ 42.47	$ 43.32	$ 44.19	$ 45.07	$ 45.97	$ 46.89	$ 47.83	$ 48.79	$ 49.77	$ 50.77	$ 51.79	$ 52.83	$ 53.89
		$ 84,905.60	$ 86,611.20	$ 88,337.60	$ 90,105.60	$ 91,915.20	$ 93,745.60	$ 95,617.60	$ 97,531.20	$ 99,486.40	$ 101,483.20	$ 103,521.60	$ 105,601.60	$ 107,723.20	$ 109,886.40	$ 112,091.20
180	1.10	$ 44.90	$ 45.80	$ 46.72	$ 47.65	$ 48.60	$ 49.57	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.81	$ 56.93	$ 58.07	$ 59.23
		$ 93,392.00	$ 95,264.00	$ 97,177.60	$ 99,112.00	$ 101,088.00	$ 103,105.60	$ 105,164.80	$ 107,265.60	$ 109,408.00	$ 111,592.00	$ 113,817.60	$ 116,084.80	$ 118,414.40	$ 120,785.60	$ 123,198.40
185	1.10	$ 49.39	$ 50.38	$ 51.39	$ 52.42	$ 53.47	$ 54.54	$ 55.63	$ 56.74	$ 57.87	$ 59.03	$ 60.21	$ 61.41	$ 62.64	$ 63.89	$ 65.17
		$ 102,731.20	$ 104,790.40	$ 106,891.20	$ 109,033.60	$ 111,217.60	$ 113,443.20	$ 115,710.40	$ 118,019.20	$ 120,369.60	$ 122,782.40	$ 125,236.80	$ 127,732.80	$ 130,291.20	$ 132,891.20	$ 135,553.60
190	1.10	$ 54.33	$ 55.42	$ 56.53	$ 57.66	$ 58.81	$ 59.99	$ 61.19	$ 62.41	$ 63.66	$ 64.93	$ 66.23	$ 67.55	$ 68.90	$ 70.28	$ 71.68
		$ 113,006.40	$ 115,273.60	$ 117,582.40	$ 119,932.80	$ 122,324.80	$ 124,779.20	$ 127,275.20	$ 129,812.80	$ 132,412.80	$ 135,054.40	$ 137,758.40	$ 140,504.00	$ 143,312.00	$ 146,182.40	$ 149,115.20
195	1.10	$ 59.76	$ 60.96	$ 62.18	$ 63.42	$ 64.69	$ 65.98	$ 67.30	$ 68.65	$ 70.02	$ 71.42	$ 72.85	$ 74.31	$ 75.80	$ 77.32	$ 78.88
		$ 124,300.80	$ 126,796.80	$ 129,334.40	$ 131,913.60	$ 134,555.20	$ 137,238.40	$ 139,984.00	$ 142,792.00	$ 145,641.60	$ 148,553.60	$ 151,528.00	$ 154,564.80	$ 157,664.00	$ 160,825.60	$ 164,049.60
200	1.12	$ 66.93	$ 68.27	$ 69.64	$ 71.03	$ 72.45	$ 73.90	$ 75.38	$ 76.89	$ 78.43	$ 80.00	$ 81.60	$ 83.23	$ 84.89	$ 86.59	$ 88.32
		$ 139,214.40	$ 142,001.60	$ 144,851.20	$ 147,742.40	$ 150,696.00	$ 153,712.00	$ 156,790.40	$ 159,931.20	$ 163,134.40	$ 166,400.00	$ 169,728.00	$ 173,118.40	$ 176,571.20	$ 180,107.20	$ 183,705.60
205	1.22	$ 81.65	$ 83.28	$ 84.95	$ 86.65	$ 88.38	$ 90.15	$ 91.95	$ 93.79	$ 95.67	$ 97.58	$ 99.53	$ 101.52	$ 103.55	$ 105.62	$ 107.73
		$ 169,832.00	$ 173,222.40	$ 176,696.00	$ 180,232.00	$ 183,830.40	$ 187,512.00	$ 191,256.00	$ 195,083.20	$ 198,993.60	$ 202,966.40	$ 207,022.40	$ 211,161.60	$ 215,384.00	$ 219,689.60	$ 224,078.40

City Council

Agenda Item

Subject: Authorization to accept the three year proposal from Eide Bailly, LLP and for the Interim City Manager to execute the engagement letter and all other necessary documents with Eide Bailly, LLP for the 2024 Audit

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The City of Watertown has contracted with William Neale & CO., P.C. for previous years audits. The Chief Financial Officer was informed in late October that William Neale & CO., P.C. would not be contracting with the City for the 2024 Audit. The proposal from Eide Bailly, LLP was requested and received.

FINANCIAL CONSIDERATIONS:

The three year proposed costs are provided on page 20 of the attached document. The proposed cost for 2024 is over budget and a supplement will be needed. Anticipated budget overage is around $30,000.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to authorize the Interim City Manager to accept the three year proposal and to execute the engagement letter and all necessary documents with Eide Bailly, LLP for the 2024 Audit. A budget supplement will be brought forward at the end of 2024.

ATTACHMENT(S):

2024 Eide Bailly Proposal for City of Watertown

December 6, 2024

Proposal for Audit Services

CITY OF WATERTOWN

Submitted By:

Eide Bailly LLP
Brian Stavenger, CPA
Partner
701.239.8518

Courtney Richman, CPA
Senior Manager
701.476.8326

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EideBailly®

What inspires you, inspires us.
eidebailly.com

Executive Summary

WE WANT TO WORK WITH YOU

Thank you for giving Eide Bailly the opportunity to propose on audit services for City of Watertown (the City). **As a national firm that specializes in government auditing,** we are confident the City will benefit from the experience we provide and believe our firm to be the best candidate for this engagement.

Government Industry Dedication: As one of the largest industries we serve, we've been steadfastly helping government entities for more than 70 years and currently work with more than 1,200 government clients. We appreciate the operational and political aspects of these clients and are excited about government work. We have multiple clients that are similar in size and/or complexity, so we understand how to externally audit cities and have served on the inside through internal and performance audits, agreed-upon procedures, and consulting engagements. Our dedicated professionals work year-round with government clients; we commit the necessary resources to show our commitment.

By embracing change and focusing on innovative ideas, we've grown with our clients to become a top 20 accounting firm in the nation. We're passionate about building relationships with a city such as yours, where we're interested in sharing our skill set and client service.

Exceeding Your Expectations: Our size enables us to be responsive to our clients' needs and unique entity challenges while also providing the necessary breadth and depth of services required in today's complex and ever-changing business environment. We're excited about the benefits we offer:

- **Unmatched Client Service**: You will be served by professionals with extensive government industry knowledge. The City will have access to national resources, including 3,500 professionals with diverse skill sets and experiences across the firm. We use Suralink, an interactive PBC software solution aimed at improving the client experience for document exchange.
- **Proactive Communication:** Your team will keep you informed of changes affecting the City. Communication protocols built into our service delivery ensure timely communication, resulting in prompt wrap up of work. This includes scheduled quarterly calls throughout the year, which allows us to enhance the relationship and provide you regular access to your audit team.
- **Partner Involvement:** You will experience partner and senior-staff involvement not only during the audit engagement, but also throughout the year as issues, questions and opportunities arise.

EXPERIENCE

Our experienced professionals are committed to the industries we serve. We focus on training, and we like to think of ourselves as thought leaders.

PEOPLE

We're a team of collaborators and innovators. Our culture is the heart of our firm, and we're always working together to do things differently and better.

COMMUNICATION

Open, honest, frequent communication ensures that you're not in for any surprises. We'll stay in touch throughout the year so you feel understood, connected and confident.

CORPORATE RESPONSIBILTY

We consider ourselves good corporate citizens—caring for our people, giving back to our communities, and taking care of our environment.

Thought Leadership: We're leaders in the government industry, offering valuable perspectives beyond our core strength of accounting and tax compliance. We're business advisors who want to help guide the strategy and operations of your organization, and we'll make sure you feel connected and understand the process. We work closely together to deliver valuable service from people who understand your needs.

We Want to Work with You: We've developed the following proposal with the City in mind; we'll provide timely, personalized services for you. We'll be a valued partner during the audit, as well as a technical resource throughout the year to help plan and implement new Governmental Accounting Standards Board (GASB) standards. We'll get to know you and your staff while taking the time to understand your specific challenges and opportunities.

We deliver honest and insightful advice beyond what is normally experienced in the public accounting industry. Our tagline, **what inspires you, inspires us**, is more than copy to add to marketing materials. We gain energy from those we serve, which turns into a passionate interest in our clients' success.

The following pages highlight our strengths and solutions. We believe this demonstrates why Eide Bailly merits serious consideration. You will be a highly valued client, and we would be proud to work with the City and build a trusting relationship with your team. Please contact us if you would like to discuss any aspect of this proposal.

Sincerely,

Brian Stavenger, CPA
Partner
701.239.8518
bstavenger@eidebailly.com

Courtney Richman, CPA
Senior Manager
701.476.8326
crichman@eidebailly.com

About Us

WHAT INSPIRES YOU, INSPIRES US

Your experience will be different than working with other CPA firms because we offer knowledge and skills backed by more than 100 years of service. Our professionals deliver industry and subject matter expertise resourcefully, ensuring we're providing guidance that directly reflects your needs. Our clients benefit from local, personal service and, at the same time, enjoy access to more than 3,500 professionals with diverse skill sets and experiences.

Navigating a Path to Success Together

By embracing change and focusing on innovative ideas, we've grown along with our clients to become one of the top 20 accounting firms in the nation. Accounting is about numbers, but our business is about relationships.

We'll be there for you every step of the way. Talented, down-to-earth people work at our firm, and we're inspired to deliver outstanding expertise and care. We're driven to help you take on the now and the next with inspired ideas, solutions and results.

Our work with clients is more than an engagement. It's a relationship, built on values and trust — and results. When working with Eide Bailly, you'll:

- Work with professionals who truly care about your business and will take the time to get to know you and your organization.
- Gain insight from our industry and service specialists to accomplish your objectives, address challenges and leverage new opportunities.
- Make better business decisions knowing you're guided by advisors who care about your success.
- Appreciate our hands-on service style; we're always looking for new ways to solve your problems or help you embrace opportunities.

AT A GLANCE

TOP **20** CPA FIRM

50+ OFFICES IN U.S. & INDIA

425+ PARTNERS

3,500+ STAFF MEMBERS

FOUNDED IN **1917**

Industry Experience

WE UNDERSTAND GOVERNMENTS

Our firm's Government Industry Group has 300+ full-time professionals who share information, learn from others and stay up to date on industry developments. To gain the greatest benefit, the knowledge is shared with professionals across the firm.

The government industry represents one of Eide Bailly's largest niche areas — with more than 1,200 government clients firmwide. We provide audit services for a variety of cities, counties, colleges and universities, fire relief agencies, housing authorities, school districts, state agencies and tribal entities. Through serving these clients, our professionals have gained focused expertise in the government industry and will provide you with insightful advice.

These services include, but are not limited to, evaluating internal control structure, assessing control risk and performing tests of controls, as well as testing compliance with applicable laws and regulations in accordance with *Government Auditing Standards*.

Strong Desire to Serve South Dakota Cities

We're excited and eager about the opportunity to serve the City. With our dedication to growth and developing new relationships, we believe the City would be an excellent addition to the existing South Dakota cities we currently work with. Our size and scope enable us to devote significant resources, with a dedicated team and a personalized approach. The proposed time schedule allows us to assign a team to the City with experience in working with similar clients, including government clients, leading to efficiencies.

Our clients benefit from personal service and, at the same time, enjoy access to more than 3,500 professionals, including 425+ partners and principals, with diverse skill sets and experiences, as demonstrated by how we will staff your audit.

In addition to the strong experience profiles of your assigned engagement team the City will benefit from the overall experiences of the firm. We provide services as a team regardless of location. This means as a firm, the best resources will work with you, encouraging a high level of connection and quality service. Your team members will have direct access to professionals throughout the firm who serve or have served similar organizations. In other words, we talk to each other and share experiences. If the City encounters a seemingly unique situation, we've likely seen it before and can help you navigate the proper course quickly and effectively.

Government Industry Involvement

Eide Bailly prioritizes staying current with changes to the government industry. We help clients adapt to changes within the existing standards and implement any new standards. Our team members are engaged in the government industry and are well positioned in organizations associated with government entities. We are leaders in the Governmental Accounting Standards Advisory Council (GASAC), the American Institute of Certified Public Accountants' (AICPA) Governmental Audit Quality Center (GAQC), Private Companies Practice Section (PCPS) Technical Committee, local and national boards of the AGA (formerly Association of Government Accountants), including the Financial Management Standards Board, and the review committee for the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting.

Brian Stavenger, Partner, serves on the GFOA's Committee on Economic Development and Capital Planning, and **James Ramsey**, Partner, serves on the GFOA's Accounting, Auditing and Financial Reporting Standing Committee.

Due to our leadership positions, you will have access to information not available from other accounting firms.

GFOA

Certificate of Achievement for Excellence in Financial Reporting

Below is a partial listing of our government audit clients that have been awarded and maintain this certification.

City of Brea, CA	City of San Ramon, CA
City of Bismarck, ND	City of Boise City, ID
City of Brookings, SD	City of Dana Point, CA
City of Chico, CA	City of Lake Tahoe, CA
City of Davis, CA	City of Louisville, CO
City of Fargo, ND	City of Paramount, CA
City of Minot, MN	City of Pleasanton, CA
City of Snyder, TX	City of Sacramento, CA
City of Walnut, CA	City of Santa Cruz, CA
City of Alameda, CA	City of Maple Grove, MN
City of Buckeye, AZ	City of San Leandro, CA
City of Concord, CA	City of Sioux Falls, SD
City of Corinth, TX	City of Suisun City, CA
City of Durango, CO	City of Temple City, CA
City of Campbell, CA	City of Indian Wells, CA
City of Glendale, CA	City of Laguna Beach, CA
City of La Palma, CA	City of Walnut Creek, CA
City of Moorhead, MN	City of Wichita, KS
City of Redlands, CA	City of Laguna Niguel, CA
City of Temecula, CA	City of Rancho Mirage, CA
City of Whittier, CA	City of Rancho Cordova, CA
City of Camarillo, CA	City of Salt Lake City, UT
City of Fairfield, CA	City of South Lake Tahoe, CA
City of Lafayette, CO	City of Rancho Palos Verdes, CA
City of Palmdale , CA	Town of Flower Mound, TX
City of Roseville, CA	County of Ventura
Benton County	County of Santa Barbara
Burke County	Dakota County
Canyon County	Delaware County
County of Orange	Deschutes County
County of Placer	Johnson County
County of Riverside	King County
County of Sacramento	Kootenai County
County of San Benito	Lincoln County
County of San Mateo	McLean County
County of Santa Clara	Richland County
County of Solano	County of Yolo

We regularly attend Governmental Accounting Standards Board (GASB) meetings throughout the year and communicate the results of those meetings to our clients through newsletters, e-blasts and webinars. We are also involved with GASB's financial reporting reexamination task force shaping the future of state and local government accounting and reporting and participate in the reexamination of the revenue and expense model and note disclosure projects with GASB.

Implementation of New Standards

In an industry where standards continually evolve and change, Eide Bailly makes it a priority to stay current and assist our clients with necessary changes. In addition to helping clients implement new standards, we also help them adapt to changes within the existing standards.

Several of our professionals serve on committees that have direct input into writing new standards. This enables our involvement from the beginning and ability to influence the final outcome. Our clients benefit from our strong understanding of the standards and how they may affect their organization. We will work with the City to create a plan to address new standards one to two years prior to implementation.

Single Audit Experience

Eide Bailly has experience providing single audits related to federal expenditures which ensure our clients remain compliant. Our single audits include an audit of both the financial statements and the federal awards. We also assist in the preparation of the Data Collection Form and prepare the reporting package for submission to the Federal Audit Clearinghouse.

Eide Bailly has a three-year average of auditing more than $28.8 billion in federal expenditures, which provides us with extensive experience in single audits. Not only are we on the forefront of new regulations, but because of our vast experience with government entities, we are also familiar with a wide variety of federal programs.

As the City looks to expand its current federal programs, we can pull from our expansive database of federal programs that we have audited and provide consultation on what has worked effectively for other entities. This will help the City establish strong controls and processes over new federal programs rather than trying to rework controls and processes after the programs are established.

Our single audit experience includes the Department of Education, Department of Housing and Urban Development, Department of Agriculture, Department of Commerce, Department of Interior, Department of Transportation, Department of Justice, Department of Labor, Department of the Treasury, Department of Health and Human Services, Homeland Security, National Foundation on the Arts and the Humanities, Environmental Protection Agency, Department of Energy, Office of the National Drug Control Policy, Department of Defense and the Bureau of Land Management.

Paired with our many years of experience, we are qualified to effectively work with your organization to ensure federal requirements are met.

Thought Leadership

A number of Eide Bailly partners are nationally recognized state and local government thought leaders who present at dozens of national venues throughout the year. These venues include: GFOA; National Association of State Auditors, Comptrollers and Treasurers; California Society of CPAs; California Society of Municipal Finance Officers; Oregon Government Finance Officers Association; California State Association of County Retirement Systems; California Association of Public Retirement Systems; AGA National Professional Development Conference; National Association of Housing and Redevelopment Officials (NAHRO); Iowa Society of CPAs; Idaho Society of CPAs; Utah Society of CPAs; and Colorado GFOA.

We also provide training for state and local agencies, including the Controllers' offices of the State of Tennessee, Texas State Auditor, State of Montana, Commonwealth of Massachusetts and the State of Nevada.

Furthermore, **Eric Berman**, Partner, is the author for the entire Governmental Library for Commerce Clearinghouse Wolters Kluwer (CCH). This library serves as the interpretative reference on government Generally Accepted Accounting Principles (GAAP), government best practices and government audits for governments, auditors and educators nationwide. Eric will be an additional resource and is available to assist or consult as needed.

Online Publications: We publish articles related to hot issues within the government accounting arena. Below is a list of some of the recent articles posted to our website and emailed to our clients:

- What Governments Need to Know About Fiscal Year-End
- Five Ways to Streamline Accounting Processes and Improve Financial Operations
- The Financial Benefits of Change Management
- Potential Changes Coming to the Uniform Guidance

GOVERNMENT UPDATES

www.eidebailly.com/gasb2024

Our complimentary webinars provide a comprehensive overview of the latest GASB updates and implementation strategies, issues affecting governments, best practices, and pitfalls to avoid.

Upcoming Webinars

Governing the Future: Digital Transformation and Smart Contracts in Public Service
Intersection of Recruitment, Retention, Leadership Development & Change Management
GASB Update: Escaping the Maze and Charting the Path Ahead

Recorded Webinars

Subrecipient Monitoring: The What, Where, When and Why
Getting Ready for June 30th: Closing a Fiscal Year and GAAP You Need to Know
GASB 101 & 103: Compensated Absences & Financial Reporting Model Improvements
Engagement Buffet: What Will You Choose?
What is an Accounting Change vs. an Error? Implementing GASB-100
2023 Year-End Governmental Update
States and Local Governments Have Risks
Best Practices for Public Sector ERP Modernization Initiatives
How States and Local Governments Can Take Advantage of Energy Credits
June 30th is Coming: Are You Ready?
GASB Public Retirement Plan Update
GASB 87, 94 and 96 An Intro and Comparison
GASB Update for Year-End 2022
Subrecipient, Beneficiaries and Federal Grant Operation
Government 101: Back to Basics
GASB 87, Leases: One Last Look for Lessors
GASB 87, Leases: One Last Look for Lessees
A Government's Risks and What is GASB Proposing to Disclose?
GASB 87, Leases: Your Frequently Asked Questions and Potential Issues

Team Qualifications

AN EXPERIENCED SERVICE TEAM

We're passionate about our work—and your success. We've selected professionals for your service team who are the right fit for your engagement, based on their knowledge and experience in the government industry.

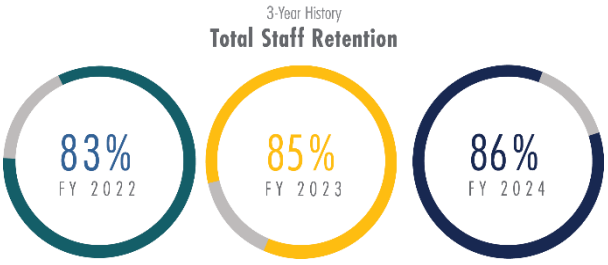
Brian Stavenger will serve as the Engagement Partner, with **Derek Flanagan** serving as Consulting Partner and **Courtney Richman** as Senior Manager. These professionals are licensed to practice public accounting and bring strong credentials and a desire to work with the City. If awarded this engagement, these individuals will serve as your primary contacts. Additional resources will support the project team as necessary.

Senior and Staff Associates

Once we determine the timing that works best for you, we'll assign a senior and staff associates to your engagement. Our seniors are experienced in public accounting, with several who specialize in the government industry. All members of our staff are required to comply with necessary continuing professional education (CPE) requirements, and most members of our staff significantly exceed their required amount.

Staff Continuity

To help ensure a strong business relationship and to minimize disruptions, we keep staffing changes to a minimum. Compared to the national average, Eide Bailly experiences a higher retention rate, which translates to providing our clients with consistent service teams. We'll strive for continuity of staff for your engagement. With this continuity comes quality as team members' knowledge of your organization grows from year to year.



Team Overview

We know the importance of a strong business relationship, so we keep staffing changes to a minimum year-to-year. Eide Bailly has a high retention rate, allowing us to provide stability. The following information will provide an overview of your service team.

BRIAN R. STAVENGER, CPA

Partner

INSPIRATION: Eide Bailly is a great place to work because the firm gives our staff the keys to drive their own career. The firm provides opportunities for growth and doles out responsibility to young staff at an earlier time than most firms.

701.239.8518 | bstavenger@eidebailly.com

Brian joined the firm in 2001 and has devoted much of his career with Eide Bailly serving the accounting needs of public sector clients, including local governmental entities, public schools, charter schools, as well as colleges, universities and utility cooperatives. To support Eide Bailly's commitment to staff development, Brian offers continuing education opportunities by serving as an instructor for firm-wide governmental trainings. Brian is a regular speaker on topics impacting local governments including how to prepare for a government audit and how to read the financial statements as a governing body member.

When you work with Brian, you get a partner who is intent on listening and allowing you to fully articulate your concerns. While that might mean he seems quiet at times, it also means your goals will be completely understood and attended to. Brian will always be responsive to your inquiries, as he also takes pride in responding within 24 hours to each of his clients.

Away from the office, you'll often find Brian at the lacrosse field cheering on his daughter or interacting with his beloved German Shepherd. He is also a proud supporter of his son as he is in his sophomore year at Kansas State University studying industrial engineering. He and his wife both love to travel and make a point of escaping town a few times each year (sometimes they even bring the kids). During the summer, the whole family relishes time at the lake or simply gathering around the bonfire on the back patio with friends.

Client Work

Provides audit services to local governments (schools, cities, and counties) and rural electric cooperatives.

Performs financial feasibility studies for cities, institutions of higher education, private K-12 schools and charter schools.

Promotes staff development by hosting firmwide trainings on governmental accounting best practices.

Memberships

North Dakota Society of Certified Public Accountants

American Institute of Certified Public Accountants

GFOA Certificate of Achievement for Excellence in Financial Reporting Program Reviewer

Member of the GFOA Committee on Economic Development and Capital Planning

Designation/Licensures

Certified Public Accountant

Education

Bachelor of Arts, Accounting - Gustavus Adolphus College, St. Peter, Minn.

Community

Moorhead Youth Lacrosse Association, Treasurer

SpudsTV, Board Member

Relevant Clients

City of Wichita, KS
City of Sioux Falls, SD
City of Fargo, ND
City of West Fargo, ND
City of Brookings, SD

DEREK L. FLANAGAN, CPA

Partner

INSPIRATION: It's important to make the work process as smooth as possible. To that end, I create relationships with clients that give me the insight to help them achieve success.

701.476.8825 | dflanagan@eidebailly.com

Derek's primary focus is in the government and utility industry, where he coordinates and supervises Uniform Guidance audit services to governments, tribal entities and nonprofit organizations.

Derek is easy to talk to and can get along with just about anybody, creating a work-friendly environment. He always is cognizant about clients' needs and tries to be as responsive to them as possible.

Outside of work, Derek enjoys spending time with his wife, Jenica, and their three children. Family time is important to the Flanagans; they spend as much time as possible with extended family and friends. Derek also enjoys golfing and attending any major sporting event, especially baseball.

Client Work

Provided audit services to local governments (schools, cities and counties), and rural electric cooperatives.

Performs forecasts for the education industry, including colleges and charter schools.

Serves as Department Head for the Fargo office's audit department.

Memberships

North Dakota Society of Certified Public Accountants

American Institute of Certified Public Accountants

Designation/Licensures

Certified Public Accountant

Education

Bachelor of Accountancy - University of North Dakota, Grand Forks

Community

Former Local Dollars for Scholars (Central Cass School) Board

Relevant Clients

Towner County, ND
City of Morris, MN
City of Minot, ND
Fargo Public Schools, ND
West Fargo Public Schools, ND
Moorhead Area Public Schools, MN
Cass Rural Water Users, ND
Southeast Water Users, ND

COURTNEY RICHMAN, CPA

Senior Manager

INSPIRATION: I strive to improve audit processes to ensure the audit is completed timely and efficiently. I enjoy getting to know my clients and really understanding their business in order to provide quality customer service.

701.476.8326 | crichman@eidebailly.com

Courtney provides audit and assurance services to clients in a variety of industries, primarily focused on governments and utilities.

Courtney enjoys working with clients and helping them to better understand their financial statements. She makes herself available to her clients throughout year in order to assist with any questions they have regarding their financial information. Courtney takes the time to understand each client's situation in order to provide the information they are looking for.

Outside of work, Courtney enjoys spending time at the lake with family and friends. She also enjoys playing volleyball and golf as well as spending time outdoors and traveling to new places.

Client Work

Provides quality audit and assurance services, including single audits required by Uniform Guidance.

Oversees audit engagements and works closely with clients and engagement staff.

Assists in planning, performing and supervising audit engagements.

Memberships

American Institute of Certified Public Accountants

North Dakota Society of Certified Public Accountants

Designation/Licensures

Certified Public Accountant

Education

Bachelor of Arts - Concordia College, Moorhead

Community

Junior Achievement Volunteer

Relevant Clients

City of Fargo, ND
City of Bismarck, ND
City of Jamestown, ND
City of Wichita, KS
City of Sioux Falls, SD
City of Dell Rapids, SD

References

CLIENT REFERENCES

As a top 20 CPA firm, we've built our business on relationships and believe our clients to be the best critics of our service.

The clients below have similarities to your organization, and we encourage you to contact them to learn about their Eide Bailly experiences.

Similar Clients

City of Brookings
Ashley Rentsch
Finance Director
605.697.8652
arentsch@cityofbrookings-sd.gov

City of Aberdeen
Jordan McQuillen
Finance Officer
605.626.7021
jordan.mcquillen@aberdeen.sd.us

City of Sioux Falls
Shawn Pritchett
Director of Finance
605.367.8837
spritchett@siouxfalls.org

Our Approach

AUDIT METHODOLOGY

At Eide Bailly, we promise you a better overall experience. Though multiple firms are capable of accomplishing the objectives of an audit, we appreciate that every situation and every organization is different, and our tailored approach is based on the needs of each client.

We value our business relationships and demonstrate this through partner and manager involvement. Our senior-level professionals are involved with our clients and accessible throughout the year. They do not delegate all tasks to staff, but rather stay involved on-site during fieldwork and remain connected throughout the year. This approach delivers the greatest benefit to our clients because we are able to stay abreast of changes in and updates to our clients' operating environments and collaborate to achieve optimal results.

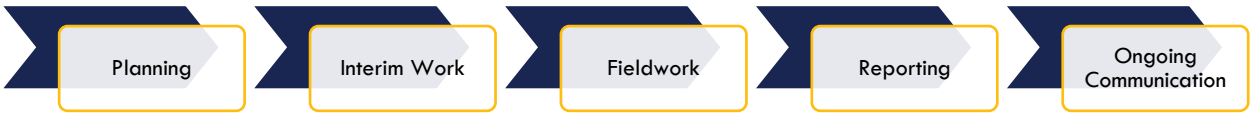
Our clients experience a communication approach that stands apart in both style and frequency. Because we recognize effective interaction is critical throughout the entire audit process, our service and communication begins with planning and continues throughout the year. Additionally, we communicate collaboratively with our clients and include them in the process as our peers. Our clients offer a wealth of knowledge and information about their organization, and interacting with them as a business peer ultimately produces the best outcome.

Prior to beginning the engagement, we will discuss with management:

- The engagement timeline.
- The audit approach and process.
- Additional considerations that may affect scope, schedules and workpapers to be prepared by your personnel.

Upon appointment as your auditor, we will discuss the audit schedules and work with you to ensure the timeline meets your needs and makes the most effective use of your staff members' time.

AUDIT WORK PLAN



Our audit approach is designed for collaboration and optimal results. It consists of five major components: Planning, Interim, Fieldwork, Reporting and Ongoing Communication. If awarded, we will discuss with management our proposed schedule, but we also have the flexibility to make any changes to meet reporting deadlines. The objectives of each component are described in the following pages:

PLANNING

- Discuss and finalize the engagement timeline, audit approach and process.
- Discuss risks and concerns of the management and accounting staff, including the City Council, if requested.
- Evaluate the nature of the operating environment (e.g., changes in volume, degree of system and reporting centralization, sensitivity of processed data, impact on critical business processes, potential financial impacts, planning conversions and economic and regulatory environment).
- Review interim financial information and reports to identify significant risks and changes.
- Review significant estimate areas and consider underlying assumptions.
- Gain an understanding of the City, its reporting units and their environments.
- Document internal control systems, including IT, and related changes from prior periods.
- Consider fraud, risk of noncompliance, illegal acts, abuse, etc.
- Assess audit risk and identify of potential audit issues.
- Assess materiality and testing scopes, to the extent possible, and present audit plan.
- Prepare and communicate audit request lists and work papers.
- Develop expectations regarding timing and audit progress.
- Gain understanding of single audit programs and perform an analysis of potential major federal programs.

INTERIM WORK: SINGLE AUDIT

Phase I: Risk Assessment and Planning

This phase encompasses the planning and risk assessment of your federal programs. The planning phase sets the tone as well as set the stage for an efficient and effective single audit. We will work closely with management to properly identify federal programs and clusters to determine the major programs to be tested. The steps include:

- Determine grant awards and funding increments.
- Determine the Type A and Type B thresholds.
- Perform a review of the past two single audits and document the program risk to determine risk, for any programs above the threshold (Type A).
- Make final determination of major programs to be tested.
- Review applicable Uniform Guidance *Compliance Supplement* for any unusual items and determine direct and material compliance areas for each major program.

Phase II: Major Program Testing
After making the major program determination, we will test the major programs through the following steps:

- Obtain audit steps from the *Compliance Supplement*.
- Obtain the process and controls related to the direct and material compliance areas identified during planning. The controls for each area need to address the five components of Committee of Sponsoring Organizations of the Treadway Commission (COSO) as required by Uniform Guidance.
- Select samples for control and compliance testing.
- Perform control testing for effectiveness and compliance testing of selected transactions.
- Report material weaknesses or material noncompliance to management.
- Hold periodic status meetings and discuss potential findings with management while our auditors are in the field.

Phase III: Assessment and Reporting
The above steps are based on the preliminary Schedule of Expenditures of Federal Awards (SEFA). Once the SEFA has been finalized, we will determine if any additional major programs are to be tested. We will:

- Perform major program testing steps for any newly identified programs.
- Review prior findings, if any, and determine if findings were cleared by management and do not need to be reported during the current year.
- Prepare the Schedule of Findings and Questioned Costs.
- Hold an exit conference with management and key grant personnel and provide a draft report of the single audit and any Yellow Book findings required to be reported. Findings are reviewed by the Manager and Engagement Partner prior to the exit conference.

INTERIM WORK: FINANCIAL STATEMENT

- Communicate with management to determine internal controls, perform walk-throughs and to discuss any potential audit issues.
- Determine audit procedures by area, based on results of planning and risk assessment.
- Determine confirmation needs.
- Prepare listing of audit information requested from the City.
- Review minutes, resolutions and ordinances.
- Perform tests of legal compliance.
- Provide weekly updates to City staff.
- Hold exit conference with management.

FINAL FIELDWORK

- Audit areas based on risk assessment.
- Obtain and prepare schedules and analyses supporting the financial information.
- Discuss findings with management, if any.
- Discuss proposed journal entries with management, if any.
- Finalize single audit testing.
- Provide weekly updates to City staff.
- Hold exit conference with management.

REPORTING

- Review of financial statements by the Engagement Partner.
- Review of financial statements by the Technical Review Partner to obtain a second opinion on the completeness and adequacy of financial statement disclosures and audit procedures.
- Complete management letters and review with management.
- Prepare other communications to management and the Board.
- Assist with preparation of the Data Collection Form and the reporting package for submission to the Federal Audit Clearinghouse.
- Present to the City Council at its regularly scheduled meeting, if requested.

ONGOING COMMUNICATION

- Obtain interim financial statements throughout the year for review.
- Analyze significant changes and identify areas to further tailor our audit plans and keep us up to date with continuing changes.
- Compare interim results to year-end results for the past few years to identify potential issues in the financial reporting process.
- Participate periodically at your City Council meetings, and any other meetings, upon request.

We take a “no surprises” engagement approach. An audit project plan will be developed between our team and the City and then followed closely, and we will work with the City’s management team to customize our auditing services and specific timelines to your needs. We work closely with management and accounting personnel throughout the audit process, hold weekly meetings to review open items and discuss potential accounting or compliance issues and provide periodic written or oral reports on the status of the audit to representatives of the City. At the end of fieldwork, we will hold an exit conference with management to discuss any potential findings and come to a conclusion. We strive not to have additional findings subsequent to the exit conference.

Use of Technology

Eide Bailly staff utilizes progressive and effective software to streamline processes and make them as efficient as possible. These technologies include:

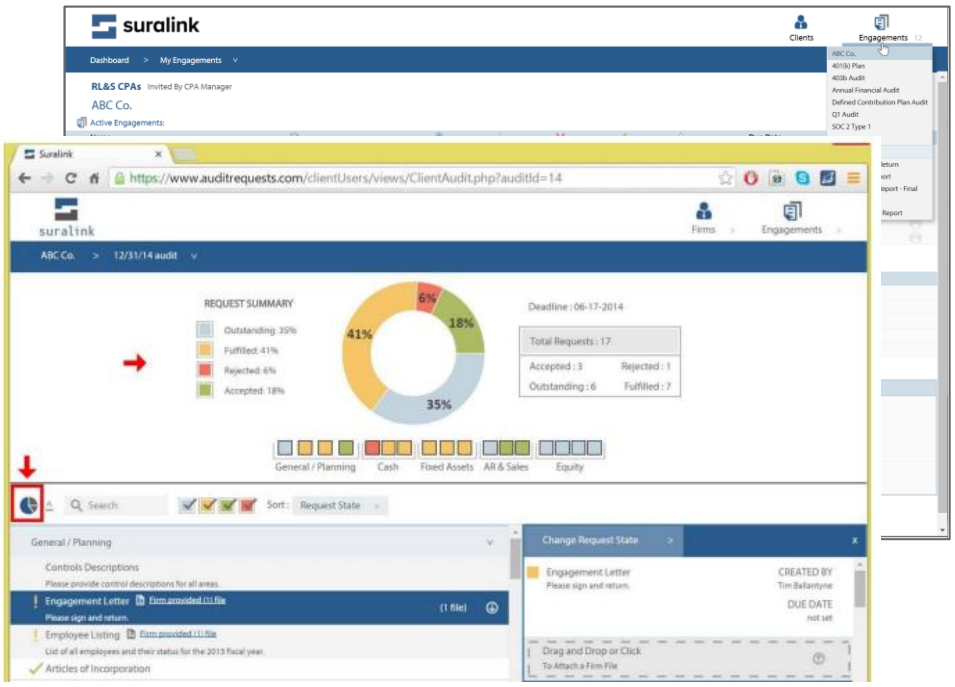
EB Bridge

Our client portal, EB Bridge, is designed to strengthen the connection between Eide Bailly and our clients, enhancing the way we interact and collaborate. We are continuously working to improve user experience and streamline processes, including enhancing document management and providing a smoother annual client access review.

EB Bridge will incorporate future integrations to provide a more cohesive experience across all Eide Bailly systems. By making it easier for clients to access what they need, we are reinforcing the relationships that drive our success.

Suralink

Years of dedicated service have helped us develop the skills, abilities and tools necessary to exceptionally serve our clients. To aid in this process, we have researched ways to enhance our use of software to better streamline the audit process and deliver state-of-the-art technology solutions to our clients. Suralink is an interactive Provided by Client (PBC) software solution aimed at improving the client experience for document exchange. This addition to our suite of tools has the potential to save a substantial amount of time managing PBC documents, creating increased efficiencies during your engagement.



The secure web-based application combines a file portal, request list and workflow features. Each request has a status of outstanding, fulfilled, accepted, or returned, and holds files uploaded by both parties, comments, responsibility assignments and a full activity log. Files are uploaded by drag and dropping from your computer to the correct request. All requests are in one place and updated live.

This addition to our suite of tools has the potential to save a substantial amount of time managing PBC documents, creating greater efficiencies during your engagement. By combining a request list and file portal, Suralink streamlines the tools we use to request and receive information from you.

Data Extraction Software

TeamMate Analytics: Eide Bailly designs our approach to incorporate the use of TeamMate Analytics to maximize efficiency while conducting a very effective audit. Through TeamMate Analytics, we can extract information from related databases and create databases that check for duplicate payments, summarize payments, extract journal entries from specific accounts, develop expectations for analytical procedures and recalculate system calculations, among a host of other procedures developed by our audit team.

DataSnipper: Eide Bailly's audit approach is enhanced by the use of DataSnipper, a powerful Excel add-in that improves efficiency and fosters effective auditing practices. This innovative tool allows us to leverage artificial intelligence (AI) for automated document matching. With configurable templates for standardized audit procedures, DataSnipper streamlines workpaper preparation and review while enhancing collaboration within our audit practice.

CCH ProSystem fx Engagement by Wolters Kluwer

This software is used to perform the audit, retains the electronic workpapers and supporting documentation, performs project tracking and facilitates quality engagement review.

Flexibility to Meet Your Needs

Eide Bailly performs all engagements in a paperless environment. As a technology-driven firm, we've seen no issues in performing audit procedures off-site from our clients. We utilize tools, such as using Microsoft Teams, which allows us to communicate with our clients face to face, while sharing screens, to make the process as seamless as possible. We host webinars to educate our clients on changing circumstances and how to successfully navigate those changes. We have no concerns completing this audit remotely should the City desire it. We'll discuss with management which approach, remote versus on-site, works best for you.

Cost Proposal

EXPECTED FEES

Our fees are based on the complexity of the issue and the experience level of the staff members necessary to address it. If you request additional services, we'll obtain your agreement on fees before commencing work, so there are no surprises or hidden fees. We propose the following fees based on our understanding of the scope of work and the level of involvement of the City's staff:

Engagement Services and Fees

Professional Services	2024	2025	2026
Audit of Financial Statements	$63,840	$68,000	$72,400
Airport PFC Report	$4,800	$5,100	$5,400
Single Audit[1]	$9,750	$10,400	$11,100
Technology Fee[2]	$3,920	$4,175	$4,445
Total Fees	**$82,310**	**$87,675**	**$93,345**

[1]This assumes one major program to be audited each year. Additional major programs will be charged at a rate of $5,850 for 2024, $6,200 for 2025, and $6,600 for 2026, plus a 5% technology fee.

[2]A 5% fee will also be applied to support and enhance the quality work we provide by investing in technology.

Out-of-Pocket Fees

In addition to the professional fees listed above, you will be billed for actual out-of-pocket expenses such as travel time, mileage, lodging and meals.

Billing Policy Regarding Inquiries

We know clients appreciate access to all their service team members. We embrace this opportunity for constant communication and will ensure our team members are available when you have questions and issues. This service is included in the scope of the engagement. If a particular issue surfaces that falls outside the scope of this engagement, we'll bring it to your attention and obtain approval before proceeding.

Future Year Pricing Guarantees

Our fee increases for future years are consistent with inflationary increases in the industry. They are contingent upon no major changes to the City, and that significant accounting and auditing rule changes and procedures remain consistent with current requirements. Fees don't include additional time that could be incurred due to changes to the scope of the engagement.

The Best Value for Your Dollar Spent

Eide Bailly understands we may not be the lowest cost provider; however, our fees encompass far more than just the requested services. With year-round communication, invitations to educational events, access to resources on any accounting and regulation changes and information on other topics of interest to your industry, our staff work hard at building a trusting relationship with the City. Our current clients value this all-encompassing approach over lower fees, with additional charges for involvement beyond the conclusion of an engagement.

Additional Service Offerings

LET US HELP YOU WITH MORE

We're leaders in the government industry, offering valuable perspectives beyond our core strength of accounting and tax compliance. We're business advisors who want to help guide the strategy and operations of your organization, and we will make sure you feel connected and understand the process. Our professionals work closely together so you receive valuable service from people who understand your needs and know your business.

When you work with us, you will have access to the knowledge and talents of more than 3,500 professionals across our firm. This includes specialized tax knowledge, a full spectrum of audit/assurance services and our many specialized services, such as:

Government Advisory Services

Running a government can be rewarding, challenging and exhausting all at the same time. The responsibility of handling public money coupled with increased scrutiny of public expenditures make accounting and finance decisions incredibly important, but balancing the day-to-day needs of these areas with big-picture thinking can be difficult.

You don't have to carry this burden alone. Advisory services can relieve the stress of critical government functions that you either don't want to do or don't have the deep expertise on staff to complete successfully. Our outsourcing solutions can make your life easier so you can focus on your operations while saving money.

Energy Incentives

The Inflation Reduction Act (IRA) of 2022 offers new incentives related to energy efficient construction projects and other energy incentives. For the first time, government and other tax exempt entities can benefit from these new incentives. Recently, the Internal Revenue Service published guidance on how governments can claim these direct payments.

Our recent webinar reviewed available tax incentives and how they may benefit your government entity, including:

- Exploring the Employee Retention Credit opportunities for government organizations as it relates to IRA Incentives.
- Examining IRA Energy Efficiency opportunities for government organizations that are building or updating properties.
- Demonstrating how new legislation can facilitate the drive for sustainability and reduce the costs of construction.
- Identifying factors that must be in place to facilitate a transfer of the 179D benefit to a designer (or any other party).
- Defining opportunities for direct payment of energy credits.

This complimentary recorded webinar and others can be found at www.eidebailly.com/gasb2024.

Cybersecurity

Our professionals have deep IT backgrounds, specializing in a broad range of security services and allowing us to tailor solutions to your needs. We work with every level of your organization — your boards and executives, technical IT admins and general users — to provide insight and guidance so you can be confident your data is protected.

IT Consulting

Business planning and technology strategy go hand-in-hand, like having a good offense and defense. You cannot win the game without planning for both. Whether you want a better way to power your decision making, a simpler way to run your organization or you just want to see a return on your technology, a solid strategy always comes first. Our consultants will help you define your goals and needs so your technology game plan keeps you winning.

Forensic Accounting

We have seasoned professionals with years of relevant investigative experience. Our forensic accountants are experienced in assisting with internal, civil, criminal and insurance recovery investigations related to allegations of theft, fraud and accounting irregularities. The forensic methodologies and technology used by our team of specialists help get to the facts of these situations and are court proven. We understand the urgency of resolving these types of matters and deliver a quality work product in an efficient and timely manner.

The Right Choice for City of Watertown

WE WANT TO WORK WITH YOU

To us, work isn't just work; we see it as a chance to help you solve problems, achieve goals and pursue passions. After thoughtfully reviewing your needs and taking the time to understand your business, we think we're the best fit for this opportunity.

We can connect you with the knowledge, resources and solutions that help bring confidence to your business decisions.

If you have questions or would like additional information, don't hesitate to contact us. We want to make sure you have everything you need to make your decision.

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We Want to Work with You

We're driven to help clients take on the now and the next with inspired ideas, solutions and results. We look forward to working with you.

Caring for our external and internal clients with a passion to go the extra mile.

Respecting our peers and their individual contributions.

Conducting ourselves with the highest level of integrity at all times.

Trusting and supporting one another.

Being accountable for the overall success of the firm,
not just individual or office success.

Stretching ourselves to be innovative and creative, while managing the related risks.

Recognizing the importance of maintaining a balance between work and home life.

Promoting positive working relationships.

And, most of all, enjoying our jobs ... and having fun!

EideBailly®

What inspires you, inspires us.

eidebailly.com

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-24, Zoning Text Amendments to Summary of District Regulations, Associated Zoning Districts, Overlay Districts, Modular Homes Provisions, Manufactured Home Provisions, Day Care, Homes, and Definitions of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The ordinance is a compilation of the residential height and placement chart, new uses being defined and added to various zoning districts, a new process for in-home day cares, and clarification on manufactured homes and differentiating modular homes.

- The residential height and placement chart modifications in Chapter 21.10 breaks down zoning designations by dwelling types. Staff has reviewed the chart against other communities and what is proposed is in line as far as density for various zoning districts. The chart is modified to break zoning districts down by use or dwelling types to simplify administration of the provisions depending on the proposed use to protect neighborhoods and provide guidance for higher density dwellings that currently require a conditional use. The definitions for dwelling unit types has also been overhauled to use the same terms as the chart. It is proposed to allow triplexes and fourplexes to be a permitted use in the R-2 and R-2A Districts without conditional use as long as the minimum lot requirements for the districts are met.
- The supplemental provisions for residential and residential accessory uses have been modified for the purpose to provide better clarity.
- Reduced the area requirement for PUDs from 5 acres to 3 acres.
- There is a proposed new zoning district to allow for residential storage, Chapter 21.24, near residential zoning districts. Today, the only option is for developers to utilize the R-3 district and apply for a conditional use for storage units, however, the rezone is the issue for the fear that the property may be developed with apartment complexes when the developer simply wants to provide storage near residential districts for user convenience.
- Chapter 21.83 is a new ordinance chapter to allow in-home daycares in residential districts to meet special use provisions and be approved administratively. This will streamline the process for daycares and will protect the neighborhoods they exist in, as many of them operate without receiving a conditional use at all. This also helps support the efforts of the “Child Care Task Force” to assist in streamlining daycare processes saving providers time and money.

The Planning Commission recommended approval to City Council (5-0) at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:
No Action; First Reading

ATTACHMENT(S):
Illustration
Ordinance No. 24-24

ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-24

TITLE 21

ZONING

Chapter (back to Table of Contents)

21.1 Purpose
21.2 Administration and Enforcement
21.03 General Provisions
21.4 Nonconformities
21.5 Establishment of Districts
21.10 Summary of District Regulations
21.12 A-1 Agricultural District
21.14 R-1 Single Family Residential District
21.15 R-1C Compact Single Family Residential District
21.16 R-2 Single Family Attached Residential District
21.18 R-2A Single Family Attached Residential District
21.20 R-3 Multi-Family Residential District
21.22 R-4 Manufactured Home Residential District
21.23 R-G Residential Garage District
21.24 R-S Residential Storage District
21.254 C-1 Community Commercial District
21.26 C-2 Local Commercial District
21.28 C-3 Highway Commercial District
21.29 C-L Lake Commercial District
21.30 BP Business Park District
21.32 I-1 Light Industrial District
21.36 I-2 Heavy Industrial District
21.38 PUD Planned Unit Development
21.50 Overlay District – "A-P" Aquifer Protection
21.52 Overlay District – "W-E" Wind Energy
21.54 Overlay District – "GT-1" Gateway
21.56 Overlay District – "D-T" Downtown
21.60 Required Yards and Open Space
21.61 Fences, Walls and Hedges
21.62 All Lots and Buildings to Front on Public or Approved Private Street
21.63 Off-Street Parking and Loading Requirements (All Districts)
21.64 Performance Standards
21.65 Outside Storage and Display Requirements for Specific Uses
21.70 ~~Home Occupations and Standards~~ Modular Home Provisions
21.71 Manufactured and Mobile Home Provisions
21.72 Microwave Antennas
21.73 21.67 Landscape and Lighting Standards
21.74 ~~Limitations on~~ Specific Use Office Building
21.75 Bed and Breakfast
21.76 Campgrounds
21.77 Wireless Telecommunications Towers
~~21.78~~
21.78 ~~Limitations on~~ Communal Living
21.79 Swimming Pools
~~21.77~~ 21.80 Signs and Outdoor Advertising
21.81 Firework Activities
21.82 Home Occupations
21.83 Day Care, Home
21.90 Definitions
21.97 Interpretation, Abrogation and Severability
21.98 Cross References
21.99 Punishment

ORDINANCE NO. 11-17
INTRODUCED BY THE CITY ~~PLAN COMMISSION~~PLANNING COMMISSION (back to Title contents)

An Ordinance establishing comprehensive zoning regulations for the City of Watertown, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, and for the repeal of all ordinances in conflict herewith.

WHEREAS Chapters 11-4 and 11-6, South Dakota Compiled Laws, empower the city to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals or general welfare of the city, to enact such an ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, has appointed a ~~Plan Commission~~Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the ~~Plan Commission~~Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the ~~Plan Commission~~Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the ~~Plan Commission~~Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapters 11-4 and 11-6, South Dakota Compiled Laws, with regard to the preparation of the report of the ~~Plan Commission~~Planning Commission and subsequent action of the City Council have been met,

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF WATERTOWN, SOUTH DAKOTA:

Chapter 21.05
ESTABLISHMENT OF DISTRICTS

Section (back to Title contents)

21.0501 Establishment of Districts
21.0502 Establishment of Overlay Districts
21.0503 Official Zoning District Map
21.0504 Identification and Location of Official Zoning Map
21.0505 Amendment of Official Zoning Map
21.0506 Replacement of Official Zoning Map
21.0507 Rules for Interpretation of District Boundaries

21.0501: ESTABLISHMENT OF DISTRICTS

(back to Chapter contents)

For the purpose of this ordinance, the City is divided into the following districts:

A-1 Agricultural District
R-1 Single Family Residential District
R-1C Compact Single Family Residential District R-2 Single Family Attached Residential District R-2A Single Family Attached Residential District R-3 Multiple Family Residential District
R-4 Manufactured Home Residential
R-G Residential Garage District
R-S Residential Storage District
C-1 Community Commercial District
C-2 Local Commercial District
C-3 Highway Service Commercial District
C-L Lake Commercial District
B-P Business Park District
I-1 Light Industrial District
I-2 Heavy Industrial District
PUD Planned Unit Development District

Source: (Ord. 20-10; Rev 5-1-2020)

21.0502: ESTABLISHMENT OF OVERLAY DISTRICTS

(back to Chapter contents)

For the purpose of this ordinance, each overlay district contains additional requirements which shall be included in, and take precedence over, underlying district regulations.

A-P Aquifer Protection District
W-E Wind Energy District
GT-1 Gateway District
D-T Downtown District

Source: (Ord 19-16; Rev 1-10-2020)

21.0503: OFFICIAL ZONING DISTRICT MAP

(back to Chapter contents)

The City is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this ordinance. The Aquifer Protection Overlay District Map acts as an overlay to the Official Zoning Map and further denotes the wellhead protection zones: Zone A – Critical Impact Zone and Zone B – Secondary Impact Zone. The Wind Energy Overlay District Map, the GT-1 Gateway Overlay District Map, the Downtown Overlay District Map, and any future overlay districts created after the effective date of this ordinance, will act as additional overlays to the Official Zoning Map.

Source: (Ord 19-16; Rev 1-10-2020)

21.0504: IDENTIFICATION AND LOCATION OF OFFICIAL ZONING MAP (back to Chapter contents)

The Official Zoning Map shall be identified by the signature of the City Manager, attested by the City Finance Officer, and bearing the Seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this is the Official Zoning Map referred to in Chapter 21 of Ordinance 11-17 of the City of Watertown, South Dakota," together with the date of adoption of this ordinance. Such Official Zoning Map shall be located in the City Finance Office of the City of Watertown. (Ord 21-14; Rev 6-11-21)

21.0505: AMENDMENT OF OFFICIAL ZONING MAP (back to Chapter contents)

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, and has become law according to the statutes of the State of South Dakota. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on the Official Zoning Map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except with conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by this ordinance.

21.0506: REPLACEMENT OF OFFICIAL ZONING MAP (back to Chapter contents)

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the City Manager attested by the Finance Officer and bearing the seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on as part of Ordinance of the City of Watertown, South Dakota**."** (Ord 21-14; Rev 6-11-21)

21.0507: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES (back to Chapter contents)

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes of other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Chapter 21.10
SUMMARY OF DISTRICT REGULATIONS

Section (back to Title contents)

21.1001 Residential Height and Placement Regulations
21.1002 Residential Height and Placement Regulations for Accessory Structures
21.1003 Non-Residential Height and Placement Regulations
21.1004 Non-Residential Height and Placement Regulations for Accessory Structures

21.1001: RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS (back to Chapter contents)

1. General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

~~Residential~~ Dwelling Type Based on Zoning Districts		Minimum Density (SF/d.u.) ~~a~~	Dwelling Unit/Acre	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard b., ~~c., d.~~	Minimum Required Rear Yard	Maximum Overall Height ~~ab~~
R-1 Single Family Residential District									
~~R1~~ Single-~~f~~-~~F~~amily ~~Dwelling Unit~~		9,000	4.84	9,000	75'	25'	9' ~~c, d~~	25'	3 5'
~~R1 Single Family Dwelling Unit~~	~~Corner~~	~~10,000~~	~~NA~~	~~10,000~~	~~85'~~	~~25'~~	~~9' c, d~~	~~25'~~	~~3~~ ~~5'~~
Other allowable uses	CU	NA	NA	9,000	75'	25'	9'	25'	35'
R-1C Compact Single Family Residential District									
~~R-1C Compact~~ Single-~~f~~-~~F~~amily ~~Residential Dwelling Unit~~		~~5,000~~ 4,500	9.68	~~5,000 i, j~~ 4,500 g.	4~~5~~0'	1~~2~~5' h.	6'~~6~~' ~~& 9' c, d, j~~	20~~25~~'	2 4'
~~R-1C Compact Single Family Attached Residential Dwelling Unit~~		~~5,000~~		~~10,000 i, j~~	~~50'~~	~~25'~~	~~0' to 9' c on non party wall~~	~~25'~~	~~2~~ ~~4'~~
~~R-1C Compact Single Family Dwelling Unit~~	~~Corner~~	~~6,900~~		~~6,900 i ,j~~	~~75'~~	~~25'~~	~~6' & 9' c,~~	~~25'~~	~~2~~ ~~4'~~
Other allowable uses	CU	NA	NA	4,500 g.	40'	1~~2~~5' h.	6'	20'	24'
R-2A Single Family Attached Residential District (Closed District)									
~~R2A~~ Single-~~f~~-~~F~~amily ~~D.U.~~	~~No New Dev~~	4,500 ~~N/A~~	9.68	~~6,000~~4,500	50'	25'	6'~~c, d~~	25'	3 5'
Duplex		3,000	14.52	6,000	50'	25'	6'	25'	35'
Triplex		2,000	21.78	6,000	50'	25'	6'	25'	35'
Fourplex		2,000	21.78	8,000	50'	25'	6'	25'	35'

Other allowable uses	CU	NA	NA	6,000	50’	25’	6’	25’	35’
R-2 Single Family Attached Residential District									
~~R2 Two~~Single-f~~F~~amily		~~2,500~~ 6,000	8.7	~~10,000~~ 6,000	40~~85~~'	25'	7~~9~~' ~~c, d~~	25'	3 5'
~~R2 Attached Single Family Dwelling~~Dupl ex		~~2,500~~ 4,500	9.68	~~2,500/d.u.~~ 9,000	80~~5~~'	25'	~~0' to~~ 7~~9~~' ~~e on non-party~~	25'	3 5'
Triplex		3,750	11.6	11,250	100’	25’	7’	25’	35’
Fourplex		3,375	12.9	13,500	120’	25’	7’	25’	35’
Other allowable uses	CU	NA	NA	9,000	80’	25’	7’	25’	35’
R-3 Multi-Family Residential District									
Single-family		6,000	7.26	6,000	60’	25’	9’	25’	3 5’
Duplex		3,000	14.52	6,000	80’	25’	9’	25’	3 5’
Triplex i.		2,500	17.42	7,500	90’	25’	9~~7~~’	25’	3 5’
Fourplex i.		2,500	17.42	10,000	100’	25’	9~~7~~’	25’	3 5’
~~R3 3~~ 5to 8 ~~Dwelling~~		1,300 e. ~~f~~	NA	~~1,300/d.u.f,g~~ 6,500 f.	100'	30'	9~~10~~'	25'	3 5'
~~R3~~ 9 to 12 ~~Dwelling~~ u~~U~~nits		1,300 e. ~~f~~	NA	~~1,300/d.u.f,g~~11,700 f.	125'	30'	10~~5~~'	25'	5 5'
Over 12 ~~Dwelling~~		1,300 e. ~~f~~	NA	~~1,300/d.u.f,g~~16,900 f.	150'	30'	15'	25'	5 5'
Other allowable uses	CU	NA	NA	10,000	100’	30’	9’	25’	3 5’
R-4 Manufactured Homes District									
R4 Manuf. Homes		~~7,500~~5,000	NA	~~7,500~~5,000	50'	25'	6’	15'	2 0'
~~R4 Manuf. Homes~~Other allowable uses	CU	~~7,500~~5,000	NA	~~7,500~~5,000	50'	25'	6’	15'	2 0'
R-G Residential Garage District									
Residential Garages		5,000~~NA~~	NA	5,000	50’	25’	9’ e	25’	2 4’

Other allowable uses ~~in residential Districts~~	CU	~~7,500~~5,000	NA	5,000~~7,500~~	50~~75~~'	25~~30~~'	9~~''e~~	25'	25'
R-S Residential Storage District									
Allowable uses in the district	CU	NA	NA	10,000	100’	40’	10’	15’	24’

~~a. d.u. = dwelling unit~~

a. Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy. (Ord 06-31; Rev 1-25-07)

b. Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required side yard setback.

c. The required side yard will increase to ten (10) feet when the building is three (3) stories in height or more.

d. ~~Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above.~~ Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

~~e. Not eligible for 10% side yard reduction. (Ord 13-09; Added 5-10-13)~~

~~f.~~e. Square footage requirements shall be calculated based on the number of bedrooms per dwelling unit. (Ord 14-11; Added 4-11-14)

Number of bedrooms/dwelling unit	Square footage of lot required/dwelling unit
1	1300
2	1700
3	2100
4	2500

~~g.~~f. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)

g. The maximum allowable amount lot coverage shall be 55%

h. Garage doors that open perpendicular to the right of way shall be setback twenty-five (25) feet.

i. If a structure is regulated under the International Building Code not the International Residential Code, the regulations for 5-8 units in the R-3 Multi-Family Residential District shall apply.

~~i.~~

~~j. The maximum allowable driveway curb cut is twelve (12) feet unless there is at least twenty (20) feet of continuous curb frontage.~~

~~k. Each side yard may be allowed to be six (6) feet if there is improved secondary access to the rear yard. (Ord 18-12; Rev 08-10-18)~~

2. Supplemental Provisions for Residential Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

a. The yard adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.

b. The yard opposite of the lakeshore shall have a fifteen (15) feet minimum setback from the lot line.

c. Attached garages that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line. Doors that open parallel to the street shall be setback nine (9) feet from the lot line.

d. The setbacks as required above may be modified where the setback on the same side of the street or lake

is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply to attached garages if the garage doors are proposed to open perpendicular to the street, requiring a minimum setback of twenty (20) feet from the property line.

~~2.~~3. Supplemental Provisions for Residential Uses.

a. Non-farm residential structures must have frontage on a public street. Farm buildings and farm-related residential structures are excluded from all provisions.

b. ~~Corner lots~~Double frontage lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement. Any secondary front yard without access shall be allowed to have a fifteen (15) feet minimum front yard setback.

~~b.~~c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.

~~c. In areas directly adjacent to Lake Kampeska and Lake Pelican, the yard adjacent to the lakeshore shall be considered as the front yard, and shall maintain a minimum setback of thirty (30) feet. This yard will be measured from the established high water mark as set by the state. (Ord 06-31; Rev 01-25-07).~~

d. The ~~front~~front yard setback as required above may be modified~~, at the discretion of the Building Official,~~ where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the ~~lake or~~ street line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe ~~not less than the same front yard depth as the closest building on that~~that the average depth of the structure on each side. Any existing residential structures which observe~~s~~ a front yard setback that is less than required, may, ~~at the discretion of the Building Official,~~ be expanded to the full width of the main building. ~~(example: a front porch).~~**Exception:** If a garage is being proposed, in line provision does not apply if the garage door is proposed to open perpendicular to the street, then the twenty-five (25) feet front yard setback applies.

e. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet per unit. (E-545-1) (Ord 13-14; Rev 06-28-13)

f. Existing legal nonconforming parcels, or lot(s) of record with a building right, may be developed with 1 or 2 family dwellings, regardless of minimum area, width & density requirements, if all other minimum requirements are met. (only single family dwellings allowed in R-1 District)

~~g. R-2A zoning is not to be used to increase the density of development beyond what existed as of 1/1/05; further subdivision of lots in this zone is prohibited. (example: a single 100' lot may not be split into 2 - 50' lots, but a single 150' lot may be split into 2 - 75' lots) The lot size shall meet the minimum lot area requirements. (example: a single 100' lot may not be split into 2 - 50' lots, but a single 150' lot may be split into 2 - 75' lots as long as each lot is at least 6,000 SF.~~

g. Single Family and Multi-Family dwellings shall have siding and roofing material of a type customarily used on site constructed residences (as approved by the Building Official.) (Ord 08-11; Rev 07-11-08)

j. Attached Garage Standards.

a. An attached garage shall be limited to three (3) garage doors/stalls per side or frontage

b. An attached garage shall have a maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the length of the attached garage shall not exceed 1.5 times the width and shall conform to the design of the house. (Ex. If the width is 42' the depth cannot exceed 63' however the overall size cannot exceed 2,352 SF limiting the depth to 56').

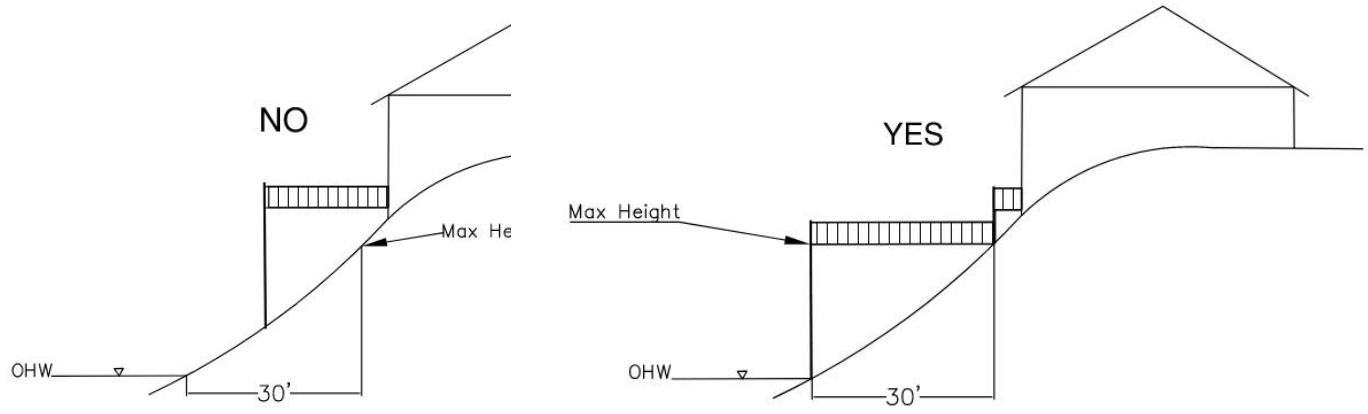
~~(1) Attached garages to exceed maximum size or number of garage doors/stalls may be permitted at the discretion of the Building Official.~~

~~In cases where attached garages are allowed to exceed the maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the forty two (42) feet width and fifty six (56) feet depth, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.~~

c. The maximum allowable attached garage size, width, and depth may be increased by 440 SF, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.

k. Decks shall observe the same setbacks as primary structures, see Table 21.1001. Decks adjacent to Lake Kampeska and Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Residential Code. See Illustration below:

~~h. Decks shall observe the same setbacks as primary structures, see Table 21.1001.~~



21.1002: RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

(back to Chapter contents)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear
Structures greater than 200 square feet	240’	25’	9’ a, c	9’ b
Structures less than or equal to 200 square feet	12’	25’	4’	4’

a See Section 21.1002 (2)(d).
b See Section 21.1002 (3)(a).
c Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

2. General Provisions for Residential Accessory Uses

a. Accessory uses shall be permitted for the principal permitted uses and conditional uses only in accordance with the following provisions hereby adopted by reference and declared to be part of this ordinance.

b. Only specifically authorized accessory uses are allowed. Accessory uses must be subordinate to principal use. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.

c. Location and coverage of accessory uses~~, building~~ and structures. No accessory use~~, building~~ or structure permitted by this ordinance may be located in a required front yard except by conditional use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback or as otherwise specified in this ordinance.

~~c.~~

d. Accessory buildings, two hundred (200) square feet or greater, which are attached to or located within ten (10) feet of the main building ~~shall be considered part of the main building and~~ shall comply with the same yard requirements as the main building.

e. Allowable number of accessory buildings not to exceed cumulative size requirements regulated under Section 21.1002 4.b. ~~.~~Boat houses are regulated independently under Section 21.1002 2.4.d and are not included in the total allowable number of accessory buildings.

(1) Lots less than or equal to 43,560 square feet in total area are allowed two (2) accessory structures as described below:

(a) One (1) unattached ~~garage~~accessory structure, ~~one (1) attached garage~~, and one (1) ~~storage structure~~accessory structure less than or equal to two hundred (200) square feet ~~(per dwelling unit)~~ OR;

(b) If a structure greater than two hundred (200) square feet does not exist on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet~~.~~

(2) Lots greater than 43,560 square feet in total area are allowed three (3) accessory structures as described below:

(a) Up to two (2~~) unattached garages~~accessory structures greater or equal to two hundred (200) square feet, ~~one (1) attached garage,~~ and one (1) ~~storage structure~~accessory structure less than or equal to (200) square feet ~~(per dwelling unit)~~ OR;

~~(2)~~(b) If only one structure greater than two hundred (200) square feet exists on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet.

f. Residential dwelling prohibited in accessory buildings. No accessory building may be used for residential dwelling purposes at any time. No accessory building will be allowed to provide means for

cooking or sleeping.

g. Structures shall not be located in or over any easement.

~~h. All Conditional Uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustments.~~

3. Supplemental Provisions for Residential Accessory Structures on Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to residential accessory structures on lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

:

a. Accessory structures greater than 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.

b. Accessory structures less than or equal to 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a ten (10) feet minimum setback from the ordinary high water mark so long as proper flood-proofing measures are installed for structures within the floodplain.

c. Accessory structures greater than 200 SF that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line adjacent to the street/right-of-way. Doors that open parallel to the street shall be setback nine (9) feet from the lot line adjacent to the street/right-of-way

d. Accessory structures less than or equal to 200 SF shall have a nine (9) feet minimum setback from the lot line adjacent to the street/right-of-way.

e. The setbacks as required above may be modified, ~~at the discretion of the Building Official,~~ where the frontage on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, ~~at the discretion of the Building Official,~~ be expanded to the full width of the main building. **Exception:** In line provision does not apply if garage doors are proposed to open perpendicular to the street, requiring a setback of twenty (20) feet from the property line.

~~3.~~4. Supplemental Provisions for Residential Accessory Structures greater than 200 Square Feet.

~~b.~~a. An accessory structure ~~garage~~ permitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the ~~alley~~ lot line. A garage permitted after July 11, 2008 which is entered perpendicular to ~~a~~ the lot line~~n alley~~ adjacent to an alley shall not be located closer than twenty (20) feet to the ~~alley~~ lot line. A garage which is entered parallel to the lot line adjacent to an alley shall not be located closer the nine (9) feet to the ~~alley~~ lot line.

~~c. Rear yards for homes located on lakefront property will be treated the same as an alley.~~

~~d. Attached Garage Standards.~~

~~(1) An attached garage shall be limited to three (3) garage doors/stalls per side or frontage, a width not to exceed forty two (42) feet, a depth not to exceed fifty six (56) feet, and shall conform to the design of the house.~~

~~(2) Attached garages to exceed maximum size or number of garage doors/stalls may be permitted at the discretion of the Building Official.~~

~~(3) In cases where attached garages are allowed to exceed the maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.~~

~~e.~~b. ~~Unattached Garage~~~~Detached~~ A~~a~~ccessory structures greater than two hundred (200) square feet.

(1) The cumulative size shall be limited based on total square foot area of a residential lot as follows:

(a) Up to 10,000 square feet:
Thirteen percent (13%) of lot area or 1,260 square feet, whichever is less

(b) 10,001 – 20,000 square feet:
Eight percent (8%) of lot area or 1,260 square feet, whichever is greater

(c) 20,001 – 43,560 square feet:
Five percent (5%) of lot area or 1,600 square feet, whichever is greater

(d) 43,561 – 87,119 square feet:
Four percent (4%) of lot area or 2,180 square feet, whichever is greater

(e) Over 87,120 square feet:
Three percent (3%) of lot area or 3,485 square feet, whichever is greater

(2) Limitations.

(a) An ~~detached~~ ~~unattached~~ accessory structure ~~garage~~ shall be limited to maximum side wall height of twelve feet (12'); a maximum height of twenty (20') feet to the peak.

(b) Structures may be located in the required rear yard, but may not occupy more than thirty percent (30%) of the required rear yard. However, detached accessory ~~buildings~~ structures for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.

~~(b)~~(c) Properties that do not have the ability to construct an attached garage and do not currently have an attached garage (ex. sufficient width on side yard after setbacks) are allowed an additional 440 square feet for their detached accessory structure over two hundred (200) square feet and shall not be 50% larger than the primary structure.

~~f.~~c. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.

~~g.~~d. Metal clad or vinyl covered canopies for permanent or temporary storage, with or without foundations are prohibited.

~~4. **Supplemental Provisions for Residential Accessory Structures Less Than or Equal to 200 Square Feet.**~~

~~a. All structures greater than one hundred (100) square feet must adhere to the same material requirements as garages.~~

~~b. Prefabricated structures one hundred (100) square feet or less may be constructed from metal, plastic, etc.~~

5. Supplemental Provisions for Allowable Miscellaneous Accessory Structures.

a. Permanent sports or recreational structures or facilities, such as tennis courts, pergolas or terraces, swimming pools that do not require a permit according to Ch. 21.79, barbecue pits, ~~noncommercial greenhouses,~~ and similar improvements that meet the minimum setback requirement of an accessory structure greater than two hundred (200) square feet~~, provided a site plan for such facility is approved.~~are exempt from requiring a building permit

~~b. Dog enclosures shall observe the same setbacks as accessory structures greater than two hundred (200) square feet (see Table 21.1002).~~

b. Prefabricated structures (ex. Dog house, noncommercial greenhouse) that are forty (40) square feet or less may be constructed from metal, plastic, etc. and meet the minimum setback requirement for an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit

c. Microwave antennas only by special permit as set forth in Chapter 21.72.

d. Boat houses may be permitted by conditional use on lots adjacent to the shores of Lake Kampeska and Lake Pelican. Each parcel is allowed one (1) boat house. In reviewing applications for boat houses, the Board of Adjustment will consider the following factors:

(1) Size of lot, size of proposed boat house, and location on lot.
(2) Amount of blockage of lake view to adjacent lots.
(3) Potential erosion problems caused by construction.
(4) Topography and slope of lot.
(5) Other factors which the Board of Adjustment may deem appropriate.

e. All uses customarily incidental to religious institutions, not to include commercial use.

Chapter 21.12
A-1 AGRICULTURAL DISTRICT

Section (back to Title contents)

21.1201 Purpose
21.1202 Permitted Uses
21.1203 Conditional Uses
21.1204 Area and Bulk Requirements

21.1201: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the A-1 Agricultural District is included in the Zoning Ordinance to achieve the following purposes:

1. To prevent premature urban development of certain lands which eventually may be appropriate for urban uses, until the installation of drainage works, streets, utilities and community facilities and until objective projections of appropriate land uses are possible.
2. To permit the conduct and perpetuation of certain agricultural pursuits on land within the City.
3. To ensure adequate light, air and access for various land uses and to provide adequate separation between dwellings and facilities for housing animals.

21.1202: PERMITTED USES

(back to Chapter contents)

1. Agricultural ~~a~~Activities and related farm buildings.
2. ~~On-site constructed~~ Single family ~~detached~~ dwelling unit.
3. ~~Type I~~ M~~m~~anufactured H~~h~~omes in accordance with 21.7101~~)(1))~~.
4. Recreational U~~u~~se. (Ord 19-08: Rev 08-10-19)
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.
8. ~~7.~~ Home Occupations in accordance with Chapter 21.82.

21.120~~43~~: CONDITIONAL USES

(back to Chapter contents)

~~1. Type II manufactured homes (see 21.7101(2)).~~
1. ~~2.~~ Mining, subject to the provisions of this ordinance.
2. ~~3.~~ Veterinary C~~c~~linics (Large and/or small animal, with or without outside runs).
3. ~~4.~~ ~~Stables and~~ Commercial Kennels, public and private. (Ord 21-18; Rev 7-16-21)
4. ~~5.~~ Airports and airstrips.
5. ~~6.~~ Religious Institutions and/or cemeteries.
6. ~~7.~~ Animal F~~f~~eedlots.
7. ~~8.~~ Sewage T~~t~~reatment P~~p~~lants.
8. ~~9.~~ Public and quasi-public institutions or services
9. ~~10.~~ Livestock S~~s~~ales.
10. ~~11.~~ Commercial G~~g~~reenhouses and nurseries.
11. ~~12.~~ Golf C~~c~~ourse and driving range.
12. ~~13.~~ Game P~~p~~ropagation A~~a~~reas.
13. Campground. (Ord 19-08: Rev 08-10-19)
14. Recreation Facility. (Ord 19-08: Rev 08-10-19)
15. Horticultural S~~s~~ervices.
16. ~~Home Occupations.~~
17. Funerary Service (Non-Human) (Ord 08-04: Rev 04-11-08)
18. Stables
19. Reception or Event Venue

~~18.~~

21.1204: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density, and providing minimum lot requirements. (Ord 04-04; Rev 03-26-04)

Chapter 21.14
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1401 Purpose
21.1402 Permitted Uses
21.1403 Conditional Uses
21.1404 Area and Bulk Requirements

21.1401: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1402: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Single Ffamily ~~detached~~ Rresidential Ddwelling~~,~~s~~,~~ ~~including attached or detached garages, but~~ not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public U~~u~~tilities and services required by the resident population.
3. Recreational Use. (Ord 19-08: Rev 08-10-19)
4. Accessory U~~u~~ses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Modular Homes.

~~5.~~6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1403: CONDITIONAL USES (back to Chapter contents)

~~6. Day care homes caring for children, provided that such facilities shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child. In addition, such facilities shall supply adequate off street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards. (Ord 12-17; Rev 06-15-12)~~

1. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
2. Religious institutions, public libraries, museums and schools.
3. Reserved.
4. Home O~~o~~ccupations in accordance with Chapter 21.82~~70~~.
5. Bed and Breakfast.
6. Licensed ~~d~~Daycare centers in conjunction with religious institutions.

~~6.~~7. 8. Golf Course. (Ord 19-08: Rev 08-10-19)

~~9.~~8. Community Center (Ord 19-08: Rev 08-10-19)

~~10.~~9. Public utilities and governmental building which serve more than the immediate geographic neighborhood, examples include but are not limited to substations, regulator substations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses. (Ord 04-04; Rev 03-26-04)

~~11.~~10. Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements.

~~12.~~11. Specific Use Office Building, only allowed on property which abuts US Highways 81 and 212, and SD Highway 20, and which has a lot width of not less than seventy five (75) feet. (Ord 02-11; Rev 01-19-03) (Ord 09-10; Rev 07-11-09) See Chapter 21.74.

~~13.~~12. Office in an existing structure not originally designed for human residence, specifically excluding new construction. (Ord 06-31; Add 01-25-07)

21.1404: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.15
R-1C COMPACT SINGLE FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1501 Purpose
21.1502 Permitted Uses
21.1503 Conditional Uses
21.1504 Area and Bulk Requirements

21.1501: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1502: PERMITTED USES (back to Chapter contents)

1.

~~1.~~ Single Ff~~f~~amily ~~detached~~ R~~r~~esidential Dd~~d~~wellings~~.~~ ~~including attached or detached garages, but~~ not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public U~~u~~tilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
4. Accessory U~~u~~ses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Modular Homes.

~~5.~~6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1503: CONDITIONAL USES (back to Chapter contents)

1. Any conditional use listed in the R-1 District. (Ord. 19-08; Rev 08-10-19)
2. Communal Living (Ord 20-03; Rev 2-14-20)

21.1504: AREA AND BULK REQUIREMENTS (back to Chapter contents)

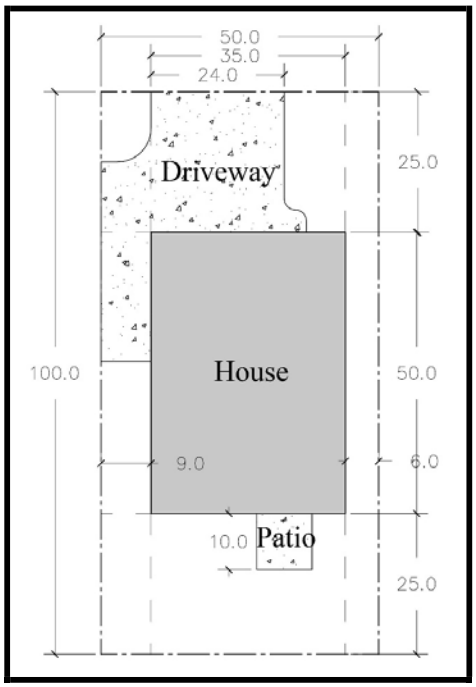
See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

No ~~area~~ property shall be eligible to be zoned R-1C unless it contains ~~a half block area or approximately~~ one (1) acre.

~~21.1505: GRAPHIC ILLUSTRATION~~ (back to Chapter contents)

~~1. Minimum Area Requirements (one half block) to Rezone to R-1C Compact Single Family Residential District.~~

~~2. R-1AC Lot Requirements with setbacks within the maximum allowable lot coverage of 55%~~



Chapter 21.16
R-2 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1601 Purpose
21.1602 Permitted Uses
21.1603 Conditional Uses
21.1604 Area and Bulk Requirements

21.1601: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-2 Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the land around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influence.

21.1602: PERMITTED USES

(back to Chapter contents)

1. All permitted uses in the R-1 District.
2. ~~Two-family residential dwellings~~Duplex. (Ord 04-04; Rev 03-26-04)
~~2.~~
3. Triplex
4. Fourplex

~~Type I manufactured homes (see 21.7101(1)).~~

21.1603: CONDITIONAL USES

(back to Chapter contents)

1. Any conditional use listed in the R-1 District.
~~Three and four family dwellings.~~
2. Licensed R~~r~~esidential T~~t~~reatment or G~~g~~roup H~~h~~omes (not to exceed four (4) persons, not including employees).
3. Neighborhood R~~r~~etail E~~e~~stablishments.
~~4. Single family zero lot line developments with eight or more contiguous lots by original plat.~~
~~5.~~4. Funerary Service. (Ord 08-04: Rev 04-11-08)
~~6.~~5. Assisted Living Centers.
~~7.~~6. Communal Living. (Ord 20-03; Rev 2-14-20)
~~8.~~7. Fraternity/Sorority. (Ord 20-03; Rev 2-14-20)

21.1604: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.18
R-2A SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1801 Purpose
21.1802 Initiation and Criteria
21.1803 Permitted Uses
21.1804 Conditional Uses
21.1805 Area and Bulk Requirements

21.1801: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102 Objectives and 21.1601 Purpose the R-2A Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To create a zoning district which includes identified areas that were previously zoned R-2, per the Official Zoning Map, and platted prior to January 1, 2005 that contain a concentration of lots which do not conform to the area standards within the R-2 zoning district.
2. To allow flexibility in the development of lots that were platted prior to January 1, 2005 that do not generally comply with the area and use requirements within their respective zoning district(s).
3. To allow the continuation of residential uses while limiting density of development to that which existed as of January 1, 2005. (Ord 08-18; Rev 10-10-08)

21.1802: INITIATION AND CRITERIA

(back to Chapter contents)

1. Rezoning of property to an R-2A designation may only be initiated by the ~~Plan Commission~~Planning Commission notwithstanding any contrary provision within Section 21.0209(1).
2. Any decision by the ~~Plan Commission~~Planning Commission on whether to initiate a rezoning to R-2A District shall take into account the following criteria: area; location; land use, The City of Watertown Comprehensive Land Use Plan and any ancillary studies and/or any other factor deemed relevant by the ~~Plan Commission~~Planning Commission. Any decision by the ~~Plan Commission~~Planning Commission shall be deemed final and will not be eligible for reconsideration for a period of one year. (Ord 08-18; Rev 10-10-08)

21.1803: PERMITTED USES

(back to Chapter contents)

1. All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

(back to Chapter contents)

1. Any conditional use listed in the R-2 District.

21.1805: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.20
R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.2001 Purpose
21.2002 Permitted Uses
21.2003 Conditional Uses
21.2004 Area and Bulk Requirements

21.2001: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-3 Multi-Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2002: PERMITTED USES (back to Chapter contents)

~~1. All permitted uses in the R-1 District. Multiple dwelling units and accessory structures. 3. Townhouses. (Ord 04-04; Rev 03-26-04)~~
~~4. Type I manufactured homes. (Section 21.7101(1)) (E-506)~~
1. All permitted uses in the R-1 and R-2 Districts
2. Multi-Family Dwellings
3. Public utilities and services required by the resident population.
4. Recreational Use. (Ord 19-08: Rev 08-10-19)

21.2003: CONDITIONAL USES (back to Chapter contents)

1. Any conditional use listed in the R-1 and R-2 Districts ~~(except three and four family dwellings which are a permitted use within this district).~~
2. Storage Units. ~~(Individual units must be less than or equal to (≤) six hundred (600) sf).~~ (Ord 04-04; Rev 03-26-04)
3. Clubs, lodges and community centers.

~~4. The replacement of existing Type II manufactured homes. (See 21.7101(2))~~
~~5.~~4. Clinics and Hospitals.
~~6.~~5. Licensed residential treatment or group homes.
~~7.~~6. Specific Use Office Building, only allowed on property which abuts any collector street or minor arterial street, as those terms are defined in the comprehensive land use plan adopted by the City, when such property is directly contiguous to any commercially zoned property and/or any Planned Unit Development (PUD) within the City, and when such PUD does not include proposed or existing land uses whose proximity to the proposed location of the specific use office building would, in the opinion of the Board of Adjustment, render granting the conditional use contrary to established zoning and land use principals; and has a lot frontage width of not less than seventy five (75) feet. (Ord 09-10; Add 07-11-09)

~~8. Combination of two or more Permitted or Conditional Uses allowed for in the R-3 District. (Ord 13-26; Rev 12-13-13)~~

21.2004: AREA AND BULK REQUIREMENTS (back to Chapter contents)

Chapter 21.20

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.22
R-4 MANUFACTURED HOMES RESIDENTIAL DISTRICT

Section (back to Title contents)

21.2201 Purpose
21.2202 Permitted Uses
21.2203 Conditional Uses
21.2204 General Requirements
21.2205 Area and Bulk Requirements
21.2206 License Required

21.2201: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-4 Manufactured Homes Residential District is included in the Zoning Ordinance to achieve the following purposes: (Ord 04-04; Rev 03-26-04)

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2202: PERMITTED USES

(back to Chapter contents)

1. Manufactured homes ~~in manufactured home courts by Planned Unit Development procedures, except that manufactured home courts shall be a minimum of ten (10) acres. (E-545-1) (Ord 04-04; Rev 03-26-04)~~
~~2. Uses necessarily incidental to a manufactured home court, bathroom, laundry, storm shelter, storage units, etc. (Ord 04-04; Rev 03-26-04)~~
~~3. Sale of new or used manufactured homes by the owner of a court is permitted when the home is used and occupied within that same manufactured home court. (Ord 10-29; Rev 11-26-10)~~
~~4. Single family residential dwellings including attached or detached garages, on property zoned R-4, but not in a recognized court.~~
~~5.~~2. Public U~~u~~tilities and services required by the resident population.
~~6.~~3. Recreational Use. (Ord 19-08; Rev. 08-10-19)
4. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Day Care, Home (See Chapter 21.83 for special use provisions)
~~7.~~

21.2203: CONDITIONAL USES

(back to Chapter contents)

1. Home O~~o~~ccupations in accordance with Chapter 21.82~~70~~.
2. ~~Day Care Homes in accordance with 21.1403(1). (Ord 12-17; Add 06-15-12)~~
3. ~~Travel trailers, campers or similar, for seasonal construction workers, provided they are within a designated area.~~Storage Units
4. Religious Institutions (Ord 21-31; Rev 8-13-21)

~~1. 21.2204:~~

21.2004: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

No property shall be eligible to be zoned R-4 unless it contains a minimum of five (5) acres.

~~**GENERAL REQUIREMENTS**~~ (back to Chapter contents)

~~In addition to the Planned Unit Development procedure, R-4 Manufactured Homes Residential Districts are subject to the following minimum requirements: (Ord 04-04; Rev 03-26-04)~~

~~2. (Reserved)~~

~~3. The land area used or occupied by one manufactured home or other housing unit as a manufactured home court shall be not less than fifty (50) feet in width and not less than seventy five hundred (7,500) square feet~~

~~in area and the same shall be defined by markers at each corner. Further, the minimum width of walkways serving such manufactured home lots shall be four (4) feet in width, and driveways serving such manufactured home lots shall be twenty (20) feet in width. No manufactured home or other living unit together with any appendages such as covered entrances or rooms or porches shall be placed within six (6) feet of its individual lot line, twelve (12) feet from one another, side to side, and not less than twenty (20) feet of one another, end to end, nor within twenty five (25) feet of any exterior property line of the court. (Ord 04-04; Rev 03-26-04)~~

~~4. Two (2) off-street automobile parking spaces shall be provided for each manufactured home or living unit in a manufactured home. Such off-street parking spaces shall be set aside in a location convenient to the occupants of the manufactured home and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding twenty five (25) feet in width in the curb line of said street. (Ord 04-04; Rev 03-26-04)~~

~~5. Where private streets are proposed in an R-4 District, they shall have a minimum right of way of fifty (50) feet. (Ord 04-04; Rev 03-26-04)~~

21.2205: GENERAL REQUIREMENTS

1. In accordance with the provisions of Chapter 21.71 Manufactured Homes

~~6. Each manufactured home court shall provide the following minimum facilities on the site for the common use of all manufactured home occupants: (Ord 04-04; Rev 03-26-04)~~

~~a. (Reserved) (Ord 04-04; Rev 03-26-04)~~

~~b.~~2. Each manufactured home shall be connected with an approved sanitary sewer and water supply system. ~~Laundry facilities shall be connected to an approved water supply and sanitary sewer system. (Ord 04-04; Rev 03-26-04)~~

~~c.~~3. Site lighting shall be provided if private streets are utilized for access. All of the requirements shall meet specifications approved by the City Engineer. (Ord 04-04; Rev 03-26-04)

~~d. Each manufactured home court shall maintain a register for the registration of all occupants, and such other information as may be required by law. (Ord 04-04; Rev 03-26-04)~~

4.

~~e.~~ All manufactured homes~~, regardless of location,~~ unless such manufactured homes are securely anchored to a permanent foundation approved by the Building Official, shall be anchored to the ground, in accordance with the manufacturer's specifications or as prescribed by the Federal Manufactured Housing Construction and Safety Standards Code and ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04)

~~7. Any permit allowing a manufactured home court shall require the development of a minimum of at least ten (10) sites within twelve (12) months from the date of issuance of the permit. (E-545-1) (Ord 04-04; Rev 03-26-04)~~

~~8.~~5. Whenever a manufactured home is moved in~~, to an existing court,~~ a permit ~~from the Building Official~~ shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)

~~9.~~1. ~~Existing manufactured home courts may be expanded. The minimum land area required for an expansion of an existing manufactured home court shall be five (5) acres. Prior to any expansion, the applicant shall be required to submit a site plan and approval of the Plan Commission~~Planning Commission~~. The expansion shall comply with all other regulations herein set forth.~~

~~10. New manufactured home courts shall be required to provide a storm shelter or storm shelter plan. The shelter and/or shelter plan shall require the approval of the City Engineer.~~

~~**21.2205: AREA AND BULK REQUIREMENTS** (back to Chapter contents)~~

~~See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)~~

21.2206: ~~LICENSE REQUIRED~~MANUFACTURED HOME COURTS (back to Chapter contents)

1. No person shall establish, maintain or operate a manufactured home court without having obtained a license to do so. The license shall be issued by the City Council, from year to year, upon approval of an application for such a license. All license shall expire on December 31 of the year in which it is issued. The annual

license fee shall be established by resolution of the City Council.

2. A manufactured home court shall maintain a register of all occupants, and such other information as may be required by law.

3. Existing manufactured home courts may be expanded. The manufactured home court, existing and expansion combined, shall be required to be a minimum of five (5) acres for the R-4 zoning. ~~The minimum land area required for an expansion of an existing manufactured home court shall be five (5) acres. Prior to any expansion, the applicant shall be required to submit a site plan and approval of the Plan Commission~~Planning Commission. ~~–~~The expansion shall comply with all other regulations herein set forth.

4. Manufactured home courts shall be required to provide a storm shelter or storm shelter plan. The shelter and/or shelter plan shall require the approval of the City Engineer.

5.

~~No person shall establish, maintain or operate a manufactured home court without having obtained a license to do so. The license shall be issued by the City Council, from year to year, upon approval of an application for such license. All licenses shall expire on December 31 of the year in which issued. The annual license fee shall be established by resolution of the City Council. (C 201-3) (E 617-1) (Ord 12-23; Rev 09-14-12)~~

Chapter 21.24
R-S RESIDENTIAL STORAGE DISTRICT

Section (back to Title contents)

21.2401 Purpose
21.2402 Permitted Uses
21.2403 Requirements
21.2404 Prohibited Uses
21.2405 Area and Bulk Requirements

21.2401: PURPOSE (back to Chapter contents)

It is the purpose of the Watertown City Council and Watertown Planning Commission to establish a district which allows for storage units and storage shops on a lot adjacent to or in close proximity to residential zoning districts.

21.2402: PERMITTED USES (back to Chapter contents)

1. Storage Shops
2. Storage Units
3. Storage Facility, Indoor

21.2403: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking."

21.2404: DESIGN STANDARDS (back to Chapter contents)

1. Structure

a. Constructed in an accordance with Section 21.1001 Residential Height & Placement Regulations unless otherwise specified below.
b. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
c. Maximum side wall height shall not exceed sixteen (16) feet.
d. Where any structure has twelve (12) foot sidewalls, the required side yard shall be a minimum of nine (9) feet. Side yards shall increase by one-half (1/2) foot for every one (1) foot in additional height.
e. Maximum size shall not exceed two thousand one hundred and eighty (2,180) square feet or thirty percent (30%) of lot area, whichever is greater.
f. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50’ or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls must be relieved by architectural detailing such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals consistent with the size, mass and scale of the wall.

2. Outside Storage Display and Screening

a. Outdoor storage is allowed in accordance with 21.6501: Outside Storage/Parking—Residential Uses

Chapter
21.2~~5~~4
C-1 COMMUNITY COMMERCIAL DISTRICT

Section (back to Title contents)

21.2~~5~~401 Purpose
21.2~~5~~402 Permitted Uses and Permitted Special Uses
21.2~~5~~403 Conditional Uses
21.2~~5~~404 Area and Bulk Requirements

21.2~~5~~401: PURPOSE (back to Chapter contents)

1. To provide retail and service uses that serve the whole community and supply a wide range of goods and services required by the primary marketable population.
2. To permit development of community retail centers of a size and in the locations shown in the Comprehensive Land Use Plan.

21.2~~5~~402: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Retail establishments.
2. Service establishments.
3. Establishments manufacturing a product to be sold at retail on premises.
4. Entertainment services.
5. Financial institutions.
6. Uses operated by a governmental entity.
7. Newspaper and printing firms.
8. Office (Building).
9. Parking lot and/or parking ramps.
10. ~~Apartments~~ Dwelling units (up to and including four units) using the upper floors of commercial buildings.
11. Accessory structures and uses customarily incident to the above permitted uses.
12. Restaurants. (Ord 04-04; Rev 03-26-04)
13. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
14. Day Care Facility (Non-residential).

~~13.~~

21.2~~5~~403: CONDITIONAL USES (back to Chapter contents)

1. Lumberyard.
2. Bakery.
3. Truck or Bus Terminal.
4. Bar or Tavern.
5. Reserved. (Ord 04-44; Rev 03-26-04)
6. Manufacture/assembly of products and goods.
7. Wholesale merchandising.

~~Day Care Facility (Non-residential).~~
~~8.~~

~~9.~~8. Apartment house or complex~~s.~~
~~10.~~9. Hotel/Motel/Inn.
~~11.~~10. Storage Units.
~~12.~~11. Contractor Shops & Storage Yards.
12. Bed and Breakfast
13. MAKE SURE NUMBER IS CORRECT ONCE ADOPTED
14. Civil/Social Organizations.
15. Social Assistance.
16. Religious Institutions.
17. Theater.
18. Clinic
19. Convention Center/Banquet Facility.
20. Warehouse.
21. Recreational Use.
22. Service Station – Motor Vehicle.
23. Car Wash (automatic or semi-automatic).
24. Auto Body Repair Shops (Ord 20-46; Rev 1-15-21)
25. Recreation Facility. (Ord 19-08; Rev 08-10-19)
26. ~~Apartments~~ Dwelling units (over 4 units) using the upper floors of commercial buildings
27. ~~Apartment~~Dwelling unit(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear.
28. Any and all permitted uses in the R-1 "Single Family Residential District" or R-3 "Multi-Family Residential District," where such use existed prior to the adoption of this conditional use, and where such conditional

use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.

29. Other uses which in the opinion of the Board of Adjustment are of the same general character.
30. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13) (Ord 17-02; Rev 03-31-17)
31. Storage Facility, Indoors
32. Reception or Event Venue

~~30.~~

21.25~~4~~04: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.26
C-2 LOCAL COMMERCIAL DISTRICT

Section (back to Title contents)

21.2601 Purpose
21.2602 Permitted Uses and Permitted Special Uses
21.2603 Conditional Uses
21.2604 Area and Bulk Requirements

21.2601: PURPOSE (back to Chapter contents)

1. To provide for neighborhood local retail and service uses that serve the day to day needs of residents in convenient and appropriate locations.
2. To permit development of neighborhood local shopping facilities as designated in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2602: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. ~~Neighborhood~~ Retail Establishments not to exceed 15,000 SF~~.~~
2. Automobile parking lot.
3. Bank or financial institution.
4. Service Establishments.
5. Public Utilities which serve the resident population. (Ord 04-04; Rev 03-26-04)
6. Office (Building).
7. Recreational Use. (Ord. 19-04; Rev 05-31-19)
8. Recreation Facility (Ord. 19-08; Rev 08-10-19)
9. Religious Institutions (Ord 21-31; Rev 8-13-21)
10. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
11. Dwelling unit(s) in the same structure as non-residential uses, provided such residential use is located above the first floor
12. Restaurant.
13. Day Care Facility (Non-residential).
14. Assisted Living Center (Ord 06-31; Add 01-25-07)

~~10.~~ Clinic, (Ord 06-31; Add 01-25-07)

~~11.~~

21.2603: CONDITIONAL USES (back to Chapter contents)

1. Car Wash (automatic or semi-automatic).
2. Service Station – Motor Vehicle.
3. Hotel/Motel.
4. Bar or Tavern.

~~4.~~5. Apartment House or Complex.

~~5.1. Restaurant.~~

~~6. Day Care Facility (Non-residential).~~

~~7. Assisted Living Center (Ord 06-31; Add 01-25-07)~~

~~8. Clinic, (Ord 06-31; Add 01-25-07)~~

9. Storage Units. ~~(Individual units must be less than or equal to (≤) six hundred (600) sf)~~
10. Funerary Service (Ord 08-04: Rev 04-11-08)

~~11. Apartments (Ord 20-02; Rev 2-14-20)~~

11. Other uses which in the opinion of the Board of Adjustment are of the same general character. (Ord 17-02; Rev 03-31-17)
12. Storage Facility, Indoor
13. Dwelling unit(s) in the same structure as non-residential uses.

~~12.~~14. Reception or Event Venue

21.2604: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.28
C-3 HIGHWAY COMMERCIAL DISTRICT

Section (back to Title contents)

21.2801 Purpose
21.2802 Permitted Uses and Permitted Special Uses
21.2803 Conditional Uses
21.2804 Area and Bulk Requirements
21.2805 Prohibited Uses

21.2801: PURPOSE (back to Chapter contents)

1. To establish appropriate locations along major streets and highways for highway and automobile related retail and service establishments.
2. To permit development of highway service centers in the appropriate locations shown in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2802: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Service Station – Motor vehicle.
2. Retail establishments.
3. Service Establishments.
4. Motels and Hotels. (Ord 04-04; Rev 03-26-04)
5. Motor vehicle sales. (Ord 12-18; Rev 06-15-12)
6. Office (Building).
7. Financial institutions.
8. Restaurants.
9. Clinics.
10. Veterinary clinics (only small animal, without outside runs).
11. Automobile parking lot.
12. Farm machinery and/or semi-trailer/semi-truck sales. (Ord 04-04; Rev 03-26-04)
13. Recreational Use. (Ord. 19-04; Rev 05-31-19)
14. Recreation Facility (Ord. 19-08; Rev 08-10-19)
15. Religious Institutions (Ord 21-31; Rev 8-13-21)
16. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
17. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
18. Day Care Facility (Non residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)
19. Storage Facility, Indoor
20. Reception or Event Venue

~~16.~~

21.2803: CONDITIONAL USES (back to Chapter contents)

1. Car Wash (automatic or semi-automatic).
2. Theater.
3. Bar or Tavern.
4. Truck or Bus Terminal.
5. Bottling works.
6. Lumberyard.
7. Grain elevators and terminal.
8. Campground. (Ord 04-04; Rev 03-26-04).
9. Apartment House or Complex.~~s.~~
10. Day Care Facility (Non-residential).
11. Storage units.
12. Contractor Shops & Storage Yards.
13. Light Manufacturing
14. Funerary Service. (Ord 08-04; Rev 04-11-08)
15. Funerary Service (Non-Human) (Ord 08-04; Rev 04-11-08)
16. Wholesale establishment or warehouse in a completely enclosed building.
17. Caretakers Residence (Ord. 20-36; Rev 10-30-20)
18. Auto body repair shops (Ord 20-39; Rev 1-15-21)
19. Any and all permitted uses in the R-1 "Single Family Residential District" or R-3 "Multi-Family Residential District," where such use existed prior to the adoption of this conditional use, and where such conditional use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.
20. Other uses which in the opinion of the Board of Adjustment are of the same general character as those enumerated in the C-3 District.

~~21.19. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-~~

~~14-13)~~

~~22.~~21. Schools offering post secondary education. (Ord 14-38; Rev 01-10-15)

22. Commercial Kennel (Ord 21-18; Rev 7-16-21)

23. Dwelling unit(s) in the same structure as non-residential uses.

24. Storage Shops

~~23.~~

21.2804: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

21.2805: PROHIBITED USES (back to Chapter contents)

No art museum (except those sponsored by the public entities), art gallery, art publishing house or artist studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a C-3 District. (01-02)

Chapter 21.29
C-L LAKE COMMERCIAL DISTRICT

Section (back to Title contents)

21.2901 Purpose
21.2902 Permitted Uses
21.2903 Conditional Uses
21.2904 Area and Bulk Requirements 21.2905 Design Standards
21.2906 Boundary Map for Lake Kampeska 21.2907 Boundary Map for Lake Pelican

21.2901: PURPOSE (back to Chapter contents)

1. To establish appropriate locations within the C-L Lake Commercial Boundary Map in Section 21.2906 and 21.2907 to Lake Kampeska and Lake Pelican that are conducive to lake commercial activity.
2. To permit development of service/retail centers complimentary to lake recreation and living adjacent to Lake Kampeska and Lake Pelican as shown in the Comprehensive Land Use Plan.

Source: (Ord 20-10; Eff 5-1-2020)

21.2902: PERMITTED USES (back to Chapter contents)

1. Retail establishments.
2. Service Establishments.
3. Restaurants.
4. Recreational Use.
5. Recreation Facility.
6. Religious Institutions.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 21-31; Rev 8-13-21)

21.2903: CONDITIONAL USES (back to Chapter contents)

1. Campground.
2. Storage Shops.
3. Apartment House or Complex~~s~~.
~~3.~~4. Dwelling unit(s) in the same structure as non-residential uses.
~~4.~~5. Car Wash (automatic or semi-automatic).
~~5.~~6. Motels and Hotels.
~~6.~~7. Automobile parking lot.
~~7.~~8. Storage Units.
~~8.~~9. Office (Building).
~~9.~~10. Bar or Tavern.
~~10.~~11. Transit Station.

Source: (Ord 20-10; Eff 5-1-2020)

21.2904: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking."

Source: (Ord 20-10; Eff 5-1-2020)

21.2905: DESIGN STANDARDS (back to Chapter contents)

3. Structure

a. Lot coverage shall not exceed fifty (50) percent of the total lot area.

b. All exterior walls facing and immediately adjacent to a property zoned R-1 Single Family Residential shall be finished with the following materials or similar faux material, or a combination of:

i. Face brick

ii. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block

iii. Tile (masonry, stone or clay)

iv. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture

v. Stucco or similar cement based material

vi. Architectural metal panels which cover a wall- i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels

vii. Transparent glass/spandrel glass

viii. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished

ix. Decorative block

x. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels are allowed if used as an accent to include not more than twenty (20) percent of said wall.

c. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50’ or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls must be relieved by architectural detailing such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals consistent with the size, mass and scale of the wall.

4. Outside Storage Display and Screening

a. Storage or display of items outside is limited to those items related to the nature of the business occurring within the primary structure.

b. Outside storage or display shall not be allowed on any regular parking spaces.

c. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.

d. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty (50) percent of the trees shall be coniferous.

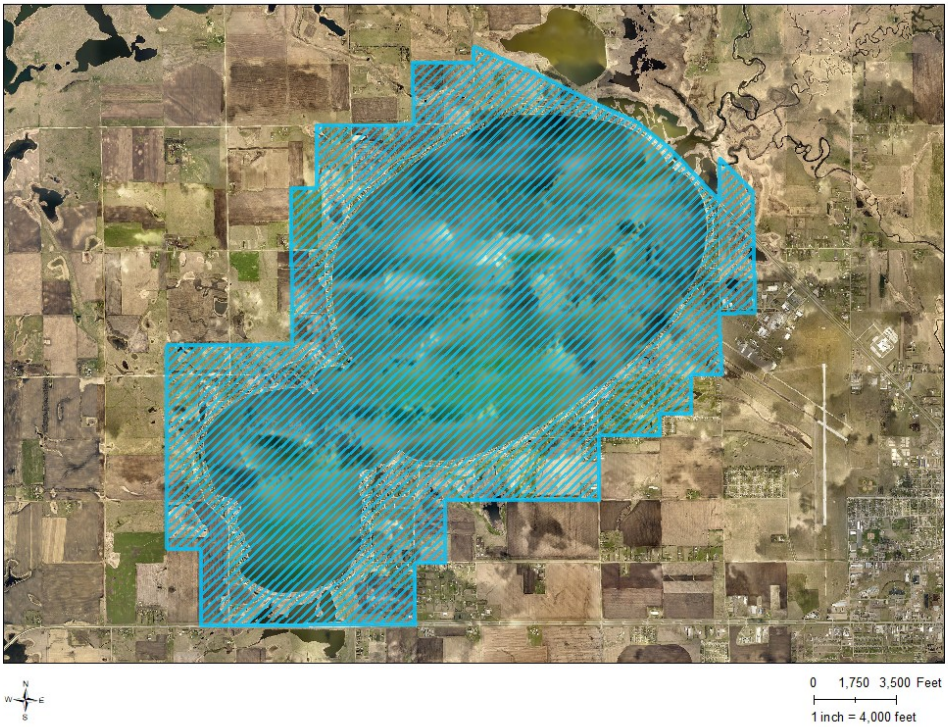
5. Transitional Yards

a. Properties adjacent to Residential Zoning Districts shall maintain fifteen (15) feet of grass on the side yards to extend the entire length of the property boundaries.

b. Landscaping and screening devices, including fences, are allowed to be placed within the transitional yard.

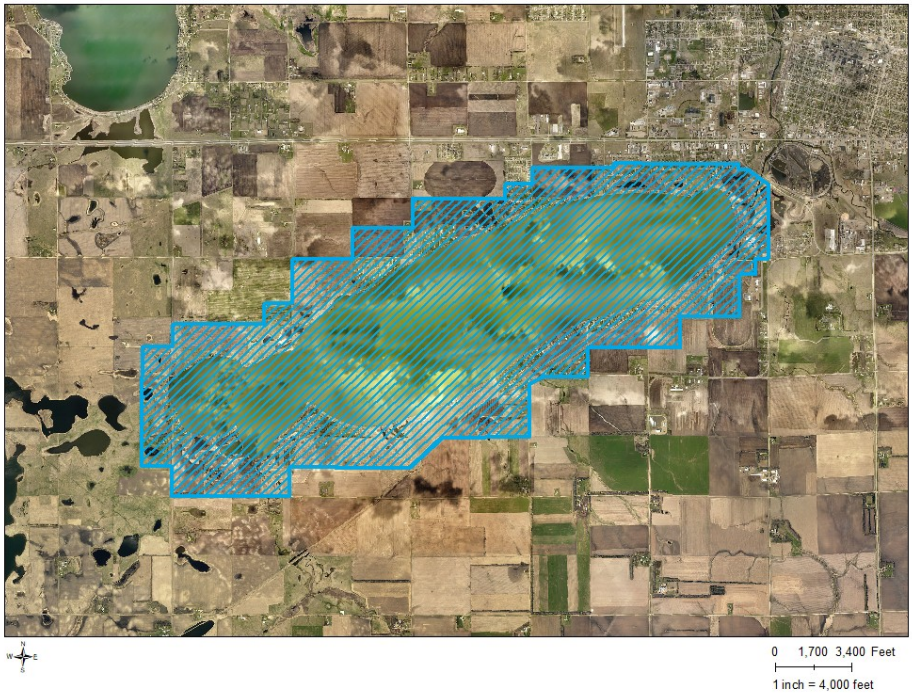
Source: (Ord 20-10; Eff 5-1-2020) (Ord 20-30; Rev 10-02-20)

21.2906: BOUNDARY MAP FOR LAKE KAMPESKA (back to Chapter contents)



Source: (Ord 20-10; Eff 5-1-2020)

21.2907: BOUNDARY MAP FOR LAKE PELICAN (back to Chapter contents)



Source: (Ord 20-10; Eff 5-1-2020)

Chapter 21.30
B-P BUSINESS PARK DISTRICT

Section (back to Title contents)

21.3001 Purpose
21.3002 Permitted Uses
21.3003 Conditional Uses
21.3004 Requirements
21.3005 Prohibited Uses

21.3001: PURPOSE (back to Chapter contents)

1. The goal of the business park zoning district is to provide a flexible site for the formation of a coordinated mix of land uses including offices, arts and medical facilities, light manufacturing and limited commercial uses which harmonize and complement each other.
2. Encourage more creative, higher quality urban development.
3. Provide high standards for site planning, architecture and landscape design to meet the needs of the most discriminating establishments.

21.3002: PERMITTED USES (back to Chapter contents)

1. Offices (Building).
2. Art centers, museums.
3. Theater.
4. Medical and health oriented facilities.
5. Hotel or motel.
6. Convention center, banquet facilities.
7. Research and development facilities.
8. Restaurants.
9. Light manufacturing, such as assembly or related operations.
10. Day Care Facility (Non-residential).
11. Recreational Use. (Ord. 19-08; Rev 08-10-19)
12. Recreational Facility (Ord. 19-08; Rev 08-10-19)
13. Schools offering post-secondary education. (Ord 13-35; Rev 01-10-13)
14. Religious Institutions (Ord 21-31; Rev 8-13-21)
~~14.~~15. Day Care Facility (Non-residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)

21.3003: CONDITIONAL USES (back to Chapter contents)

1. Retail establishments.
2. Recreational facilities.
3. Off-Sale Malt Beverage and Wine sales when licensed pursuant to SDCL §35-4-2 (17A). (Ord 08-22; Rev 12-12-08)
4. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)

21.3004: REQUIREMENTS (back to Chapter contents)

1. Size

a. No area shall be eligible as a Business Park District unless it contains at least twenty (20) acres.
b. Minimum lot size shall be three (3) acres.
c. No area shall be eligible as a Business Park District unless there is an adopted Declaration of Restrictions and Covenants recorded with the Register of Deeds.

2. Setbacks

a. Front yard setbacks: All structures shall be set back a minimum of fifty (50) feet. (Ord 04-04; Rev 03-26-04)
b. Side and back yard setbacks: All structures will be set back a minimum of twenty (20) feet. (Ord 04-04;

3. **Site coverage**
   a. No more than fifty percent (50%) of the surface area of any site shall be devoted to the erection and/or placement of a building.
4. **Parking**
   a. All parking areas are to be paved.
   b. Parking requirements conform to usage schedule in city ordinances.
5. **Maximum building height**
   a. No building permit shall be over five (5) stories or fifty five (55) feet for all structures, roofs and other appendages, including heating, cooling and machinery systems.
   b. A variance will be required for buildings to exceed the maximum height requirement.
   c. If a business park is adjacent to airport property, maximum building height shall conform to Federal Aviation Administration requirements.
6. **Loading areas**
   a. All loading areas will be paved.
   b. Loading docks/areas will not be approved on a street frontage.
7. **Storage and refuse areas**
   a. No outside storage will be permitted. A conditional use may be granted if storage is appropriate and is located behind visual barrier screening.
   b. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
   c. Refuse collection areas shall be located on the rear or side of the site and located behind visual barrier screening. (E-712)

21.3005: PROHIBITED USES (back to Chapter contents)

No art museum (except those sponsored by public entities), art gallery, art publishing house or artists' studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a Business Park District. (01-02)

Chapter 21.32
I-1 LIGHT INDUSTRIAL DISTRICT

Section (back to Title contents)

21.3201 Purpose
21.3202 Permitted Uses and Permitted Special Uses
21.3203 Conditional Uses
21.3204 Area and Bulk Requirements

21.3201: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the I-1 Light Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments.
2. To provide and ensure the continuity of locations for industries that can operate on small sites with minimum mutual adverse impact.
3. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
4. To reserve appropriately located areas for industrial and related activities.
5. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
6. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and noxious fumes, radiation and other hazards incidental to certain industrial uses.
7. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships with each other.
8. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
9. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
10. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3202: PERMITTED USES AND PERMITTED SPECIAL USES

(back to Chapter contents)

1. Agricultural (crop production or pasture).
2. Motor vehicle sales and/or repair. (Ord 12-18; Rev 06-15-12)
3. Welding shops. (Ord 04-04; Rev 03-26-04)
4. Lumberyards.
5. Offices. (Ord 04-04; Rev 03-26-04)
6. Highway/street maintenance shops/yards.
7. Mail order houses.
8. Milk/soft drink bottling plant (with no limit of employees).
9. Light manufacturing. (Ord 04-04; Rev 03-26-04)
10. Oil stations/auto cleaning establishments.
11. Public and private utilities uses.
12. Truck terminals and freight warehouses.
13. Contractor Shops & Storage Yards.
14. Storage Units.
15. Warehouse.
16. Veterinary Clinic (large and/or small animal, with or without outside runs). (Ord 19-17; Rev 1-10-2020; removed "Caretakers Residence")
17. Auto body repair shops (Ord 20-40; Rev 1-15-21)
18. Metal working shop, tinsmith or plumbing shop with no limit of employees.
19. Radio and television studios, communication transmitting and receiving towers. (Ord 04-04; Rev 03-26-04)
20. Wholesale distributing companies, all commodities except live animals, explosives and junk.
21. Farm machinery and/or semi-trailer/semi-truck sales and/or repair. (Ord 12-18; Add 06-15-12) (Ord 18-13; Rev 08-10-18)
22. Medical Cannabis Cultivation Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
23. Medical Cannabis Testing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
24. ~~25.~~ Medical Cannabis Product Manufacturing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
25. ~~Day Care Facility (Non-residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)~~ Storage Shops

26. Storage Facility, Indoor.

21.3203: CONDITIONAL USES (back to Chapter contents)

~~1. The Board of Adjustment may permit other uses which in its opinion are not detrimental to other uses and are in the general character of other uses in the I-1 District. These may include all manufacturing and processing uses, but do not include extractive or mining operations. (Ord 04-04; Rev 03-26-04)~~

~~2.~~1. Restaurants.
~~3.~~2. Motels.
~~4.~~3. Funerary Service. (Ord 08-04; Rev 04-11-08)
~~5.~~4. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
~~6.~~5. Recreation Facility open to the public, fourteen (14) years of age and older. (Ord. 19-08; Rev 08-10-19)
~~7.~~6. Day Care Facility (Non-residential) (Ord 18-13; Add 08-10-18)
~~8.~~7. Caretakers Residence (Ord. 19-17; Rev. 1-10-2020)
~~9.~~8. Warehousing and sales of Class 1.4G Fireworks as regulated by the Code of Federal Regulations, the Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord. 20-05; Rev 2-28-20)
~~10.~~9. Commercial Kennel (Ord 21-18; Rev 7-16-21)
~~11.~~10. Religious Institutions (Ord 21-31; Rev 8-13-21)
11. Stables
12. Day Care Facility (Non-residential) mixed with non-residential uses in the same building

21.3204: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.36
I-2 HEAVY INDUSTRIAL DISTRICT

Section (back to Title contents)

21.3601 Purpose
21.3602 Permitted Uses and Permitted Special Uses
21.3603 Conditional Uses
21.3604 Area and Bulk Requirements

21.3601: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the 1-2 Heavy Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To provide locations where industries that desire larger sites and outside storage can operate with minimum restriction and without adverse effect on other uses.
2. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
3. To reserve appropriately located areas for industrial and related activities.
4. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
5. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from the noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and noxious fumes, radiation and other hazards incidental to certain industrial uses.
6. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other.
7. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
8. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
9. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3602: PERMITTED USES AND PERMITTED SPECIAL USES

(back to Chapter contents)

Any permitted or permitted special use in the I-1 District. (Ord 21-36; Rev 10-8-21)

21.3603: CONDITIONAL USES

(back to Chapter contents)

1. Acid manufacture.
2. Automobile wrecking, cars and parts, storage and sale.
3. Cement, lime, gypsum or plaster of Paris manufacture.
4. Distillation, manufacture or refining of bones, coal or tar asphalt.
5. Explosives, manufacture or storage.
6. Fat, grease, lard or tallow rendering or refining.
7. Fertilizer manufacture (from organic matter).
8. Glue or size manufacture.
9. Garbage, offal or dead animal reduction or dumping.
10. Junk and salvage (metal, paper, rags, waste or glass) storage, treatment or baling.
11. Paper manufacture.
12. Petroleum or asphalt refining.
13. Petroleum products terminal.
14. Smelting of tin, copper, zinc or iron ores.
15. Storage or processing of rawhides or furs.
16. Stockyards or slaughter of animals.
17. Funerary Service. (Ord 08-04; Rev 04-11-08)
18. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
19. Additionally, in general those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of odor, dust, gas, smoke or noise.

20. Warehousing, packaging, and sales of Class 1.3G and Class 1.4G Fireworks as regulated by the Code of Federal Regulations, Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord 20-05; Rev 2-28-20)

21.3604: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.38
PUD PLANNED UNIT DEVELOPMENT

Section (back to Title contents)

21.3801 Purpose
21.3802 Application and Modification Powers
21.3803 Procedure
21.3804 Amendments to PUD Plan
21.3805 Applicability of Subdivision Regulations

21.3801: PURPOSE

(back to Chapter contents)

To permit great flexibility in the use(s) and design of structures and land in situations where modifications of specific provisions of this ordinance will not be contrary to its intent and purpose.

(Ord. 20-01; Rev 2-14-20)

21.3802: APPLICATION AND MODIFICATION POWERS

(back to Chapter contents)

A PUD district may be approved when the applicant demonstrates to the satisfaction of the Design Review Team and ~~Plan Commission~~Planning Commission that the proposed PUD Plan will result in a greater benefit to the City than would a development under conventional zoning district regulations. Site proposed for PUD district must be at least or exceed ~~five~~ three (3~~5~~) acres. In acting upon the application, the City may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping requirements and density limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

(Ord. 20-01; Rev 2-14-20)

21.3803: PROCEDURE

(back to Chapter contents)

The following procedural and informational requirements shall be followed for Planned Unit Development application:

1. **Staff Review:** Applicant shall meet with the Design Review Team (DRT) on an informal basis at its regular meeting to relate his/her intent. The DRT will evaluate the consistency of the applicant's intent with the comprehensive land use plan. The DRT shall review materials presented, discuss the plan proposal, suggest alternatives as necessary, and authorize the applicant to prepare a PUD Plan.

2. **PUD Plan:**

   a. Applicant shall prepare the following supportive graphic and written information materials as follows:

      (1) Property description and acreage, identification of owner and developer.

      (2) Existing conditions, area relationships, relationship to comprehensive land use plan, existing land use, transportation, zoning, etc.

      (3) Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.

      (4) Proposed land use areas, acreages, maximum number of units, maximum building height and densities, building setbacks, circulation, parking, streets, open space, recreational areas, and development staging.

      (5) Information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.

      (6) Covenants and restrictions, if any, applying to each tract and to open spaces and including the responsibility for the maintenance and operation of common areas and facilities.

   b. The PUD Plan shall be submitted to staff to review for completeness. If complete, the PUD plan shall be an exhibit to the rezone petition and shall be approved in accordance with SDCL 11-4-4.

c. Public notice shall be given stating the time and place when and where such hearing shall be held, and a notice that all interested persons may appear and be heard. Such notice shall be by legal publication in the official newspaper no less than ten (10) days in advance of public hearing.

d. Notice shall be given to landowners within 250 feet of the property boundaries by certified mail of the applicant's request. The certified letter shall give the details of the applicant's PUD rezone request, include the proposed PUD plan, and state the date and time of ~~Plan Commission~~Planning Commission meeting when action will be taken.

e. The ~~Plan Commission~~Planning Commission may impose other conditions as necessary to recommend to the City Council. The ~~Plan Commission~~Planning Commission shall recite the reasons and findings of fact if the application is denied.

f. ~~Plan Commission~~Planning Commission will recommend the rezone petition to the City Council who will take final action on the request.

(Ord 04-04; Rev 03-26-04) (Ord. 20-01; Rev 2-14-20)

21.3804: AMENDMENTS TO PUD PLAN (back to Chapter contents)

~~Amendments to an approved PUD Plan shall be made at the discretion of the City Engineer. The City Engineer may request an updated PUD Plan for review and approval when minor changes to the plan are proposed.~~ Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, easements, or lot and block numbers and shall not require an updated PUD Plan for approval following the procedures in this chapter.~~.~~ Major changes to an approved PUD Plan shall follow the procedures for approval of a PUD Plan as required in this ~~section~~chapter. Major changes shall include a change in major street pattern, drainage way, detention pond location, public open space location, right-of-way widths, land use, maximum building height and densities, perimeter boundaries, etc.

(Ord 20-01; Rev 2-14-20)

21.3805: APPLICABILITY OF SUBDIVISION REGULATIONS (back to Chapter contents)

All sections of Title 24 Subdivision of Land must be complied with in accordance to the approved PUD plan prior to building permit issuance.

(Ord. 20-01; Rev 2-14-20)

21.3806: REPEALED (Ord 20-01; Rev 2-14-20)

Chapter 21.50
"A-P" AQUIFER PROTECTION OVERLAY DISTRICT

Section (back to Title contents)

21.5001 Purpose and Intent
21.5002 Establishment/Delineation/Regulation of Aquifer Protection Overlay Zones
21.5003 Zone A - Aquifer Critical Impact Zones
21.5004 Zone B - Aquifer Secondary Impact Zones
21.5005 Performance Standards for Aquifer Protection Overlay Zones
21.5006 Grant of Permit, Alteration of Use
21.5007 Limitation of City Liability
21.5008 Underlying Zones
21.5009 Saving Clause

21.5001: PURPOSE AND INTENT (back to Chapter contents)

The ~~Plan Commission~~Planning Commission and City Council recognize (1) that residents of the City rely on ground water and Lake Kampeska for a safe drinking water supply and (2) that certain land uses in the City can contaminate Lake Kampeska and ground water, particularly in shallow aquifers.

The purpose of the Aquifer Protection Overlay District is to protect public health and safety by minimizing contamination of the shallow aquifers and surface waters of the City.

It is the intent to accomplish aquifer protection, as much as possible, by public education and securing public cooperation. Appropriate land use regulations will be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other city regulations.

21.5002: ESTABLISHMENT/DELINEATION/REGULATION OF "AP" OVERLAY ZONES

Boundaries for the aquifer protection zones for the Aquifer Protection Overlay District are shown on the Aquifer Protection Overlay District Map as referenced in Section 21.0503. The Aquifer Protection Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Aquifer Protection Overlay District is divided into two zones. The zone of contribution for Zone A was mapped using techniques outlined in the U.S. Environmental Protection Agency publication "Guidelines for Delineation of Wellhead Protection Areas", June, 2000. The shallow/surficial aquifer boundary for Zone B was mapped by the South Dakota Geological Survey.

21.5003: ZONE A - AQUIFER CRITICAL IMPACT ZONES (back to Chapter contents)

Zone A, the wellhead protection area, is the mapped zone of contribution around all public water supply wells or well fields in shallow/surficial aquifers and includes land up gradient from the well or well field to the five (5) year time of travel boundary plus any delineated adjacent lands not underlain by the aquifer with sufficient slope that contaminated surface water could flow directly onto Zone A.

1. The following uses are permitted in Zone A provided they meet appropriate performance standards outlined for aquifer protection overlay zones and are connected to the city's sanitary sewer system:
   a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
   b. Other uses which are listed as a permitted use in the underlying zoning districts which do not handle, use or store potential groundwater contaminants.
2. The following uses are permitted only under the terms of a conditional use and must conform to provisions of the underlying zoning district and meet Performance Standards outlined for Aquifer Protection Overlay Zones.
   a. Expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants.
   b. Other uses permitted or permitted by conditional use in the underlying district which pose a potential risk to groundwater resources and are not a prohibited use.

3. The following uses are expressly prohibited in Zone A:
   a. Waste disposal; which for the purposes of this chapter, includes, but is not limited to the following: human waste, animal waste, contaminated soil other than the type described in Subsection 4 herein.
   b. Outside unenclosed storage of road salt.
   c. Disposal or piling of snow containing de-icing chemicals;
   d. Processing and storage of PCB contaminated oil;
   e. Junk or salvage yards.
   f. Disposal of radioactive waste.
   g. Cemeteries or animal burial sites.
   h. Detonation sites, except blasting of rock for farming purposes.
   i. Open burning except ditches, fields and nonhazardous yard and household wastes such as paper, wood and leaves.
   j. Wastewater lagoons.
   k. Land spreading of petroleum contaminated soil.
   l. Land spreading or dumping of waste oil.
   m. Industrial process water and waste disposal wells-5W20 type Class V injection wells.
   n. Automobile service station disposal wells-5X28 type Class V injection wells.
   o. Stockpiling of solid waste.
   p. Concentrated Animal Feeding Operation and Stockyards
   q. Septic tanks, privy vaults and drain fields within the city limits.
   r. All facilities involved in the collection, handling, manufacture, use, storage, transfer of any solid or liquid material or waste, except that a septic tank with drain field or sealed holding tank may be allowed on a residentially used platted or legally described lot of not less than thirty five (35) acres and which has a zoning designation of "Agricultural" pursuant to Codington County Ordinance and when located in the area of joint jurisdiction of the city and county. (Ord 06-12; Rev 10-27-06)

21.5004: ZONE B - AQUIFER SECONDARY IMPACT ZONES (back to Chapter contents)

Zone B is the remainder of the mapped shallow/surficial aquifer in the City not included in Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water supply, and (4) contaminants from this area could eventually enter Zone A.

1. The following uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city's sanitary sewer system.
   a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
   b. All uses list as a permitted use in the underlying zoning districts, which do not handle or store potential groundwater contaminants with the exception of those prohibited, and those addressed as conditional uses in Section 21.5004(2).
   c. Residentially developed lots which contain at least thirty five (35) acres in the area of joint platting jurisdiction may install a sealed holding tank or septic tank and drain field with annual pumping of said holding tank and inspection/testing records to be provided as requested from the city and/or county.
   d. Commercial and industrial developed lots which contain at least ten (10) acres in the area of joint platting jurisdiction may install a sealed holding tank with annual pumping of said holding tank and inspection/testing records provided to be provided as requested from the city and/or county. (Ord 06-12; Rev 10-27-06)
2. The following conditional uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city's sanitary sewer system.
   a. Siting of new or expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants to include but not limited to gasoline, benzene, diesel, other

petroleum based products and if they are located north of 6th Avenue North and west of the Big Sioux River.

b. Disposal of snow containing de-icing chemicals.

c. Cemetery.

d. Wastewater lagoons.

e. Land application of manure, municipal water and wastewater by-products (municipal biosolids, lime sludge, etc.).

f. All Permitted and Conditional Uses which handle or store potential groundwater contaminants allowed in underlying districts, with the exception of those prohibited in Section 21.5005, may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.

g. Codington County Agriculturally zoned residentially developed lots of record which contain between five (5) and thirty five (35) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

h. Codington County agriculturally zoned residentially developed lots of record which contain less than five (5) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

i. Commercial and industrial developed lots of record which contain between two (2) and ten (10) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

j. Codington County commercial and industrial zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

k. Codington County Lake Park lots of record which contain at least two (2) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

l. Codington County Lake Park zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

m. Any lot(s) in the Codington County Lake Park district over the shallow aquifer platted after the adoption of this ordinance shall be required to construct of a new sealed holding tank or connection to a central sanitary sewage system will be required. (Ord 06-12; Rev 10-27-06)

3. The following uses are expressly prohibited in Zone B:

a. Outside unenclosed storage of road salt.

b. Processing and storage of PCB contaminated oil;

c. Junk or salvage yards.

d. Disposal of radioactive waste.

e. Animal burial sites.

f. Detonation sites,

g. Open burning except ditches, fields and nonhazardous yard and household wastes, such as paper, wood and leaves.

h. Land spreading of petroleum contaminated soil.

i. Land spreading or dumping of waste oil.

j. Industrial process water and waste disposal wells-5W20 type Class V injection wells.

k. Automobile service station disposal wells-5X28 type Class V injection wells.

l. Stockpiling of solid waste.

m. Concentrated Animal Feeding Operations.

n. All other facilities involved in the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste which cannot meet the performance standards in 21.5005.

o. Septic tanks, privy vaults and drain fields within the city limits. (Ord 06-12; Rev 10-27-06)

(back to Chapter contents)

21.5005: PERFORMANCE STANDARDS FOR AQUIFER PROTECTION OVERLAY ZONES

The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. Open liquid waste ponds containing any solid or liquid material or waste will not be permitted without a secondary containment system except for community wastewater lagoons.
2. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must meet South Dakota Department of Environment and Natural Resources standards and may be required to have a secondary containment system where it is deemed necessary by the City Engineer.
3. Any commercial or industrial facility, not addressed by 1 or 2 above, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste, except for spreading of manure, in excess of one thousand (1,000) pounds and/or one hundred (100) gallons which has the potential to contaminate groundwater must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or discharge from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and accessible sumps.
4. Discharge of industrial processed water on site is prohibited without City approval.
5. Commercial auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of all other potentially hazardous waste materials.
6. Any facility involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials must prepare and have on file in the office of City Engineer an acceptable contingency plan for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, other natural catastrophes or equipment failure occur:
    a. For flood control, all underground facilities shall include a monitoring system and a secondary standpipe above the 100-year frequency flood level. For above ground facilities, an impervious dike, above the 100-year flood level and capable of containing one hundred twenty percent (120%) of the largest storage volume will be provided with an overflow recovery catchment area (sump).
    b. For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retardant system and provision for dealing safely with both health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are overhead and buried electrical lines, pipes, other buried objects and other hazardous liquids, chemicals or open flames in the immediate vicinity.
    c. For equipment failures, plans shall include but not be limited to:
        (1) Below ground level, provision for removal and replacement of leaking parts, a leak detection system with monitoring and an overfill protection system.
        (2) Above ground level, provisions for monitoring, replacement, repair and cleanup of primary containment systems
    d. For other natural or man-caused disasters, the owner and/or operator shall report all incidents involving liquid or chemical material which may endanger health and/or safety of disaster personnel and/or the general public.
    e. The City and DENR shall be informed within twenty four (24) hours of all leaks and spills of materials that might potentially contaminate groundwater.
7. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70.
8. In the event that a septic tank and drain field does not meet SDDENR requirements, said septic tank and drain field shall be abandoned and construction of a new sealed holding tank or connection to a central sanitary sewage system will be required. Further, in all instances where construction of a septic tank or a sealed holding tank is allowed, all SDDENR requirements must be met or else connection to a central sanitary sewer system is required.
9. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70. (Ord 06-12; Rev 10-27-06)

21.5006: GRANT OF PERMIT, ALTERATION OF USE (back to Chapter contents)

1. Before a permit is granted, the City Engineer must examine an application and determine that the proposed use, activity or development meets the provisions of this ordinance.
2. When securing a use permit, the owner/developer agrees to make future improvements which may become necessary to prevent contamination of shallow/surficial aquifers and the owner/developer must allow city personnel to inspect any improvements to verify they meet the performance standards.
3. Whenever any person has an existing use, activity or development and thereafter desires alteration or expansion of the authorized use, such persons shall apply for a permit. The owner may appeal the City Engineer's decision to modify or deny a requested permit to the City Board of Adjustment.
4. Any lawful use in existence on the effective date of this ordinance shall be permitted to continue provided it can be shown such use does not threaten public health and safety by potential contamination of water in the shallow/surficial aquifer.

21.5007: LIMITATION OF CITY LIABILITY (back to Chapter contents)

Nothing in this ordinance shall be construed to imply that City, by issuing a permit, has accepted any of an owner's/developer's liability if a permitted development contaminates water in shallow/surficial aquifers.

21.5008: UNDERLYING ZONES (back to Chapter contents)

Underlying zoning restrictions apply along with restrictions set forth in the Aquifer Protection Overlay District.

21.5009: SAVING CLAUSE (back to Chapter contents)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

Chapter 21.52
"W-E" WIND ENERGY CONVERSION SYSTEMS OVERLAY DISTRICT

Section (back to Title contents)

21.5201 Purpose
21.5202 Establishment/Delineation/Regulation of the Wind Energy Overlay District
21.5203 Applicability
21.5204 Uses
21.5205 Federal and State Requirements
21.5206 Requirements for Small Wind Energy Conversion Systems (SWECS)
21.5207 SWECS Application Information
21.5208 Requirements for Large Wind Energy Conversion Systems

21.5201: PURPOSE (back to Chapter contents)

The purpose of this ordinance is to insure that the placement, construction and modification of a renewable energy features such as Wind Energy Conversion System (WECS) facilities is consistent with the City's land use policies, to minimize the impact of WECS facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the City's citizens.

21.5202: ESTABLISHMENT/DELINEATION/REGULATION OF THE "WE" OVERLAY DISTRICT

Boundaries for the Wind Energy Overlay District shall include identified areas within the city limits of Watertown, South Dakota which have a zoning designation of I-1 Light Industrial and I-2 Heavy Industrial located a minimum of five hundred (500) feet from any platted or legally described parcel used for residential purposes.

The boundaries of the Wind Energy Overlay District are illustrated on the Wind Energy Overlay District Map as referenced in Section 21.0503. The Wind Energy Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Wind Energy Overlay District may be expanded to include additional industrial or commercially zoned property by recommendation of the ~~Plan Commission~~Planning Commission and action of the City Council provided such locational factors as described herein are satisfied.

21.5203: APPLICABILITY (back to Chapter contents)

The provisions of this chapter shall apply to any project on a lot or parcel in the Wind Energy Overlay District as described herein. Where the provisions of Chapter 21.52 conflict with other provisions of this title, the provisions of Chapter 21.52 shall prevail. Standards, uses, and regulations not addressed in Chapter 21.52 shall be regulated as defined elsewhere in this title.

21.5204: USES (back to Chapter contents)

1. Permitted Uses: Uses permitted in the Wind Energy Overlay District include all permitted uses in the underlying district which each respective parcel is located.
2. Conditional Uses:
   a. All those uses permitted by conditional use in the underlying district which each respective parcel is located.
   b. Small Wind Energy Conversion Systems (SWECS) (See Section 21.5206) (Ord 10-12; Add 08-13-10)

21.5205: FEDERAL AND STATE REQUIREMENTS (back to Chapter contents)

All WECS facilities shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS facilities.

21.5206: REQUIREMENTS FOR SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)

1. **General.** Small Wind energy conversion systems (SWECS) shall be allowed as conditional uses in the Wind Energy Overlay District. In addition to the standards set forth in Section 21.0202(2)(b) regarding all conditional use permits, all SWECS shall also meet all requirements of Chapter 21.52 herein.

2. **Location Criteria.** When siting WECS the following conditions shall be met:
   a. WECS shall be placed a minimum of five hundred (500) feet from any residentially used property.
   b. WECS placed in Zone A, AE, or AO Special Flood Hazard Areas require approval of the Floodplain Administrator,
   c. WECS within identified Future Approach Surfaces and Future Transitional Surfaces for the Watertown Regional Airport shall be subject to Federal Aviation Administration Approval.
3. **Required Setbacks/Spacing.** The minimum setback distance between each SWECS and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, public roads and structures intended for human occupation shall be equal to no less than one point one (1.1) times the system height. The turbines shall be spaced no closer together than one thousand (1,000) feet.
4. **Tower Height.** In no event shall the tower height of a SWECS exceed ninety (90) feet as measured from the ground to the rotor hub. Further, there shall be no less than thirty (30) feet between the lowest arc of the rotors of a wind energy conversion system and the ground, any portion of a structure or any tree.
5. **Rotor size/operation**. The maximum size of the rotors of a SWECS shall be reviewed upon application for a conditional use. In determining the appropriate size for the rotors, the City shall consider such factors as noise, proximity to surrounding residences, safety and aesthetic issues. All SWECSs shall be equipped with appropriate braking devices or similar protective devices to slow down or stop the rotors if the wind exceeds the capacity of the system.
6. **Noise**. No SWECS shall produce more than sixty five (65) decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the wind energy conversion system shall be submitted at the time of the submittal of the conditional use, ensuring that this requirement can be met once the system is operational. The owner may be required to submit independent noise studies to verify that the noise standard is met during actual operations. The level, however, may be exceeded during short term events such as utility outages or wind storms.
7. **Tower design**. The tower and turbine shall be a neutral color and shall have a nonreflective finish. In reviewing the conditional use for a SWECS, the City shall consider the design and color of the tower to ensure that no significant adverse impacts are occurring to neighboring property owners, including, but not limited to, infringement into natural and urban view sheds, historic property, major community entryways, parks, schools, churches, playgrounds, or similar public and recreational uses.
8. **Lighting**. A SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Dual mode lighting shall be requested from the FAA. Flashing beacon lighting, unless required by FAA, shall not be utilized.
9. **Signs.** Signs for institutional uses as defined in Chapter 21.80 of these ordinances and signs indicating the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a SWECS may be allowed. All other signs visible from any public road shall be prohibited.
10. **Tower Access.** Appropriate safety measures must be undertaken to discourage unauthorized climbing of a SWECS tower. Appropriate measures shall include either:
    a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
    b. The construction of a six (6) foot tall chain link fence, with approved fencing materials to be approved by the Board of Adjustment, with locking gate around the tower; and/or
    c. The tower shall be constructed so that the lowest climbing access shall be at least twelve (12) feet above the ground; or
    d. A locked anti-climb device shall be installed on the tower.
11. **Construction Standards.** Any wind energy conversion system shall be constructed in accordance with all applicable life, safety, electrical, building and fire codes including but not limited to the following:
    a. An applicant for a building permit for a SWECS shall submit pre-construction plans and specifications and post-construction inspection stamped by a registered engineer.
    b. Lightning Protection. Any SWECS shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall

effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.

12. **Warning information.** Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the SWECS shall be posted near the base of the tower in a visible location.

13. **Utility interconnections.** Any interconnection related to the generation and possible resale of electricity between a SWECS and an electric utility company shall be allowed only in accordance with all local, state, and federal regulations including regulations issued by the Public Utilities Commission and the FAA. Additionally, electrical interconnections shall be allowed only in accordance with the applicable standards of the Watertown Municipal Utilities. No SWECS shall be installed until evidence has been given that Watertown Municipal Utilities has approved the interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

14. **Electromagnetic interference.** No SWECS shall produce electromagnetic interference so as to disrupt transmissions such as those from radio, television or microwave towers. At the time of application for the conditional use, the applicant must submit information from the manufacturer indicating that, once operational, the SWECS will not adversely affect the transmissions. If necessary, generators and alternators shall be filtered, shielded, or both so as to prevent the emission of radio and television signals.

15. **Abandonment/removal**.
    a. Any wind energy conversion system which has not been used for a period of six (6) months or more shall be declared abandoned. The City may issue a Notice of Abandonment to the owner of a SWECS that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. Upon determination of abandonment of the system, the City shall revoke the conditional use and the system shall be removed at the expense of the property owner. The City shall determine that a wind energy conversion system has not been used if the following criteria apply:
       (1) The wind energy conversion system has not been operating for a substantial period of time and the owner of the system is unable to provide documentation demonstrating that the system has produced a minimum of twenty five (25) of the power output as stated in the system specifications over the past six (6) months;
       (2) The wind energy conversion system has fallen into obvious disrepair and/or has been condemned by the City of Watertown.
       (3) The wind energy conversion system has become violative of some other local, state or federal law and the owner of the system has not taken appropriate actions to remedy the problem.
    b. If the SWECS is determined to be abandoned, and the owner has not responded to the notice of abandonment as prescribed above, the SWECS shall be removed at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the City may pursue legal action to have the SWECS removed at the owner's expense.
    c. If deemed appropriate, the City may stipulate through the conditional use that the wind energy conversion system shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning district classification in which wind energy conversion systems are not allowed as either a permitted use or conditional use.

21.5207: SWECS APPLICATION INFORMATION (back to Chapter contents)

1. In addition to the building permit requirements in Sections 21.0205 and 21.0206, the building permit application shall be accompanied by the following:
    a. A plot plan which includes the following:
       (1) Property lines and physical dimensions of the property;
       (2) Location, dimensions, and types of existing major structures on the applicant's property and adjacent property;
       (3) Location of the proposed SWECS;
       (4) The right-of-way of any public road that is contiguous with the property;
       (5) Any overhead utility lines.
    b. SWECS specifications, including manufacturer and model, rotor diameter, tower height, and tower type (monopole, lattice, guyed);

c. Tower foundation blueprints or drawings;

d. Tower blueprint or drawing;

e. Manufacturer warranty/maintenance information

f. Documentation of consultation with Watertown Municipal Utilities

g. Manufacturer warranty/maintenance information. Upon application for a conditional use for a SWECS, the applicant shall submit a manufacturer's statement documenting that the SWECS has been successfully and safely operated in atmospheric conditions that are similar to conditions in Watertown. Further, the applicant shall provide a copy of the manufacturer's warranty indicating that the SWECS is warranted against any SWECS system failures reasonably expected during severe weather conditions. Further, the applicant shall submit SWECS system specifications including maximum power output and a maintenance schedule for the SWECS system; and

h. Proof of notification to the utility in the service territory in which the SWECS is to be erected, consistent with the provisions of Section 21.5206(13) herein.

2. Expiration. A conditional use permit issued pursuant to this ordinance shall expire if:

a. The SWECS is not installed and functioning within twelve (12) months from the date the conditional use permit is issued; or

b. The SWECS is determined to be abandoned consistent with the provisions of Section 21.5206(15).

21.5208: REQUIREMENTS FOR LARGE WIND ENERGY CONVERSION SYSTEMS

Large wind energy systems shall be and are prohibited within the city limits of the City of Watertown. (Ord 10-12; Add 08-13-10)

(back to Chapter contents)

Chapter 21.54
"GT-1" GATEWAY OVERLAY DISTRICT

Section (back to Title contents)

21.5401 Purpose and Intent
21.5402 Establishment/Delineation/Regulation
21.5403 Applicability
21.5404 Gateway Overlay District Use Regulations
21.5405 Setbacks
21.5406 Transportation Corridor Access Regulations
21.5407 Parking and Loading
21.5408 Sidewalk/Recreational Trail
21.5409 Landscaping
21.5410 Interior Landscaping Requirements
21.5411 Transitional Yards
21.5412 Maintenance
21.5413 Lighting
21.5414 Building Construction
21.5415 Signs
21.5416 Outside Storage, Display and Screening
21.5417 Refuse
21.5418 Reserved
21.5419 Saving Clause

21.5401: PURPOSE AND INTENT

(back to Chapter contents)

It is the purpose and intent of the Watertown City Council and Watertown ~~Plan Commission~~Planning Commission to establish a district with certain design standards for property visible within designated corridors at key entry points to the City.

21.5402: ESTABLISHMENT/DELINEATION/REGULATION

(back to Chapter contents)

1. Boundaries for the GT-1 Gateway Overlay District shall include all property within the City Limits of Watertown, South Dakota located in the south half of Section 33, Township 117 North, Range 52 West and are shown on the GT-1 Gateway Overlay District Map as referenced in Section 21.0503. Any property zoned BP Business Park District shall also be overlaid by the GT-1 Gateway Overlay District. The GT-1 Gateway Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.
2. The GT-1 Gateway Overlay District may be expanded to include additional urban corridors by recommendation of the ~~Plan Commission~~Planning Commission and action of the City Council.

21.5403: APPLICABILITY

(back to Chapter contents)

1. The provisions of this chapter shall apply to any project on a lot or parcel in the GT-1 Gateway Overlay District as described herein.
2. Where the provisions of Chapter 21.54 conflict with other provisions of this title, the provisions of Chapter 21.54 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.54 shall be regulated as defined elsewhere in this title.

21.5404: GATEWAY OVERLAY DISTRICT USE REGULATIONS

(back to Chapter contents)

Any activity on, or use of, any land which lies within the GT-1 Gateway Overlay District shall conform to the following regulations and procedures:

1. Permitted Uses in the GT-1 Gateway Overlay District.
   a. The same as underlying zoning district.~~,~~
   b. ~~The same as underlying zoning district uses may be allowed provided they meet the conditions described herein.~~Apartments~~Dwelling units may be permitted~~ in the same structure, with other non-residential uses, provided such residential use is located above the first floor~~, and all floors shall contain~~

~~only one use.~~ No dwelling units will be allowed in conjunction with any motor vehicle service station (see service station – motor vehicle in definitions). (Ord 12-02; Rev 01-27-12) (Ord 17-02; Rev 03-31-17)

2. Conditional Uses in the GT-1 Gateway Overlay District.
   a. The same as underlying zoning district. ~~uses may be allowed, provided they meet the conditions described herein; and~~

~~b. Outside storage and display~~

~~c.~~a. ~~Dwelling units may be permitted in the same structure, with other non-residential uses, provided such residential use is located above the first floor, and all floors shall contain only one use. No dwelling units will be allowed in conjunction with any motor vehicle service station (see service station – motor vehicle in definitions). (Ord 12-02; Rev 01-27-12) (Ord 17-02; Rev 03-31-17)~~

21.5405: SETBACKS (back to Chapter contents)

Minimum required front, side and rear yard setbacks shall be as required in the underlying district. The front yard setback is in accordance with the requirements illustrated in the following tables for applicable streets. The percentage of front yard setback used as gross parking area shall not apply to lots that are less than 40,000 SF.

Exception: The ~~Building Official~~ Administrative Official may allow minimum required front yard setbacks in accordance with the requirements illustrated in the following tables:

Lots Adjacent to 1st Avenue NE/ 29th Street SE	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	20'

Lots Adjacent to 9th Avenue SE (US Highway 212)	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	30'

Lots Adjacent to Other Streets	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	25'

* Not including the necessary surfacing of sidewalks and driveways.

21.5406: TRANSPORTATION CORRIDOR ACCESS REGULATIONS (back to Chapter contents)

1. 1st Avenue NE/29th Street SE - Minimum access spacing shall be four hundred (400) feet;
2. 9th Avenue SE (US Highway 212) - As approved by the South Dakota Department of Transportation.

21.5407: PARKING AND LOADING (back to Chapter contents)

1. Loading berths shall consist of similar building materials as the exterior wall finish of the structure.
2. Loading doors shall be the same color as the exterior wall finish of the structure.
3. Loading berths and doors shall face required side or rear yards. Loading berths and doors for buildings on lots with neither side nor rear yards may be permitted to face required front yards where they do not share a face with the main entrance of any building and loading areas are screened or concealed from view from the street.

21.5408: SIDEWALK/RECREATIONAL TRAIL (back to Chapter contents)

1. Adjacent to 1st Avenue NE/29th Street SE sidewalks shall be installed:
   a. Five (5) feet wide, constructed according to Engineering Design Standards.
   b. In accordance with the "Typical Section" provided within this chapter or as approved by the City Engineer.
2. Where a recreational trail is provided in lieu of a sidewalk for lots or parcels abutting 1st Avenue NE/29th Street SE, the property owner shall be responsible for the removal of snow in the same manner as required in Title 18 for a portion of said recreational trail not less than five (5) feet wide to extend the length of the property.

21.5409: LANDSCAPING (back to Chapter contents)

1. There shall be a minimum width of eight (8) feet of grass adjacent to 1st Avenue NE/29th Street SE right-of-way. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of eight (8) feet of grass. The grassed area provided on private property may be included in the total landscaped area described in Section 21.5410.

2. The size and species of all trees mandated by this ordinance shall be a minimum of one and one-quarter (1 ¼) inch caliper in size measured one (1) foot above immediate ground level, of a species allowed by the Parks and Forestry Superintendent, and shall be maintained in a growing condition.

3. Perimeter Tree Requirements:
   a. 1st Avenue NE/29th Street SE

      One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property in a manner consistent with the "Typical Section" provided within this chapter. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.

   b. 9th Avenue SE (US Highway 212)

      One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property three (3) feet from the property line. The center of each tree shall be placed no less than four (4) feet from any paved surface. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.

   c. No tree may be placed ~~in the "clear view triangle." For the purpose of perimeter tree requirements, "clear view triangle" refers to an area~~ fifty (50) feet from an intersection measured from the curbline corner. For the purpose of perimeter tree requirements total frontage will not include the area of the "clear view triangle," or the area necessary for paving or driveways.

21.5410: INTERIOR LANDSCAPING REQUIREMENTS (back to Chapter contents)

1. When unenclosed interior parking spaces are provided on a site consisting of less than seventy five hundred (7,500) square feet of gross parking lot area said parking lot shall include a landscaped area of not less than two percent (2%) of the gross parking lot area. Landscaped areas shall consist of grasses, perennial forbes, deciduous shade trees, shrubs, or a combination thereof. When utilized, every interior tree shall be located in a planting island entirely within the area intended for parking, driving, and maneuvering purposes.
   a. Said islands shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.
   b. Trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. **Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above.
   c. Planting islands shall contain a depth of two (2) feet of top soil suitable for growing plant material
   d. Planting islands shall utilize raised curbs or wheel stops or other devices approved by the ~~Building Official or Park and Forestry Superintendent~~ Administrative Official as necessary to prevent damage from vehicles.

2. When unenclosed interior parking spaces are provided on a site consisting of greater than seventy five hundred (7,500) square feet of gross parking lot area a landscaped area of not less than five percent (5%) of said parking lot area shall be provided. Landscaped areas shall consist of a combination of grasses, perennial forbes, deciduous shade trees or coniferous trees at a density of one (1) per ten thousand (10,000) square feet of surface area intended for parking, driving, and maneuvering purposes, and shrubs.
   a. A minimum of fifty percent (50%) of interior trees shall be located in a planting island entirely within the gross parking area.
   b. Coniferous trees where utilized shall not be placed in a manner to obstruct the view of vehicular traffic utilizing drives and alleys, and maneuvering areas. Coniferous trees will be considered to obstruct said view when constructed within the triangular area formed by the intersection of streets, drives, alleys, and/or maneuvering areas at the center line of each respective street, drive, alley, and/or maneuvering area and a straight line connecting points on said street, drive, alley, and/or maneuvering area line each of which is fifty (50) feet distance from the point of intersection. ~~(See "Clear View Triangle").~~
   c. Islands containing trees shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.

d. Deciduous shade trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. (**Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above).

e. Planting islands containing trees shall contain a depth of two (2) feet of top soil suitable for growing plant material

f. Planting islands containing trees shall utilize raised curbs, wheel stops or other devices approved by the ~~Building Official or Park and Forestry Superintendent~~Administrative Official as necessary to prevent damage from vehicles.

3. The City encourages preservation of existing trees on a site which are in good condition ~~and at least one and one quarter inch (1¼) caliper in size measured one (1) foot above immediate ground level and of a species approved by the Park and Forestry Superintendent.~~ Such trees may be counted as part of the required number of trees on a site.

21.5411: TRANSITIONAL YARDS (back to Chapter contents)

1. Within any GT-1 Gateway Overlay District transitional yards will be required within side and rear yard setbacks on lots or parcels with commercial or industrial uses.
2. The width of transitional yards may vary depending on zoning designation of the adjacent lot or parcel and will be regulated in accordance with the following table:

Type of Use	Adjacent District	Minimum Width
Industrial	Industrial	5’
Industrial	Commercial	5’
Industrial	Residential	20’
Commercial	Industrial	5’
Commercial	Commercial	5’
Commercial	Residential	15’

3. Transitional yards shall extend the entire length of each respective property boundary. Exception: Access driveways between interior lot lines may be located in transitional yards. Access driveways shall conform to Table 5.1 of the Engineering Design Standards.
4. Transitional yards shall be ~~landscaped~~planted and maintained as grass. ~~Areas not planted with shrubs, trees or other appropriate screening devices shall be maintained with not less than seventy five percent (75%) grass.~~Fences or other screening devices may be located within the required transitional yard.
5. Landscaping and trees located in transitional yards may be included in the total landscaped area described in Section 21.5410.
6. Fences or other screening devices may be located within transitional yards.
7. Approved Post Construction Stormwater Management Facilities may be located in transitional yards to meet all or portions of the Post Construction Stormwater Management requirements.

Source: (Ord 22-19; Rev 7-29-22)

21.5412: MAINTENANCE (back to Chapter contents)

Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.5413: LIGHTING (back to Chapter contents)

Structures and properties shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.

21.5414: BUILDING CONSTRUCTION (back to Chapter contents)

Exterior elevation/perspectives shall be submitted to the ~~Building Official~~ Administrative Official to depict that all

buildings and structures in the GT-1 Gateway Overlay District shall meet the following required building design and construction standards:

1. All exterior walls facing any front or side yard shall be finished with the following materials, or a combination of the following materials which are not eligible for variance:
   a. Face brick;
   b. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block;
   c. Tile (masonry, stone or clay)
   d. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture;
   e. Stucco or similar cement based material;
   f. Architectural metal panels which cover a wall – i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels;
   g. Transparent glass/spandrel glass;
   h. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished;
   i. Decorative Block; or
   j. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels is allowed as follows:
      (1) On any wall facing a rear yard;
      (2) On any wall facing a front or side yard if used as accent to include not more than twenty (20) percent of said wall; or
      (3) No variance may be granted to authorize more than twenty (20) percent of any wall facing a front or side yard to utilize metal siding.
2. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more). All large walls facing Highway 212 and any public street must be relieved by architectural detailing, such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall and its view from the public right-of-ways. A distinct change in color or pattern may be considered a change.
3. Any similar material which meets the purposes for which these regulations are designed and intended, and are approved by the ~~Plan Commission~~Planning Commission. A request for approval shall include:
   (1) A written description of the manner in which the proposed material promotes the purposes of this chapter of the ordinance;
   (2) A physical sample of all the proposed materials together with their technical specifications;
   (3) A color photograph of similar applications of the proposed material;
   (4) A sketch of the proposed construction showing the location of the proposed material; and
   (5) A written description explaining why approved materials, described herein, are not being considered.
4. Additions to principal structures which conform to the provisions of this chapter and all accessory buildings or structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building. (Ord 17-48; Add 02-09-18)

21.5415: SIGNS (back to Chapter contents)

1. Freestanding signs shall be finished with the materials, or a combination of the materials listed in Section 21.5414 and shall be regulated in accordance with the following tables:
   a. Adjacent to 9th Avenue SE (US Highway 212):

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Allowed only with sign permit
Off-Premises Sign	Allowed only with sign permit

MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

b. Adjacent to all other streets:

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Not Allowed
Off-Premises Sign	Not Allowed unless city identification/welcome signage in accordance with 21.8028 (l)
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

2. Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
3. Banners and Portable signs may be allowed to advertise "Grand Openings."

21.5416: OUTSIDE STORAGE, DISPLAY AND SCREENING (back to Chapter contents)

Outside storage, display and screening may be allowed by conditional use subject to the following conditions:

1. Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
2. Outside storage or display shall not be allowed on any required parking spaces.
3. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
4. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty percent (50%) of the trees shall be coniferous.

21.5417: REFUSE (back to Chapter contents)

1. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
2. Refuse collection areas shall be located on the rear or side of the site and shall be screened by means of an opaque fence, plant materials, walls or earth berms.

21.5418: RESERVED (back to Chapter contents)

21.5419: SAVING CLAUSE (back to Chapter contents)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof. (Ord 10-30; Add 10-12-10)

Chapter 21.56
"D-T" DOWNTOWN OVERLAY DISTRICT

Section (back to Title contents)

21.5601 Purpose and Intent
21.5602 Establishment/Delineation/Regulation
21.5603 Applicability
21.5604 DT Overlay District Use Regulations
21.5605 Setbacks
21.5606 Reserved
21.5607 Transparency
21.5608 Doors and Entrances
21.5609 Lighting
21.5610 Signage
21.5611 Building Materials
21.5612 Building Construction
21.5613 DT Downtown Overlay District Map

21.5601: PURPOSE AND INTENT

(back to Chapter contents)

It is the purpose and intent of the Watertown City Council and Watertown ~~Plan Commission~~Planning Commission to establish a Downtown Overlay District (D-T) to:

1. Promote development of a compact, pedestrian oriented downtown consisting of high-intensity employment center, vibrant and dynamic mixed use area, and residential living environments that provide a broad range of housing types for an array of housing needs;
2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents;
3. Encourage pedestrian-oriented development within walking distance;
4. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
5. Enhance the community's character through the promotion of high-quality urban design and historical preservation.

(Ord 19-09; Eff. 11-1-19)

21.5602: ESTABLISHMENT/DELINEATION/REGULATION

(back to Chapter contents)

Boundaries for the D-T Downtown Overlay District shall include the property within the City Limits of Watertown, South Dakota as referenced in Section 21.5613.

(Ord 19-09; Eff. 11-1-19)

21.5603: APPLICABILITY

(back to Chapter contents)

1. The provisions of this chapter shall apply to any project on a lot or parcel in the D-T Downtown Overlay District as described herein.
2. Where the provisions of Chapter 21.56 conflict with other provisions of this title, the provisions of Chapter 21.56 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.56 shall be regulated as defined elsewhere in this title.
4. The D-T Downtown Overlay District regulations shall only be applicable to new construction and substantial improvement permitted after the effective day of this ordinance, November 1st, 2019.

(Ord 19-09; Eff. 11-1-19)

21.5604: DT OVERLAY DISTRICT USE REGULATIONS (back to Chapter contents)

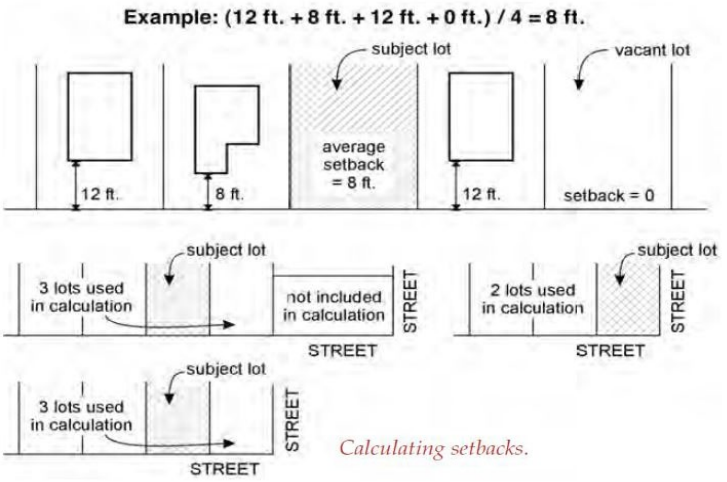
Any activity on, or use of, any land which lies within the D-T Downtown Overlay District shall conform to the following regulations and procedures:

1. Permitted Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.
2. Conditional Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.

(Ord 19-09; Eff. 11-1-19)

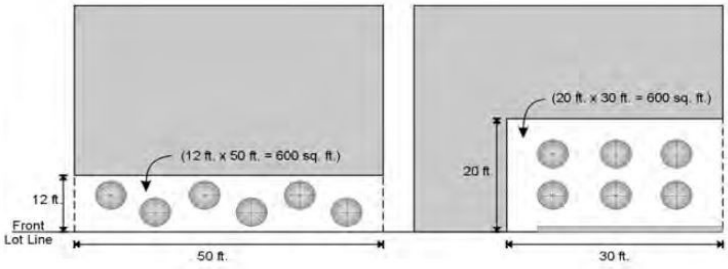
21.5605: SETBACKS (back to Chapter contents)

1. Minimum required front, side and rear yard setbacks shall be as required in the underlying district.
2. The maximum front yard setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
    a. If one or more of the lots required to be included in the averaging calculation are vacant lots will be deemed to have a yard depth of zero feet.
    b. Lots fronting a different street than the subject lot or separated from the subject lot by street or alley may not be used in computing the average.
    c. When the subject lot is a corner lot, the average setbacks will be computed on the basis of the two adjacent lots that front on the same street as the subject lot
    d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
3. The following exceptions to the maximum front yard setbacks apply:
    a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of the building frontage.
    b. A building may be set back farther than the maximum setback in order to accommodate an outdoor area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front yard property line, or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.



Calculating setbacks.

Exceptions to minimum front and streetside setbacks.



(Ord 19-09; Eff. 11-1-19)

21.5606: RESERVED (Ord 19-09; Eff. 11-1-19) (back to Chapter contents)

21:5607: TRANSPARENCY (back to Chapter contents)

1. A minimum of fifty (50) percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.
2. The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph one (1) above may not be more than four (4) feet above adjacent sidewalk.
3. Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(Ord 19-09; Eff. 11-1-19)

21.5608: DOORS AND ENTRANCES (back to Chapter contents)

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(Ord 19-09; Eff. 11-1-19)

21.5609: LIGHTING (back to Chapter contents)

Structures and properties shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.

(Ord 19-09; Eff. 11-1-19)

21.5610: SIGNAGE (back to Chapter contents)

Signage shall be as required in the underlying district.

(Ord 19-09; Eff. 11-1-19)

21.5611: BUILDING MATERIALS (back to Chapter contents)

The following building material requirements shall be applied to encourage the use of high-quality compatible materials to upgrade the visual qualities of Downtown Watertown while maintaining the character of the historic architecture and aesthetics through the following design guidelines:

1. Retain existing facades in the Downtown District
2. Maintain and restore existing facades, trim, cornices or replace with similar replications.
3. Encouraged materials:
   a. Decorative masonry
   b. Granite
   c. Brick
   d. Glass
   e. Stone
4. Prohibited materials:
   a. Metal unless used as an accent not to exceed fifteen (15) percent of any wall.
   b. Use of lap or shingle siding
   c. Stucco or synthetic stuccos below ~~twelve~~ eight (8~~12~~) feet
   d. Plywood

(Ord 19-09; Eff. 11-1-19)

21.5612: BUILDING CONSTRUCTION (back to Chapter contents)

1. When obtaining a permit for new construction, building alteration, or demolition within the D-T Downtown Overlay District the applicant shall submit, to the Building Official, the following:
   a. A clear statement of the proposed work, to include such matters as colors, materials, landscaping, and signs.
   b. Plans showing the size, height, and completed appearance of the proposed work.
   c. A site plan showing all existing and adjacent buildings and structures and the proposed work.
2. In order to preserve the integrity of the D-T Downtown Overlay District, if any similar material not approved by the ~~Building Official~~ Administrative Official which meets the purpose to maintain and preserve the historic architecture and aesthetics, the application shall be submitted and approved by the ~~Plan Commission~~Planning Commission who shall consider the following factors:
   a. Adverse impacts to the integrity of the property or structures to be minimized.
   b. Changes to the defining characteristic of the building or site shall be minimized.
   c. Removal of historic materials and features of the building or site shall be avoided.
   d. Historic materials shall be retained where possible; where not feasible, compatible materials shall be encouraged.
   e. The proposed work shall be compatible with the property or structure itself, as well as to the surrounding neighborhood or district. Consideration shall be given to exterior design, site layout, proportion, detail, scale, color, texture, and materials.

3. Additions to principal structures which conform to the provisions of this chapter and all accessory buildings or structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

(Ord 19-09; Eff. 11-1-19)

21.5613: D-T DOWNTOWN OVERLAY DISTRICT MAP (back to Chapter contents)

The D-T Downtown Overlay District Map is hereby adopted in reference as part of these regulations as if the map was fully described herein.

(Ord 19-09; Eff. 11-1-19)

Chapter 21.70
MODULAR HOME PROVISIONS

Section (back to Title contents)

21.7101 Modular Home Provisions

21.7001: MODULAR HOME PROVISIONS (back to Chapter contents)

A modular home shall meet the following regulations:

1. When moved into or though city limits, a moving permit shall be required.
2. Modular homes shall meet or exceed International Code Council or jurisdictional standards.
3. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
4. Modular homes shall have more than eight hundred (800) square feet of living quarters, not to include attached or detached garages.
5. Modular homes shall be placed on a permanent foundation approved by the Building Official.
6. Modular homes shall have a minimum of a 3/12 roof pitch.
7. Siding and roofing material of a type similar to that allowed in a residential district as approved by the Building Official.
8. Modular homes shall have local inspections at the time of building permit issuance.
9. Modular homes moved into city limits shall submit reports of building inspections provided by manufacturer or licensed third party agent at the time of permit application

Chapter 21.71
MANUFACTURED ~~AND MOBILE~~ HOME PROVISIONS

Section (back to Title contents)

21.7101 Manufactured ~~and Mobile~~ Home Provisions
21.7102 Manufactured ~~and Mobile Home~~ Installation Standards

21.7101: MANUFACTURED ~~AND MOBILE~~ HOME PROVISIONS (back to Chapter contents)

1. ~~For the purpose of this ordinance,~~ M~~m~~anufactured homes ~~and mobile homes will be regulated by type~~shall meet the following requirements:.~~=~~ ~~Four (4) types of homes are defined under these regulations.~~

~~1. Type I manufactured home shall:~~
~~a. Have more than twelve hundred (1,200) square feet of occupied space in a double section or larger multi section unit.~~
~~b. Not exceed twenty (20) years of age from the date of its manufacture.~~
~~c. Be placed on a permanent foundation.~~
~~d. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 21.7102.~~
~~e. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A Standards.~~
~~f. Have a gabled roof with a pitch of at least 3/12 feet.~~
~~g. Have siding material of a type customarily used on site constructed residences, as approved by the Building Official.~~
~~h.~~a. ~~Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.~~

~~2. Type II manufactured home shall:~~
a. Have more than ~~seven hundred (700~~320~~)~~ square feet of occupied space in a single, double, expando or multi- section unit.
b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 21.7102.
c. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A Standards.
d. Have siding material of a type customarily used on site constructed residences, as approved by the Building Official.
e. Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.
f. Not exceed twenty (20) years of age from the date of its manufacture.
g. Be placed onto a support system, in accordance with approved installation standards, as specified in Section 21.7102.

h. Siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
~~g.~~i. ~~Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.~~All manufactured homes shall bear the HUD (Housing Urban Development standards post 1974) seal

~~3. A type III manufactured home shall:~~
~~a. Have more than seven hundred (700) square feet of occupied space in a single, double, expand or multi section unit.~~
~~b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 21.7102.~~
~~c. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A Standards.~~
~~d. Not exceed twenty (20) years of age from the date of its manufacture.~~
~~e. Be placed on a support system, in accordance with approved installation standards, as specified in Section 21.7102.~~

~~4. A mobile home shall:~~
~~a. Have more than three hundred twenty (320) square feet of occupied space.~~
~~b. Not exceed twenty (20) years of age from the date of its manufacture.~~
~~c. Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as~~

~~specified in Section 21.7102.~~

~~d. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A Standards.~~

~~e. Be placed onto a support system in accordance with approved installation standards, as specified in Section 21.7102.~~

~~5. Variance from Maximum Age Requirement~~

~~a. Type I, Type II, Type III manufactured homes and Mobile Homes may receive a variance from the maximum age requirement as listed above.~~

~~b. The Building Official or his/her designee may grant acceptance based on inspection of the home.~~

~~c. The Board of Adjustment may grant a variance if the applicant requesting the placement of the manufactured home meets the following requirements:~~

~~1. The applicant shall provide photographs of the manufactured home's exterior and interior.~~

~~2. That it shall have been shown to the satisfaction of the Board of Adjustment that the said manufactured home complies with the gas, plumbing, electrical, and construction requirements. (Ord 14-25; Add 08-15-14)~~

21.7102: MANUFACTURED ~~AND MOBILE~~ HOME INSTALLATION STANDARDS

1. **Placement permit required.** No manufactured home ~~or mobile home~~ shall be installed or~~,~~ reinstalled~~, or altered~~ without first obtaining a permit from the Building Official. A separate permit shall be required for each installation or~~,~~ reinstallation~~, or alteration~~. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation or ~~,~~ reinstallation. ~~or alteration.~~

2. **Inspections required.** The following inspections shall be required: ~~Footing~~Anchorage/foundation inspection~~, vapor retarder inspection, concrete slab or under-floor inspection, anchorage inspection,~~ and ~~building service equipment~~ final inspection~~s~~. Manufacturer's installation instructions shall be provided to the Building Official and shall set forth permissible points of support and anchorage system attachment.

3. **Permanent Perimeter Enclosure** ~~as Required for Type I, II and III Manufactured Homes.~~ Those manufactured homes designated in this ordinance as requiring permanent perimeter enclosure must have footings and a crawl space or basement walls. The space between the floor joints of the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings) (materials approved by the Building Official.

4. **Foundation Siding/Skirting** for R-4 Districts. All manufactured ~~or mobile~~ homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.

5. **Support System:**

   a. All HUD-Code manufactured homes ~~of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer's installation specifications.~~

   ~~b.~~ ~~Type II and III manufactured homes and all mobile homes not placed on a permanent foundation~~ shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANSI/NFPA 501A 1977 installation standards.

~~c. Nonconforming Homes. A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this ordinance, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, the land thereafter must be used in conformity with all provisions of this ordinance.~~

~~d.~~6. Replacement of Nonconforming Homes. ~~Shall only be allowed at the discretion of the Building Official whose decision may be appealed to the board of Adjustment. Thereafter, upon~~Upon application ~~to the Building Official~~ and subsequent approval thereof, a manufactured ~~or mobile~~ home, deemed a legal nonconforming use, may be replaced by a manufactured home, provided the replacement is ~~of an equal or a higher type~~in compliance with current ordinance requirements. ~~Equal or higher type means that a mobile home may be replaced with a Type I, II or III manufactured home or another mobile home. A Type III manufactured home could be replaced with a Type I, II or III manufactured home; a Type II manufactured home could be replaced with a Type I or II manufactured home; a Type I manufactured home could be replaced with another Type I manufactured home. (Ord 04-16; Rev 12-31-04) (Ord 04-25; Rev 08-15-14)~~

~~e. Structural Alteration. Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the Building Official. (Ord 04-16; Rev 12-31-04)~~

~~**6. Vapor retarder:**~~

~~a. For installations with a constructed crawl space or basement, a 6 mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than six (6) inches shall be placed between the constructed floor and the base course or prepared subgrade.~~

~~b.~~a. ~~For installations without a constructed crawl space or basement, a 6 mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than six (6) inches shall be placed on the prepared subgrade or base course and covered with a minimum of three (3) inches of smooth pea rock or other aggregate course approved by the Building Official. (Ord 04-16; Rev12-31-0~~

Chapter 21.83
Day Care, Home

Section (back to Title contents)

21.8301 Approval Required
21.8302 Special Use Provisions

21.8301: APPROVAL REQUIRED

1. Day care, Homes shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met to be approved administratively. If the special use provisions are not met, a conditional use is required to be applied for and granted by the Board of Adjustment.
1.2. Day Care, Homes, registered or unregistered through the SDCL 26-6-14.1 and 26-6-14.8. may not provide care for more than twelve (12) children at any one-time including children under six living in the home.
3. The provider shall reside at the dwelling the day care, home is located. Day Care, Homes are allowed to have employee(s) at the dwelling.
4. No Day Care, Home may be located or operate in the city without the appropriate valid administrative approval from City staff or conditional use granted by the Board of Adjustment pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter 21.99. Each day of the violation constitutes a separate offense.

21.8302: SPECIAL USE PROVISIONS

Day Care, Homes within residential districts shall not impact the neighboring properties and shall comply with all of the following conditions:

1. Shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child.
2. A ~~six~~four foot (4~~6~~') privacy fence with less than ten (10) percent transparency or vegetative buffers four feet (4') in height shall be installed around outdoor recreation space to screen from adjacent residential properties. During winter months where fences or vegetation are unable to be installed an extension may be granted up to six (6) months.
3. Provide ~~adequate~~ off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards. Employee(s) shall be provided with an off-street parking location.

Chapter 21.90
DEFINITIONS

(back to Title contents)

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

Abandoned Sign: a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, products or activity conducted or product available on the premises where such sign is displayed. A blank sign that otherwise shows no reasonable indication of a lack of maintenance is not an abandoned sign. (Ord 17-33; Rev 09-29-17)

Abutting: abutting shall mean adjacent or contiguous and shall include property separated by an alley or other platted easement or access. The term “abutting” implies a closer proximity than the term “adjacent”.

Accessory ~~Building~~Structure: a ~~subordinate~~ detached building ~~or portion of the main building~~ which is located on the same lot as the ~~main~~ primary building and the use of which is clearly incidental to the use of the ~~main~~ primary building. ~~A solar heat structure shall be considered an accessory building and all required distances shall be measured with the structure open.~~

Accessory Use: (See Use - Accessory)

Administrative Official: the ~~Building Official~~Community Development Manager or such other designated officials as ~~are~~ authorized by ~~the City of Watertown.~~the Public Works Director.

Advertising or Commercial Message: any wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Agriculture: the cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry or fur bearing animals.

Alley: an alley is a public right-of-way which affords only a secondary means of access to abutting property**.**

Anchoring System: an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured or mobile home.

ANSI/NFPA 501A Standard for Installation of (Manufactured) Mobile Homes: model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

Antenna Support Structure: any building or structure other than a tower which can be used for location of telecommunications facilities.

Apartment: see Dwelling – Unit.

Apartment House: see Dwelling - Multi-Family.

Applicant: any person that applies for a permit.

Application: the process by which the Owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a Tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

Approved Engineered Design: a design which bears the insignia of a registered professional engineer or other indicia which demonstrates the sign to be installed has been designed in accordance with the requirements of this ordinance.

Aquifer Protection Overlay District: is the surface and subsurface area surrounding a water well, well field or aquifer, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well, well field, or aquifer.

Area Identification Sign: a sign which identifies a common area containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center and which is located at the entrance or entrances to such area.

Assisted Living Centers: a facility to provide apartment living for persons subject to chronic illnesses or infirmities but who do not need a level of nursing care provided in a licensed nursing home. Assisted living centers need not be licensed by the State of South Dakota, but must provide at least one common hot meal per day for residents in the facility. Such uses shall be located in areas where their impact on adjacent properties would not be detrimental due to their architectural design and/or their traffic flow or parking area.

Auto Body Repair Shops: facilities that provide bodywork and collision repair services, including body frame straightening, replacement of damaged parts, paintwork repairs, and spray paint operations for trailers and motor vehicles. (Ord 20-41; Rev 1-15-21)

Auto Wrecking: the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts.

Awning, Electric: an internally illuminated fixed space-frame structure with translucent, flexible reinforced covering with graphics or copy applied to the visible surface.

Banner: a sign constructed of cloth, canvas, fabric, paper, cardboard or any other lightweight material. National flags, state or municipal flags, municipal banners, or the official flag of any institution or business shall not be considered banners. (Ord 15-19; Rev 8-14-15)

Banquet Facilities: see Convention Center

Bar or Tavern: any establishment, including restaurants and gambling establishments, licensed to sell alcoholic beverages for consumption upon the premises where sold or provided. (Ord 21-17; Rev 7-16-21)

Basement: a basement is any floor level below the first story in a building except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. A basement has more than one-half (½) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes.

Beacon: a stationary or revolving light which flashes or projects illumination, whether single color or multi-colored, in any manner intended to attract or divert attention. However, the term beacon is not intended to include any lighting device required or necessary under the safety regulations described by the Federal Aviation Administration, law enforcement, or similar governmental agencies.

Bed and Breakfasts: a private single family residence (owner/operator occupied) which is used to provide meals and temporary accommodations for a charge to the public and according to South Dakota State Law.

Block: an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

Boathouse: a building to house and protect a boat.

Buffer: the use of land, topography, space, fences or landscape planting to partially screen a use or activity from another property and thus reduce undesirable views or influences.

Buildable Area: that portion of the lot that can be occupied by the principal use, thus excluding the required front, rear and side yards.

Building: any structure having a roof or partial roof supported by columns, posts or walls for the shelter, or enclosure of persons, animals, chattels or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Code(s): those codes regulating construction within the City adopted by the City of Watertown.

Building Face/Wall: all window and wall area of a building in one plane or elevation.

Building Heights: a distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to overall height of the highest gable on a pitched or hip roof for a residential structure and to the mean height for a commercial/industrial structure.

Building Marker: any sign which contains a building's name, or other historic information regarding a building's construction which is cut into a masonry surface or made of bronze or other permanent material and affixed to the structure.

Building Official: an ~~an authorized~~ Administrative Official who reports to the Community Development Manager~~.~~

Campground: a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units or cabins may be located and occupied as temporary living quarters. Campgrounds for tent trailers and recreational vehicles should be sited with consideration for access to the property. The campground should be designed to minimize the impact from adjacent major thoroughfares.

Canopy/Awning Sign: a noninternally illuminated fixed space-frame structure with canvas, tarp, cloth, translucent, or flexible reinforced covering with or without graphics or copy applied to the visible surface.

Caretakers Residence: a single family dwelling unit, which will be considered an accessory use to the primary business. The individual residing at this residence must own or be employed by the business. No home occupations will be allowed.

Car Wash: A place or building where vehicles or equipment are cleaned (Ord. 20-10; Rev. 5-1-2020)

Changeable Copy Sign/Reader Board: an outdoor sign or any portion thereof which is permanently affixed or mounted to a support structure or building, which has removable characters, letters or illustrations that may be manually changed or rearranged without altering the underlying sign surface.

Civil/Social Organization: establishments that promote the interests of their members, or, that promote a particular cause (except labor, political, or professional organizations). These establishments may provide grant making foundations or charitable trusts, raise funds for social welfare activities, such as health, educational, scientific, and cultural activities. They may solicit contributions and offer memberships. Establishments in this category may operate bars and restaurants for their members.

Clearance (of a sign): the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear View Triangle: a triangular shaped portion of land established at street intersections and ingress/egress points in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection. See Section 21.8004(6) for graphic illustration.

Clinic: Human medical or health-related office. (Ord 06-31; Rev 1-25-07)

Club: shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable for similar purposes, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as business even though it may be chartered and named for purposes herein defining a club.

Communal Living: A building or place, other than a fraternity or sorority house, where a group of four or more persons, but no more than six persons, not related by blood or law living together and maintaining a common dwelling unit. (Ord 20-03; Rev 2-14-20)

Commercial Kennel: any premises, or portion thereof, where dogs or cats over four (4) months of age are boarded, raised, bred, or cared for (non-veterinary) in return for remuneration, or are offered for sale, or are kept for the purpose of sale. (Ord 21-18; Rev 7-16-21)

Comprehensive Land Use Plan (Comp Plan): compilation of policy statements, objectives, standards and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in current state law. (Ord 04-04; Rev 03-26-04)

Community Development Manager: an Administrative Official who reports to the Public Works Director.

Conditional Use: a use that would not be appropriate generally or without restriction throughout the zoning district by which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted by the Board of Adjustment when specific provision is made in the ordinance. Conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature.

Condominium: the ownership of single units in a multi-unit residential structure with common elements (with the property subject to the condominium regime established pursuant to SDCL 4315A).

Condo Plat: a plat detailing the location of a structure(s) which is encumbered by a declaration of condominium covenants or condominium form of ownership.

Congregated storage: shall mean the request to allow storage of multiple docks & lifts of similar on a single site.

Construction (project) Sign: a sign located upon property where construction or development is occurring which identifies the persons or entities involved in such project.

Contractor Shops and Storage Yards: use of land or buildings for storage and preparation of materials used by that same individual in conducting business, including but not limited to, construction, repair work, fabrication and assembly, and incidental retail sales. Each unit shall have separate water and sewer utilities.

Convenience Store: any retail establishment offering for sale pre-packaged food products, household items, petroleum and other goods commonly associated with the same, at which a customer typically purchases only a few items during a short visit.

Convention Center: convention centers have both an exhibition hall and number of meeting rooms. Many also have kitchen and banquet facilities. Trade shows, public shows, conventions, food functions, receptions, dances, banquets, assemblies, and other activities are typically hosted in these structures.

Convent and Monastery: a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work in adjacent institutions.

Copy: the message on a sign surface whether in word or illustration in permanent, temporary or removable form.

Court: an open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Curb Level: the curb level is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this ordinance.

Day Care: the providing of care and supervision of children/adults as a supplement to regular parental home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

Day Care, Home: A dwelling, occupied as a residence by the care provider, in which family-like care is given. All provisions of Chapter 21.83 must be met for the use to be permitted in designated districts.

~~care is provided in a dwelling and the number of children/adults cared for is subject to specific conditions and Standards. The principal use of the property shall be as the primary residential dwelling for the provider, and the day care business use shall be accessory. Conditional Use approval is required prior to commencement of operation.~~

Day Care Facility (Non-residential): a state licensed non-residential facility, at which no one resides, used for providing child or adult day care, and which is limited by the square footage of useable space available. Facility must comply with current state regulations.

Density: the number of families, individuals, dwelling units, or housing structures per unit of land.

Depth of Lot: the mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard: the mean horizontal distance between the rear line or nearest point of the principal building and the rear lot line.

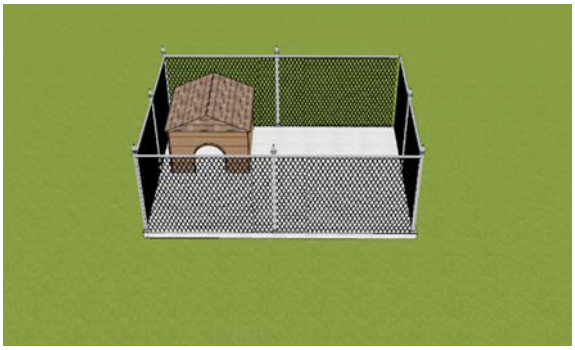
Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the ~~Plan Commission~~Planning Commission or its designee. (Ord 06-31; Add 01-25-07)

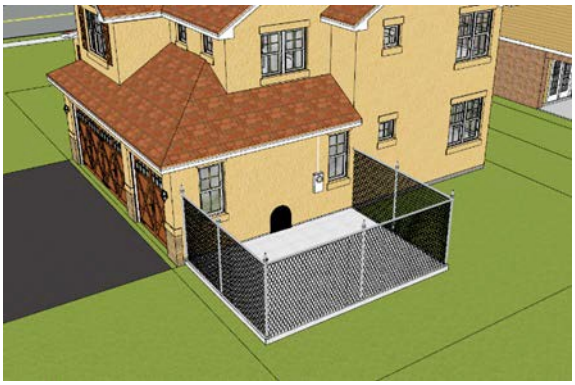
Directional Sign: any sign whose principal purpose is to designate the location or direction to a place or area.

Display Surface: the area available on a sign surface for displaying a message. However, "display surface" shall not include the structural supports for free standing signs. Display surface is synonymous with the term "face".

District: a section of the City for which the regulations governing the height, area, use of buildings and premises are the same.

Dog Enclosure: An attached or detached outdoor structure intended for the exercising, containment, and/or sheltering of a dog or dogs. Not to include a fence constructed on the perimeter of the property. (Ord 21-18; Rev 7-16-21)





~~**Dwelling:** any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.~~

~~Apartment(s): a dwelling unit or multiple dwelling units for use as a residence.~~

~~Apartment House: a residential building designed for or occupied by (3) or more dwelling units.~~

1. ~~**Attached (Row):** a multi family dwelling in which each single family dwelling unit has a separate entrance and is joined by a common wall, extending from the basement floor to the roof, on one or both sides.~~
2. ~~**Complex:** conforming site consisting of multiple dwelling units within multiple buildings.~~
3. ~~**Detached:** a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.~~
4. ~~**Farm:** any dwelling located on a farming operation, which is used or intended for use as a residence by the farm's owner, relative, or a person employed on the premises.~~
5. ~~**Multi Family:** a residential building designed for or occupied by three (3) or more dwelling units families.~~
6. ~~**Single Family:** see detached.~~ a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.
7. ~~**Townhouse:** one of a group or row of two or more single family dwellings designed and built as a single structure in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more vertical common fire resistant walls and property lines.~~its own entrance.
8. ~~**Two Family (Duplex):** a building containing two (2) dwelling units only.~~
9. ~~**Twin Home:** a two (2) family dwelling unit, having a common wall and is platted into two separate lots.~~

Dwelling: any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

1. **Multi-Family:** a residential building containing four (4) or more dwelling units
   a. **Apartment House**: a residential building designed for or occupied by four (4) or more dwelling units.
   b. **Rowhousing:** Four (4) or more single family dwelling units, attached in a row, each having a separate entrance and is joined by an unpierced common wall, extending from the basement floor to the roof, on one or both sides.
   c. **Townhouse:** A group or row of three (4) or more single family dwelling units designed and built as a single structure in which each unit has its own front and rear access to the outside, no unit is located

over another unit, and each unit is separated from any other unit by one of more vertical common fire-resistant walls and property lines. Each dwelling required to be subdivided as individual lots following development.

d. **Apartment Complex:** conforming site consisting of multiple dwelling units within multiple buildings.

e. **Dwelling Groups:** A group of two or more single family, single family attached, or multi-family dwellings occupying a parcel of land in one ownership and having a yard or court in common, not to include motels/hotels

2. **Single Family Attached:** a building consisting of not more than four (4) dwelling units which are attached by common vertical walls and each unit having a separate or combined entrance or entrances.

a. **Duplex:** A building containing two dwelling units totally separated from each other for occupancy of two separate dwelling units located on a single lot.

b. **Triplex:** Three (3) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.

c. **Fourplex:** Four (4) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.

3. **Single-Family:** a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

~~**Dwelling Unit (d.u.):** residential accommodation including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family.~~**Dwelling Unit (d.**u.): a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation

Eave: the part of the roof that meets or overhangs the walls of a building. (Ord 17-12; Rev 05-12-17)

Electric Sign: a fixed or portable, self-contained electrically illuminated appliance with words or symbols designed to convey information or attract attention.

Electronic Message Center: a sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display messages, advertising, or animation any of which can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

1. Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible

and the subsequent message gradually increases in intensity to the point of legibility.

3. Frame: A complete, static display screen on an electronic message display.
4. Frame effect: A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Scroll: A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
6. Transition: A visual effect used on an electronic message display to change from one message to another.
7. Travel: A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface. (Ord 17-33; Rev 09-29-17)

Engineer: any engineer licensed by the State of South Dakota.

Erect(ed): to build, alter, construct, reconstruct, attach, hang, place, suspend, enlarge, move, or affix, and shall also be deemed to include the painting of wall signs, but does not include copy changes on any sign.

Exempt Sign: any sign for which a permit is not required under the provisions of this chapter.

Expando Unit: an expandable manufactured housing unit.

Family: one or more persons related by blood, marriage or adoption, including foster children, or a group of not more than three persons, unless in the R3 district in which event a group of not more than four (4) persons is allowed, some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common dwelling unit.. Sororities, fraternities or other similar group dwellings are not included in this definition. (E-535-1) (Ord 14-11; Rev 04-11-14)

Feed Lot: a feedlot is defined as a lot, yard, corral, building or other area where animals have been, are, of will be stabled of confined for a total of forty five (45) days or more during any twelve (12) month period, and where crops, vegetation, forage growth or post harvest residues are not sustained over any portion of the lot or facility. (Ord 04-04; Rev 03-26-04)

Flag: any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign: a sign where light is not maintained stationary or constant in intensity and color when in use.

Foundation Siding / Skirting: a type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

Fraternity/Sorority: A building that is intended or designed to be occupied as a residence for a group of more than five members and recognized as a chartered chapter by a national or international organization or society. (Ord 20-03; Rev 2-14-20)

Freestanding Sign: a sign attached to, or a part of, a self-supporting structure. Any supporting structure shall be set firmly below the ground surface and shall not be attached to any building or any other structure.

Frontage: that portion of the front property line or lines of any premise, parallel to and along each street right-of-way it borders. If a lot has double frontage, each front shall meet the minimum lot frontage requirement.

Funerary Service: any business providing any service associated with the handling, preparation or disposition of human remains after death. Such businesses must provide verification that equipment meets emissions requirements set forth by the Environmental Protection Agency and South Dakota Department of Environment and Natural Resources to the Building Official and/or fire marshal upon inspection. (Ord 08-04: Rev 04-11-08)

Funerary Service (Non-Human): any business providing any service associated with the handling, preparation or disposition of non-human remains after death. (Ord 08-04: Rev 04-11-08)

Garage/Yard Sale Sign: a temporary sign indicating a private sale of personal property.

Government Sign: any sign which directs traffic, displays street names, or which serves any public purpose duly authorized by governing body having jurisdiction thereof.

Governmental Entity: an organized entity which, in addition to having governmental character, has sufficient discretion in the management of its own affairs to distinguish it as separate from the administrative structure of any

other governmental unit. This definition shall be deemed to include, but is not limited to The City of Watertown, Codington County, the State of South Dakota, Watertown School District and the U.S. Government.

Grade: is established by the average natural grade or slope within fifty (50) feet of the sign location or as established by the City Engineer.

Gross Area of Sign: the area surrounding the periphery of all letters or graphics bounded by straight lines connecting the outermost points thereof.

Gross Parking Lot Area: that portion of a site or contiguous sites, regardless of ownership, consisting of connected areas intended for use by vehicles including parking stalls, drives and alleys, and maneuvering areas.

Ground Sign: a sign which is anchored to the ground and has no air space between grade and the bottom of the frame or sign facing.

Group Home: a supervised living or counseling arrangement in a family home context providing for the twenty four (24) hour care of children or adults.

Height of Sign: the vertical distance from the top of the sign or sign structure, whichever is greater, to the ground in a straight line directly below, measured from a point equidistant from the sides or edges of the sign.

Home Occupation: any occupation which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use other than a non-illuminated sign not exceeding four hundred (400) square inches in area. This occupation shall be carried on or conducted only by members of a family residing in the dwelling as the primary residence.~~.~~ (Ord 04-04; Rev 03-26-04)

Horticultural Services: commercial services which are oriented to support the science or practical application of the cultivation of fruits, vegetables, flowers, and plants.

Identification Sign: a sign affixed to a building whose message includes only the address and occupant's name.

Illuminated Sign: any sign which when originally constructed, included characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

Incidental Sign: Signs that are intended primarily for the information, convenience, and safety of the public depicting directives such as "no parking", "entrance", and "loading only". (Ord 17-33; Add 09-29-17)

Indexing Sign: a sign which includes turning and stopping action of vertical sections on a multi-face sign capable of showing more than one (1) message in the same area.

Inflatable Sign: a sign capable of expanding due to the injection of air, gas, water or vapor.

Inn: see Motel/Hotel.

Institution Uses Public/Private: include such uses as hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.

Instructional Sign: a sign which provides specific instruction to the public, including , but not limited to, "Center," "Exit," "No Parking," "Drive Through," "Rest Room,". No instructional sign shall be permitted to include any commercial message.

International Building Code (IBC) Standards: that edition of the International Building Code, promulgated, approved and adopted by the City of Watertown.

Junkyard: land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles not accessory to any business or industrial use on the same lot.

Large Wind Energy Conversion System (LWECS): All WECS facilities excluding Small Wind Energy Conversion Systems.

Lawful Nonconforming Sign: a sign or sign structure existing at the time of enactment of this chapter which does not comply this code, but which was lawfully constructed prior to adoption of this chapter.

Legal nonconforming building: a building which does not comply with all of the regulations of this ordinance or any amendment hereto governing area and bulk for the zoning district in which such building is located, but which was constructed with a lawfully issued building permit. This definition shall not be deemed to include structures for which no building permit was issued or obtained.

Light Manufacturing: those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

Loading Dock (Berth): that area specifically used for the transfer or materials or goods, which may be elevated, recessed, sunken or at grade level.

Loading Space: a space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

Lot: one unit of a recorded plat subdivision, or registered land survey having specific boundaries and which has been recorded in the Register of Deeds office, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

1. **Corner:** a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lots to the foremost points of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior:** a lot other than a corner lot with only one frontage on a street.
3. **Through:** a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Area: the lot area is the land area within the lot lines.

Lot Coverage: that portion of a lot covered with structures and hard surfaces such as parking, loading and storage.

Lot Line: a line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

1. **Front:** the lot line separating a lot from a street right-of-way, except at Lake Kampeska and Lake Pelican where the front lot line is the ordinary high water mark as established by the state.
2. **Rear:** that boundary of a lot line which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
3. **Side:** any lot line not the front or rear. A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.
4. **Zero:** the location of a building on a lot in such a manner that the side of a building rests on a lot line.

~~**Lot Width:** the width of a lot is its own mean width measured at right angles to its mean depth.~~

Lot(s) of Record: a lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the County Register of Deeds prior to the effective date of the ordinance.

Maintain: to allow any sign to exist or remain, or to repair or refurbish a sign to prevent decay or deterioration.

Manufactured Home: a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code (HUD).

Marque: any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Message: a communication through written words, symbols, signals, or pictures.

Mining: The excavation of earth materials for the purpose of sale.

~~**Mobile Home:** a transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.~~

~~**Mobile Home Park:** any site or tract of land upon which three (3) or more occupied mobile homes are located regardless of the charge or absence of charge for accommodations.~~

Modular Construction: completely fabricated and (partly) assembled units or elements delivered to be erected on a site to form a whole or part of a structure.

Modular Homes: ~~a modular home shall meet the following regulations:~~ Modular home or modular structure means a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL §32-7A-1 or a recreational vehicle

~~1. Modular homes shall meet or exceed ICC Codes.~~

~~2. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.~~

~~3. Modular homes shall have more than one thousand (1,000) square feet in ranch style an eight hundred fifty (850) square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.~~

~~4. Modular homes shall have a minimum of a 3/12 roof pitch.~~

~~5. Have vinyl or wood lap siding material of a type customarily used on site-constructed residences.~~

~~6. Have roofing material of a type customarily used on site-constructed residences.~~

Monument Sign: see Ground Sign.

Mortuaries: a place for the storage of human bodies prior to their burial or cremation. Such use shall be designed and located so that the architectural appearance and traffic generated by the use will not have a detrimental effect on adjacent property values.

Motel/Hotel: a building or group of buildings used primarily for the temporary residence of motorists or travelers.

Motion Sign: any sign which revolves, rotates, or moves in any way by mechanical means.

Nameplate Sign: any sign which includes the name and address of the occupant of the lot or building where the sign is placed and may include a directory listing the name, of occupants.

~~**Neighborhood Retail Establishment:** generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.~~

Nonconforming Use: any building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

Non-illuminated Sign: a sign other than an illuminated sign or reflective sign which is visible primarily by means of a natural light source.

Non-residential: property used for anything other than housing/dwelling/habitation. A building that is not lived in, where no one resides.

Nursing Home: an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advances age, chronic illness or infirmity, are unable to care for themselves.

Occupied Space: the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

Office (Building): a room, set of rooms, or building where the business of a professional, commercial, industrial, financial, religious, institutional, public or semi-public persons or organizations, broadcast stations and studios, is conducted. (Ord 06-31; Add 01-25-07)

Off-premises Sign (Billboard): ~~any sign identifying or advertising a business, person, activity, goods, products or services at a location other than where such sign has been erected~~.A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises Sign: ~~**Freestanding sign**any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign has been erected with the exception of nonprofit activities~~. A sign which directs attention to a business or professional conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located. On-premise signs may also advertise logos or names of sponsors that support an event located on the site the sign is located.

~~(Ord 17-33; Rev 09-29-17)~~

Outdoor Menu Board: an outdoor sign, associated with restaurants with drive-through windows, which provides patrons a detailed list of items available at a restaurant.

Outdoor Storage: the keeping, in an unroofed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty four (24) hours. Shall not include items indicated in the definition of junkyard.

Outline Lighting: an arrangement of incandescent lamps or electric-discharge lighting to outline or draw attention to certain features such as the shape of a building or the decoration of a window.

Overlay District: a set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying primary zone. Development within the overlay district must conform to the requirements of both underlying primary zone and the overlay district or the more restrictive of the two.

Owner: any person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest in a property or premises or who, by virtue of an existing legal relationship, have direct control over a property or premises.

Parasitic Sign: A non-exempt sign without a permit that is:

1. Attached to a permitted sign or
2. Affixed to a permanent supporting structure which is in addition to signs specifically designed for said supporting structure, or
3. Attached to a bollard, canopy support, or other rigid structure with a primary purpose other than the support of signage. (Ord 17-33; Add 09-29-17)

Parapet or Parapet Wall: that portion of a building wall that rises above the roof level.

Parcel: one or more tracts of land, which at the time of filing for a building permit, is designed by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

Parking Lot: an area, usually divided into individual spaces, intended for temporary parking of motor vehicles. The area may or may not be on the same lot as a primary structure.

Parking Space: a space for parking of automobiles which complies with the Engineering Design Standards.

Pedestrian Signs: a sign directed to pedestrians.

Pennant: any lightweight plastic, fabric, or other material, whether or not containing a message, suspended from a rope, wire, or string, usually in series.

Permanent Foundation: any structural system for transporting loads from a structure to the earth at a depth below the established frostline without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

Permanent Sign: a sign permanently attached to framing, or a sign with a support member at or below the frost line or attached to a building or other structure by direct attachment to a rigid wall, frame or structure.

Permitted Use: any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Persons: any individual, partnership, corporation, company, association or body politic including trustees, receivers, assignees or other representatives.

Petroleum Sales: establishments that provide for the retail sales of petroleum products.

Planned Unit Development (PUD): A procedure for planning a tract of land as a unit under single of unified ownership or control.

Pole sign: a freestanding sign wholly supported by one or more poles.

Political Signs: are signs that indicate or promote a political candidate, political issue, or political message.

Portable Sign: any sign not permanently attached to the ground or other permanent structure designed to be transported from structure to structure or site to site at periodic intervals. Portable signs include signs attached to or painted on vehicles, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are temporary signs.

Premises: a tract of land regarded as the smallest conveyable unit of real estate.

Principal Building: the building within which principal use of the parcel is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.

Private Garage: an attached or detached accessory building used for the storage of vehicles or equipment owned or operated by the residents of dwellings located on the lot on which it is located. A private garage shall not be used as a base for commercial activity unless otherwise permitted within these ordinances. (Ord 08-11; Rev 07-11-08)

Projecting Sign: any sign that is affixed at an angle or perpendicular to a wall of any building in such a manner as to be read either perpendicular or at an angle to the wall on which it is mounted.

Projection: is the distance by which a sign extends over public property or beyond the building line.

Public Event: any event authorized or acknowledged by the City of Watertown.

Public or Quasi-public Institutions or Services: facilities operated by a governmental entity that provide a public purpose or service including, but not limited to, a police station, court, fire station, training facilities, ambulance service, transit or transportation transfer station, library, community center, public recreation facility, or office.

Real Estate Sign: a sign placed upon property while the property is available for sale, lease, or rent. (Ord 17-33; Rev 09-29-17)

Reception or Event Venue: Site used for the arrangement of scheduled private or public events such as weddings, reunions, festivals, etc.

Recreation Facility a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business. (Ord 18-13; Rev 08-10-18)

Recreation Facility, Commercial: a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public, fourteen (14) years of age and older. . (Ord 18-13; Rev 08-10-18)

Recreational Use: a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, including active or passive activities and open to the public (public parks, playgrounds, etc.) (Ord 19-08; Rev 08-10-19)

Recreational Vehicle: a motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for temporary recreational or emergency occupancy.

Reflecting Sign: any sign which returns light waves from its surface back toward the original light source.

Religious Institution: any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to: church, temple, synagogue and mosque.

Residential Sign: any sign located in a residential zoning district that contains no commercial message except advertising goods or services offered on the premises where the sign is located.

Restaurant: establishments providing food services to patrons where food and/or drink is ordered and consumed on premises, taken out, or delivered to customer's location.

Retail Establishment: establishment engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including, convenience stores, petroleum sales, repair shops, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services.

Roof Line: the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign: a sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall constitute any message placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Sanitary Landfills: method of waste disposal involving the dumping and daily covering of waste materials all in compliance with state regulations.

Screening: earth forms, walls, fences, plant material or other structures or devices intended to partially obscure, conceal or protect from off site view.

Section: a unit of a manufactured home at least ten (10) body feet in width and thirty (30) feet in length.

Service Establishments: establishments offering a wide range of personal services (laundry, hair care, etc.).

Service Station – Motor Vehicle: any building or premise which may provide for the retail sale of petroleum, oil, tires, batteries and accessories for motor vehicles and for certain services, including washings, tire changing, repair

service, battery service, radiator service, lubrication, brake service, wheel service, testing and adjusting of automotive parts. Spray paint operations or body repair is not permitted.

Setback: the required distance, as prescribed by ordinance, which must exist between any building, structure, or sign and a lot line.

Shopping Center: two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing parking areas, whether such stores or establishments occupy separate structures or are under separate ownership. Retail buildings of greater than one hundred thousand (100,000) square feet and designed for more than one tenant.

Sidewall Articulation: variation in the outward appearance of the wall forming the side of a structure. (Ord 17-12; Add 05-12-17)

Sign: any device situated outdoors or visible from the outdoors, that is used to ~~which~~ advertise, identify, display, or direct~~s~~ attention to an object, person, institution, organization, business, commodity, product, service,~~e or entertainment~~ event or location ~~but excluding any flag, badge or insignia of any government agency, or any civic, charitable, religious, patriotic or similar organizations.~~by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, athletic scoreboards or the official announcements or signs of government.

Sign Area: the total area or areas of all signs within the outer edges of the sign or advertising message.

Sign Structure: any structure which supports, has supported, or is capable of supporting a sign, including decorative cover**.**

Site Area Per Dwelling Unit: the site area per dwelling unit is the land area required by this ordinance to be provided for each dwelling unit in a building.

Small Wind Energy Conversion System (SWECS): a WECS facility with a single tower height of less than ninety (90) feet used primarily for on-site consumption of power. See graphic below:

Social Assistance Establishments: establishments providing social assistance services directly to individuals including, but not limited to: volunteer centers, senior citizen's centers, youth centers, etc.

Specific Use Office Building for the Area West of Highway 81, North of 12th Avenue North, and South of 14th Avenue North: a building designed with a single public entrance, exclusively housing one or more of the following practices: Architects and Engineers; Attorneys; Arbitrators; Mediators; Court-Appointed Advocates; Morticians/Funeral Directors; Physicians, Chiropractors, Optometrists, and Dentists; Public Accountants and Financial Planners; Bankers; Real Estate Brokers; Public Relations; Advertising Sales; Stock Brokers and Bonding Agents; Appraisers; Counselors; Insurance Agents; Insurance Adjusters and Investment Counselors; and Psychiatrists, Psychologists and therapists. See 21.7401 limitations. (Ord 02-11; Rev 01-19-03) (Ord 07-03; Rev 03-20-07) (Ord 09-10; Rev 07-11-09) (Ord 14-36; Rev 01-10-15)

Stables. Any premises or part thereon where horses or any equine animals are maintained, boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale.

Stand - Roadside: a structure for the display and sale of products with no space for customers within the structure itself.

Stealth: any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural

elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

Storage Shops: A building(s) for personal use only as a storage facility. Each structure is allowed to have water and sewer utilities. Commercial uses and living quarters are prohibited. (Ord. 20-10; Rev 5-1-2020)

Storage Units: a building(s) for the storage of commercial or private goods and materials in individual units within a common structure, without water or sewer utilities.

Story: that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under floor space shall be considered as a story.

Story – First: the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or more than eight (8) feet below grade at any point.

Street: a public way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

1. **Arterial**: a principle traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal Highways and includes each street designated as an arterial street on the major street plan.
2. **Collector**: a street intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.
3. **Frontage:** a minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.
4. **Local:** a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.
5. **Marginal Access:** a street used only for access to a very limited number of lots.
6. **Private**: one that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.

Strip Mall: retail buildings of less than one hundred thousand (100,000) square feet and designed for more than one tenant.

Structure: anything constructed or erected with a fixed location on the ground or attached to or resting on something having a fixed location on or below the ground. ~~Moreover the following shall always be considered structures: buildings, manufactured homes, walls, fences, swimming pools, signs and billboards, ponds and lagoons.~~

Structurally Altered (signs): any change in the support mechanism of a sign, including but not limited to, supports, braces, guys, and anchors.

Structure – Alterations: any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Subdivision: the division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (E-592-1)

Substantial improvement: any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a "historic structure" (E-592-1) provided that the alteration will not preclude the structure's designation as a "historic structure."

Support System: a pad or a combination of footings, piers, caps, plates and shims, which, when properly installed,

support the manufactured or mobile home.

Suspended Sign: a sign suspended from the underside of a horizontal plane surface and is supported by such surface.

Swimming pool: is a receptacle for water, or an artificial pool for water having a depth at any point of more than ~~two~~three feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment. (Ord 05-05; Rev 05-02-05)

System Height: the height above grade of the tallest point of the WECS, including the rotor radius.

Telecommunications Facilities: any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. Telecommunications facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Sign: any sign used for varying periods of time which is not permanently attached to the ground or other permanent structure and is readily removable and transportable. (Ord 17-33; Rev 09-29-17)

Theater: an establishment that is used for the showing of motion pictures, plays, dance or musical dramas.

Tower: a self-supporting lattice, guyed, or monopole structure constructed from grade which supports tele communications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Tower Height: the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Tract (of Land): a platted lot or a legally described portion of land.

Transitional Yard: area of vegetation that may be required within the required yard of lots or parcels where zoning uses (commercial, industrial, residential) abut one another. Every required transitional yard shall consist of a combination of grasses, shade trees, evergreen trees, shrubs, and appropriate screening devices such as walls, fences or berms. Areas not planted with shrubs trees or other appropriate screening devices shall be maintained with grass.

Transit Station: An area or building used for the transporting of people or goods by vehicle from one place to another. (Ord 20-10; Rev 5-1-2020)

Treatment Facility (Center): a facility that provides one or more persons with twenty four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home.

Truck/Bus Terminal: an area and building where buses, trucks and cargo are stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

Turbine: the parts of the WECS including the blades, generator and tail.

Unlawful Sign: a sign or sign structure which is unlawfully erected or is unlawful for reasons of inadequate maintenance, or abandonment.

Use: the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

1. **Accessory:** a subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use. This definition does not include Vertical Axis Wind Turbines.
2. **Principal (Primary):** main use of land or building as distinguished from a subordinate or accessory use.

Usable Open Space: land area and facilities specifically designated and developed for recreational or social activities of individuals or groups excluding required setback areas, in addition to those areas and facilities designated and developed for the private use of residents of individual dwelling units.

Utility: any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipal utility.

Variance: a modification or relief from the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be permitted.

Vertical axis wind turbine (VAWT): have the main rotor shaft arranged vertically and shall be used only for the purpose of generating power for the property on which the vertical axis wind turbine is located, or for the purpose of transmitting power to the electrical grid of an electric utility company through an approved interconnection.

VAWT's are either mounted on a tower, close to the ground, or directly on building roofs. See following graphics:

Veterinary Clinic: a commercial activity catering to the medical needs of animals.

Waiver-of-Right-to-Protest (WORTP): is a document that allows a landowner to defer installation of required infrastructure improvements in exchange for waiving their statutory right to protest such installation when required in the future.

Wall: any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign: a one-dimensional sign placed ~~flat~~ against a structure, fence or wall. ~~Signs painted onto a wall, fence, or structure are wall signs.~~

Warehouse: these service establishments operate storage facilities for general merchandise, refrigerated goods and other warehouse products.

Wholesale Merchandising: wholesalers either sell or arrange the purchase of goods to other businesses and normally operate from a warehouse or office.

Wind Energy Conversion System or WECS: is an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnections, battery banks and the like in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills or wind turbines.

Window Sign: any sign, picture, symbol, or combination thereof, designed to communicate information about a business activity, business, commodity event, sale or service, placed inside a window or upon the window.

Yard: the area within a lot, which consists of all the open and unoccupied space, unobstructed from the ground to the sky.

1. **Front:** a yard, unoccupied, extending across the full width of the lot, from the front line of the primary structure to the front lot line.
2. **Rear:** a yard, unoccupied except for accessory buildings, extending across the full width of the lot, from the rear line of the primary structure to the rear lot line.
3. **Side:** a yard, unoccupied except for accessory buildings, between the primary structure and the side lot and located between the primary structure's front and rear building lines.
4. **Required (Setback):** that unoccupied portion of a side, front or rear yard nearest the designated lot line and being the minimum width or depth required in the district in which it is located, unless otherwise specified in this ordinance.

Zoning District: a section of the City for which regulations governing the use of land, the construction and use of buildings and the occupancy of premises are hereby made.
(Ord 17-02; Rev 03-31-17)

Chapter 21.97
INTERPRETATION, ABROGATION AND SEVERABILITY

21.9701: INTERPRETATION, ABROGATION AND SEVERABILITY

(back to Title contents)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Chapter 21.98
CROSS-REFERENCES

21.9801: CROSS-REFERENCE

(back to Title contents)

Building Inspector, Bond 7.0903
Business Buildings Must Be Rat-Proof and Rat-Free 11.0502
Electrical Regulations .....Title 9
Plumbing .....Title 15
Gas Regulations .....Title 20
Utilities.....Title 20
Subdivision of Land .....Title 24

Chapter 21.99
PUNISHMENT

21.9901: PUNISHMENT

(back to Title contents)

Any person violating, omitting, disobeying, neglecting, or refusing to comply with any of the provisions of this title or any person who erects, alters, repairs or maintains any use, building or structure in violation of any requirement of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard or requirement established in connection with any building permit, variance or special use permit or other permit shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars ($200). Each day or portion thereof during which a violation of this title is committed, maintained or continued shall constitute a separate offense. The owner or tenant of any building, structure, premise or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, or assists in or maintains a violation of this title may each be found guilty of a separate offense and punished as provided herein. (E-299-2), (E-679)

In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (Ord 16-20; Rev 11-11-16)

ORDINANCE NO. 24-24

AN ORDINANCE AMENDING Ch. 21.05 Establishment of Districts, Ch. 21.10 Summary of District Regulations, Ch. 21.12 Agricultural District, Ch. 21.14 Single Family Residential District, Ch. 21.15 Compact Single Family Residential District, Ch. 21.16 R-2 Single Family Attached Residential District, Ch. 21.18 R-2A Single Family Attached Residential District, Ch. 21.20 R-3 Multi-Family Residential District, Ch. 21.22 R-4 Manufactured Homes Residential District, Ch. 21.24 R-S Residential Storage District (New District), Ch. 21.25 C-1 Community Commercial District, Ch. 21.26 C-2 Local Commercial District, Ch. 21.28 C-3 Highway Commercial District, Ch. 21.29 C-L Lake Commercial District, Ch. 21.30 B-P Business Park District, Ch. 21.32 I-1 Light Industrial District, Ch. 21.36 I-2 Heavy Industrial District, Ch. 21.38 PUD Planned Unit Development, Ch. 21.50 A-P Aquifer Protection Overlay District, Ch. 21.52 W-E Wind Energy Conversion Systems Overlay District, Ch. 21.54 GT-1 Gateway Overlay District, Ch. 21.56 D-T Downtown Overlay District, Ch. 21.70 Modular Home Provisions (New Chapter), Ch. 21.71 Manufactured Home Provisions, Ch. 21.83 Day Care, Home, and Ch. 21.90 Definitions OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Residential Height and Placement Regulations, Zoning Districts Uses, Overlay Districts, Modular Home Provisions, Manufactured Home Provisions, In-Home Daycares, and Definitions of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters including: Ch. 21.05 Establishment of Districts, Ch. 21.10 Summary of District Regulations, Ch. 21.12 Agricultural District, Ch. 21.14 Single Family Residential District, Ch. 21.15 Compact Single Family Residential District, Ch. 21.16 R-2 Single Family Attached Residential District, Ch. 21.18 R-2A Single Family Attached Residential District, Ch. 21.20 R-3 Multi-Family Residential District, Ch. 21.22 R-4 Manufactured Homes Residential District, Ch. 21.24 R-S Residential Storage District (New District), Ch. 21.25 C-1 Community Commercial District, Ch. 21.26 C-2 Local Commercial District, Ch. 21.28 C-3 Highway Commercial District, Ch. 21.29 C-L Lake Commercial District, Ch. 21.30 B-P Business Park District, Ch. 21.32 I-1 Light Industrial District, Ch. 21.36 I-2 Heavy Industrial District, Ch. 21.38 PUD Planned Unit Development, Ch. 21.50 A-P Aquifer Protection Overlay District, Ch. 21.52 W-E Wind Energy Conversion Systems Overlay District, Ch. 21.54 GT-1 Gateway Overlay District, Ch. 21.56 D-T Downtown Overlay District, Ch. 21.70 Modular Home Provisions (New Chapter), Ch. 21.71 Manufactured Home Provisions, Ch. 21.83 Day Care, Home, and Ch. 21.90 Definitions of the Revised Ordinances of the City of Watertown be amended as follows:

TITLE 21

ZONING

Chapter **(back to Table of Contents)**

21.1 Purpose
21.2 Administration and Enforcement
21.03 General Provisions
21.4 Nonconformities
21.5 Establishment of Districts
21.10 Summary of District Regulations

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21.14 R-1 Single Family Residential District
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ORDINANCE NO. 11-17
INTRODUCED BY THE CITY PLANNING COMMISSION (back to Title contents)

An Ordinance establishing comprehensive zoning regulations for the City of Watertown, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, and for the repeal of all ordinances in conflict herewith.

WHEREAS Chapters 11-4 and 11-6, South Dakota Compiled Laws, empower the city to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals or general welfare of the city, to enact such an ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapters 11-4 and 11-6, South Dakota Compiled Laws, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate

regulations to be enforced therein, and

WHEREAS the Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapters 11-4 and 11-6, South Dakota Compiled Laws, with regard to the preparation of the report of the Planning Commission and subsequent action of the City Council have been met,

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF WATERTOWN, SOUTH DAKOTA:

Chapter 21.05
ESTABLISHMENT OF DISTRICTS

Section (back to Title contents)

21.0501 Establishment of Districts
21.0502 Establishment of Overlay Districts
21.0503 Official Zoning District Map
21.0504 Identification and Location of Official Zoning Map
21.0505 Amendment of Official Zoning Map
21.0506 Replacement of Official Zoning Map
21.0507 Rules for Interpretation of District Boundaries

21.0501: ESTABLISHMENT OF DISTRICTS

(back to Chapter contents)

For the purpose of this ordinance, the City is divided into the following districts:

A-1 Agricultural District
R-1 Single Family Residential District
R-1C Compact Single Family Residential District
R-2 Single Family Attached Residential District
R-2A Single Family Attached Residential District
R-3 Multiple Family Residential District
R-4 Manufactured Home Residential
R-G Residential Garage District
R-S Residential Storage District
C-1 Community Commercial District
C-2 Local Commercial District
C-3 Highway Service Commercial District
C-L Lake Commercial District
B-P Business Park District
I-1 Light Industrial District
I-2 Heavy Industrial District
PUD Planned Unit Development District

Source: (Ord. 20-10; Rev 5-1-2020)

21.0502: ESTABLISHMENT OF OVERLAY DISTRICTS

(back to Chapter contents)

For the purpose of this ordinance, each overlay district contains additional requirements which shall be included in, and take precedence over, underlying district regulations.

A-P Aquifer Protection District
W-E Wind Energy District
GT-1 Gateway District
D-T Downtown District

Source: (Ord 19-16; Rev 1-10-2020)

21.0503: OFFICIAL ZONING DISTRICT MAP

(back to Chapter contents)

The City is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this ordinance. The Aquifer Protection Overlay District Map acts as an overlay to the Official Zoning Map and further denotes the wellhead protection zones: Zone A – Critical Impact Zone and Zone B – Secondary Impact Zone. The Wind Energy Overlay District Map, the GT-1 Gateway Overlay District Map, the Downtown Overlay District Map, and any future overlay districts created after the effective date of this ordinance, will act as additional overlays to the Official Zoning Map.

Source: (Ord 19-16; Rev 1-10-2020)

21.0504: IDENTIFICATION AND LOCATION OF OFFICIAL ZONING MAP (back to Chapter contents)

The Official Zoning Map shall be identified by the signature of the City Manager, attested by the City Finance Officer, and bearing the Seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this is the Official Zoning Map referred to in Chapter 21 of Ordinance 11-17 of the City of Watertown, South Dakota," together with the date of adoption of this ordinance. Such Official Zoning Map shall be located in the City Finance Office of the City of Watertown. (Ord 21-14; Rev 6-11-21)

21.0505: AMENDMENT OF OFFICIAL ZONING MAP (back to Chapter contents)

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, and has become law according to the statutes of the State of South Dakota. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on the Official Zoning Map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except with conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by this ordinance.

21.0506: REPLACEMENT OF OFFICIAL ZONING MAP (back to Chapter contents)

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the City Manager attested by the Finance Officer and bearing the seal of the City of Watertown, South Dakota, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on as part of Ordinance of the City of Watertown, South Dakota**."** (Ord 21-14; Rev 6-11-21)

21.0507: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES (back to Chapter contents)

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes of other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Chapter 21.10
SUMMARY OF DISTRICT REGULATIONS

Section (back to Title contents)

21.1001 Residential Height and Placement Regulations
21.1002 Residential Height and Placement Regulations for Accessory Structures
21.1003 Non-Residential Height and Placement Regulations
21.1004 Non-Residential Height and Placement Regulations for Accessory Structures

21.1001: RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS (back to Chapter contents)

General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

Dwelling Type Based on Zoning Districts		Minimum Density (SF/d.u.)	Dwelling Unit/Acre	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard b., c., d.	Minimum Required Rear Yard	Maximum Overall Height a
R-1 Single Family Residential District									
Single-family		9,000	4.84	9,000	75’	25'	9'	25'	35'
Other allowable	CU	NA	NA	9,000	75’	25’	9’	25’	35’
R-1C Compact Single Family Residential District									
Single-family		4,500	9.68	4,500 g.	40’	15’ h.	6’	20’	24’
Other allowable	CU	NA	NA	4,500 g.	40’	15’ h.	6’	20’	24’
R-2A Single Family Attached Residential District (Closed District)									
Single-family		4,500	9.68	4,500	50'	25'	6’	25'	35'
Duplex		3,000	14.52	6,000	50’	25’	6’	25’	35’
Triplex		2,000	21.78	6,000	50’	25’	6’	25’	35’
Fourplex		2,000	21.78	8,000	50’	25’	6’	25’	35’
Other allowable	CU	NA	NA	6,000	50’	25’	6’	25’	35’
R-2 Single Family Attached Residential District									
Single-family		6,000	8.7	6,000	40'	25'	7'	25'	35'
Duplex		4,500	9.68	9,000	80'	25'	7'	25'	35'
Triplex		3,750	11.6	11,250	100’	25’	7’	25’	35’
Fourplex		3,375	12.9	13,500	120’	25’	7’	25’	35’
Other allowable uses	CU	NA	NA	9,000	80’	25’	7’	25’	35’

R-3 Multi-Family Residential District									
Single-family		6,000	7.26	6,000	60’	25’	9’	25’	35’
Duplex		3,000	14.52	6,000	80’	25’	9’	25’	35’
Triplex i.		2,500	17.42	7,500	90’	25’	9’	25’	35’
Fourplex i.		2,500	17.42	10,000	100’	25’	9’	25’	35’
5 to 8 units		1,300 e.	NA	6,500 f.	100'	30'	9'	25'	35'
9 to 12 units		1,300 e.	NA	11,700 f.	125'	30'	10'	25'	55'
Over 12 units		1,300 e.	NA	16,900 f.	150'	30'	15'	25'	55'
Other allowable	CU	NA	NA	10,000	100’	30’	9’	25’	35’
R-4 Manufactured Homes District									
Manufactured Home		5,000	NA	5,000	50'	25'	6’	15'	20'
Other allowable uses	CU	5,000	NA	5,000	50'	25'	6’	15'	20'
R-G Residential Garage District									
Residential Garages		5,000	NA	5,000	50’	25’	9’	25’	24’
Other allowable	CU	5,000	NA	5,000	50'	25'	9	25'	25'
R-S Residential Storage District									
Permitted uses		NA	NA	10,000	100’	40’	10’	15’	24’

a. Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy. (Ord 06-31; Rev 1-25-07)

b. Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required side yard setback.

c. The required side yard will increase to ten (10) feet when the building is three (3) stories in height or more.

d. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

e. Square footage requirements shall be calculated based on the number of bedrooms per dwelling unit. (Ord 14-11; Added 4-11-14)

Number of bedrooms/dwelling unit	Square footage of lot required/dwelling unit
1	1300
2	1700
3	2100

4	2500

f. The maximum allowable amount of lot coverage shall be 80% (Ord 14-11; Added 4-11-14)

g. The maximum allowable amount lot coverage shall be 55%

h. Garage doors that open perpendicular to the right of way shall be setback twenty-five (25) feet.

i. If a structure is regulated under the International Building Code not the International Residential Code, the regulations for 5-8 units in the R-3 Multi-Family Residential District shall apply.

2. Supplemental Provisions for Residential Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

a. The yard adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.

b. The yard opposite of the lakeshore shall have a fifteen (15) feet minimum setback from the lot line.

c. Attached garages that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line. Doors that open parallel to the street shall be setback nine (9) feet from the lot line.

d. The setbacks as required above may be modified where the setback on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply to attached garages if the garage doors are proposed to open perpendicular to the street, requiring a minimum setback of twenty (20) feet from the property line.

3. Supplemental Provisions for Residential Uses.

a. Non-farm residential structures must have frontage on a public street. Farm buildings and farm-related residential structures are excluded from all provisions.

b. Double frontage lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement. Any secondary front yard without access shall be allowed to have a fifteen (15) feet minimum front yard setback.

c. For parcels that have more than two required front yards, the remaining required yards shall be side yards.

d. The front yard setback as required above may be modified where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe that the average depth of the structure on each side. Any existing residential structures which observe a front yard setback that is less than required, may, be expanded to the full width of the main building. **Exception:** If a garage is being proposed, in line provision does not apply if the garage door is proposed to open perpendicular to the street, then the twenty-five (25) feet front yard setback applies.

e. Where a zero lot line development is being proposed the minimum lot width may be reduced to twenty five (25) feet per unit. (E-545-1) (Ord 13-14; Rev 06-28-13)

f. Existing legal nonconforming parcels, or lot(s) of record with a building right, may be developed with 1 or 2 family dwellings, regardless of minimum area, width & density requirements, if all other minimum requirements are met. (only single family dwellings allowed in R-1 District)

g. Single Family and Multi-Family dwellings shall have siding and roofing material of a type customarily used on site constructed residences (as approved by the Building Official.) (Ord 08-11; Rev 07-11-08)

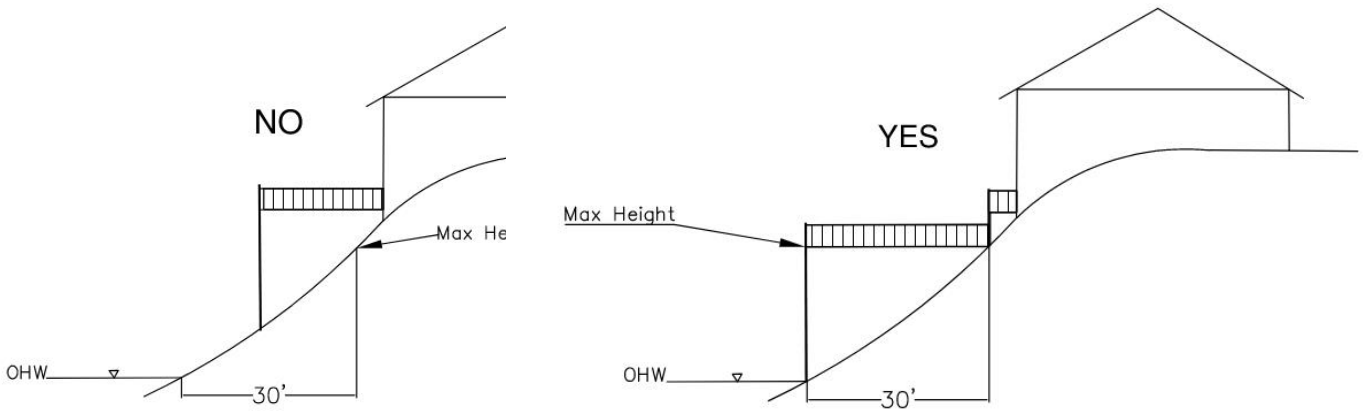
j. Attached Garage Standards.

a. An attached garage shall be limited to three (3) garage doors/stalls per side or frontage

b. An attached garage shall have a maximum allowable size of two thousand three hundred fifty two (2,352) square feet, the length of the attached garage shall not exceed 1.5 times the width and shall conform to the design of the house. (Ex. If the width is 42' the depth cannot exceed 63' however the overall size cannot exceed 2,352 SF limiting the depth to 56').

c. The maximum allowable attached garage size, width, and depth may be increased by 440 SF, the difference between the maximum attached garage size and the actual size will be subtracted from the maximum allowable unattached garage size.

k. Decks shall observe the same setbacks as primary structures, see Table 21.1001. Decks adjacent to Lake Kampeska and Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Residential Code. See Illustration below:



21.1002: RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

(back to Chapter contents)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear

Structures greater than 200 square feet	24’	25’	9’ a, c	9’ b
Structures less than or equal to 200 square feet	12’	25’	4’	4’

a See Section 21.1002 (2)(d).
b See Section 21.1002 (3)(a).
c Where any parcel is seventy five (75) feet or more in width, the required side yard shall be a minimum of nine (9) feet, or more as specified in the table above. Lot(s) of Record recorded prior to 1-1-05 that are less than seventy five (75) feet in width, shall observe a minimum required side yard equal to ten percent (10%) of the lot width, but not less than six (6) feet.

2. General Provisions for Residential Accessory Uses

a. Accessory uses shall be permitted for the principal permitted uses and conditional uses only in accordance with the following provisions hereby adopted by reference and declared to be part of this ordinance.

b. Only specifically authorized accessory uses are allowed. Accessory uses must be subordinate to principal use. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.

c. Location and coverage of accessory usesand structures. No accessory use or structure permitted by this ordinance may be located in a required front yard except by conditional use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback or as otherwise specified in this ordinance.

d. Accessory buildings, two hundred (200) square feet or greater, which are attached to or located within ten (10) feet of the main building shall comply with the same yard requirements as the main building.

e. Allowable number of accessory buildings not to exceed cumulative size requirements regulated under Section 21.1002 4.b. Boat houses are regulated independently under Section 21.1002 2.4.d and are not included in the total allowable number of accessory buildings.

(1) Lots less than or equal to 43,560 square feet in total area are allowed two (2) accessory structures as described below:

(a) One (1) unattached accessory structure, , and one (1) accessory structure less than or equal to two hundred (200) square feet OR;

(b) If a structure greater than two hundred (200) square feet does not exist on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet

(2) Lots greater than 43,560 square feet in total area are allowed three (3) accessory structures as described below:

(a) Up to two (2accessory structures greater or equal to two hundred (200) square feet, and one (1) accessory structure less than or equal to (200) square feet OR;

(b) If only one structure greater than two hundred (200) square feet exists on the property, the lot is allowed two (2) accessory structures less than or equal to two hundred (200) square feet.

f. Residential dwelling prohibited in accessory buildings. No accessory building may be used for residential dwelling purposes at any time. No accessory building will be allowed to provide means for cooking or sleeping.

g. Structures shall not be located in or over any easement.

3. Supplemental Provisions for Residential Accessory Structures on Lake Front Properties.

All other provisions in this chapter and the underlying zoning district apply to residential accessory structures on lake front properties, except the following provisions supersede and shall prevail for lake front properties ONLY:

:

a. Accessory structures greater than 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a thirty (30) feet minimum setback from the ordinary high water mark.

b. Accessory structures less than or equal to 200 SF adjacent to the lakeshore of Lake Kampeska and Lake Pelican shall have a ten (10) feet minimum setback from the ordinary high water mark so long as proper flood-proofing measures are installed for structures within the floodplain.

c. Accessory structures greater than 200 SF that have doors opening perpendicular to the street shall be setback twenty (20) feet from the lot line adjacent to the street/right-of-way. Doors that open parallel to the street shall be setback nine (9) feet from the lot line adjacent to the street/right-of-way

d. Accessory structures less than or equal to 200 SF shall have a nine (9) feet minimum setback from the lot line adjacent to the street/right-of-way.

e. The setbacks as required above may be modified, where the frontage on the same side of the street or lake is improved with buildings that have observed a lesser depth than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the street or lake line of the building upon either side of the proposed structures within the same block; or, if there are buildings upon only one side, the proposed structure shall observe the average depth of the structure on each side. Any existing residential structures which observe a setback that is less than required, may, be expanded to the full width of the main building. **Exception:** In line provision does not apply if garage doors are proposed to open perpendicular to the street, requiring a setback of twenty (20) feet from the property line.

4. Supplemental Provisions for Residential Accessory Structures greater than 200 Square Feet.

a. An accessory structurepermitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the lot line. A garage permitted after July 11, 2008 which is entered perpendicular to the lot line adjacent to an alley shall not be located closer than twenty (20) feet to the lot line. A garage which is entered parallel to the lot line adjacent to an alley shall not be located closer the nine (9) feet to the lot line.

b. Accessory structures greater than two hundred (200) square feet.

(1) The cumulative size shall be limited based on total square foot area of a residential lot as follows:

(a) Up to 10,000 square feet:
Thirteen percent (13%) of lot area or 1,260 square feet, whichever is less

(b) 10,001 – 20,000 square feet:
Eight percent (8%) of lot area or 1,260 square feet, whichever is greater

(c) 20,001 – 43,560 square feet:
Five percent (5%) of lot area or 1,600 square feet, whichever is greater

(d) 43,561 – 87,119 square feet:
Four percent (4%) of lot area or 2,180 square feet, whichever is greater

(e) Over 87,120 square feet:
Three percent (3%) of lot area or 3,485 square feet, whichever is greater

(2) Limitations.

(a) An accessory structure shall be limited to maximum side wall height of twelve feet (12'); a maximum height of twenty (20') feet to the peak.

(b) Structures may be located in the required rear yard, but may not occupy more than thirty percent (30%) of the required rear yard. However, detached accessory structures for multi-family structures located in the required rear yard, may not occupy more than sixty percent (60%) of the required rear yard.

(c) Properties that do not have the ability to construct an attached garage and do not currently have an attached garage (ex. sufficient width on side yard after setbacks) are allowed an additional 440 square feet for their detached accessory structure over two hundred (200) square feet and shall not be 50% larger than the primary structure.

c. Accessory structures shall have siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.

d. Metal clad or vinyl covered canopies for permanent or temporary storage, with or without foundations are prohibited.

5. Supplemental Provisions for Allowable Miscellaneous Accessory Structures.

a. Permanent sports or recreational structures or facilities, such as tennis courts, pergolas or terraces, swimming pools that do not require a permit according to Ch. 21.79, barbecue pits, and similar improvements that meet the minimum setback requirement of an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit

b. Prefabricated structures (ex. Dog house, noncommercial greenhouse) that are forty (40) square feet or less may be constructed from metal, plastic, etc. and meet the minimum setback requirement for an accessory structure greater than two hundred (200) square feet are exempt from requiring a building permit

c. Microwave antennas only by special permit as set forth in Chapter 21.72.

d. Boat houses may be permitted by conditional use on lots adjacent to the shores of Lake Kampeska and Lake Pelican. Each parcel is allowed one (1) boat house. In reviewing applications for boat houses, the Board of Adjustment will consider the following factors:

(1) Size of lot, size of proposed boat house, and location on lot.
(2) Amount of blockage of lake view to adjacent lots.
(3) Potential erosion problems caused by construction.
(4) Topography and slope of lot.
(5) Other factors which the Board of Adjustment may deem appropriate.

e. All uses customarily incidental to religious institutions, not to include commercial use.

Chapter 21.12
A-1 AGRICULTURAL DISTRICT

Section (back to Title contents)

21.1201 Purpose
21.1202 Permitted Uses
21.1203 Conditional Uses
21.1204 Area and Bulk Requirements

21.1201: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the A-1 Agricultural District is included in the Zoning Ordinance to achieve the following purposes:

1. To prevent premature urban development of certain lands which eventually may be appropriate for urban uses, until the installation of drainage works, streets, utilities and community facilities and until objective projections of appropriate land uses are possible.
2. To permit the conduct and perpetuation of certain agricultural pursuits on land within the City.
3. To ensure adequate light, air and access for various land uses and to provide adequate separation between dwellings and facilities for housing animals.

21.1202: PERMITTED USES (back to Chapter contents)

1. Agricultural Activities and related farm buildings.
2. Single family dwelling unit.
3. Manufactured Homes in accordance with 21.7101)
4. Recreational Use. (Ord 19-08: Rev 08-10-19)
5. Modular Homes.
6. Orchards and tree farms.
7. Railroads and utilities substations.
8. Home Occupations in accordance with Chapter 21.82.

21.1204: CONDITIONAL USES (back to Chapter contents)

1. Mining, subject to the provisions of this ordinance.
2. Veterinary Clinics (Large and/or small animal, with or without outside runs).
3. Commercial Kennels, public and private. (Ord 21-18; Rev 7-16-21)
4. Airports and airstrips.
5. Religious Institutions and/or cemeteries.
6. Animal Feedlots.
7. Sewage Treatment Plants.
8. Public and quasi-public institutions or services
9. Livestock Sales.
10. Commercial Greenhouses and nurseries.
11. Golf Course and driving range.
12. Game Propagation Areas.
14. Campground. (Ord 19-08: Rev 08-10-19)
15. Recreation Facility. (Ord 19-08: Rev 08-10-19)
16. Horticultural Services.
17. Funerary Service (Non-Human) (Ord 08-04: Rev 04-11-08)
18. Stables
19. Reception or Event Venue

21.1204: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density, and providing minimum lot requirements. (Ord 04-04; Rev 03-26-04)

Chapter 21.14
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1401 Purpose
21.1402 Permitted Uses
21.1403 Conditional Uses
21.1404 Area and Bulk Requirements

21.1401: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1402: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Single Family Residential Dwelling,, not to include manufactured homes. (Ord 04-04; Rev 03-26-04)
2. Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08: Rev 08-10-19)
4. Accessory Uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Modular Homes.
6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1403: CONDITIONAL USES (back to Chapter contents)

1. Nursing or convalescent homes with up to four (4) additional residents other than immediate family.
2. Religious institutions, public libraries, museums and schools.
3. Reserved.
4. Home Occupations in accordance with Chapter 21.82.
5. Bed and Breakfast.
6. Licensed Daycare centers in conjunction with religious institutions.
7. 8. Golf Course. (Ord 19-08: Rev 08-10-19)
8. Community Center (Ord 19-08: Rev 08-10-19)
9. Public utilities and governmental building which serve more than the immediate geographic neighborhood, examples include but are not limited to substations, regulator substations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses. (Ord 04-04; Rev 03-26-04)
10. Off-street parking permitted in the District, provided that adequate screening is present and that a site plan is approved for any permanent improvements.
11. Specific Use Office Building, only allowed on property which abuts US Highways 81 and 212, and SD Highway 20, and which has a lot width of not less than seventy five (75) feet. (Ord 02-11; Rev 01-19-03) (Ord 09-10; Rev 07-11-09) See Chapter 21.74.
12. Office in an existing structure not originally designed for human residence, specifically excluding new construction. (Ord 06-31; Add 01-25-07)

21.1404: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.15
R-1C COMPACT SINGLE FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1501 Purpose
21.1502 Permitted Uses
21.1503 Conditional Uses
21.1504 Area and Bulk Requirements

21.1501: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-1 Single Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the buildings around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.1502: PERMITTED USES (back to Chapter contents)

1.
2. Single Family Residential Dwelling,not to include manufactured homes. (Ord 04-04; Rev 03-26-04)Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev 08-10-19)
4. Accessory Uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Modular Homes.
6. Day Care, Home (See Chapter 21.83 for special use provisions)

21.1503: CONDITIONAL USES (back to Chapter contents)

1. Any conditional use listed in the R-1 District. (Ord. 19-08; Rev 08-10-19)
2. Communal Living (Ord 20-03; Rev 2-14-20)

21.1504: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

No property shall be eligible to be zoned R-1C unless it contains one (1) acre.

(back to Chapter contents)

Chapter 21.16
R-2 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1601 Purpose
21.1602 Permitted Uses
21.1603 Conditional Uses
21.1604 Area and Bulk Requirements

21.1601: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-2 Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for single family living at reasonable population densities consistent with sound standards of public health and safety with sanitary sewers.
2. To insure adequate light, air, privacy and open space for each dwelling.
3. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excess size in relation to the land around them.
4. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influence.

21.1602: PERMITTED USES (back to Chapter contents)

1. All permitted uses in the R-1 District.
2. Duplex. (Ord 04-04; Rev 03-26-04)
3. Triplex
4. Fourplex

21.1603: CONDITIONAL USES (back to Chapter contents)

1. Any conditional use listed in the R-1 District.
2. Licensed Residential Treatment or Group Homes (not to exceed four (4) persons, not including employees).
3. Neighborhood Retail Establishments.
4. Funerary Service. (Ord 08-04: Rev 04-11-08)
5. Assisted Living Centers.
6. Communal Living. (Ord 20-03; Rev 2-14-20)
7. Fraternity/Sorority. (Ord 20-03; Rev 2-14-20)

21.1604: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.18
R-2A SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

Section (back to Title contents)

21.1801 Purpose
21.1802 Initiation and Criteria
21.1803 Permitted Uses
21.1804 Conditional Uses
21.1805 Area and Bulk Requirements

21.1801: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102 Objectives and 21.1601 Purpose the R-2A Single Family Attached Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To create a zoning district which includes identified areas that were previously zoned R-2, per the Official Zoning Map, and platted prior to January 1, 2005 that contain a concentration of lots which do not conform to the area standards within the R-2 zoning district.
2. To allow flexibility in the development of lots that were platted prior to January 1, 2005 that do not generally comply with the area and use requirements within their respective zoning district(s).
3. To allow the continuation of residential uses while limiting density of development to that which existed as of January 1, 2005. (Ord 08-18; Rev 10-10-08)

21.1802: INITIATION AND CRITERIA

(back to Chapter contents)

1. Rezoning of property to an R-2A designation may only be initiated by the Planning Commission notwithstanding any contrary provision within Section 21.0209(1).
2. Any decision by the Planning Commission on whether to initiate a rezoning to R-2A District shall take into account the following criteria: area; location; land use, The City of Watertown Comprehensive Land Use Plan and any ancillary studies and/or any other factor deemed relevant by the Planning Commission. Any decision by the Planning Commission shall be deemed final and will not be eligible for reconsideration for a period of one year. (Ord 08-18; Rev 10-10-08)

21.1803: PERMITTED USES

(back to Chapter contents)

1. All permitted uses in the R-2 District.

21.1804: CONDITIONAL USES

(back to Chapter contents)

1. Any conditional use listed in the R-2 District.

21.1805: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.20
R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Section (back to Title contents)

21.2001 Purpose
21.2002 Permitted Uses
21.2003 Conditional Uses
21.2004 Area and Bulk Requirements

21.2001: PURPOSE (back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-3 Multi-Family Residential District is included in the Zoning Ordinance to achieve the following purposes:

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2002: PERMITTED USES (back to Chapter contents)

1. All permitted uses in the R-1 and R-2 Districts
2. Multi-Family Dwellings
3. Public utilities and services required by the resident population.
4. Recreational Use. (Ord 19-08: Rev 08-10-19)

21.2003: CONDITIONAL USES (back to Chapter contents)

1. Any conditional use listed in the R-1 and R-2 Districts
2. Storage Units. (Ord 04-04; Rev 03- 26-04)
3. Clubs, lodges and community centers.
4. Clinics and Hospitals.
5. Licensed residential treatment or group homes.
6. Specific Use Office Building, only allowed on property which abuts any collector street or minor arterial street, as those terms are defined in the comprehensive land use plan adopted by the City, when such property is directly contiguous to any commercially zoned property and/or any Planned Unit Development (PUD) within the City, and when such PUD does not include proposed or existing land uses whose proximity to the proposed location of the specific use office building would, in the opinion of the Board of Adjustment, render granting the conditional use contrary to established zoning and land use principals; and has a lot frontage width of not less than seventy five (75) feet. (Ord 09-10; Add 07-11-09)

21.2004: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.22
R-4 MANUFACTURED HOMES RESIDENTIAL DISTRICT

Section (back to Title contents)

21.2201 Purpose
21.2202 Permitted Uses
21.2203 Conditional Uses
21.2204 General Requirements
21.2205 Area and Bulk Requirements
21.2206 License Required

21.2201: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the R-4 Manufactured Homes Residential District is included in the Zoning Ordinance to achieve the following purposes: (Ord 04-04; Rev 03-26-04)

1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with standards of public health and safety.
2. To encourage as many as possible of the desirable characteristics of the single family residential district while permitting higher population densities.
3. To insure adequate light, air, privacy and other open space for each dwelling unit.
4. To provide for semi-public facilities needed to compliment urban residential areas and space for institutions that require a residential environment.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing construction of buildings of excessive size in relation to the land around them.
6. To provide necessary space for off-street parking of automobiles.
7. To protect residential properties from noise, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

21.2202: PERMITTED USES

(back to Chapter contents)

1. Manufactured homes
2. Public Utilities and services required by the resident population.
3. Recreational Use. (Ord 19-08; Rev. 08-10-19)
4. Accessory uses and buildings in accordance with the provisions and regulations of Section 21.1002 and/or 21.1004 of this ordinance.
5. Day Care, Home (See Chapter 21.83 for special use provisions)

21.2203: CONDITIONAL USES

(back to Chapter contents)

1. Home Occupations in accordance with Chapter 21.82.
2.
3. Storage Units
4. Religious Institutions (Ord 21-31; Rev 8-13-21)

21.2004: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

No property shall be eligible to be zoned R-4 unless it contains a minimum of five (5) acres.

(back to Chapter contents)

21.2205: GENERAL REQUIREMENTS

1. In accordance with the provisions of Chapter 21.71 Manufactured Homes
2. Each manufactured home shall be connected with an approved sanitary sewer and water supply system.
3. Site lighting shall be provided if private streets are utilized for access. All of the requirements shall meet specifications approved by the City Engineer. (Ord 04-04; Rev 03-26-04)

4.

5. All manufactured homes unless such manufactured homes are securely anchored to a permanent foundation approved by the Building Official, shall be anchored to the ground, in accordance with the manufacturer's specifications or as prescribed by the Federal Manufactured Housing Construction and Safety Standards Code and ANSI/NFPA 50/A Standards. (Ord 04-04; Rev 03-26-04)Whenever a manufactured home is moved in, a permit shall be required. (E-545-1) (Ord 04-04; Rev 03-26-04)

21.2206: MANUFACTURED HOME COURTS (back to Chapter contents)

1. No person shall establish, maintain or operate a manufactured home court without having obtained a license to do so. The license shall be issued by the City Council, from year to year, upon approval of an application for such a license. All license shall expire on December 31 of the year in which it is issued. The annual license fee shall be established by resolution of the City Council.
2. A manufactured home court shall maintain a register of all occupants, and such other information as may be required by law.
3. Existing manufactured home courts may be expanded. The manufactured home court, existing and expansion combined, shall be required to be a minimum of five (5) acres for the R-4 zoning. Planning Commission. The expansion shall comply with all other regulations herein set forth.
4. Manufactured home courts shall be required to provide a storm shelter or storm shelter plan. The shelter and/or shelter plan shall require the approval of the CityEngineer.

Chapter 21.24
R-S RESIDENTIAL STORAGE DISTRICT

Section (back to Title contents)

21.2401 Purpose
21.2402 Permitted Uses
21.2403 Area and Bulk Requirements
21.2404 Design Standards

21.2401: PURPOSE (back to Chapter contents)

It is the purpose of the Watertown City Council and Watertown Planning Commission to establish a district which allows for storage units and storage shops on a lot adjacent to or in close proximity to residential zoning districts.

21.2402: PERMITTED USES (back to Chapter contents)

1. Storage Shops
2. Storage Units
3. Storage Facility, Indoor

21.2403: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking."

21.2404: DESIGN STANDARDS (back to Chapter contents)

1. Structure

a. Constructed in an accordance with Section 21.1001 Residential Height & Placement Regulations unless otherwise specified below.
b. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
c. Maximum side wall height shall not exceed sixteen (16) feet.
d. Where any structure has twelve (12) foot sidewalls, the required side yard shall be a minimum of nine (9) feet. Side yards shall increase by one-half (1/2) foot for every one (1) foot in additional height.
e. Maximum size shall not exceed two thousand one hundred and eighty (2,180) square feet or thirty percent (30%) of lot area, whichever is greater.
f. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50’ or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls must be relieved by architectural detailing such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals consistent with the size, mass and scale of the wall.

2. Outside Storage Display and Screening

a. Outdoor storage is allowed in accordance with 21.6501: Outside Storage/Parking—Residential Uses

Chapter 21.25
C-1 COMMUNITY COMMERCIAL DISTRICT

Section (back to Title contents)

21.2501 Purpose
21.2502 Permitted Uses and Permitted Special Uses
21.2503 Conditional Uses
21.2504 Area and Bulk Requirements

21.2501: PURPOSE (back to Chapter contents)

1. To provide retail and service uses that serve the whole community and supply a wide range of goods and services required by the primary marketable population.
2. To permit development of community retail centers of a size and in the locations shown in the Comprehensive Land Use Plan.

21.2502: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Retail establishments.
2. Service establishments.
3. Establishments manufacturing a product to be sold at retail on premises.
4. Entertainment services.
5. Financial institutions.
6. Uses operated by a governmental entity.
7. Newspaper and printing firms.
8. Office (Building).
9. Parking lot and/or parking ramps.
10. Dwelling units (up to and including four units) using the upper floors of commercial buildings.
11. Accessory structures and uses customarily incident to the above permitted uses.
12. Restaurants. (Ord 04-04; Rev 03-26-04)
13. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
14. Day Care Facility (Non-residential).

21.2503: CONDITIONAL USES (back to Chapter contents)

1. Lumberyard.
2. Bakery.
3. Truck or Bus Terminal.
4. Bar or Tavern.
5. Reserved. (Ord 04-44; Rev 03-26-04)
6. Manufacture/assembly of products and goods.
7. Wholesale merchandising.
8. Bed and Breakfast
9. Apartment house or complex
10. Hotel/Motel/Inn.
11. Storage Units.
12. Contractor Shops & Storage Yards.
13. Reception or Event Venue
14. Dwelling units (over 4 units) using the upper floors of commercial buildings
15. Dwelling unit(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear.
16. Any and all permitted uses in the R-1 “Single Family Residential District” or R-3 “Multi-Family Residential District,” where such use existed prior to the adoption of this conditional use, and where such conditional use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.
17. Other uses which in the opinion of the Board of Adjustment are of the same general character.
18. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13) (Ord 17-02; Rev 03-31-17)
19. Civil/Social Organizations.
20. Social Assistance.
21. Religious Institutions.
22. Theater.
23. Clinic
24. Convention Center/Banquet Facility.
25. Warehouse.
26. Recreational Use.
27. Service Station – Motor Vehicle.
28. Car Wash (automatic or semi-automatic).
29. Auto Body Repair Shops (Ord 20-46; Rev 1-15-21)
30. Recreation Facility. (Ord 19-08; Rev 08-10-19)
31. Storage Facility, Indoors

21.2504: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.26
C-2 LOCAL COMMERCIAL DISTRICT

Section (back to Title contents)

21.2601 Purpose
21.2602 Permitted Uses and Permitted Special Uses
21.2603 Conditional Uses
21.2604 Area and Bulk Requirements

21.2601: PURPOSE (back to Chapter contents)

1. To provide for neighborhood local retail and service uses that serve the day to day needs of residents in convenient and appropriate locations.
2. To permit development of neighborhood local shopping facilities as designated in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2602: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Retail Establishments not to exceed 15,000 SF
2. Automobile parking lot.
3. Bank or financial institution.
4. Service Establishments.
5. Public Utilities which serve the resident population. (Ord 04-04; Rev 03-26-04)
6. Office (Building).
7. Recreational Use. (Ord. 19-04; Rev 05-31-19)
8. Recreation Facility (Ord. 19-08; Rev 08-10-19)
9. Religious Institutions (Ord 21-31; Rev 8-13-21)
10. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
11. Dwelling unit(s) in the same structure as non-residential uses, provided such residential use is located above the first floor
12. Restaurant.
13. Day Care Facility (Non-residential).
14. Assisted Living Center (Ord 06-31; Add 01-25-07)

Clinic, (Ord 06-31; Add 01-25-07)

21.2603: CONDITIONAL USES (back to Chapter contents)

1. Car Wash (automatic or semi-automatic).
2. Service Station – Motor Vehicle.
3. Hotel/Motel.
4. Bar or Tavern.
5. Apartment House or Complex.
9. Storage Units.
10. Funerary Service (Ord 08-04: Rev 04-11-08)
11. Other uses which in the opinion of the Board of Adjustment are of the same general character. (Ord 17-02; Rev 03-31-17)
12. Storage Facility, Indoor
13. Dwelling unit(s) in the same structure as non-residential uses.
14. Reception or Event Venue

21.2604: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.28
C-3 HIGHWAY COMMERCIAL DISTRICT

Section (back to Title contents)

21.2801 Purpose
21.2802 Permitted Uses and Permitted Special Uses
21.2803 Conditional Uses
21.2804 Area and Bulk Requirements
21.2805 Prohibited Uses

21.2801: PURPOSE (back to Chapter contents)

1. To establish appropriate locations along major streets and highways for highway and automobile related retail and service establishments.
2. To permit development of highway service centers in the appropriate locations shown in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

21.2802: PERMITTED USES AND PERMITTED SPECIAL USES (back to Chapter contents)

1. Service Station – Motor vehicle.
2. Retail establishments.
3. Service Establishments.
4. Motels and Hotels. (Ord 04-04; Rev 03-26-04)
5. Motor vehicle sales. (Ord 12-18; Rev 06-15-12)
6. Office (Building).
7. Financial institutions.
8. Restaurants.
9. Clinics.
10. Veterinary clinics (only small animal, without outside runs).
11. Automobile parking lot.
12. Farm machinery and/or semi-trailer/semi-truck sales. (Ord 04-04; Rev 03-26-04)
13. Recreational Use. (Ord. 19-04; Rev 05-31-19)
14. Recreation Facility (Ord. 19-08; Rev 08-10-19)
15. Religious Institutions (Ord 21-31; Rev 8-13-21)
16. Medical Cannabis Dispensary (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
17. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)
18. Day Care Facility (Non residential) Ord 18-13; Add 08-10-18)
19. Storage Facility, Indoor
20. Reception or Event Venue

21.2803: CONDITIONAL USES (back to Chapter contents)

1. Car Wash (automatic or semi-automatic).
2. Theater.
3. Bar or Tavern.
4. Truck or Bus Terminal.
5. Bottling works.
6. Lumberyard.
7. Grain elevators and terminal.
8. Campground. (Ord 04-04; Rev 03-26-04).
9. Apartment House or Complex.
10. Day Care Facility (Non-residential).
11. Storage units.
12. Contractor Shops & Storage Yards.
13. Light Manufacturing
14. Funerary Service. (Ord 08-04; Rev 04-11-08)
15. Funerary Service (Non-Human) (Ord 08-04; Rev 04-11-08)
16. Commercial Kennel (Ord 21-18; Rev 7-16-21)
17. Caretakers Residence (Ord. 20-36; Rev 10-30-20)
18. Auto body repair shops (Ord 20-39; Rev 1-15-21)
19. Any and all permitted uses in the R-1 “Single Family Residential District” or R-3 “Multi-Family Residential District,” where such use existed prior to the adoption of this conditional use, and where such conditional use, if granted, will be limited to the rebuilding or remodeling of such pre-existing use, and specifically excluding any new construction otherwise permitted in either the R-1 or R-3 Districts.
20. Other uses which in the opinion of the Board of Adjustment are of the same general character as those enumerated in the C-3 District.
21. Schools offering post secondary education. (Ord 14-38; Rev 01-10-15)
22. Dwelling unit(s) in the same structure as non-residential uses.
23. Wholesale establishment or warehouse in a completely enclosed building.
24. Storage Shops

21.2804: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

21.2805: PROHIBITED USES (back to Chapter contents)

No art museum (except those sponsored by the public entities), art gallery, art publishing house or artist studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a C-3 District. (01-02)

Chapter 21.29
C-L LAKE COMMERCIAL DISTRICT

Section (back to Title contents)

21.2901 Purpose
21.2902 Permitted Uses
21.2903 Conditional Uses
21.2904 Area and Bulk Requirements 21.2905 Design Standards
21.2906 Boundary Map for Lake Kampeska 21.2907 Boundary Map for Lake Pelican

21.2901: PURPOSE

(back to Chapter contents)

1. To establish appropriate locations within the C-L Lake Commercial Boundary Map in Section 21.2906 and 21.2907 to Lake Kampeska and Lake Pelican that are conducive to lake commercial activity.
2. To permit development of service/retail centers complimentary to lake recreation and living adjacent to Lake Kampeska and Lake Pelican as shown in the Comprehensive Land Use Plan.

Source: (Ord 20-10; Eff 5-1-2020)

21.2902: PERMITTED USES

(back to Chapter contents)

1. Retail establishments.
2. Service Establishments.
3. Restaurants.
4. Recreational Use.
5. Recreation Facility.
6. Religious Institutions.

Source: (Ord 20-10; Eff 5-1-2020) (Ord 21-31; Rev 8-13-21)

21.2903: CONDITIONAL USES

(back to Chapter contents)

1. Campground.
2. Storage Shops.
3. Apartment House or Complex.
4. Dwelling unit(s) in the same structure as non-residential uses.
5. Car Wash (automatic or semi-automatic).
6. Motels and Hotels.
7. Automobile parking lot.
8. Storage Units.
9. Office (Building).
10. Bar or Tavern.
11. Transit Station.

Source: (Ord 20-10; Eff 5-1-2020)

21.2904: AREA AND BULK REQUIREMENTS

(back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking."

Source: (Ord 20-10; Eff 5-1-2020)

21.2905: DESIGN STANDARDS

(back to Chapter contents)

3. Structure

a. Lot coverage shall not exceed fifty (50) percent of the total lot area.

b. All exterior walls facing and immediately adjacent to a property zoned R-1 Single Family Residential shall be finished with the following materials or similar faux material, or a combination of:

i. Face brick

ii. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block

iii. Tile (masonry, stone or clay)

iv. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture

v. Stucco or similar cement based material

vi. Architectural metal panels which cover a wall- i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels

vii. Transparent glass/spandrel glass

viii. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished

ix. Decorative block

x. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels are allowed if used as an accent to include not more than twenty (20) percent of said wall.

c. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50’ or more in length) when facing a public right-of-way, the lake, or residentially zoned property. Such large walls must be relieved by architectural detailing such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals consistent with the size, mass and scale of the wall.

4. Outside Storage Display and Screening

a. Storage or display of items outside is limited to those items related to the nature of the business occurring within the primary structure.

b. Outside storage or display shall not be allowed on any regular parking spaces.

c. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.

d. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty (50) percent of the trees shall be coniferous.

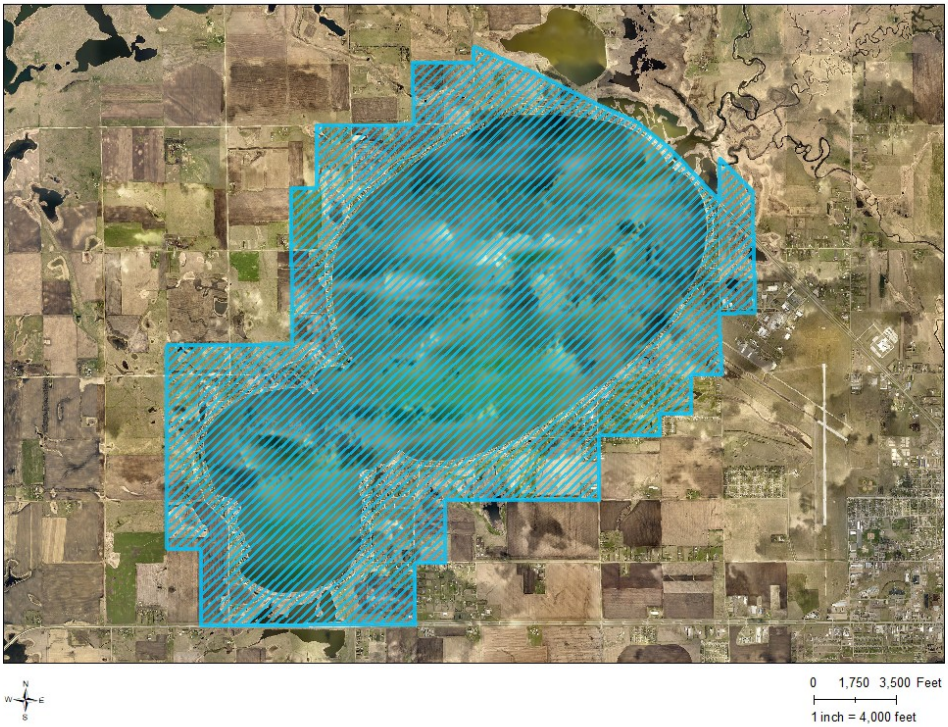
5. Transitional Yards

a. Properties adjacent to Residential Zoning Districts shall maintain fifteen (15) feet of grass on the side yards to extend the entire length of the property boundaries.

b. Landscaping and screening devices, including fences, are allowed to be placed within the transitional yard.

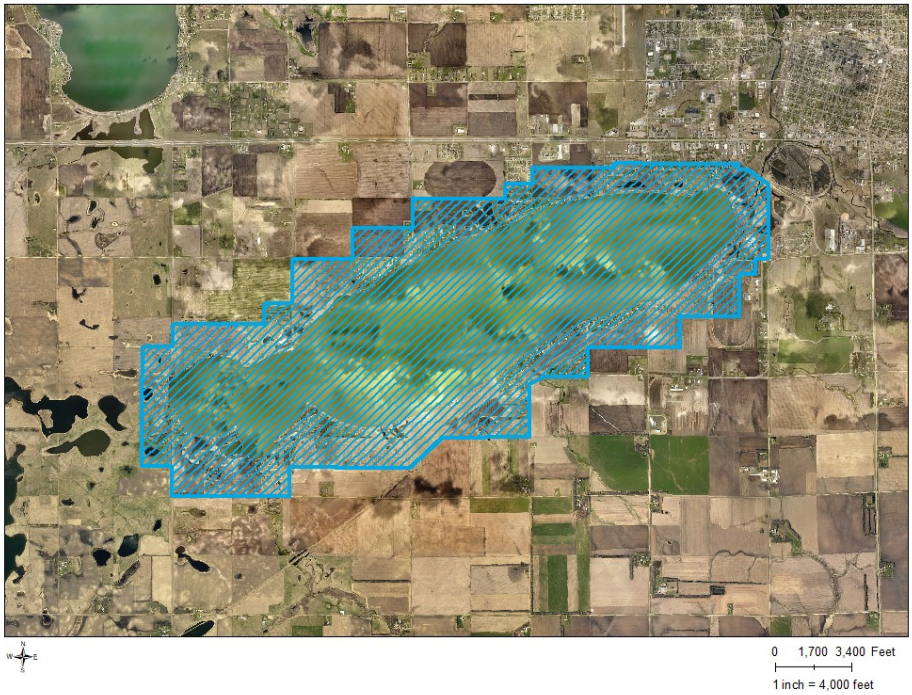
Source: (Ord 20-10; Eff 5-1-2020) (Ord 20-30; Rev 10-02-20)

21.2906: BOUNDARY MAP FOR LAKE KAMPESKA (back to Chapter contents)



Source: (Ord 20-10; Eff 5-1-2020)

21.2907: BOUNDARY MAP FOR LAKE PELICAN (back to Chapter contents)



Source: (Ord 20-10; Eff 5-1-2020)

Chapter 21.30
B-P BUSINESS PARK DISTRICT

Section (back to Title contents)

21.3001 Purpose
21.3002 Permitted Uses
21.3003 Conditional Uses
21.3004 Requirements
21.3005 Prohibited Uses

21.3001: PURPOSE (back to Chapter contents)

1. The goal of the business park zoning district is to provide a flexible site for the formation of a coordinated mix of land uses including offices, arts and medical facilities, light manufacturing and limited commercial uses which harmonize and complement each other.
2. Encourage more creative, higher quality urban development.
3. Provide high standards for site planning, architecture and landscape design to meet the needs of the most discriminating establishments.

21.3002: PERMITTED USES (back to Chapter contents)

1. Offices (Building).
2. Art centers, museums.
3. Theater.
4. Medical and health oriented facilities.
5. Hotel or motel.
6. Convention center, banquet facilities.
7. Research and development facilities.
8. Restaurants.
9. Light manufacturing, such as assembly or related operations.
10. Day Care Facility (Non-residential).
11. Recreational Use. (Ord. 19-08; Rev 08-10-19)
12. Recreational Facility (Ord. 19-08; Rev 08-10-19)
13. Schools offering post-secondary education. (Ord 13-35; Rev 01-10-13)
14. Religious Institutions (Ord 21-31; Rev 8-13-21)
15. Day Care Facility (Non-residential) mixed with non-residential uses in the same building (Ord 18-13; Add 08-10-18)

21.3003: CONDITIONAL USES (back to Chapter contents)

1. Retail establishments.
2. Recreational facilities.
3. Off-Sale Malt Beverage and Wine sales when licensed pursuant to SDCL §35-4-2 (17A). (Ord 08-22; Rev 12-12-08)
4. Radio and television studios, communication transmitting and receiving towers. (Ord 13-12; Rev 06-14-13)

21.3004: REQUIREMENTS (back to Chapter contents)

1. Size

a. No area shall be eligible as a Business Park District unless it contains at least twenty (20) acres.

b. Minimum lot size shall be three (3) acres.

c. No area shall be eligible as a Business Park District unless there is an adopted Declaration of Restrictions and Covenants recorded with the Register of Deeds.

2. Setbacks

a. Front yard setbacks: All structures shall be set back a minimum of fifty (50) feet. (Ord 04-04; Rev 03-26-04)

b. Side and back yard setbacks: All structures will be set back a minimum of twenty (20) feet. (Ord 04-04;

Rev 03-26-04)

3. **Site coverage**
   a. No more than fifty percent (50%) of the surface area of any site shall be devoted to the erection and/or placement of a building.
4. **Parking**
   a. All parking areas are to be paved.
   b. Parking requirements conform to usage schedule in city ordinances.
5. **Maximum building height**
   a. No building permit shall be over five (5) stories or fifty five (55) feet for all structures, roofs and other appendages, including heating, cooling and machinery systems.
   b. A variance will be required for buildings to exceed the maximum height requirement.
   c. If a business park is adjacent to airport property, maximum building height shall conform to Federal Aviation Administration requirements.
6. **Loading areas**
   a. All loading areas will be paved.
   b. Loading docks/areas will not be approved on a street frontage.
7. **Storage and refuse areas**
   a. No outside storage will be permitted. A conditional use may be granted if storage is appropriate and is located behind visual barrier screening.
   b. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
   c. Refuse collection areas shall be located on the rear or side of the site and located behind visual barrier screening. (E-712)

21.3005: PROHIBITED USES (back to Chapter contents)

No art museum (except those sponsored by public entities), art gallery, art publishing house or artists' studios and galleries shall be located within one (1) mile of the Redlin Art Center facility in a Business Park District. (01-02)

Chapter 21.32
I-1 LIGHT INDUSTRIAL DISTRICT

Section (back to Title contents)

21.3201 Purpose
21.3202 Permitted Uses and Permitted Special Uses
21.3203 Conditional Uses
21.3204 Area and Bulk Requirements

21.3201: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the I-1 Light Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments.
2. To provide and ensure the continuity of locations for industries that can operate on small sites with minimum mutual adverse impact.
3. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
4. To reserve appropriately located areas for industrial and related activities.
5. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
6. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and noxious fumes, radiation and other hazards incidental to certain industrial uses.
7. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships with each other.
8. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
9. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
10. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3202: PERMITTED USES AND PERMITTED SPECIAL USES

(back to Chapter contents)

1. Agricultural (crop production or pasture).
2. Motor vehicle sales and/or repair. (Ord 12-18; Rev 06-15-12)
3. Welding shops. (Ord 04-04; Rev 03-26-04)
4. Lumberyards.
5. Offices. (Ord 04-04; Rev 03-26-04)
6. Highway/street maintenance shops/yards.
7. Mail order houses.
8. Milk/soft drink bottling plant (with no limit of employees).
9. Light manufacturing. (Ord 04-04; Rev 03-26-04)
10. Oil stations/auto cleaning establishments.
11. Public and private utilities uses.
12. Truck terminals and freight warehouses.
13. Contractor Shops & Storage Yards.
14. Storage Units.
15. Warehouse.
16. Veterinary Clinic (large and/or small animal, with or without outside runs). (Ord 19-17; Rev 1-10-2020; removed “Caretakers Residence”)
17. Auto body repair shops (Ord 20-40; Rev 1-15-21)
18. Metal working shop, tinsmith or plumbing shop with no limit of employees.
19. Radio and television studios, communication transmitting and receiving towers. (Ord 04-04; Rev 03-26-04)
20. Wholesale distributing companies, all commodities except live animals, explosives and junk.
21. Farm machinery and/or semi-trailer/semi-truck sales and/or repair. (Ord 12-18; Add 06-15-12) (Ord 18-13; Rev 08-10-18)
22. Medical Cannabis Cultivation Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
23. Medical Cannabis Testing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
24. Medical Cannabis Product Manufacturing Facility (See Title 25 for special use provisions) (Ord 21-36; Rev 10-8-21)
25. Storage Shops
26. Storage Facility, Indoor

21.3203: CONDITIONAL USES (back to Chapter contents)

1. Restaurants.
2. Motels.
3. Funerary Service. (Ord 08-04; Rev 04-11-08)
4. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
5. Recreation Facility open to the public, fourteen (14) years of age and older. (Ord. 19-08; Rev 08-10-19)
6. Day Care Facility (Non-residential) (Ord 18-13; Add 08-10-18)
7. Caretakers Residence (Ord. 19-17; Rev. 1-10-2020)
8. Warehousing and sales of Class 1.4G Fireworks as regulated by the Code of Federal Regulations, the Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord. 20-05; Rev 2-28-20)
9. Commercial Kennel (Ord 21-18; Rev 7-16-21)
10. Religious Institutions (Ord 21-31; Rev 8-13-21)
11. Stables
12. Day Care Facility (Non-residential) mixed with non-residential uses in the same building

21.3204: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.36
I-2 HEAVY INDUSTRIAL DISTRICT

Section (back to Title contents)

21.3601 Purpose
21.3602 Permitted Uses and Permitted Special Uses
21.3603 Conditional Uses
21.3604 Area and Bulk Requirements

21.3601: PURPOSE

(back to Chapter contents)

In addition to the objectives prescribed in Section 21.0102, Objectives, the 1-2 Heavy Industrial District is included in the Zoning Ordinance to achieve the following purposes:

1. To provide locations where industries that desire larger sites and outside storage can operate with minimum restriction and without adverse effect on other uses.
2. The provisions of this section shall be administered and enforced in a manner to clearly support objectives of the City, community organizations and civic groups to locate industrial development in the City.
3. To reserve appropriately located areas for industrial and related activities.
4. To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
5. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from the noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and noxious fumes, radiation and other hazards incidental to certain industrial uses.
6. To provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other.
7. To provide adequate space to meet the needs of industrial development, including off-street parking and truck loading areas and landscaping.
8. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby uses.
9. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

21.3602: PERMITTED USES AND PERMITTED SPECIAL USES

(back to Chapter contents)

Any permitted or permitted special use in the I-1 District. (Ord 21-36; Rev 10-8-21)

21.3603: CONDITIONAL USES

(back to Chapter contents)

1. Acid manufacture.
2. Automobile wrecking, cars and parts, storage and sale.
3. Cement, lime, gypsum or plaster of Paris manufacture.
4. Distillation, manufacture or refining of bones, coal or tar asphalt.
5. Explosives, manufacture or storage.
6. Fat, grease, lard or tallow rendering or refining.
7. Fertilizer manufacture (from organic matter).
8. Glue or size manufacture.
9. Garbage, offal or dead animal reduction or dumping.
10. Junk and salvage (metal, paper, rags, waste or glass) storage, treatment or baling.
11. Paper manufacture.
12. Petroleum or asphalt refining.
13. Petroleum products terminal.
14. Smelting of tin, copper, zinc or iron ores.
15. Storage or processing of rawhides or furs.
16. Stockyards or slaughter of animals.
17. Funerary Service. (Ord 08-04; Rev 04-11-08)
18. Funerary Service. (Non Human) (Ord 08-04; Rev 04-11-08)
19. Additionally, in general those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of odor, dust, gas, smoke or noise.

20. Warehousing, packaging, and sales of Class 1.3G and Class 1.4G Fireworks as regulated by the Code of Federal Regulations, Consumer Product Safety Commission, and Chapter 21.81 of this Title. (Ord 20-05; Rev 2-28-20)

21.3604: AREA AND BULK REQUIREMENTS (back to Chapter contents)

See 21.10, "Summary of District Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted, and providing minimum lot requirements; and 21.6301, "Off-Street Parking." (Ord 04-04; Rev 03-26-04)

Chapter 21.38
PUD PLANNED UNIT DEVELOPMENT

Section (back to Title contents)

21.3801 Purpose
21.3802 Application and Modification Powers
21.3803 Procedure
21.3804 Amendments to PUD Plan
21.3805 Applicability of Subdivision Regulations

21.3801: PURPOSE

(back to Chapter contents)

To permit great flexibility in the use(s) and design of structures and land in situations where modifications of specific provisions of this ordinance will not be contrary to its intent and purpose.

(Ord. 20-01; Rev 2-14-20)

21.3802: APPLICATION AND MODIFICATION POWERS

(back to Chapter contents)

A PUD district may be approved when the applicant demonstrates to the satisfaction of the Design Review Team and Planning Commission that the proposed PUD Plan will result in a greater benefit to the City than would a development under conventional zoning district regulations. Site proposed for PUD district must be at least or exceed three (3) acres. In acting upon the application, the City may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping requirements and density limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

(Ord. 20-01; Rev 2-14-20)

21.3803: PROCEDURE

(back to Chapter contents)

The following procedural and informational requirements shall be followed for Planned Unit Development application:

1. **Staff Review:** Applicant shall meet with the Design Review Team (DRT) on an informal basis at its regular meeting to relate his/her intent. The DRT will evaluate the consistency of the applicant's intent with the comprehensive land use plan. The DRT shall review materials presented, discuss the plan proposal, suggest alternatives as necessary, and authorize the applicant to prepare a PUD Plan.

2. **PUD Plan:**

   a. Applicant shall prepare the following supportive graphic and written information materials as follows:

      (1) Property description and acreage, identification of owner and developer.

      (2) Existing conditions, area relationships, relationship to comprehensive land use plan, existing land use, transportation, zoning, etc.

      (3) Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.

      (4) Proposed land use areas, acreages, maximum number of units, maximum building height and densities, building setbacks, circulation, parking, streets, open space, recreational areas, and development staging.

      (5) Information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.

      (6) Covenants and restrictions, if any, applying to each tract and to open spaces and including the responsibility for the maintenance and operation of common areas and facilities.

   b. The PUD Plan shall be submitted to staff to review for completeness. If complete, the PUD plan shall be an exhibit to the rezone petition and shall be approved in accordance with SDCL 11-4-4.

c. Public notice shall be given stating the time and place when and where such hearing shall be held, and a notice that all interested persons may appear and be heard. Such notice shall be by legal publication in the official newspaper no less than ten (10) days in advance of public hearing.

d. Notice shall be given to landowners within 250 feet of the property boundaries by certified mail of the applicant's request. The certified letter shall give the details of the applicant's PUD rezone request, include the proposed PUD plan, and state the date and time of Planning Commission meeting when action will be taken.

e. The Planning Commission may impose other conditions as necessary to recommend to the City Council. The Planning Commission shall recite the reasons and findings of fact if the application is denied.

f. Planning Commission will recommend the rezone petition to the City Council who will take final action on the request.

(Ord 04-04; Rev 03-26-04) (Ord. 20-01; Rev 2-14-20)

21.3804: AMENDMENTS TO PUD PLAN (back to Chapter contents)

Minor changes shall include a change in local street pattern, street name, lot lines, development phases, subdivision name, easements, or lot and block numbers and shall not require an updated PUD Plan for approval following the procedures in this chapter. Major changes to an approved PUD Plan shall follow the procedures for approval of a PUD Plan as required in this chapter. Major changes shall include a change in major street pattern, drainage way, detention pond location, public open space location, right-of-way widths, land use, maximum building height and densities, perimeter boundaries, etc.

(Ord 20-01; Rev 2-14-20)

21.3805: APPLICABILITY OF SUBDIVISION REGULATIONS (back to Chapter contents)

All sections of Title 24 Subdivision of Land must be complied with in accordance to the approved PUD plan prior to building permit issuance.

(Ord. 20-01; Rev 2-14-20)

21.3806: REPEALED (Ord 20-01; Rev 2-14-20)

Chapter 21.50
A-P AQUIFER PROTECTION OVERLAY DISTRICT

Section (back to Title contents)

21.5001 Purpose and Intent
21.5002 Establishment/Delineation/Regulation of Aquifer Protection Overlay Zones
21.5003 Zone A - Aquifer Critical Impact Zones
21.5004 Zone B - Aquifer Secondary Impact Zones
21.5005 Performance Standards for Aquifer Protection Overlay Zones
21.5006 Grant of Permit, Alteration of Use
21.5007 Limitation of City Liability
21.5008 Underlying Zones
21.5009 Saving Clause

21.5001: PURPOSE AND INTENT (back to Chapter contents)

The Planning Commission and City Council recognize (1) that residents of the City rely on ground water and Lake Kampeska for a safe drinking water supply and (2) that certain land uses in the City can contaminate Lake Kampeska and ground water, particularly in shallow aquifers.

The purpose of the Aquifer Protection Overlay District is to protect public health and safety by minimizing contamination of the shallow aquifers and surface waters of the City.

It is the intent to accomplish aquifer protection, as much as possible, by public education and securing public cooperation. Appropriate land use regulations will be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other city regulations.

21.5002: ESTABLISHMENT/DELINEATION/REGULATION OF "AP" OVERLAY ZONES

Boundaries for the aquifer protection zones for the Aquifer Protection Overlay District are shown on the Aquifer Protection Overlay District Map as referenced in Section 21.0503. The Aquifer Protection Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Aquifer Protection Overlay District is divided into two zones. The zone of contribution for Zone A was mapped using techniques outlined in the U.S. Environmental Protection Agency publication "Guidelines for Delineation of Wellhead Protection Areas", June, 2000. The shallow/surficial aquifer boundary for Zone B was mapped by the South Dakota Geological Survey.

21.5003: ZONE A - AQUIFER CRITICAL IMPACT ZONES (back to Chapter contents)

Zone A, the wellhead protection area, is the mapped zone of contribution around all public water supply wells or well fields in shallow/surficial aquifers and includes land up gradient from the well or well field to the five (5) year time of travel boundary plus any delineated adjacent lands not underlain by the aquifer with sufficient slope that contaminated surface water could flow directly onto Zone A.

1. The following uses are permitted in Zone A provided they meet appropriate performance standards outlined for aquifer protection overlay zones and are connected to the city's sanitary sewer system:
   a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
   b. Other uses which are listed as a permitted use in the underlying zoning districts which do not handle, use or store potential groundwater contaminants.
2. The following uses are permitted only under the terms of a conditional use and must conform to provisions of the underlying zoning district and meet Performance Standards outlined for Aquifer Protection Overlay Zones.
   a. Expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants.
   b. Other uses permitted or permitted by conditional use in the underlying district which pose a potential risk to groundwater resources and are not a prohibited use.

3. The following uses are expressly prohibited in Zone A:
   a. Waste disposal; which for the purposes of this chapter, includes, but is not limited to the following: human waste, animal waste, contaminated soil other than the type described in Subsection 4 herein.
   b. Outside unenclosed storage of road salt.
   c. Disposal or piling of snow containing de-icing chemicals;
   d. Processing and storage of PCB contaminated oil;
   e. Junk or salvage yards.
   f. Disposal of radioactive waste.
   g. Cemeteries or animal burial sites.
   h. Detonation sites, except blasting of rock for farming purposes.
   i. Open burning except ditches, fields and nonhazardous yard and household wastes such as paper, wood and leaves.
   j. Wastewater lagoons.
   k. Land spreading of petroleum contaminated soil.
   l. Land spreading or dumping of waste oil.
   m. Industrial process water and waste disposal wells-5W20 type Class V injection wells.
   n. Automobile service station disposal wells-5X28 type Class V injection wells.
   o. Stockpiling of solid waste.
   p. Concentrated Animal Feeding Operation and Stockyards
   q. Septic tanks, privy vaults and drain fields within the city limits.
   r. All facilities involved in the collection, handling, manufacture, use, storage, transfer of any solid or liquid material or waste, except that a septic tank with drain field or sealed holding tank may be allowed on a residentially used platted or legally described lot of not less than thirty five (35) acres and which has a zoning designation of "Agricultural" pursuant to Codington County Ordinance and when located in the area of joint jurisdiction of the city and county. (Ord 06-12; Rev 10-27-06)

21.5004: ZONE B - AQUIFER SECONDARY IMPACT ZONES (back to Chapter contents)

Zone B is the remainder of the mapped shallow/surficial aquifer in the City not included in Zone A. Zone B is being protected because (1) the aquifer is a valuable natural resource for future development, (2) the aquifer provides drinking water supply for individual domestic users, (3) contamination is not justified just because this area is not currently used for public water supply, and (4) contaminants from this area could eventually enter Zone A.

1. The following uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city's sanitary sewer system.
   a. Retail sales and service establishments that store and handle regulated substances for resale in their unopened containers of five (5) gallons or thirty two (32) pounds, or less.
   b. All uses list as a permitted use in the underlying zoning districts, which do not handle or store potential groundwater contaminants with the exception of those prohibited, and those addressed as conditional uses in Section 21.5004(2).
   c. Residentially developed lots which contain at least thirty five (35) acres in the area of joint platting jurisdiction may install a sealed holding tank or septic tank and drain field with annual pumping of said holding tank and inspection/testing records to be provided as requested from the city and/or county.
   d. Commercial and industrial developed lots which contain at least ten (10) acres in the area of joint platting jurisdiction may install a sealed holding tank with annual pumping of said holding tank and inspection/testing records provided to be provided as requested from the city and/or county. (Ord 06-12; Rev 10-27-06)
2. The following conditional uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city's sanitary sewer system.
   a. Siting of new or expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants to include but not limited to gasoline, benzene, diesel, other

petroleum based products and if they are located north of 6th Avenue North and west of the Big Sioux River.

b. Disposal of snow containing de-icing chemicals.

c. Cemetery.

d. Wastewater lagoons.

e. Land application of manure, municipal water and wastewater by-products (municipal biosolids, lime sludge, etc.).

f. All Permitted and Conditional Uses which handle or store potential groundwater contaminants allowed in underlying districts, with the exception of those prohibited in Section 21.5005, may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zones.

g. Codington County Agriculturally zoned residentially developed lots of record which contain between five (5) and thirty five (35) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

h. Codington County agriculturally zoned residentially developed lots of record which contain less than five (5) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

i. Commercial and industrial developed lots of record which contain between two (2) and ten (10) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

j. Codington County commercial and industrial zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

k. Codington County Lake Park lots of record which contain at least two (2) acres in the area of joint platting jurisdiction may install a septic tank and drain field or a sealed holding tank with pumping records to be provided as requested from the city and/or county.

l. Codington County Lake Park zoned lots of record which contain less than two (2) acres in the area of joint platting jurisdiction may install a sealed holding tank with pumping records to be provided as requested from the city and/or county.

m. Any lot(s) in the Codington County Lake Park district over the shallow aquifer platted after the adoption of this ordinance shall be required to construct of a new sealed holding tank or connection to a central sanitary sewage system will be required. (Ord 06-12; Rev 10-27-06)

3. The following uses are expressly prohibited in Zone B:

a. Outside unenclosed storage of road salt.

b. Processing and storage of PCB contaminated oil;

c. Junk or salvage yards.

d. Disposal of radioactive waste.

e. Animal burial sites.

f. Detonation sites,

g. Open burning except ditches, fields and nonhazardous yard and household wastes, such as paper, wood and leaves.

h. Land spreading of petroleum contaminated soil.

i. Land spreading or dumping of waste oil.

j. Industrial process water and waste disposal wells-5W20 type Class V injection wells.

k. Automobile service station disposal wells-5X28 type Class V injection wells.

l. Stockpiling of solid waste.

m. Concentrated Animal Feeding Operations.

n. All other facilities involved in the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste which cannot meet the performance standards in 21.5005.

o. Septic tanks, privy vaults and drain fields within the city limits. (Ord 06-12; Rev 10-27-06)

(back to Chapter contents)

21.5005: PERFORMANCE STANDARDS FOR AQUIFER PROTECTION OVERLAY ZONES

The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. Open liquid waste ponds containing any solid or liquid material or waste will not be permitted without a secondary containment system except for community wastewater lagoons.
2. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must meet South Dakota Department of Environment and Natural Resources standards and may be required to have a secondary containment system where it is deemed necessary by the City Engineer.
3. Any commercial or industrial facility, not addressed by 1 or 2 above, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste, except for spreading of manure, in excess of one thousand (1,000) pounds and/or one hundred (100) gallons which has the potential to contaminate groundwater must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or discharge from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and accessible sumps.
4. Discharge of industrial processed water on site is prohibited without City approval.
5. Commercial auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of all other potentially hazardous waste materials.
6. Any facility involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials must prepare and have on file in the office of City Engineer an acceptable contingency plan for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, other natural catastrophes or equipment failure occur:
    a. For flood control, all underground facilities shall include a monitoring system and a secondary standpipe above the 100-year frequency flood level. For above ground facilities, an impervious dike, above the 100-year flood level and capable of containing one hundred twenty percent (120%) of the largest storage volume will be provided with an overflow recovery catchment area (sump).
    b. For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retardant system and provision for dealing safely with both health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are overhead and buried electrical lines, pipes, other buried objects and other hazardous liquids, chemicals or open flames in the immediate vicinity.
    c. For equipment failures, plans shall include but not be limited to:
        (1) Below ground level, provision for removal and replacement of leaking parts, a leak detection system with monitoring and an overfill protection system.
        (2) Above ground level, provisions for monitoring, replacement, repair and cleanup of primary containment systems
    d. For other natural or man-caused disasters, the owner and/or operator shall report all incidents involving liquid or chemical material which may endanger health and/or safety of disaster personnel and/or the general public.
    e. The City and DENR shall be informed within twenty four (24) hours of all leaks and spills of materials that might potentially contaminate groundwater.
7. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70.
8. In the event that a septic tank and drain field does not meet SDDENR requirements, said septic tank and drain field shall be abandoned and construction of a new sealed holding tank or connection to a central sanitary sewage system will be required. Further, in all instances where construction of a septic tank or a sealed holding tank is allowed, all SDDENR requirements must be met or else connection to a central sanitary sewer system is required.
9. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be plugged in conformance with South Dakota Well Construction Standards, Chapter 74:02:04:67-70. (Ord 06-12; Rev 10-27-06)

21.5006: GRANT OF PERMIT, ALTERATION OF USE (back to Chapter contents)

1. Before a permit is granted, the City Engineer must examine an application and determine that the proposed use, activity or development meets the provisions of this ordinance.
2. When securing a use permit, the owner/developer agrees to make future improvements which may become necessary to prevent contamination of shallow/surficial aquifers and the owner/developer must allow city personnel to inspect any improvements to verify they meet the performance standards.
3. Whenever any person has an existing use, activity or development and thereafter desires alteration or expansion of the authorized use, such persons shall apply for a permit. The owner may appeal the City Engineer's decision to modify or deny a requested permit to the City Board of Adjustment.
4. Any lawful use in existence on the effective date of this ordinance shall be permitted to continue provided it can be shown such use does not threaten public health and safety by potential contamination of water in the shallow/surficial aquifer.

21.5007: LIMITATION OF CITY LIABILITY (back to Chapter contents)

Nothing in this ordinance shall be construed to imply that City, by issuing a permit, has accepted any of an owner's/developer's liability if a permitted development contaminates water in shallow/surficial aquifers.

21.5008: UNDERLYING ZONES (back to Chapter contents)

Underlying zoning restrictions apply along with restrictions set forth in the Aquifer Protection Overlay District.

21.5009: SAVING CLAUSE (back to Chapter contents)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

Chapter 21.52
W-E WIND ENERGY CONVERSION SYSTEMS OVERLAY DISTRICT

Section (back to Title contents)

21.5201 Purpose
21.5202 Establishment/Delineation/Regulation of the Wind Energy Overlay District
21.5203 Applicability
21.5204 Uses
21.5205 Federal and State Requirements
21.5206 Requirements for Small Wind Energy Conversion Systems (SWECS)
21.5207 SWECS Application Information
21.5208 Requirements for Large Wind Energy Conversion Systems

21.5201: PURPOSE

(back to Chapter contents)

The purpose of this ordinance is to insure that the placement, construction and modification of a renewable energy features such as Wind Energy Conversion System (WECS) facilities is consistent with the City's land use policies, to minimize the impact of WECS facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities, and to protect the health, safety and welfare of the City's citizens.

21.5202: ESTABLISHMENT/DELINEATION/REGULATION OF THE "WE" OVERLAY DISTRICT

Boundaries for the Wind Energy Overlay District shall include identified areas within the city limits of Watertown, South Dakota which have a zoning designation of I-1 Light Industrial and I-2 Heavy Industrial located a minimum of five hundred (500) feet from any platted or legally described parcel used for residential purposes.

The boundaries of the Wind Energy Overlay District are illustrated on the Wind Energy Overlay District Map as referenced in Section 21.0503. The Wind Energy Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

The Wind Energy Overlay District may be expanded to include additional industrial or commercially zoned property by recommendation of the Planning Commission and action of the City Council provided such locational factors as described herein are satisfied.

21.5203: APPLICABILITY

(back to Chapter contents)

The provisions of this chapter shall apply to any project on a lot or parcel in the Wind Energy Overlay District as described herein. Where the provisions of Chapter 21.52 conflict with other provisions of this title, the provisions of Chapter 21.52 shall prevail. Standards, uses, and regulations not addressed in Chapter 21.52 shall be regulated as defined elsewhere in this title.

21.5204: USES

(back to Chapter contents)

1. Permitted Uses: Uses permitted in the Wind Energy Overlay District include all permitted uses in the underlying district which each respective parcel is located.
2. Conditional Uses:
   a. All those uses permitted by conditional use in the underlying district which each respective parcel is located.
   b. Small Wind Energy Conversion Systems (SWECS) (See Section 21.5206) (Ord 10-12; Add 08-13-10)

21.5205: FEDERAL AND STATE REQUIREMENTS

(back to Chapter contents)

All WECS facilities shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or state government with the authority to regulate WECS facilities.

21.5206: REQUIREMENTS FOR SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)

1. **General.** Small Wind energy conversion systems (SWECS) shall be allowed as conditional uses in the Wind Energy Overlay District. In addition to the standards set forth in Section 21.0202(2)(b) regarding all conditional use permits, all SWECS shall also meet all requirements of Chapter 21.52 herein.

2. **Location Criteria.** When siting WECS the following conditions shall be met:
   a. WECS shall be placed a minimum of five hundred (500) feet from any residentially used property.
   b. WECS placed in Zone A, AE, or AO Special Flood Hazard Areas require approval of the Floodplain Administrator,
   c. WECS within identified Future Approach Surfaces and Future Transitional Surfaces for the Watertown Regional Airport shall be subject to Federal Aviation Administration Approval.
3. **Required Setbacks/Spacing.** The minimum setback distance between each SWECS and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, public roads and structures intended for human occupation shall be equal to no less than one point one (1.1) times the system height. The turbines shall be spaced no closer together than one thousand (1,000) feet.
4. **Tower Height.** In no event shall the tower height of a SWECS exceed ninety (90) feet as measured from the ground to the rotor hub. Further, there shall be no less than thirty (30) feet between the lowest arc of the rotors of a wind energy conversion system and the ground, any portion of a structure or any tree.
5. **Rotor size/operation**. The maximum size of the rotors of a SWECS shall be reviewed upon application for a conditional use. In determining the appropriate size for the rotors, the City shall consider such factors as noise, proximity to surrounding residences, safety and aesthetic issues. All SWECSs shall be equipped with appropriate braking devices or similar protective devices to slow down or stop the rotors if the wind exceeds the capacity of the system.
6. **Noise**. No SWECS shall produce more than sixty five (65) decibels of sound measured at the closest point on the closest property line from the base of the system. Information from the manufacturer of the wind energy conversion system shall be submitted at the time of the submittal of the conditional use, ensuring that this requirement can be met once the system is operational. The owner may be required to submit independent noise studies to verify that the noise standard is met during actual operations. The level, however, may be exceeded during short term events such as utility outages or wind storms.
7. **Tower design**. The tower and turbine shall be a neutral color and shall have a nonreflective finish. In reviewing the conditional use for a SWECS, the City shall consider the design and color of the tower to ensure that no significant adverse impacts are occurring to neighboring property owners, including, but not limited to, infringement into natural and urban view sheds, historic property, major community entryways, parks, schools, churches, playgrounds, or similar public and recreational uses.
8. **Lighting**. A SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Dual mode lighting shall be requested from the FAA. Flashing beacon lighting, unless required by FAA, shall not be utilized.
9. **Signs.** Signs for institutional uses as defined in Chapter 21.80 of these ordinances and signs indicating the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a SWECS may be allowed. All other signs visible from any public road shall be prohibited.
10. **Tower Access.** Appropriate safety measures must be undertaken to discourage unauthorized climbing of a SWECS tower. Appropriate measures shall include either:
    a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
    b. The construction of a six (6) foot tall chain link fence, with approved fencing materials to be approved by the Board of Adjustment, with locking gate around the tower; and/or
    c. The tower shall be constructed so that the lowest climbing access shall be at least twelve (12) feet above the ground; or
    d. A locked anti-climb device shall be installed on the tower.
11. **Construction Standards.** Any wind energy conversion system shall be constructed in accordance with all applicable life, safety, electrical, building and fire codes including but not limited to the following:
    a. An applicant for a building permit for a SWECS shall submit pre-construction plans and specifications and post-construction inspection stamped by a registered engineer.
    b. Lightning Protection. Any SWECS shall have appropriate lightning protection to sufficiently protect all connected and adjacent equipment and structures from damage. The lightning protection system shall

effectively discharge lightning energy from the structure to the ground through the application of shielding, lightning arresters and deep earth grounding.

12. **Warning information.** Information related to the maximum power output, nominal voltage and maximum current, and emergency shut-down procedures for the SWECS shall be posted near the base of the tower in a visible location.

13. **Utility interconnections.** Any interconnection related to the generation and possible resale of electricity between a SWECS and an electric utility company shall be allowed only in accordance with all local, state, and federal regulations including regulations issued by the Public Utilities Commission and the FAA. Additionally, electrical interconnections shall be allowed only in accordance with the applicable standards of the Watertown Municipal Utilities. No SWECS shall be installed until evidence has been given that Watertown Municipal Utilities has approved the interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

14. **Electromagnetic interference.** No SWECS shall produce electromagnetic interference so as to disrupt transmissions such as those from radio, television or microwave towers. At the time of application for the conditional use, the applicant must submit information from the manufacturer indicating that, once operational, the SWECS will not adversely affect the transmissions. If necessary, generators and alternators shall be filtered, shielded, or both so as to prevent the emission of radio and television signals.

15. **Abandonment/removal**.
    a. Any wind energy conversion system which has not been used for a period of six (6) months or more shall be declared abandoned. The City may issue a Notice of Abandonment to the owner of a SWECS that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. Upon determination of abandonment of the system, the City shall revoke the conditional use and the system shall be removed at the expense of the property owner. The City shall determine that a wind energy conversion system has not been used if the following criteria apply:
       (1) The wind energy conversion system has not been operating for a substantial period of time and the owner of the system is unable to provide documentation demonstrating that the system has produced a minimum of twenty five (25) of the power output as stated in the system specifications over the past six (6) months;
       (2) The wind energy conversion system has fallen into obvious disrepair and/or has been condemned by the City of Watertown.
       (3) The wind energy conversion system has become violative of some other local, state or federal law and the owner of the system has not taken appropriate actions to remedy the problem.
    b. If the SWECS is determined to be abandoned, and the owner has not responded to the notice of abandonment as prescribed above, the SWECS shall be removed at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the City may pursue legal action to have the SWECS removed at the owner's expense.
    c. If deemed appropriate, the City may stipulate through the conditional use that the wind energy conversion system shall be removed at the owner's expense, upon the rezoning of the subject property to a zoning district classification in which wind energy conversion systems are not allowed as either a permitted use or conditional use.

21.5207: SWECS APPLICATION INFORMATION (back to Chapter contents)

1. In addition to the building permit requirements in Sections 21.0205 and 21.0206, the building permit application shall be accompanied by the following:
    a. A plot plan which includes the following:
       (1) Property lines and physical dimensions of the property;
       (2) Location, dimensions, and types of existing major structures on the applicant's property and adjacent property;
       (3) Location of the proposed SWECS;
       (4) The right-of-way of any public road that is contiguous with the property;
       (5) Any overhead utility lines.
    b. SWECS specifications, including manufacturer and model, rotor diameter, tower height, and tower type (monopole, lattice, guyed);

c. Tower foundation blueprints or drawings;

d. Tower blueprint or drawing;

e. Manufacturer warranty/maintenance information

f. Documentation of consultation with Watertown Municipal Utilities

g. Manufacturer warranty/maintenance information. Upon application for a conditional use for a SWECS, the applicant shall submit a manufacturer's statement documenting that the SWECS has been successfully and safely operated in atmospheric conditions that are similar to conditions in Watertown. Further, the applicant shall provide a copy of the manufacturer's warranty indicating that the SWECS is warranted against any SWECS system failures reasonably expected during severe weather conditions. Further, the applicant shall submit SWECS system specifications including maximum power output and a maintenance schedule for the SWECS system; and

h. Proof of notification to the utility in the service territory in which the SWECS is to be erected, consistent with the provisions of Section 21.5206(13) herein.

2. Expiration. A conditional use permit issued pursuant to this ordinance shall expire if:

a. The SWECS is not installed and functioning within twelve (12) months from the date the conditional use permit is issued; or

b. The SWECS is determined to be abandoned consistent with the provisions of Section 21.5206(15).

21.5208: REQUIREMENTS FOR LARGE WIND ENERGY CONVERSION SYSTEMS

Large wind energy systems shall be and are prohibited within the city limits of the City of Watertown. (Ord 10-12; Add 08-13-10)

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Chapter 21.54
GT-1 GATEWAY OVERLAY DISTRICT

Section (back to Title contents)

21.5401 Purpose and Intent
21.5402 Establishment/Delineation/Regulation
21.5403 Applicability
21.5404 Gateway Overlay District Use Regulations
21.5405 Setbacks
21.5406 Transportation Corridor Access Regulations
21.5407 Parking and Loading
21.5408 Sidewalk/Recreational Trail
21.5409 Landscaping
21.5410 Interior Landscaping Requirements
21.5411 Transitional Yards
21.5412 Maintenance
21.5413 Lighting
21.5414 Building Construction
21.5415 Signs
21.5416 Outside Storage, Display and Screening
21.5417 Refuse
21.5418 Reserved
21.5419 Saving Clause

21.5401: PURPOSE AND INTENT

(back to Chapter contents)

It is the purpose and intent of the Watertown City Council and Watertown Planning Commission to establish a district with certain design standards for property visible within designated corridors at key entry points to the City.

21.5402: ESTABLISHMENT/DELINEATION/REGULATION

(back to Chapter contents)

1. Boundaries for the GT-1 Gateway Overlay District shall include all property within the City Limits of Watertown, South Dakota located in the south half of Section 33, Township 117 North, Range 52 West and are shown on the GT-1 Gateway Overlay District Map as referenced in Section 21.0503. Any property zoned BP Business Park District shall also be overlaid by the GT-1 Gateway Overlay District. The GT-1 Gateway Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.
2. The GT-1 Gateway Overlay District may be expanded to include additional urban corridors by recommendation of the Planning Commission and action of the City Council.

21.5403: APPLICABILITY

(back to Chapter contents)

1. The provisions of this chapter shall apply to any project on a lot or parcel in the GT-1 Gateway Overlay District as described herein.
2. Where the provisions of Chapter 21.54 conflict with other provisions of this title, the provisions of Chapter 21.54 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.54 shall be regulated as defined elsewhere in this title.

21.5404: GATEWAY OVERLAY DISTRICT USE REGULATIONS

(back to Chapter contents)

Any activity on, or use of, any land which lies within the GT-1 Gateway Overlay District shall conform to the following regulations and procedures:

1. Permitted Uses in the GT-1 Gateway Overlay District.
   a. The same as underlying zoning district.
   b. Apartmentsin the same structure, with other non-residential uses, provided such residential use is located above the first floorNo dwelling units will be allowed in conjunction with any motor vehicle service station (see service station – motor vehicle in definitions). (Ord 12-02; Rev 01-27-12) (Ord 17-02; Rev 03-31-17)

2. Conditional Uses in the GT-1 Gateway Overlay District.
   a. The same as underlying zoning district.

21.5405: SETBACKS (back to Chapter contents)

Minimum required front, side and rear yard setbacks shall be as required in the underlying district. The front yard setback is in accordance with the requirements illustrated in the following tables for applicable streets. The percentage of front yard setback used as gross parking area shall not apply to lots that are less than 40,000 SF.

Exception: The Administrative Official may allow minimum required front yard setbacks in accordance with the requirements illustrated in the following tables:

Lots Adjacent to 1st Avenue NE/ 29th Street SE	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	20'

Lots Adjacent to 9th Avenue SE (US Highway 212)	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	30'

Lots Adjacent to Other Streets	
*Percentage of Front Yard Setback Used as Gross Parking Area**	*Less than 15%*
Structures	25'

* Not including the necessary surfacing of sidewalks and driveways.

21.5406: TRANSPORTATION CORRIDOR ACCESS REGULATIONS (back to Chapter contents)

1. 1st Avenue NE/29th Street SE - Minimum access spacing shall be four hundred (400) feet;
2. 9th Avenue SE (US Highway 212) - As approved by the South Dakota Department of Transportation.

21.5407: PARKING AND LOADING (back to Chapter contents)

1. Loading berths shall consist of similar building materials as the exterior wall finish of the structure.
2. Loading doors shall be the same color as the exterior wall finish of the structure.
3. Loading berths and doors shall face required side or rear yards. Loading berths and doors for buildings on lots with neither side nor rear yards may be permitted to face required front yards where they do not share a face with the main entrance of any building and loading areas are screened or concealed from view from the street.

21.5408: SIDEWALK/RECREATIONAL TRAIL (back to Chapter contents)

1. Adjacent to 1st Avenue NE/29th Street SE sidewalks shall be installed:
   a. Five (5) feet wide, constructed according to Engineering Design Standards.
   b. In accordance with the "Typical Section" provided within this chapter or as approved by the City Engineer.
2. Where a recreational trail is provided in lieu of a sidewalk for lots or parcels abutting 1st Avenue NE/29th Street SE, the property owner shall be responsible for the removal of snow in the same manner as required in Title 18 for a portion of said recreational trail not less than five (5) feet wide to extend the length of the property.

21.5409: LANDSCAPING (back to Chapter contents)

1. There shall be a minimum width of eight (8) feet of grass adjacent to 1st Avenue NE/29th Street SE right-of-way. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of eight (8) feet of grass. The grassed area provided on private property may be included in the total landscaped area described in Section 21.5410.

2. The size and species of all trees mandated by this ordinance shall be a minimum of one and one-quarter (1 ¼) inch caliper in size measured one (1) foot above immediate ground level, of a species allowed by the Parks and Forestry Superintendent, and shall be maintained in a growing condition.

3. Perimeter Tree Requirements:
   a. 1st Avenue NE/29th Street SE

      One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property in a manner consistent with the "Typical Section" provided within this chapter. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.

   b. 9th Avenue SE (US Highway 212)

      One (1) deciduous shade tree per forty (40) feet of frontage shall be provided adjacent to the right-of-way. Such trees shall be regularly spaced on private property three (3) feet from the property line. The center of each tree shall be placed no less than four (4) feet from any paved surface. Perimeter trees provided on private property may be included to meet the interior tree requirement described in Section 21.5410.

   c. No tree may be placed fifty (50) feet from an intersection measured from the curbline corner. For the purpose of perimeter tree requirements total frontage will not include the area of the "clear view triangle," or the area necessary for paving or driveways.

21.5410: INTERIOR LANDSCAPING REQUIREMENTS (back to Chapter contents)

1. When unenclosed interior parking spaces are provided on a site consisting of less than seventy five hundred (7,500) square feet of gross parking lot area said parking lot shall include a landscaped area of not less than two percent (2%) of the gross parking lot area. Landscaped areas shall consist of grasses, perennial forbes, deciduous shade trees, shrubs, or a combination thereof. When utilized, every interior tree shall be located in a planting island entirely within the area intended for parking, driving, and maneuvering purposes.
   a. Said islands shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.
   b. Trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. **Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above.
   c. Planting islands shall contain a depth of two (2) feet of top soil suitable for growing plant material
   d. Planting islands shall utilize raised curbs or wheel stops or other devices approved by the Administrative Official as necessary to prevent damage from vehicles.

2. When unenclosed interior parking spaces are provided on a site consisting of greater than seventy five hundred (7,500) square feet of gross parking lot area a landscaped area of not less than five percent (5%) of said parking lot area shall be provided. Landscaped areas shall consist of a combination of grasses, perennial forbes, deciduous shade trees or coniferous trees at a density of one (1) per ten thousand (10,000) square feet of surface area intended for parking, driving, and maneuvering purposes, and shrubs.
   a. A minimum of fifty percent (50%) of interior trees shall be located in a planting island entirely within the gross parking area.
   b. Coniferous trees where utilized shall not be placed in a manner to obstruct the view of vehicular traffic utilizing drives and alleys, and maneuvering areas. Coniferous trees will be considered to obstruct said view when constructed within the triangular area formed by the intersection of streets, drives, alleys, and/or maneuvering areas at the center line of each respective street, drive, alley, and/or maneuvering area and a straight line connecting points on said street, drive, alley, and/or maneuvering area line each of which is fifty (50) feet distance from the point of intersection.
   c. Islands containing trees shall have dimensions of at least eight (8) feet wide and contain a minimum of one hundred twenty (120) square feet per tree, and may utilize rock or other landscaping material.

d. Deciduous shade trees shall not be planted closer than twenty eight (28) feet from each other. Evergreen or coniferous trees shall not be planted closer than thirty five (35) feet from each other. (**Exception:** groupings of three (3) or more trees may be planted closer to each other than required for deciduous shade trees and coniferous trees above).

e. Planting islands containing trees shall contain a depth of two (2) feet of top soil suitable for growing plant material

f. Planting islands containing trees shall utilize raised curbs, wheel stops or other devices approved by the Administrative Official as necessary to prevent damage from vehicles.

3. The City encourages preservation of existing trees on a site which are in good condition. Such trees may be counted as part of the required number of trees on a site.

21.5411: TRANSITIONAL YARDS (back to Chapter contents)

1. Within any GT-1 Gateway Overlay District transitional yards will be required within side and rear yard setbacks on lots or parcels with commercial or industrial uses.
2. The width of transitional yards may vary depending on zoning designation of the adjacent lot or parcel and will be regulated in accordance with the following table:

Type of Use	Adjacent District	Minimum Width
Industrial	Industrial	5’
Industrial	Commercial	5’
Industrial	Residential	20’
Commercial	Industrial	5’
Commercial	Commercial	5’
Commercial	Residential	15’

3. Transitional yards shall extend the entire length of each respective property boundary. Exception: Access driveways between interior lot lines may be located in transitional yards. Access driveways shall conform to Table 5.1 of the Engineering Design Standards.
4. Transitional yards shall be planted and maintained as grass. Fences or other screening devices may be located within the required transitional yard.
5. Landscaping and trees located in transitional yards may be included in the total landscaped area described in Section 21.5410.
6. Fences or other screening devices may be located within transitional yards.
7. Approved Post Construction Stormwater Management Facilities may be located in transitional yards to meet all or portions of the Post Construction Stormwater Management requirements.

Source: (Ord 22-19; Rev 7-29-22)

21.5412: MAINTENANCE (back to Chapter contents)

Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.5413: LIGHTING (back to Chapter contents)

Structures and properties shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.

21.5414: BUILDING CONSTRUCTION (back to Chapter contents)

Exterior elevation/perspectives shall be submitted to the Administrative Officialto depict that all buildings and structures in the GT-1 Gateway Overlay District shall meet the following required building design and construction standards:

1. All exterior walls facing any front or side yard shall be finished with the following materials, or a combination of the following materials which are not eligible for variance:
   a. Face brick;
   b. Natural stone; Manufactured stone provided it replicate the appearance of natural stone, not concrete block;
   c. Tile (masonry, stone or clay)
   d. Precast concrete panels or units, the surfaces of which have been integrally treated with an applied decorative material or texture;
   e. Stucco or similar cement based material;
   f. Architectural metal panels which cover a wall – i.e., copper, aluminum composite metal panels (ACM), metal plate wall panels;
   g. Transparent glass/spandrel glass;
   h. Wood, consisting of horizontal lap siding, rain screen siding or wood shakes; surfaces must be painted or finished;
   i. Decorative Block; or
   j. Metal siding – i.e., lap seam metal panels or sheet or corrugated panels is allowed as follows:
      (1) On any wall facing a rear yard;
      (2) On any wall facing a front or side yard if used as accent to include not more than twenty (20) percent of said wall; or
      (3) No variance may be granted to authorize more than twenty (20) percent of any wall facing a front or side yard to utilize metal siding.
2. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more). All large walls facing Highway 212 and any public street must be relieved by architectural detailing, such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall and its view from the public right-of-ways. A distinct change in color or pattern may be considered a change.
3. Any similar material which meets the purposes for which these regulations are designed and intended, and are approved by the Planning Commission. A request for approval shall include:
   (1) A written description of the manner in which the proposed material promotes the purposes of this chapter of the ordinance;
   (2) A physical sample of all the proposed materials together with their technical specifications;
   (3) A color photograph of similar applications of the proposed material;
   (4) A sketch of the proposed construction showing the location of the proposed material; and
   (5) A written description explaining why approved materials, described herein, are not being considered.
4. Additions to principal structures which conform to the provisions of this chapter and all accessory buildings or structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building. (Ord 17-48; Add 02-09-18)

21.5415: SIGNS (back to Chapter contents)

1. Freestanding signs shall be finished with the materials, or a combination of the materials listed in Section 21.5414 and shall be regulated in accordance with the following tables:
   a. Adjacent to 9th Avenue SE (US Highway 212):

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Allowed only with sign permit
Off-Premises Sign	Allowed only with sign permit

MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

b. Adjacent to all other streets:

SIGN TYPE	GT-1 Gateway Overlay District
FREE STANDING	
Ground	Allowed only with sign permit
Pole	Not Allowed
Off-Premises Sign	Not Allowed unless city identification/welcome signage in accordance with 21.8028 (l)
MISCELLANEOUS	
Banners	Not Allowed
Portable, temporary	Not Allowed

2. Building signs, miscellaneous signs and other characteristics shall be allowed in accordance with underlying zoning requirements.
3. Banners and Portable signs may be allowed to advertise "Grand Openings."

21.5416: OUTSIDE STORAGE, DISPLAY AND SCREENING (back to Chapter contents)

Outside storage, display and screening may be allowed by conditional use subject to the following conditions:

1. Storage or display is limited to items related to items sold or similar to items sold within the primary structure.
2. Outside storage or display shall not be allowed on any required parking spaces.
3. Storage of excess inventory shall be screened by means of an opaque fence, plant materials, walls or earth berms.
4. Where groupings of conifers and deciduous shade trees are utilized for screening, in order to provide year-round screening, a minimum of fifty percent (50%) of the trees shall be coniferous.

21.5417: REFUSE (back to Chapter contents)

1. No junk, scrap, rubbish, trash, litter or refuse shall be deposited or permitted to remain or accumulate on any site.
2. Refuse collection areas shall be located on the rear or side of the site and shall be screened by means of an opaque fence, plant materials, walls or earth berms.

21.5418: RESERVED (back to Chapter contents)

21.5419: SAVING CLAUSE (back to Chapter contents)

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof. (Ord 10-30; Add 10-12-10)

Chapter 21.56
D-T DOWNTOWN OVERLAY DISTRICT

Section (back to Title contents)

21.5601 Purpose and Intent
21.5602 Establishment/Delineation/Regulation
21.5603 Applicability
21.5604 DT Overlay District Use Regulations
21.5605 Setbacks
21.5606 Reserved
21.5607 Transparency
21.5608 Doors and Entrances
21.5609 Lighting
21.5610 Signage
21.5611 Building Materials
21.5612 Building Construction
21.5613 DT Downtown Overlay District Map

21.5601: PURPOSE AND INTENT

(back to Chapter contents)

It is the purpose and intent of the Watertown City Council and Watertown Planning Commission to establish a Downtown Overlay District (D-T) to:

1. Promote development of a compact, pedestrian oriented downtown consisting of high-intensity employment center, vibrant and dynamic mixed use area, and residential living environments that provide a broad range of housing types for an array of housing needs;
2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents;
3. Encourage pedestrian-oriented development within walking distance;
4. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
5. Enhance the community's character through the promotion of high-quality urban design and historical preservation.

(Ord 19-09; Eff. 11-1-19)

21.5602: ESTABLISHMENT/DELINEATION/REGULATION

(back to Chapter contents)

Boundaries for the D-T Downtown Overlay District shall include the property within the City Limits of Watertown, South Dakota as referenced in Section 21.5613.

(Ord 19-09; Eff. 11-1-19)

21.5603: APPLICABILITY

(back to Chapter contents)

1. The provisions of this chapter shall apply to any project on a lot or parcel in the D-T Downtown Overlay District as described herein.
2. Where the provisions of Chapter 21.56 conflict with other provisions of this title, the provisions of Chapter 21.56 shall prevail.
3. Standards, uses, and regulations not addressed in Chapter 21.56 shall be regulated as defined elsewhere in this title.
4. The D-T Downtown Overlay District regulations shall only be applicable to new construction and substantial improvement permitted after the effective day of this ordinance, November 1st, 2019.

(Ord 19-09; Eff. 11-1-19)

21.5604: DT OVERLAY DISTRICT USE REGULATIONS (back to Chapter contents)

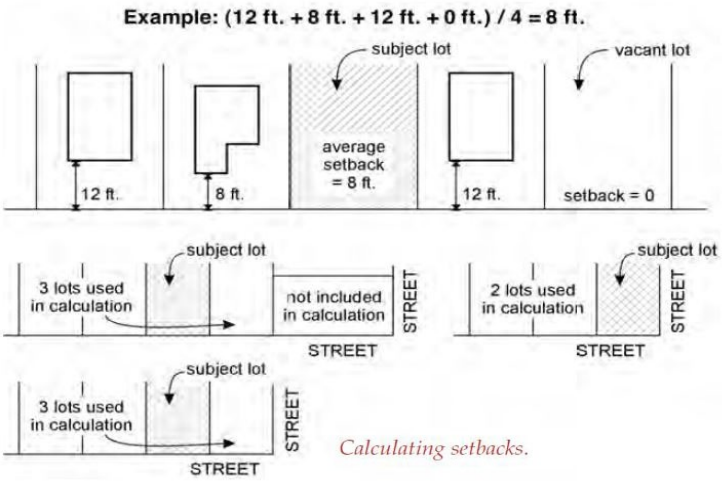
Any activity on, or use of, any land which lies within the D-T Downtown Overlay District shall conform to the following regulations and procedures:

1. Permitted Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.
2. Conditional Uses in the D-T Downtown Overlay District shall conform to the underlying zoning district provided they meet the conditions described herein.

(Ord 19-09; Eff. 11-1-19)

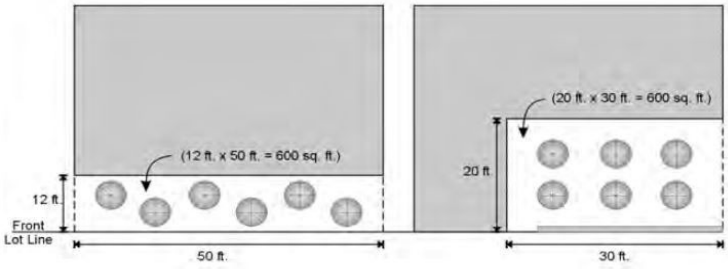
21.5605: SETBACKS (back to Chapter contents)

1. Minimum required front, side and rear yard setbacks shall be as required in the underlying district.
2. The maximum front yard setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
    a. If one or more of the lots required to be included in the averaging calculation are vacant lots will be deemed to have a yard depth of zero feet.
    b. Lots fronting a different street than the subject lot or separated from the subject lot by street or alley may not be used in computing the average.
    c. When the subject lot is a corner lot, the average setbacks will be computed on the basis of the two adjacent lots that front on the same street as the subject lot
    d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
3. The following exceptions to the maximum front yard setbacks apply:
    a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of the building frontage.
    b. A building may be set back farther than the maximum setback in order to accommodate an outdoor area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front yard property line, or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.



Calculating setbacks.

Exceptions to minimum front and streetside setbacks.



(Ord 19-09; Eff. 11-1-19)

21.5606: RESERVED (Ord 19-09; Eff. 11-1-19) (back to Chapter contents)

21:5607: TRANSPARENCY (back to Chapter contents)

1. A minimum of fifty (50) percent of the street-facing building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.
2. The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph one (1) above may not be more than four (4) feet above adjacent sidewalk.
3. Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(Ord 19-09; Eff. 11-1-19)

21.5608: DOORS AND ENTRANCES (back to Chapter contents)

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(Ord 19-09; Eff. 11-1-19)

21.5609: LIGHTING (back to Chapter contents)

Structures and properties shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.

(Ord 19-09; Eff. 11-1-19)

21.5610: SIGNAGE (back to Chapter contents)

Signage shall be as required in the underlying district.

(Ord 19-09; Eff. 11-1-19)

21.5611: BUILDING MATERIALS (back to Chapter contents)

The following building material requirements shall be applied to encourage the use of high-quality compatible materials to upgrade the visual qualities of Downtown Watertown while maintaining the character of the historic architecture and aesthetics through the following design guidelines:

1. Retain existing facades in the Downtown District
2. Maintain and restore existing facades, trim, cornices or replace with similar replications.
3. Encouraged materials:
    a. Decorative masonry
    b. Granite
    c. Brick
    d. Glass
    e. Stone
4. Prohibited materials:
    a. Metal unless used as an accent not to exceed fifteen (15) percent of any wall.
    b. Use of lap or shingle siding
    c. Stucco or synthetic stuccos below eight (8) feet
    d. Plywood

(Ord 19-09; Eff. 11-1-19)

21.5612: BUILDING CONSTRUCTION (back to Chapter contents)

1. When obtaining a permit for new construction, building alteration, or demolition within the D-T Downtown Overlay District the applicant shall submit, to the Building Official, the following:
    a. A clear statement of the proposed work, to include such matters as colors, materials, landscaping, and signs.
    b. Plans showing the size, height, and completed appearance of the proposed work.
    c. A site plan showing all existing and adjacent buildings and structures and the proposed work.
2. In order to preserve the integrity of the D-T Downtown Overlay District, if any similar material not approved by the Administrative Officialwhich meets the purpose to maintain and preserve the historic architecture and aesthetics, the application shall be submitted and approved by the Planning Commission who shall consider the following factors:
    a. Adverse impacts to the integrity of the property or structures to be minimized.
    b. Changes to the defining characteristic of the building or site shall be minimized.
    c. Removal of historic materials and features of the building or site shall be avoided.
    d. Historic materials shall be retained where possible; where not feasible, compatible materials shall be encouraged.
    e. The proposed work shall be compatible with the property or structure itself, as well as to the surrounding neighborhood or district. Consideration shall be given to exterior design, site layout, proportion, detail, scale, color, texture, and materials.

3. Additions to principal structures which conform to the provisions of this chapter and all accessory buildings or structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

(Ord 19-09; Eff. 11-1-19)

21.5613: D-T DOWNTOWN OVERLAY DISTRICT MAP (back to Chapter contents)

The D-T Downtown Overlay District Map is hereby adopted in reference as part of these regulations as if the map was fully described herein.

(Ord 19-09; Eff. 11-1-19)

Chapter 21.70
MODULAR HOME PROVISIONS

Section (back to Title contents)

21.7101 Modular Home Provisions

21.7001: MODULAR HOME PROVISIONS (back to Chapter contents)

A modular home shall meet the following regulations:

1. When moved into or though city limits, a moving permit shall be required.
2. Modular homes shall meet or exceed International Code Council or jurisdictional standards.
3. Modular homes will include all off-site construction homes, which may be transported to the site in one or more sections.
4. Modular homes shall have more than eight hundred (800) square feet of living quarters, not to include attached or detached garages.
5. Modular homes shall be placed on a permanent foundation approved by the Building Official.
6. Modular homes shall have a minimum of a 3/12 roof pitch.
7. Siding and roofing material of a type similar to that allowed in a residential district as approved by the Building Official.
8. Modular homes shall have local inspections at the time of building permit issuance.
9. Modular homes moved into city limits shall submit reports of building inspections provided by manufacturer or licensed third party agent at the time of permit application

Chapter 21.71
MANUFACTURED HOME PROVISIONS

Section (back to Title contents)

21.7101 Manufactured Home Provisions
21.7102 Manufactured Installation Standards

21.7101: MANUFACTURED HOME PROVISIONS (back to Chapter contents)

1. Manufactured homes shall meet the following requirements:
   a. Have more than 320 square feet of occupied space in a single, double, expand or multi- section unit.
   b. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 21.7102.
   c. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A Standards.
   d. Have siding material of a type customarily used on site constructed residences, as approved by the Building Official.
   e. Have roofing material of a type customarily used on site constructed residences, as approved by the Building Official.
   f. Not exceed twenty (20) years of age from the date of its manufacture.
   g. Be placed onto a support system, in accordance with approved installation standards, as specified in Section 21.7102.
   h. Siding and roofing material of a type similar to that of the primary structure as approved by the Building Official.
   i. All manufactured homes shall bear the HUD (Housing Urban Development standards post 1974) seal

21.7102: MANUFACTURED HOME INSTALLATION STANDARDS

1. **Placement permit required.** No manufactured home shall be installed or reinstalled without first obtaining a permit from the Building Official. A separate permit shall be required for each installation or reinstallation. Said separate permit may include accessory buildings and structures if constructed in conjunction with the installation or reinstallation.
2. **Inspections required.** The following inspections shall be required: Anchorage/foundation inspection and final inspection. Manufacturer's installation instructions shall be provided to the Building Official and shall set forth permissible points of support and anchorage system attachment.
3. **Permanent Perimeter Enclosure** Those manufactured homes designated in this ordinance as requiring permanent perimeter enclosure must have footings and a crawl space or basement walls. The space between the floor joints of the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings) (materials approved by the Building Official.
4. **Foundation Siding/Skirting** for R-4 Districts. All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.
5. **Support System:**
   a. All HUD-Code manufactured homes

   shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANSI/NFPA 501A 1977 installation standards.
6. Replacement of Nonconforming Homes. Upon application and subsequent approval thereof, a manufactured home, deemed a legal nonconforming use, may be replaced by a manufactured home, provided the replacement is in compliance with current ordinance requirements.

Chapter 21.83
Day Care, Home

Section (back to Title contents)

21.8301 Approval Required
21.8302 Special Use Provisions

21.8301: APPROVAL REQUIRED

1. Day care, Homes shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met to be approved administratively. If the special use provisions are not met, a conditional use is required to be applied for and granted by the Board of Adjustment.
2. Day Care, Homes, registered or unregistered through the SDCL 26-6-14.1 and 26-6-14.8. may not provide care for more than twelve (12) children at any one-time including children under six living in the home.
3. The provider shall reside at the dwelling the day care, home is located. Day Care, Homes are allowed to have employee(s) at the dwelling.
4. No Day Care, Home may be located or operate in the city without the appropriate valid administrative approval from City staff or conditional use granted by the Board of Adjustment pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter 21.99. Each day of the violation constitutes a separate offense.

21.8302: SPECIAL USE PROVISIONS

Day Care, Homes within residential districts shall not impact the neighboring properties and shall comply with all of the following conditions:

1. Shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child.
2. A four-foot (4’) privacy fence with less than ten (10) percent transparency or vegetative buffers four feet (4’) in height shall be installed around outdoor recreation space to screen from adjacent residential properties. During winter months where fences or vegetation are unable to be installed an extension may be granted up to six (6) months.
3. Provide off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards. Employee(s) shall be provided with an off-street parking location.

Chapter 21.90
DEFINITIONS

(back to Title contents)

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

Abandoned Sign: a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, products or activity conducted or product available on the premises where such sign is displayed. A blank sign that otherwise shows no reasonable indication of a lack of maintenance is not an abandoned sign. (Ord 17-33; Rev 09-29-17)

Abutting: abutting shall mean adjacent or contiguous and shall include property separated by an alley or other platted easement or access. The term “abutting” implies a closer proximity than the term “adjacent”.

Accessory Structure: a detached building which is located on the same lot as the primary building and the use of which is clearly incidental to the use of the primary building.

Accessory Use: (See Use - Accessory)

Administrative Official: the Community Development Manager or such other designated officials as authorized by the Public Works Director.

Advertising or Commercial Message: any wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Agriculture: the cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry or fur bearing animals.

Alley: an alley is a public right-of-way which affords only a secondary means of access to abutting property**.**

Anchoring System: an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured or mobile home.

ANSI/NFPA 501A Standard for Installation of (Manufactured) Mobile Homes: model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

Antenna Support Structure: any building or structure other than a tower which can be used for location of telecommunications facilities.

Apartment: see Dwelling – Unit.

Apartment House: see Dwelling - Multi-Family.

Applicant: any person that applies for a permit.

Application: the process by which the Owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a Tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

Approved Engineered Design: a design which bears the insignia of a registered professional engineer or other indicia which demonstrates the sign to be installed has been designed in accordance with the requirements of this ordinance.

Aquifer Protection Overlay District: is the surface and subsurface area surrounding a water well, well field or aquifer, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well, well field, or aquifer.

Area Identification Sign: a sign which identifies a common area containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center and which is located at the entrance or entrances to such area.

Assisted Living Centers: a facility to provide apartment living for persons subject to chronic illnesses or infirmities but who do not need a level of nursing care provided in a licensed nursing home. Assisted living centers need not be licensed by the State of South Dakota, but must provide at least one common hot meal per day for residents in the facility. Such uses shall be located in areas where their impact on adjacent properties would not be detrimental due to their architectural design and/or their traffic flow or parking area.

Auto Body Repair Shops: facilities that provide bodywork and collision repair services, including body frame straightening, replacement of damaged parts, paintwork repairs, and spray paint operations for trailers and motor vehicles. (Ord 20-41; Rev 1-15-21)

Auto Wrecking: the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts.

Awning, Electric: an internally illuminated fixed space-frame structure with translucent, flexible reinforced covering with graphics or copy applied to the visible surface.

Banner: a sign constructed of cloth, canvas, fabric, paper, cardboard or any other lightweight material. National flags, state or municipal flags, municipal banners, or the official flag of any institution or business shall not be considered banners. (Ord 15-19; Rev 8-14-15)

Banquet Facilities: see Convention Center

Bar or Tavern: any establishment, including restaurants and gambling establishments, licensed to sell alcoholic beverages for consumption upon the premises where sold or provided. (Ord 21-17; Rev 7-16-21)

Basement: a basement is any floor level below the first story in a building except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. A basement has more than one-half (½) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes.

Beacon: a stationary or revolving light which flashes or projects illumination, whether single color or multi-colored, in any manner intended to attract or divert attention. However, the term beacon is not intended to include any lighting device required or necessary under the safety regulations described by the Federal Aviation Administration, law enforcement, or similar governmental agencies.

Bed and Breakfasts: a private single family residence (owner/operator occupied) which is used to provide meals and temporary accommodations for a charge to the public and according to South Dakota State Law.

Block: an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

Boathouse: a building to house and protect a boat.

Buffer: the use of land, topography, space, fences or landscape planting to partially screen a use or activity from another property and thus reduce undesirable views or influences.

Buildable Area: that portion of the lot that can be occupied by the principal use, thus excluding the required front, rear and side yards.

Building: any structure having a roof or partial roof supported by columns, posts or walls for the shelter, or enclosure of persons, animals, chattels or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Code(s): those codes regulating construction within the City adopted by the City of Watertown.

Building Face/Wall: all window and wall area of a building in one plane or elevation.

Building Heights: a distance to be measured from the mean curb level along the front lot line or from the mean ground level for all that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the top line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to overall height of the highest gable on a pitched or hip roof for a residential structure and to the mean height for a commercial/industrial structure.

Building Marker: any sign which contains a building's name, or other historic information regarding a building's construction which is cut into a masonry surface or made of bronze or other permanent material and affixed to the structure.

Building Official: anAdministrative Official who reports to the Community Development Manager

Campground: a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public, to be a place where camping units or cabins may be located and occupied as temporary living quarters. Campgrounds for tent trailers and recreational vehicles should be sited with consideration for access to the property. The campground should be designed to minimize the impact from adjacent major thoroughfares.

Canopy/Awning Sign: a noninternally illuminated fixed space-frame structure with canvas, tarp, cloth, translucent, or flexible reinforced covering with or without graphics or copy applied to the visible surface.

Caretakers Residence: a single family dwelling unit, which will be considered an accessory use to the primary business. The individual residing at this residence must own or be employed by the business. No home occupations will be allowed.

Car Wash: A place or building where vehicles or equipment are cleaned (Ord. 20-10; Rev. 5-1-2020)

Changeable Copy Sign/Reader Board: an outdoor sign or any portion thereof which is permanently affixed or mounted to a support structure or building, which has removable characters, letters or illustrations that may be manually changed or rearranged without altering the underlying sign surface.

Civil/Social Organization: establishments that promote the interests of their members, or, that promote a particular cause (except labor, political, or professional organizations). These establishments may provide grant making foundations or charitable trusts, raise funds for social welfare activities, such as health, educational, scientific, and cultural activities. They may solicit contributions and offer memberships. Establishments in this category may operate bars and restaurants for their members.

Clearance (of a sign): the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear View Triangle: a triangular shaped portion of land established at street intersections and ingress/egress points in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection. See Section 21.8004(6) for graphic illustration.

Clinic: Human medical or health-related office. (Ord 06-31; Rev 1-25-07)

Club: shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable for similar purposes, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as business even though it may be chartered and named for purposes herein defining a club.

Communal Living: A building or place, other than a fraternity or sorority house, where a group of four or more persons, but no more than six persons, not related by blood or law living together and maintaining a common dwelling unit. (Ord 20-03; Rev 2-14-20)

Commercial Kennel: any premises, or portion thereof, where dogs or cats over four (4) months of age are boarded, raised, bred, or cared for (non-veterinary) in return for remuneration, or are offered for sale, or are kept for the purpose of sale. (Ord 21-18; Rev 7-16-21)

Comprehensive Land Use Plan (Comp Plan): compilation of policy statements, objectives, standards and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in current state law. (Ord 04-04; Rev 03-26-04)

Community Development Manager: an Administrative Official who reports to the Public Works Director.

Conditional Use: a use that would not be appropriate generally or without restriction throughout the zoning district by which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted by the Board of Adjustment when specific provision is made in the ordinance. Conditional uses are subject to evaluation and approval by the Board of Adjustment and are administrative in nature.

Condominium: the ownership of single units in a multi-unit residential structure with common elements (with the property subject to the condominium regime established pursuant to SDCL 4315A).

Condo Plat: a plat detailing the location of a structure(s) which is encumbered by a declaration of condominium covenants or condominium form of ownership.

Congregated storage: shall mean the request to allow storage of multiple docks & lifts of similar on a single site.

Construction (project) Sign: a sign located upon property where construction or development is occurring which identifies the persons or entities involved in such project.

Contractor Shops and Storage Yards: use of land or buildings for storage and preparation of materials used by that same individual in conducting business, including but not limited to, construction, repair work, fabrication and assembly, and incidental retail sales. Each unit shall have separate water and sewer utilities.

Convenience Store: any retail establishment offering for sale pre-packaged food products, household items, petroleum and other goods commonly associated with the same, at which a customer typically purchases only a few items during a short visit.

Convention Center: convention centers have both an exhibition hall and number of meeting rooms. Many also have kitchen and banquet facilities. Trade shows, public shows, conventions, food functions, receptions, dances, banquets, assemblies, and other activities are typically hosted in these structures.

Convent and Monastery: a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work in adjacent institutions.

Copy: the message on a sign surface whether in word or illustration in permanent, temporary or removable form.

Court: an open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Curb Level: the curb level is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this ordinance.

Day Care: the providing of care and supervision of children/adults as a supplement to regular parental home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

Day Care, Home: A dwelling, occupied as a residence by the care provider, in which family-like care is given. All provisions of Chapter 21.83 must be met for the use to be permitted in designated districts.

Day Care Facility (Non-residential): a state licensed non-residential facility, at which no one resides, used for providing child or adult day care, and which is limited by the square footage of useable space available. Facility must comply with current state regulations.

Density: the number of families, individuals, dwelling units, or housing structures per unit of land.

Depth of Lot: the mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

Depth of Rear Yard: the mean horizontal distance between the rear line or nearest point of the principal building and the rear lot line.

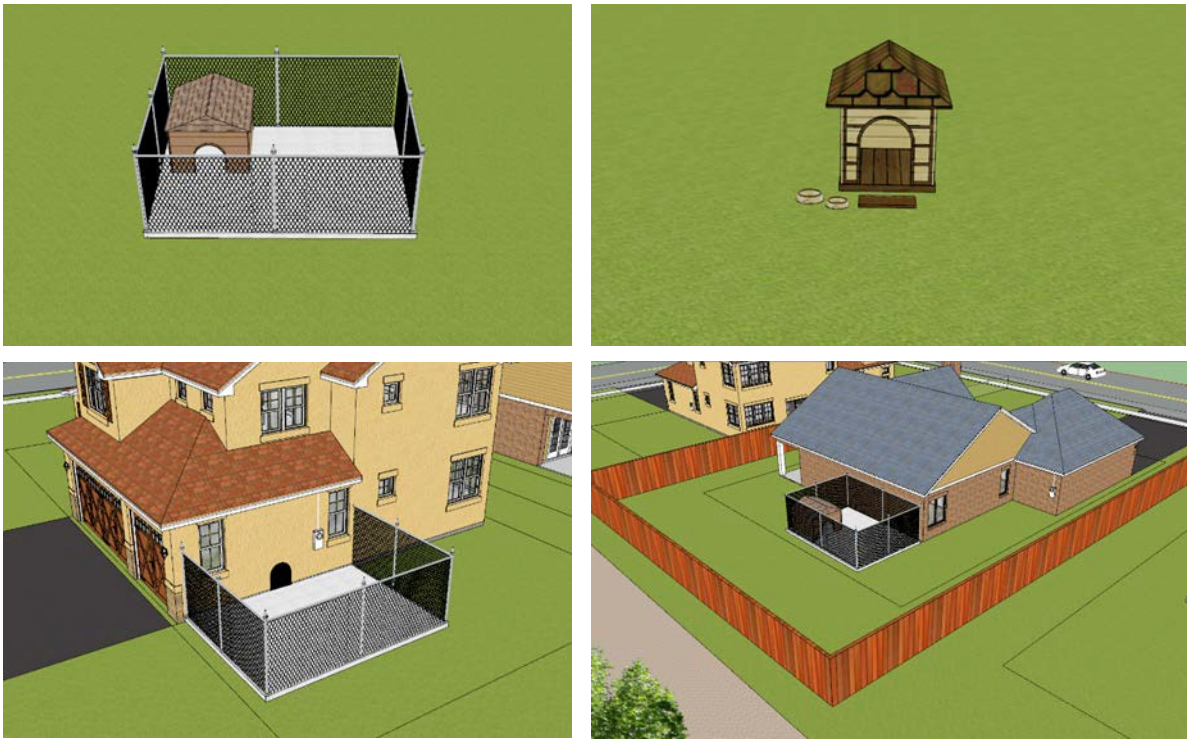
Development Lot Agreement (DLA): an agreement joining one or more lots together as one parcel for the purpose of development. DLA's must be signed by the Planning Commission or its designee. (Ord 06-31; Add 01-25-07)

Directional Sign: any sign whose principal purpose is to designate the location or direction to a place or area.

Display Surface: the area available on a sign surface for displaying a message. However, "display surface" shall not include the structural supports for free standing signs. Display surface is synonymous with the term "face".

District: a section of the City for which the regulations governing the height, area, use of buildings and premises are the same.

Dog Enclosure: An attached or detached outdoor structure intended for the exercising, containment, and/or sheltering of a dog or dogs. Not to include a fence constructed on the perimeter of the property. (Ord 21-18; Rev 7-16-21)



Dwelling: any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

1. **Multi-Family:** a residential building containing four (4) or more dwelling units
   a. **Apartment House**: a residential building designed for or occupied by four (4) or more dwelling units.
   b. **Rowhousing:** Four (4) or more single family dwelling units, attached in a row, each having a separate entrance and is joined by an unpierced common wall, extending from the basement floor to the roof, on one or both sides.
   c. **Townhouse:** A group or row of three (4) or more single family dwelling units designed and built as a single structure in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more vertical common fire-resistant walls and property lines. Each dwelling required to be subdivided as individual lots following development.
   d. **Apartment Complex:** conforming site consisting of multiple dwelling units within multiple buildings.
   e. **Dwelling Groups:** A group of two or more single family, single family attached, or multi-family dwellings occupying a parcel of land in one ownership and having a yard or court in common, not to include motels/hotels

2. **Single Family Attached:** a building consisting of not more than four (4) dwelling units which are attached by common vertical walls and each unit having a separate or combined entrance or entrances.
   a. **Duplex:** A building containing two dwelling units totally separated from each other for occupancy of two separate dwelling units located on a single lot.
   b. **Triplex:** Three (3) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.
   c. **Fourplex:** Four (4) individual dwelling units combined into one building located on a single lot, with the individual units sharing one or two commons walls.

3. **Single-Family:** a dwelling which is designed for and occupied by not more than one family and is surrounded by yards and is not attached to any other dwelling by any means.

Dwelling Unit (d.u.): a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation

Eave: the part of the roof that meets or overhangs the walls of a building. (Ord 17-12; Rev 05-12-17)

Electric Sign: a fixed or portable, self-contained electrically illuminated appliance with words or symbols designed to convey information or attract attention.

Electronic Message Center: a sign utilizing electronic technology such as Light Emitting Diodes (LED's), incandescent bulbs, or magnetized flipping devices to display messages, advertising, or animation any of which can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

1. Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
3. Frame: A complete, static display screen on an electronic message display.
4. Frame effect: A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Scroll: A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
6. Transition: A visual effect used on an electronic message display to change from one message to another.
7. Travel: A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface. (Ord 17-33; Rev 09-29-17)

Engineer: any engineer licensed by the State of South Dakota.

Erect(ed): to build, alter, construct, reconstruct, attach, hang, place, suspend, enlarge, move, or affix, and shall also be deemed to include the painting of wall signs, but does not include copy changes on any sign.

Exempt Sign: any sign for which a permit is not required under the provisions of this chapter.

Expando Unit: an expandable manufactured housing unit.

Family: one or more persons related by blood, marriage or adoption, including foster children, or a group of not more than three persons, unless in the R3 district in which event a group of not more than four (4) persons is allowed, some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common dwelling unit.. Sororities, fraternities or other similar group dwellings are not included in this definition. (E-535-1) (Ord 14-11; Rev 04-11-14)

Feed Lot: a feedlot is defined as a lot, yard, corral, building or other area where animals have been, are, of will be stabled of confined for a total of forty five (45) days or more during any twelve (12) month period, and where crops, vegetation, forage growth or post harvest residues are not sustained over any portion of the lot or facility. (Ord 04-04; Rev 03-26-04)

Flag: any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign: a sign where light is not maintained stationary or constant in intensity and color when in use.

Foundation Siding / Skirting: a type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

Fraternity/Sorority: A building that is intended or designed to be occupied as a residence for a group of more than five members and recognized as a chartered chapter by a national or international organization or society. (Ord 20-03; Rev 2-14-20)

Freestanding Sign: a sign attached to, or a part of, a self-supporting structure. Any supporting structure shall be set firmly below the ground surface and shall not be attached to any building or any other structure.

Frontage: that portion of the front property line or lines of any premise, parallel to and along each street right-of-way it borders. If a lot has double frontage, each front shall meet the minimum lot frontage requirement.

Funerary Service: any business providing any service associated with the handling, preparation or disposition of human remains after death. Such businesses must provide verification that equipment meets emissions requirements set forth by the Environmental Protection Agency and South Dakota Department of Environment and Natural Resources to the Building Official and/or fire marshal upon inspection. (Ord 08-04: Rev 04-11-08)

Funerary Service (Non-Human): any business providing any service associated with the handling, preparation or disposition of non-human remains after death. (Ord 08-04: Rev 04-11-08)

Garage/Yard Sale Sign: a temporary sign indicating a private sale of personal property.

Government Sign: any sign which directs traffic, displays street names, or which serves any public purpose duly authorized by governing body having jurisdiction thereof.

Governmental Entity: an organized entity which, in addition to having governmental character, has sufficient discretion in the management of its own affairs to distinguish it as separate from the administrative structure of any other governmental unit. This definition shall be deemed to include, but is not limited to The City of Watertown, Codington County, the State of South Dakota, Watertown School District and the U.S. Government.

Grade: is established by the average natural grade or slope within fifty (50) feet of the sign location or as established by the City Engineer.

Gross Area of Sign: the area surrounding the periphery of all letters or graphics bounded by straight lines connecting the outermost points thereof.

Gross Parking Lot Area: that portion of a site or contiguous sites, regardless of ownership, consisting of connected areas intended for use by vehicles including parking stalls, drives and alleys, and maneuvering areas.

Ground Sign: a sign which is anchored to the ground and has no air space between grade and the bottom of the frame or sign facing.

Group Home: a supervised living or counseling arrangement in a family home context providing for the twenty four (24) hour care of children or adults.

Height of Sign: the vertical distance from the top of the sign or sign structure, whichever is greater, to the ground in a straight line directly below, measured from a point equidistant from the sides or edges of the sign.

Home Occupation: any occupation which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use other than a non-illuminated sign not exceeding four hundred (400) square inches in area. This occupation shall be carried on or conducted only by members of a family residing in the dwelling as the primary residence. (Ord 04-04; Rev 03-26-04)

Horticultural Services: commercial services which are oriented to support the science or practical application of the cultivation of fruits, vegetables, flowers, and plants.

Identification Sign: a sign affixed to a building whose message includes only the address and occupant's name.

Illuminated Sign: any sign which when originally constructed, included characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

Incidental Sign: Signs that are intended primarily for the information, convenience, and safety of the public depicting directives such as "no parking", "entrance", and "loading only". (Ord 17-33; Add 09-29-17)

Indexing Sign: a sign which includes turning and stopping action of vertical sections on a multi-face sign capable of showing more than one (1) message in the same area.

Inflatable Sign: a sign capable of expanding due to the injection of air, gas, water or vapor.

Inn: see Motel/Hotel.

Institution Uses Public/Private: include such uses as hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.

Instructional Sign: a sign which provides specific instruction to the public, including , but not limited to, "Center," "Exit," "No Parking," "Drive Through," "Rest Room,". No instructional sign shall be permitted to include any commercial message.

International Building Code (IBC) Standards: that edition of the International Building Code, promulgated, approved and adopted by the City of Watertown.

Junkyard: land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles not accessory to any business or industrial use on the same lot.

Large Wind Energy Conversion System (LWECS): All WECS facilities excluding Small Wind Energy Conversion Systems.

Lawful Nonconforming Sign: a sign or sign structure existing at the time of enactment of this chapter which does not comply this code, but which was lawfully constructed prior to adoption of this chapter.

Legal nonconforming building: a building which does not comply with all of the regulations of this ordinance or any amendment hereto governing area and bulk for the zoning district in which such building is located, but which was constructed with a lawfully issued building permit. This definition shall not be deemed to include structures for which no building permit was issued or obtained.

Light Manufacturing: those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.

Loading Dock (Berth): that area specifically used for the transfer or materials or goods, which may be elevated, recessed, sunken or at grade level.

Loading Space: a space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

Lot: one unit of a recorded plat subdivision, or registered land survey having specific boundaries and which has been recorded in the Register of Deeds office, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

1. **Corner:** a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lots to the foremost points of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior:** a lot other than a corner lot with only one frontage on a street.
3. **Through:** a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Area: the lot area is the land area within the lot lines.

Lot Coverage: that portion of a lot covered with structures and hard surfaces such as parking, loading and storage.

Lot Line: a line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

1. **Front:** the lot line separating a lot from a street right-of-way, except at Lake Kampeska and Lake Pelican where the front lot line is the ordinary high water mark as established by the state.
2. **Rear:** that boundary of a lot line which is most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
3. **Side:** any lot line not the front or rear. A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.
4. **Zero:** the location of a building on a lot in such a manner that the side of a building rests on a lot line.

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Lot(s) of Record: a lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the office of the County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the County Register of Deeds prior to the effective date of the ordinance.

Maintain: to allow any sign to exist or remain, or to repair or refurbish a sign to prevent decay or deterioration.

Manufactured Home: a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code (HUD).

Marque: any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Message: a communication through written words, symbols, signals, or pictures.

Mining: The excavation of earth materials for the purpose of sale.

Modular Construction: completely fabricated and (partly) assembled units or elements delivered to be erected on a site to form a whole or part of a structure.

Modular Homes: Modular home or modular structure means a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL §32-7A-1 or a recreational vehicle

Monument Sign: see Ground Sign.

Mortuaries: a place for the storage of human bodies prior to their burial or cremation. Such use shall be designed and located so that the architectural appearance and traffic generated by the use will not have a detrimental effect on adjacent property values.

Motel/Hotel: a building or group of buildings used primarily for the temporary residence of motorists or travelers.

Motion Sign: any sign which revolves, rotates, or moves in any way by mechanical means.

Nameplate Sign: any sign which includes the name and address of the occupant of the lot or building where the sign is placed and may include a directory listing the name, of occupants.

Nonconforming Use: any building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

Non-illuminated Sign: a sign other than an illuminated sign or reflective sign which is visible primarily by means of a natural light source.

Non-residential: property used for anything other than housing/dwelling/habitation. A building that is not lived in, where no one resides.

Nursing Home: an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advances age, chronic illness or infirmity, are unable to care for themselves.

Occupied Space: the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

Office (Building): a room, set of rooms, or building where the business of a professional, commercial, industrial, financial, religious, institutional, public or semi-public persons or organizations, broadcast stations and studios, is conducted. (Ord 06-31; Add 01-25-07)

Off-premises Sign (Billboard):.A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises Sign:. A sign which directs attention to a business or professional conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located. On-premise signs may also advertise logos or names of sponsors that support an event located on the site the sign is located.

Outdoor Menu Board: an outdoor sign, associated with restaurants with drive-through windows, which provides patrons a detailed list of items available at a restaurant.

Outdoor Storage: the keeping, in an unroofed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty four (24) hours. Shall not include items indicated in the definition of junkyard.

Outline Lighting: an arrangement of incandescent lamps or electric-discharge lighting to outline or draw attention to certain features such as the shape of a building or the decoration of a window.

Overlay District: a set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying primary zone. Development within the overlay district must conform to the requirements of both underlying primary zone and the overlay district or the more restrictive of the two.

Owner: any person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest in a property or premises or who, by virtue of an existing legal relationship, have direct control over a property or premises.

Parasitic Sign: A non-exempt sign without a permit that is:

1. Attached to a permitted sign or
2. Affixed to a permanent supporting structure which is in addition to signs specifically designed for said supporting structure, or
3. Attached to a bollard, canopy support, or other rigid structure with a primary purpose other than the support of signage. (Ord 17-33; Add 09-29-17)

Parapet or Parapet Wall: that portion of a building wall that rises above the roof level.

Parcel: one or more tracts of land, which at the time of filing for a building permit, is designed by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

Parking Lot: an area, usually divided into individual spaces, intended for temporary parking of motor vehicles. The area may or may not be on the same lot as a primary structure.

Parking Space: a space for parking of automobiles which complies with the Engineering Design Standards.

Pedestrian Signs: a sign directed to pedestrians.

Pennant: any lightweight plastic, fabric, or other material, whether or not containing a message, suspended from a rope, wire, or string, usually in series.

Permanent Foundation: any structural system for transporting loads from a structure to the earth at a depth below the established frostline without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

Permanent Sign: a sign permanently attached to framing, or a sign with a support member at or below the frost line or attached to a building or other structure by direct attachment to a rigid wall, frame or structure.

Permitted Use: any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Persons: any individual, partnership, corporation, company, association or body politic including trustees, receivers, assignees or other representatives.

Petroleum Sales: establishments that provide for the retail sales of petroleum products.

Planned Unit Development (PUD): A procedure for planning a tract of land as a unit under single of unified ownership or control.

Pole sign: a freestanding sign wholly supported by one or more poles.

Political Signs: are signs that indicate or promote a political candidate, political issue, or political message.

Portable Sign: any sign not permanently attached to the ground or other permanent structure designed to be transported from structure to structure or site to site at periodic intervals. Portable signs include signs attached to or painted on vehicles, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are temporary signs.

Premises: a tract of land regarded as the smallest conveyable unit of real estate.

Principal Building: the building within which principal use of the parcel is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.

Private Garage: an attached or detached accessory building used for the storage of vehicles or equipment owned or operated by the residents of dwellings located on the lot on which it is located. A private garage shall not be used as a base for commercial activity unless otherwise permitted within these ordinances. (Ord 08-11; Rev 07-11-08)

Projecting Sign: any sign that is affixed at an angle or perpendicular to a wall of any building in such a manner as to be read either perpendicular or at an angle to the wall on which it is mounted.

Projection: is the distance by which a sign extends over public property or beyond the building line.

Public Event: any event authorized or acknowledged by the City of Watertown.

Public or Quasi-public Institutions or Services: facilities operated by a governmental entity that provide a public purpose or service including, but not limited to, a police station, court, fire station, training facilities, ambulance service, transit or transportation transfer station, library, community center, public recreation facility, or office.

Real Estate Sign: a sign placed upon property while the property is available for sale, lease, or rent. (Ord 17-33; Rev 09-29-17)

Reception or Event Venue: Site used for the arrangement of scheduled private or public events such as weddings, reunions, festivals, etc.

Recreation Facility a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business. (Ord 18-13; Rev 08-10-18)

Recreation Facility, Commercial: a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive and operated as a business and open to the public, fourteen (14) years of age and older. . (Ord 18-13; Rev 08-10-18)

Recreational Use: a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, including active or passive activities and open to the public (public parks, playgrounds, etc.) (Ord 19-08; Rev 08-10-19)

Recreational Vehicle: a motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for temporary recreational or emergency occupancy.

Reflecting Sign: any sign which returns light waves from its surface back toward the original light source.

Religious Institution: any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to: church, temple, synagogue and mosque.

Residential Sign: any sign located in a residential zoning district that contains no commercial message except advertising goods or services offered on the premises where the sign is located.

Restaurant: establishments providing food services to patrons where food and/or drink is ordered and consumed on premises, taken out, or delivered to customer's location.

Retail Establishment: establishment engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including, convenience stores, petroleum sales, repair shops, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services.

Roof Line: the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign: a sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall constitute any message placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Sanitary Landfills: method of waste disposal involving the dumping and daily covering of waste materials all in compliance with state regulations.

Screening: earth forms, walls, fences, plant material or other structures or devices intended to partially obscure, conceal or protect from off site view.

Section: a unit of a manufactured home at least ten (10) body feet in width and thirty (30) feet in length.

Service Establishments: establishments offering a wide range of personal services (laundry, hair care, etc.).

Service Station – Motor Vehicle: any building or premise which may provide for the retail sale of petroleum, oil, tires, batteries and accessories for motor vehicles and for certain services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, testing and adjusting of automotive parts. Spray paint operations or body repair is not permitted.

Setback: the required distance, as prescribed by ordinance, which must exist between any building, structure, or sign and a lot line.

Shopping Center: two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing parking areas, whether such stores or establishments occupy separate structures or are under separate ownership. Retail buildings of greater than one hundred thousand (100,000) square feet and designed for more than one tenant.

Sidewall Articulation: variation in the outward appearance of the wall forming the side of a structure. (Ord 17-12; Add 05-12-17)

Sign: any device situated outdoors or visible from the outdoors, that is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, commodity, product, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, athletic scoreboards or the official announcements or signs of government.

Sign Area: the total area or areas of all signs within the outer edges of the sign or advertising message.

Sign Structure: any structure which supports, has supported, or is capable of supporting a sign, including decorative cover**.**

Site Area Per Dwelling Unit: the site area per dwelling unit is the land area required by this ordinance to be provided for each dwelling unit in a building.

Small Wind Energy Conversion System (SWECS): a WECS facility with a single tower height of less than ninety (90) feet used primarily for on-site consumption of power. See graphic below:

Social Assistance Establishments: establishments providing social assistance services directly to individuals including, but not limited to: volunteer centers, senior citizen's centers, youth centers, etc.

Specific Use Office Building for the Area West of Highway 81, North of 12th Avenue North, and South of 14th Avenue North: a building designed with a single public entrance, exclusively housing one or more of the following practices: Architects and Engineers; Attorneys; Arbitrators; Mediators; Court-Appointed Advocates; Morticians/Funeral Directors; Physicians, Chiropractors, Optometrists, and Dentists; Public Accountants and Financial Planners; Bankers; Real Estate Brokers; Public Relations; Advertising Sales; Stock Brokers and Bonding Agents; Appraisers; Counselors; Insurance Agents; Insurance Adjusters and Investment Counselors; and Psychiatrists, Psychologists and therapists. See 21.7401 limitations. (Ord 02-11; Rev 01-19-03) (Ord 07-03; Rev 03-20-07) (Ord 09-10; Rev 07-11-09) (Ord 14-36; Rev 01-10-15)

Stables. Any premises or part thereon where horses or any equine animals are maintained, boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale.

Stand - Roadside: a structure for the display and sale of products with no space for customers within the structure itself.

Stealth: any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses,

including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

Storage Shops: A building(s) for personal use only as a storage facility. Each structure is allowed to have water and sewer utilities. Commercial uses and living quarters are prohibited. (Ord. 20-10; Rev 5-1-2020)

Storage Units: a building(s) for the storage of commercial or private goods and materials in individual units within a common structure, without water or sewer utilities.

Story: that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under floor space shall be considered as a story.

Story – First: the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or more than eight (8) feet below grade at any point.

Street: a public way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

1. **Arterial**: a principle traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal Highways and includes each street designated as an arterial street on the major street plan.
2. **Collector**: a street intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.
3. **Frontage:** a minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.
4. **Local:** a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.
5. **Marginal Access:** a street used only for access to a very limited number of lots.
6. **Private**: one that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.

Strip Mall: retail buildings of less than one hundred thousand (100,000) square feet and designed for more than one tenant.

Structure: anything constructed or erected with a fixed location on the ground or attached to or resting on something having a fixed location on or below the ground.

Structurally Altered (signs): any change in the support mechanism of a sign, including but not limited to, supports, braces, guys, and anchors.

Structure – Alterations: any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Subdivision: the division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (E-592-1)

Substantial improvement: any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which

are the minimum necessary to assure safe living conditions, or;

2. Any alteration of a "historic structure" (E-592-1) provided that the alteration will not preclude the structure's designation as a "historic structure."

Support System: a pad or a combination of footings, piers, caps, plates and shims, which, when properly installed, support the manufactured or mobile home.

Suspended Sign: a sign suspended from the underside of a horizontal plane surface and is supported by such surface.

Swimming pool: is a receptacle for water, or an artificial pool for water having a depth at any point of more than three feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment. (Ord 05-05; Rev 05-02-05)

System Height: the height above grade of the tallest point of the WECS, including the rotor radius.

Telecommunications Facilities: any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. Telecommunications facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or

2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Sign: any sign used for varying periods of time which is not permanently attached to the ground or other permanent structure and is readily removable and transportable. (Ord 17-33; Rev 09-29-17)

Theater: an establishment that is used for the showing of motion pictures, plays, dance or musical dramas.

Tower: a self-supporting lattice, guyed, or monopole structure constructed from grade which supports tele communications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Tower Height: the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Tract (of Land): a platted lot or a legally described portion of land.

Transitional Yard: area of vegetation that may be required within the required yard of lots or parcels where zoning uses (commercial, industrial, residential) abut one another. Every required transitional yard shall consist of a combination of grasses, shade trees, evergreen trees, shrubs, and appropriate screening devices such as walls, fences or berms. Areas not planted with shrubs trees or other appropriate screening devices shall be maintained with grass.

Transit Station: An area or building used for the transporting of people or goods by vehicle from one place to another. (Ord 20-10; Rev 5-1-2020)

Treatment Facility (Center): a facility that provides one or more persons with twenty four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home.

Truck/Bus Terminal: an area and building where buses, trucks and cargo are stored; where loading and unloading is carried on regularly; and where minor maintenance of these types of vehicles is performed.

Turbine: the parts of the WECS including the blades, generator and tail.

Unlawful Sign: a sign or sign structure which is unlawfully erected or is unlawful for reasons of inadequate maintenance, or abandonment.

Use: the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

1. **Accessory:** a subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use. This definition does not include Vertical Axis Wind Turbines.
2. **Principal (Primary):** main use of land or building as distinguished from a subordinate or accessory use.

Usable Open Space: land area and facilities specifically designated and developed for recreational or social activities of individuals or groups excluding required setback areas, in addition to those areas and facilities designated and developed for the private use of residents of individual dwelling units.

Utility: any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, cooperatively owned utility, and a public or municipal utility.

Variance: a modification or relief from the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be permitted.

Vertical axis wind turbine (VAWT): have the main rotor shaft arranged vertically and shall be used only for the purpose of generating power for the property on which the vertical axis wind turbine is located, or for the purpose of transmitting power to the electrical grid of an electric utility company through an approved interconnection.

VAWT's are either mounted on a tower, close to the ground, or directly on building roofs. See following graphics:

Veterinary Clinic: a commercial activity catering to the medical needs of animals.

Waiver-of-Right-to-Protest (WORTP): is a document that allows a landowner to defer installation of required infrastructure improvements in exchange for waiving their statutory right to protest such installation when required in the future.

Wall: any wall or element of a wall, or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign: a one-dimensional sign placed against a structure, fence or wall.

Warehouse: these service establishments operate storage facilities for general merchandise, refrigerated goods and other warehouse products.

Wholesale Merchandising: wholesalers either sell or arrange the purchase of goods to other businesses and normally operate from a warehouse or office.

Wind Energy Conversion System or WECS: is an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnections, battery banks and the like in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills or wind turbines.

Window Sign: any sign, picture, symbol, or combination thereof, designed to communicate information about a business activity, business, commodity event, sale or service, placed inside a window or upon the window.

Yard: the area within a lot, which consists of all the open and unoccupied space, unobstructed from the ground to the sky.

1. **Front:** a yard, unoccupied, extending across the full width of the lot, from the front line of the primary structure to the front lot line.
2. **Rear:** a yard, unoccupied except for accessory buildings, extending across the full width of the lot, from the rear line of the primary structure to the rear lot line.
3. **Side:** a yard, unoccupied except for accessory buildings, between the primary structure and the side lot and located between the primary structure's front and rear building lines.
4. **Required (Setback):** that unoccupied portion of a side, front or rear yard nearest the designated lot line and being the minimum width or depth required in the district in which it is located, unless otherwise specified in this ordinance.

Zoning District: a section of the City for which regulations governing the use of land, the construction and use of buildings and the occupancy of premises are hereby made.
(Ord 17-02; Rev 03-31-17)

Chapter 21.97
INTERPRETATION, ABROGATION AND SEVERABILITY

21.9701: INTERPRETATION, ABROGATION AND SEVERABILITY

(back to Title contents)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Chapter 21.98
CROSS-REFERENCES

21.9801: CROSS-REFERENCE

(back to Title contents)

Building Inspector, Bond 7.0903
Business Buildings Must Be Rat-Proof and Rat-Free 11.0502
Electrical Regulations .....Title 9
Plumbing .....Title 15
Gas Regulations .....Title 20
Utilities.....Title 20
Subdivision of Land .....Title 24

Chapter 21.99
PUNISHMENT

21.9901: PUNISHMENT

(back to Title contents)

Any person violating, omitting, disobeying, neglecting, or refusing to comply with any of the provisions of this title or any person who erects, alters, repairs or maintains any use, building or structure in violation of any requirement of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard or requirement established in connection with any building permit, variance or special use permit or other permit shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars ($200). Each day or portion thereof during which a violation of this title is committed, maintained or continued shall constitute a separate offense. The owner or tenant of any building, structure, premise or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, or assists in or maintains a violation of this title may each be found guilty of a separate offense and punished as provided herein. (E-299-2), (E-679)

In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (Ord 16-20; Rev 11-11-16)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-24 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

_____
Reid Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-17, Zoning Text Amendments to Chapter 21.80 Signs and Outdoor Advertising of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Ordinance amendments related to the Sign Code to create clarity for regulations that have caused issues for staff administration.

- Have sign permits be consistent with building permits to expire after one year from the date of permit issuance. If sign is not erected, a 6 month extension may be allowed after paying the full sign permit fee
- Signs are a significant investment that can take time to order and install and have the same seasonal constraints as building construction
- Include a max square footage for incidental signs
- Allow signs for subdivisions that have lots for sale
- Move Area Identification Signs from 21.8026 Signs Located in the Public Right-of-Way to Exempt Signs located on private property
- Allow Off-Premise Signs to be 300 SF as on-premise signs are allowed- currently only allowed 288 SF
- Remove Off-Premise Signs from Tables in 21.8027 as they are regulated separately under 21.8024
- Slight modifications to Chart
- Allow Roof Signs if Engineered Stamped Drawings are submitted
- Allow feather flags– one per 100 linear feet of frontage not to exceed six per property (consistent with temporary max amount of signs)
    - We have inquiries often on putting up a feather flag for signage. The main discussion in 2017 when these were prohibited was the excessive amount that property owners would put up due to their affordability and their non-permanent material makes for wear and tear and displeasing appearance
    - Businesses are able to advertise various sales and promotions by ordering feather flags at a more affordable cost. By restricting the amount of feather flags allowed will reduce unsightly or gaudy views

At the first reading, staff suggests not striking the existing sections stating "No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals" which was proposed to allow a conversion by a sign permit application. This language is suggested to be added back to 21.8017 13. This is to avoid loopholes and to have conversions be public knowledge in case there are vested interest in properties and sign placement for other parties. The Sign Code Board of Appeals will be referenced as the Board of Adjustment in the amended ordinance.

The Planning Commission recommended approval (5-0) at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:
N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:
No Action; First Reading

ATTACHMENT(S):
Illustration
Ordinance No. 24-17

ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-17

Chapter 21.80

SIGNS AND OUTDOOR ADVERTISING

Section (back to Title contents)

21.8001 Purpose
21.8002 Applicability
21.8003 Reserved
21.8004 Graphic Illustrations
21.8005 Administrative Official
21.8006 Reserved
21.8007 Sign Permits
21.8008 Sign Appeals
21.9009 Reserved
21.8010 Bond and License Required
21.8011 Design and Construction
21.8012 Maintenance of Signs
21.8013 Area and Height Regulations
21.8014 Exempt Signs
21.8015 Prohibited Signs
21.8016 Legally Nonconforming Signs
21.8017 Freestanding Signs
21.8018 Projection of Building Signs Permitted
21.8019 Limitations on Use of Temporary Signs
21.8020 Limitations on Use of Inflatable Signs
21.8021 Limitations on Use of Banners
21.8022 Regulation of Electronic Message Centers
21.8023 Regulation of Portable Signs
21.8024 Regulation of Off-Premise Signs
21.8025 Reserved
21.8026 Restrictions on Signs Located in the Public Right-of-Way
21.8027 Table 1 – Signs by Type and Zoning District
21.8028 Table 2 – Number, Dimensions and Location of Individual Signs and Maximum Total Sign Area by Zoning District
21.8029 Table 3 – Number and Dimensions of Certain Signs by Type

21.8001: PURPOSE

(back to Chapter contents)

The purpose of this chapter is to promote the general safety and welfare of the City by facilitating communication between people through establishment of a comprehensive system regulating signs in the City. The objectives of this code are:

1. To regulate signs which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes;
2. To encourage signs that are readable;
3. To control the number, size, location, and condition of signs;
4. To regulate signs to prevent the obstruction of vision or interference with pedestrian or vehicular traffic.
5. To minimize adverse effects of signs on public and private property;
6. To maintain and enhance the overall aesthetics of the community and ensure fair and consistent enforcement of this chapter.

21.8002: APPLICABILITY

(back to Chapter contents)

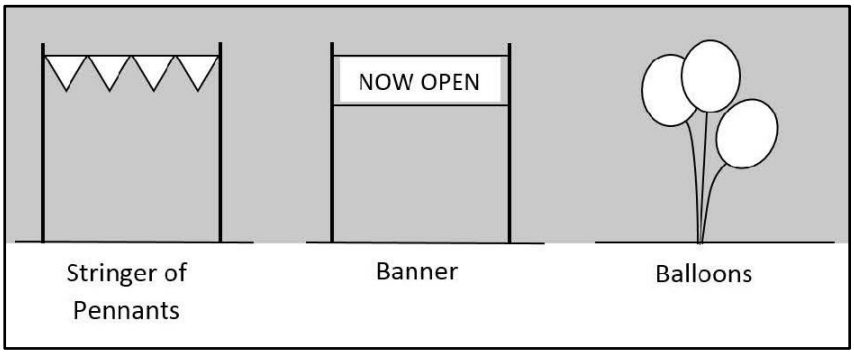
No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations

are applicable to all districts.

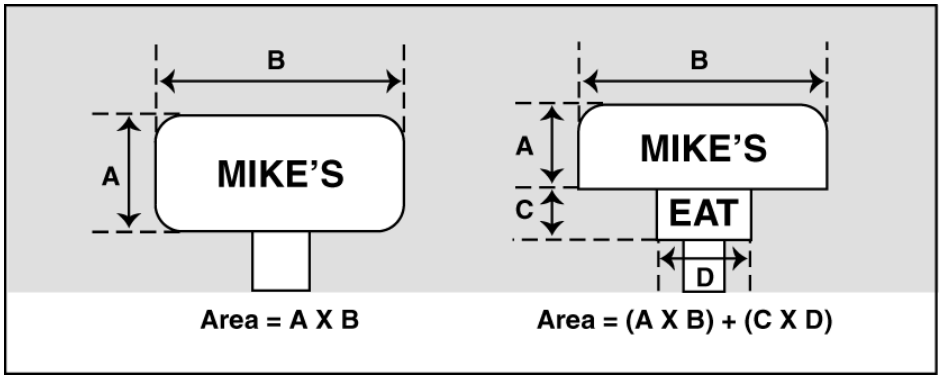
21.8003: RESERVED

21.8004: GRAPHIC ILLUSTRATIONS (back to Chapter contents)

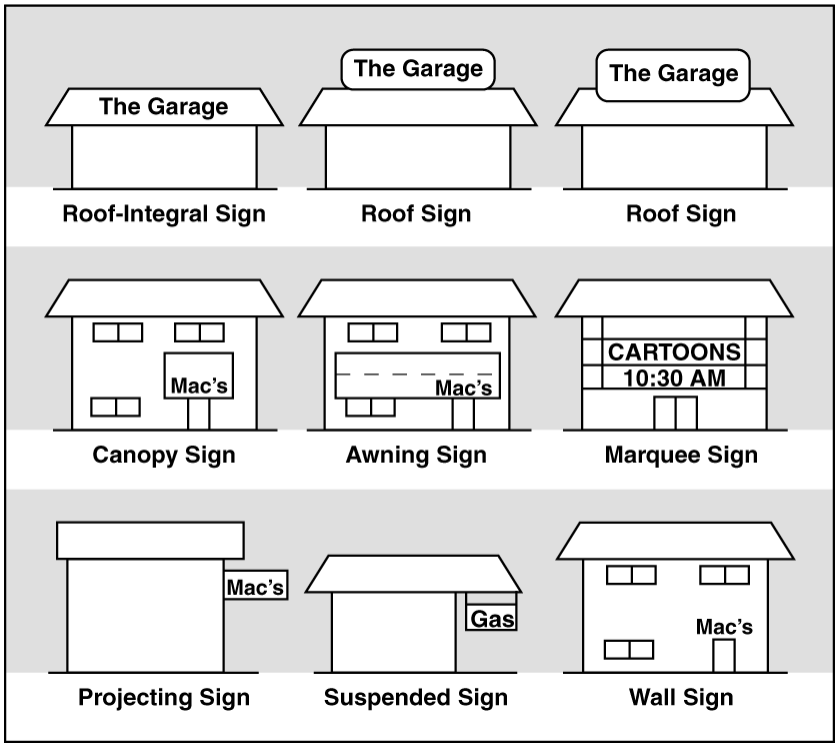
1. Examples of ~~Temporary~~ Signs (not all inclusive)



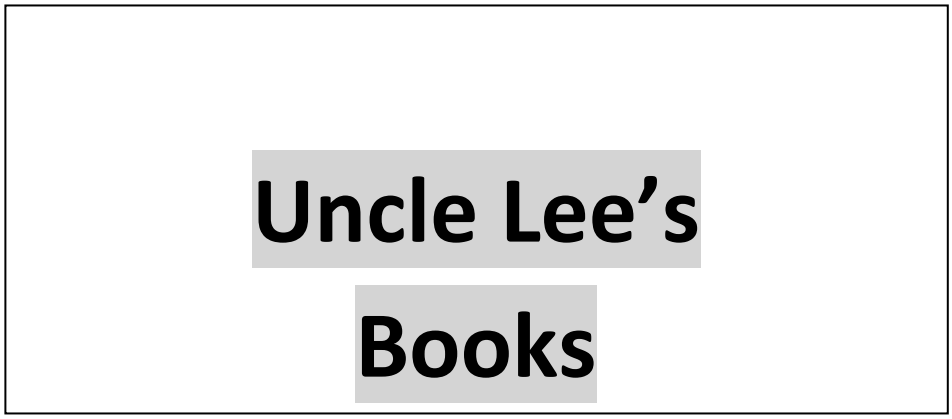
2. **Computation of Sign Area**



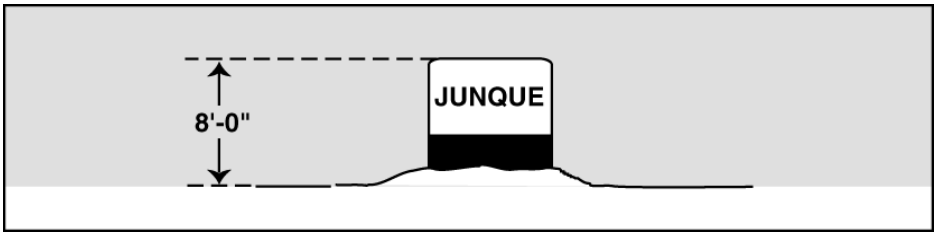
3. Building Identification Signs (not all inclusive)



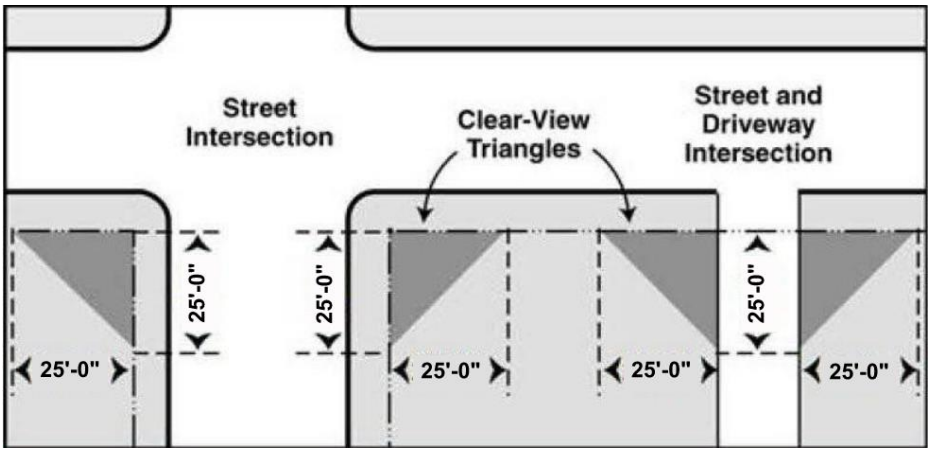
4. Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs



5. Height of Sign with Grade Mounting (See definition of Grade)



6. Clear View Triangle Area Intersection of Streets Intersection of Street and Driveway



21.8005: ADMINISTRATIVE OFFICIAL (back to Chapter contents)

1. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter. (Ord 17-33; Rev 09-29-17)

2. When necessary to make an inspection to enforce the provisions of this code, or when the Administrative Official has reasonable cause to believe a sign or a condition exists which is contrary to, or in violation of this code, the Administrative Official may enter the premises at a reasonable time to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Administrative Official shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Administrative Official shall resort to the remedies provided by law to secure entry.

3. This code shall not be construed to relieve or reduce the responsibility to any person owning, operating or controlling any sign or sign structure liability for any damages to persons or property caused by defects, nor shall the City be deemed to have assumed any liability by reason of any act or omission, including, but not limited to conducting any inspection authorized by this code or any permits issued under this code.

21.8007: SIGN PERMITS (back to Chapter contents)

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, reduce, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the Administrative Official.

2. ~~Permit Issued. Every~~ A sign permit shall be issued upon payment of the established fee, if ~~by~~ the Administrative Official is satisfied that the title has been complied with. Permit shall expire one year from the date of permit issuance. Incomplete construction without final inspection approval of a sign permit that has expired shall render the sign unlawful. ~~shall expire by limitation and become null and void if construction does not commence within sixty (60) days from date of permit issuance, and shall expire by limitation in one hundred twenty (120) days from the date of permit issuance~~. ~~For good cause,~~ The Administrative Official may review and consider extending the time of permit validity for an additional one hundred ~~twenty~~ eighty (180) days~~.~~ Any extension granted shall be accompanied by a fee equal to one-half (1/2) of the original permit fee paid to the City.

~~3.~~2. **Number of Signs.** Any permit issued may authorize one or more signs.

~~4.~~3. **Assignment of Sign Permits.** A current and valid permanent sign permit shall be freely assignable to a successor in interest to the property upon which such permanent sign was originally constructed.

~~5.~~4. **Permit Prohibited**. No permit shall be issued to any lot upon which there exists any illegal sign at the time of making permit application; however, a permit may be issued for both the removal of any illegal sign as well as for the erection of a legally conforming sign.

~~6.~~5. **Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body ~~from time to time~~ by resolution.

~~7.~~6. **Sign Permit Process.** The following procedure shall govern the application for, and issuance of, all sign permits under this chapter:

a. Permanent Signs (back to Chapter contents)

(1) All applications for the construction, creation, placement or installation of permanent signs or the modification, excluding the changing of the advertising message or copy of an existing permanent sign, must be accompanied by the following to enable permit issuance:

(a) Name and address of owner of the property upon which the sign is to be erected; name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;

(b) A detailed site plan showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways, size and type of existing signs on the property and other pertinent land and architectural features.

(c) An elevation drawing showing the total sign height above the adjacent grade.

(d) The total dimensions of the sign facing.

(e) The design features of the sign.

(f) The type of illumination or other characteristics of the sign (see 21.8027). (Ord 17-33; Rev 09-

29-17)

(g) Completed Sign Permit Application.

(2) A permitted sign shall be deemed perpetual, and shall not terminate unless:

(a) The sign has been abandoned as defined hereunder or;

(b) The business activity or identified entity which existed at the time the sign permit was issued is discontinued for a period of three hundred sixty-five (365) days or more or; (Ord 17-33; Rev 09-29-17)

(c) The type, size, height, location, or illumination is changed, altered or modified. (Ord 18-15; Rev 11-09-18)

~~8.~~7. Application Review

The Administrative Official shall review all sign permit applications and render a decision ~~on permit issuance as quickly as possible.~~within ten (10) business days of a complete application being submitted.

~~9.~~8. Removal of Signs

a. Subject to the following exceptions, upon determining any sign is unlawful, the Administrative Official shall prepare a written notice and order which shall describe the sign and specify the violation involved. The notice and order shall advise that if the sign is not removed or any violation not corrected within thirty (30) calendar days, the sign shall be removed in accordance with the provisions of this chapter with all costs for such removal to be assessed against the real property upon which such unlawful sign exists. Temporary, non-portable signs that are unlawful are not subject to the above process and may be summarily removed and deposited at City Hall by the Administrative Official or his/her designee in order to allow the owner of the sign to reclaim the same. (Ord 17-33; Rev 09-29-17)

b. Service of the notice and order shall be made upon the owner of the property as well as the owner of the sign by mailing such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their last known address. If no address is known, then a copy of the notice and order shall be sent via certified mailed, to the premises where the unlawful sign exists. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section.

c. Any person having an interest in the sign or the premises may appeal any determination or decision of the Administrative Official, by filling a written notice of appeal to the Administrative Official within thirty (30) days of receipt of the notice. In order for such notice of appeal to be valid, it shall be accompanied by all information required under this chapter to initiate an appeal with the ~~Sign Code Board of Appeals~~Board of Adjustment. Failure to appeal the notice and order within the time provided shall constitute a knowing and voluntary waiver of the right to appeal.

21.8008: SIGN APPEALS (back to Chapter contents)

1. The Board of Adjustment shall hear and decide appeals and decisions made by the administrative official under this chapter. (Ord 17-33; Add 09-29-17)

2. The appellant shall notify, by ~~certified~~ first-class mail, adjacent premises (excluding public and/or private right-of- ways) that an appeal is being made. For the purposes of this section, any property located within ~~one hundred~~two hundred fifty (250~~100~~) feet of the property line from the location upon which such appeal is being taken shall be deemed adjacent. Such letter shall be provided by the Administrative Official. (Ord 17-33; Rev 09-29-17)

21.9009: RESERVED

21.8010: BOND AND LICENSE REQUIRED (back to Chapter contents)

1. **Bonding Requirement**. No person shall engage in the business of sign or outdoor advertising in this City by erecting or maintaining or leasing to others ground signs, wall signs, marquee signs or projecting signs until such person shall have filed with the Finance Officer a bond in the sum of ten thousand dollars ($10,000) with sureties to be approved by the City Council, conditioned for the faithful observance of this chapter and to save and keep harmless this City from all damages, liabilities, losses or judgments that may be recovered against this City by reason of the negligent erection or maintenance of any such ground sign, projecting sign or marquee sign.

2. **License Required.**

a. No person shall engage in the business of sign or outdoor advertising by erecting or maintaining or

leasing to others ground signs, wall signs, projecting signs or marquee signs in this City without first having procured a license from the City Council to conduct such business. Application for a license shall be made on forms furnished by the Finance Officer and applicant shall file with the Finance Officer the application together with a certificate of standard form contractors public liability insurance, covering bodily injuries, including death, with limits of not less than two hundred fifty thousand dollars ($250,000) for each person and five hundred thousand dollars ($500,000) for each accident and covering property damage with limit of two hundred fifty thousand dollars ($250,000) for each accident. Such license shall not be transferable.

b. **Sign Installer's License:** The license fee for engaging in the commercial billboard or advertising board business by erecting or maintaining ground, wall or other signs on space suitable for billboard display or advertising and the letting of such space to others for a consideration, or the hanging of signs for others, shall be established by resolution of the City Council. Any license issued pursuant to this section shall expire on December 31 of the year of issuance. Signs that meet all of the following criteria do not require the services of a licensed sign installer; (1) a wall sign, (2) that is not self-illuminated, (3) that has a sign area of 32 square feet or less, and (4) that has a flat face. (Ord 12-23; Rev 09-14-12) (Ord 17- 33; Rev 09-29-17)

c. This section with reference to first year license fee shall not be applicable to any person who is regularly engaged in the business of sign installing or sign wiring in this City at the time of the effective date of this chapter.

21.8011: DESIGN AND CONSTRUCTION (back to Chapter contents)

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with the applicable provisions governing construction within and for the City, including but not limited to the International Building Code, National Electric Code, and South Dakota Administrative Rules (ARSD) 20:44:22. (Ord 17-33; Rev 09-29-17)

2. All permanent signs shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

3. Any sign installed with dimensions exceeding fifty (50) square feet and which requires weldments must be welded by a certified structural welder with minimum welder certification AWS: D1.1 structural steel vertical flat and horizontal up to three-quarters (¾) inch thick mild steel.

Electrical signs may be illuminated internally or externally as long as the lighting is directed away from the public right-of-way and adjacent residential areas and shall comply with regulations of brightness levels for electronic message centers.

21.8012: MAINTENANCE OF SIGNS (back to Chapter contents)

1. **Maintenance Required.** All signs and sign support structures, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of maintenance.

2. **Activities Considered Maintenance.** Maintenance shall include activities such as replacing of defective or damaged parts such as lamps, replacing ballast in freestanding signs, or replacing transformers in building identification signs; painting and/or repainting of the pole of freestanding signs or the cabinet of freestanding or building identification signs; replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim, and replacement of sign fasteners, nuts, and washers. A maintained sign structure shall have a sign face. Temporary removal of the sign cabinet for the installation of a new sign face is permitted and will not require that the sign be brought into conformance with this chapter.

3. **Items Not Considered Maintenance.** The following items are not considered maintenance and shall require any sign undergoing the following activities to conform with this chapter.

   a. Maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.

   b. Maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.

4. **Legally Established Nonconforming Permanent Signs.**
   a. Maintenance as defined herein and alterations, including change of the sign face and color, may be performed upon legally established nonconforming permanent signs.
   b. A legally established nonconforming permanent sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this chapter. A sign shall be brought into conformance with this chapter when it :
      (1) Is changed structurally as stated in Section 21.8012 above; or
      (2) Is damaged in excess of fifty percent (50%) of the replacement cost, established by a qualified appraiser; or
      (3) Is temporarily or permanently removed by any means, including an act of God, excluding the temporary removal for new face. If a sign is damaged by Act of God or other means, in the event of repair, the damaged sign shall be brought into compliance with the provisions of this ordinance. All other signs which remain on the property that was the site of such damage will be allowed to remain until such time as they are required to be replaced.
5. On and off-premise signs shall be removed from the building and property after the business or activity is terminated. However, the existing sign structures may be used to advertise the sale, lease, or rent of the property, provided that all advertising material related to the previous occupant is removed. (Ord 17-33; Rev 09-29-17)

21.8013: AREA AND HEIGHT REGULATIONS (back to Chapter contents)

Computations. The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
   a. The existing grade prior to construction
   b. The newly established grade after construction

21.8014: EXEMPT SIGNS (back to Chapter contents)

The following signs are required to conform with this chapter, but are not required to obtain a sign permit.

1. Any public notice or warning required by any federal, state or local law, regulation or ordinance.
2. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
3. Incidental signs not to exceed four square feet. (Ord 17-33; Rev 09-29-17)
4. Changing of advertising copy or message, painting, maintenance and/or repair of an existing lawful sign, provided no structural changes are made. (Ord 17-33; Rev 09-29-17)
5. Building Markers. (Ord 17-33; Rev 09-29-17)
6. Banners as defined herein. (Ord 17-33; Rev 09-29-17)
7. Window signs covering up to seventy five percent (75%) of the area per window;

~~8.~~ Identifying logos which do not advertise a product or service on municipally owned water storage reservoirs, when directed by the City Council.

8. Balloons with a diameter of less than twenty four (24) inches.

9. Feather flags are allowed one per one hundred (100) ~~square~~linear ~~foot~~feet of frontage not to exceed six (6) per property

10. Temporary signs unless placed in the boulevard. (See Section 21.8019(2))

~~Any traditional flag. (Ord 18-15; Rev 11-09-18)~~

11. "Neighborhood Identification Signs" which are used to identify residential subdivision neighborhood shall shall be limited to a maximum area of one hundred twenty (120) square feet and maintained by a Homeowners Association.

12. Signs, up to thirty-two (32) square feet, used to identify subdivisions involving three (3) acres or more are allowed to be displayed on the property for five (5) years from the date the plat was recorded. One sign per three acres shall be allowed (Ex. "Development Coming Soon", "Lots for Sale", et'

13. Outdoor menu boards

~~11.~~14. One-dimensional murals or art on a wall that do not convey a commercial message or company logo.

21.8015: PROHIBITED SIGNS (back to Chapter contents)

The following types of signs are expressly prohibited, except as otherwise provided by this code:

1. Signs with lighting that flashes or blinks; (Ord 17-33; Rev 09-29-17)
2. Any sign or portion of a sign which moves or assumes any motion constituting a nonstationary position, except barber poles and signs attached to or placed upon a motor vehicle;
3. Abandoned signs or unlawful signs;
4. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is actually and actively used in the regular course of a business; (Ord 17-33; Rev 09-29-17)
5. Search lights, streamer, twirling signs, sandwich board signs (except as provided for in Section 21.8014(16), sidewalk or curb signs, and balloons exceeding twenty four (24) inches in diameter~~, and inflated figures~~ shall not be used except when permitted for the opening of a new business, not to exceed fifteen (15) days; (Ord 17- 33; Rev 09-29-17)
6. ~~Flags, both feather type and traditional, that display an advertising message, except one traditional flag bearing a single corporate logo or emblem;~~ (Ord 17-33; Rev 09-29-17)
7. Roof signs unless Engineer-stamped plans are submitted that verify the roof sign will be installed to structurally withstand environmental loads~~;~~ Roof signs shall be regulated as wall signs if allowed. (Ord 17-33; Rev 09-29-17)
8. Signs depicting words or pictures of obscene or pornographic material, or any other matter not in keeping with the contemporary community standards; (Ord 17-33; Rev 09-29-17)
9. Signs that emit sound, odor, or visible matter;
10. Signs which are similar to traffic control signs or signals and which advertise words such as "Stop," "Go," "Danger," "Warning";
11. Signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;
12. Signs attached to trees, telephone poles, public benches, street lights, street signs or placed on any public property or public right-of-way.
13. Signs, with the exception of signs declared except per Section 21.8014(1) & (4) which are placed within or encroach upon the clear view triangle defined in this chapter; (Ord 17-33; Rev 09-29-17)
    a. On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points twenty (25~~0~~) feet from the intersection of such street right-of-way lines extended. See Section 21.8004 (6) for graphic illustration; (Ord 17-33; Rev 09-29-17)
    b. On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line

connecting points twenty (25~~0~~) feet from the intersection of the street right-of-way line and driveway. See Section 21.8004 (6) for graphic illustration; (Ord 17-33; Rev 09-29-17)

14. Off-premises wall signs, with the exception of historic signs in the C-1 Community Commercial zoning district.
15. Stringer of pennants; (Ord 17-33; Rev 09-29-17)
16. Flags containing a commercial advertising message; (Ord 17-33; Add 09-29-17)
17. Parasitic signs; and (Ord 17-33; Add 09-29-17)
18. Any sign that is located on a lot that at any time fails to meet the minimum lot area and width for its zoning district, as provided in Sections 21.1001 and 21.1003, regardless if there is a structure located on the lot~~.~~ (Ord 17-33; Add 09-29-17)

21.8016: LEGALLY NONCONFORMING SIGNS (back to Chapter contents)

Any sign existing upon the date of adoption of this chapter which does not conform to the provisions of this chapter shall be deemed a legal nonconforming sign and may remain except for:

1. Any abandoned sign;
2. Any sign declared unlawful by the Administrative Official; or any sign that does not comply with the provisions of this code or International Building Code (IBC) as well as all acts amendatory thereto. (Ord 04-16; Rev 05-16-14)
3. Any sign in which the type, size, height, or location is changed; (Ord 17-33; Rev 09-29-17)
4. Any sign which has been moved, removed, relocated or damaged by more than fifty percent (50%) of the value of the sign at the time of such damage;

21.8017: FREESTANDING SIGNS

Freestanding signs are regulated by 21.8028 Table 2. (back to Chapter contents)

1. Lots which are allowed more than one freestanding sign shall space each sign not less than fifty (50) feet apart. Minimum spacing is to be determined by measuring the closest distance between the two outermost points of each individual sign.
2. No freestanding sign shall be located within a clear view triangle.
3. Freestanding signs shall not employ any moving parts.

21.8018: PROJECTION OF BUILDING SIGNS PERMITTED (back to Chapter contents)

Projecting, awning, canopy, marquee and wall signs may project over public property where the building was constructed at/on the front property line except for State highway rights-of-way.

21.8019: LIMITATIONS ON USE OF TEMPORARY SIGNS

1. Temporary signs, excluding portable signs which are regulated in accordance with Section 21.8023, may be displayed on any lot under the following conditions:
   a. Temporary signs shall be readily movable and attached to the ground or another permanent structure;
   b. Temporary signs shall be constructed with a material capable of withstanding impacts, winds or blown snow;
   c. Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
   d. Temporary signs shall consist of a flat construction with a maximum of two display sides;
   e. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
   f. Additional Locations and Area Regulations are regulated by Table 21.8019.1.f.
   g. Table 21.8019 1.g describes the types of temporary signs allowed in certain zoning districts

TABLE 21.8019.l.f LOCATION AND AREA REGULATIONS

	All Zoning Districts

Minimum Distance from Edge of Right-of-Way (Front Yard Setback)		1’
Rear yard		Same as setback for accessory structures in underlying zoning district
Side yard		Same as setback for principal structures in underlying zoning district
Number of Signs on a Lot	(A) Maximum throughout year except as in (B)	One (1) plus one (1) per frontage
	(B) Maximum during the period sixty (60) days before and five (5) days after an election	6
Maximum Height		3’
Maximum Area per sign (a)		6 sq. ft.

(a) Banners, inflatable signs, and portable signs shall meet the maximum sign area of table 21.8019 1.g.

Table 21.8019.1.g REQUIREMENTS FOR CERTAIN TEMPORARY SIGNS

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
Banner (a)	2	24 SF/banner		2
Flag			8	2
Inflatable (b)	1	100		
Portable (c)	1	32		
All other types of Temporary signs	As in Table 21.8019.1.f			

(a) Permitted only in accordance with Section 21.80210
(b) Permitted only in accordance with Section 21.80201
(c) Permitted only in accordance with Section 21.8023

2. Temporary signs, excluding portable signs, banners, and inflatable signs may be displayed on the boulevard adjacent to or abutting any lot under the following conditions:
   a. Temporary signs may be placed in the boulevard in the C-1 Community Commercial District provided:
      (1) The location of the temporary sign is approved by the Building Official.
      (2) The sign remains on display to the public only during the hours of business operation
      (3) The sign shall not exceed ten (10) square feet in area.
   b. Temporary signs may only be placed in the boulevard in any other district provided:
      (1) The location of the temporary sign is approved by the Building Official.
      (2) The Building Official Administrative Official determines the temporary sign may not practicably be placed on the lot.
      (3) The sign remains on display to the public only during the hours of business operation
      (4) The sign shall not exceed ten (10) square feet in area.
      (5) Temporary signs shall be readily movable but mounted in a manner and constructed with metal or poly metal material to be capable of withstanding impacts, winds or blown snow;
      (6) Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
      (7) Temporary signs shall consist of a flat construction with a maximum of two display sides;
   c. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
   d. Additional Location and Area Regulations are regulated by Table 21.8019.2.d. (Ord 18-15; Add 11-09-

18)

TABLE 21.8019.2.d LOCATION AND AREA REGULATIONS

	All Zoning Districts except C-1 (See 21.8019(2)(a)
Maximum Distance from adjacent property line	As determined by Building Official
Number of Signs abutting or adjacent to any lot	1
Maximum Height	3’
Maximum Area per sign	6 sq ft

21.8020: LIMITATIONS ON USE OF INFLATABLE SIGNS (back to Chapter contents)

Inflatable signs, excluding balloons smaller than twenty four (24) inches in diameter, may be displayed under the following conditions:

1. They do not interfere with utility lines, antennas or towers.
2. No cabling, tie-downs or tether lines are located on or across public property.
3. They are not located in any airport approach zone.
4. Inflatable signs may be displayed on a lot for forty five (45) days per calendar year. A permit may be issued for fifteen (15) consecutive days with not less than thirty (30) calendar days between permit expiration and issuance of a new permit.

21.8021: LIMITATIONS ON USE OF BANNERS (back to Chapter contents)

1. Banners are allowed in commercial and industrial zoning districts, and only for institutional uses in residential zoning districts;
2. Banners are not permitted to be placed on any property that does not have a principle structure;
3. Banners may not be used for off-premise advertising
4. In the event a property has only one side which abuts a street or public way, one banner will be allowed provided said banner does not exceed twenty four (24) square feet.
5. In the event a property abuts two or more streets or public ways, no more than two (2) banners will be allowed and not more than one (1) banner will be allowed to face any such street or public way provided no banner exceeds twenty four (24) square feet.
6. In the event a property contains more than one building, only one banner will be allowed to face each street or public way.
7. In the event a property does not abut any street or public way, no banner will be allowed.
8. Any banner must be securely fastened to a building or secured to a permanent foundation minimally consisting of a four (4) inch nominal diameter post concreted in the ground to a depth of thirty (30) inches.

~~9. A banner may contain one greeting message and/or one commercial message. (Ord 08-09; Rev 06-12-08)~~

~~10.~~9. Shopping mall or strip malls shall be allowed one (1) banner per business.

21.8022: REGULATION OF ELECTRONIC MESSAGE CENTERS

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade scrolling, or traveling. However, sudden movement is prohibited, including but not limited to, blinking and flashing.
2. Where permitted, signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed by various modes, such as fade,

dissolve, scrolling, and traveling.

4. All electronic message centers shall come equipped with automatic dimming controls that automatically adjust the signs brightness in direct correlation with ambient light conditions.

5. No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a preset distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (E.g., using a twelve (12) square foot sign: Square root of (12x100) = 34.6 feet measuring distance.) (Ord 17-33; Add 9-29-17). The applicant, owner, or appropriate professional shall perform this test upon request of the ~~city~~Administrative Official and submit the findings within twenty (20) days of notice.

21.8023: REGULATION OF PORTABLE SIGNS (back to Chapter contents)

1. A property owner may display one (1) portable sign for a maximum of sixty (60) days per calendar year. Permits shall be issued for a maximum of fifteen (15) consecutive days; upon expiration of any permit period, the sign structure shall be removed from public view, and not less than forty five (45) days shall pass before a new permit may be issued at the same ~~location~~address. (Ord 15-16; Rev 07-10-15)

2. Portable signs are prohibited from being located within the right of way and within ten (10) feet of a curb. (Ord 17-33; Rev 09-29-17)

3. Portable signs shall be secured against overturning.

4. Prior to January 1, 2018, portable signs shall not exceed sixty (60) square feet. After January 1, 2018, portable sign structures shall not exceed thirty two (32) square feet. The transport structure (wheels and frame) is excluded from the allowed thirty two (32) square feet. (Ord 15-16; Add 07-10-15)

5. Portable signs must be set back twenty (20) feet from any abutting property line unless the owner of any such abutting properties consent in writing. (Ord 17-33; Rev 09-29-17)

6. Electric signs shall comply with all applicable sign code regulations, including any regulations of electronic message centers. (Ord 17-33; Rev 09-29-17)

7. Portable signs shall be separated by not less than two hundred (200) feet from any other portable sign. (Ord 17-33; Add 09-29-17)

8. Failure to obtain a portable sign permit before it is installed shall result in a doubling of the permit fee. (Ord 17-33; Add 09-29-17)

21.8024: ~~REGULATION OF~~ OFF-PREMISE~~S~~ SIGNS (BILLBOARDS) (move to 21.8017 and shift everything down so it is before Freestanding Signs)

Off-premise signs (billboards) are not regulated by Chapter 21.8028 Table 2. The ~~and~~ applicable~~-~~ regulations for off-premise signs are ~~exclusively~~ described below: (back to Chapter contents)

1. Off-premise signs are only allowed to be placed on property contiguous with the right-of-ways of: US Highway 212, US Highway 81, SD Highway 20, and Interstate 29 (I-29).

2. Signs will be allowed a maximum size of 300 square feet and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. (Ord 17-33; Rev 09-29-17)

3. Signs will be allowed a maximum height of 30 feet and a minimum height of 12 feet.

~~1.~~4. Off-premises ground signs shall have no more than one visible structural support or pole.

~~2.~~5. Off-premises sign support structure shall be of neutral, nonmetallic tone.

~~3. Off-premises signs shall be limited to two hundred eighty eight (288) square feet in size and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. (Ord 17-33; Rev 09-29-17)~~

~~4.~~6. Off-premise signs shall be located not nearer than five hundred (500) feet from any other off-premise sign. The distance between off-premise signs shall be measured from the two nearest points of each sign in all directions.

~~5.~~7. Off-premise signs shall have no more than two faces.

6.8. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another. and are not more than forty two (42) inches apart

7.9. Off-premises signs shall not be located within the any clear view triangle.

8.10. Off-premise signs shall be separated by not less than fifty (50) linear feet from any on-premises sign.

9.11. Off-premise sign permits shall not be issued for any property without the Administrative Official having first been provided written consent of the property owner or their agent.

10.12. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not emit lighting directly on any adjoining property, nor shall the source of illumination produce a glare clearly visible beyond a property line, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral.

11.13. No on-premise sign may be converted to an off-premise sign without approval of the Sign Code Board of Appeals submitting a sign permit application.

21.8025: RESERVED (back to Chapter contents)

21.8026: RESTRICTIONS ON SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY

No sign shall be erected in the public right-of-way except:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
2. Informational signs by a public utility regarding poles, lines, pipes or facilities.
3. Awning, canopy, marquee, projecting and suspended signs in conformity with all other applicable sections of this ordinance.
4. "Area Identification Signs" which are used to identify residential subdivisions or homeowners associations. Such signs shall be limited to a maximum area of one hundred (100) square feet. The Building Official shall refer all such applications to the City Council, which may impose conditions. Any decision by the City Council shall be final. (Ord 12-12; Add 05-11-12).

21.8027: TABLE 1 - SIGNS BY TYPE AND ZONING DISTRICT (back to Chapter contents)

Permitted Signs shall be allowed on private property in accordance with Table 1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by a "P" shall be allowed only if it conforms to all other applicable requirements of this ordinance.

SIGN TYPE	ZONING DISTRICTS								
	R1(h) R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Ground (Monument)	P	P	P	P	P	P	P	P	P
Pole	NP	NP	P	P	P	P	P	P	P
Off-Premises Sign	N	N	P	PN	P	N	P	P	N
BUILDING									
Canopy/Awning/Awning - Electric	N	P	P	P	P	P	P	N	P
Building Marker (b)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Identification (d)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marquee	N	N	P	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Suspended	N	N	P	P	P	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P

Window (i)	P	P	Y	Y	Y	P	P	P	N
~~Off-Premises Sign~~	~~N~~	~~N~~	~~P~~	~~N~~	~~P~~	~~N~~	~~P~~	~~P~~	~~N~~
MISCELLANEOUS									
Banner (d)	N	N	Y	Y	Y	Y	Y	N	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y	Y
Inflatable (c)	N	N	P	P	P	N	N	N	Y
Pennant	N	N	N	N	N	N	N	N	N
Portable (e)	N	N	P	P	P	P	P	N	Y
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y
CHARACTERISTICS									
Changeable Copy	P	P	P	P	P	P	P	N	P
Electronic Message Center	P	P	P	P	P	P	P	P	P
Illuminated – External (f)(g)	P	P	P	P	P	P	P	P	P
Illuminated-Internal(f)(g)	P	P	P	P	P	P	P	P	P
Indexing	N	N	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	P	N
Non-Illuminated	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reflective	N	N	Y	Y	Y	Y	Y	Y	N

Y=Allowed w/o sign permit P=Allowed only with sign permit N=Not allowed

(a) This column does not represent a zoning district. It applies to institutional, commercial and certain residential uses permitted in residential districts. Such uses include but are not limited to, hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes. Uses within the C-L Lake Commercial District shall be regulated as institutional.

(b) May include only building name, date of construction or historical data on historic site.

(c) Permitted only in accordance with Section 21.8011.20

(d) Permitted only in accordance with Section 21.8011.21
(e) Permitted only in accordance with Section 21.8011.23
(f) Any surface lighting involving motion shall be prohibited.
(g) Signs shall be illuminated so as not to emit lighting directly on any adjoining property. No sign shall include a source of illumination that produces glare clearly visible beyond a property line.
(h) Signage in a PUD will follow R-1 Single Family Residential District Regulations for residential uses and C-3 Highway Commercial District regulations for commercial uses, unless otherwise specified in the approved PUD Narrative.
~~(g)~~(i) Window signs covering more than 75% of the area per window shall be considered a wall sign and will be counted toward the maximum total sign area

TABLE	ZONING								
SIGN TYPE	R1 (n~~m~~)R 2 R2A	R 3 R4	C1	C2	C3 (n~~m~~)	BP	All I's (k)	AG	INS (a)
FREE									
Number Permitte	NA	NA		NA	NA	NA	NA		
		NA	NA	~~Business with up to~~ 150~~200~~' of Frontage; ~~over 200' of frontage is allowed~~	1 for each ~~Business with up to 200'~~ 150' of Frontage~~; over 200'~~	1 for each 500' of Frontage~~; over 500' of frontage is allowed one additional sign~~	1 for each ~~500'~~ 150' of Frontage~~; over 500' of frontage is allowed one additional sign~~	1 for each ~~500'~~ 450' of frontage; ~~over 500' of frontage~~	1 for each 200' Frontage; over 500' of frontage is
Setback From Right- of-	NA	NA	0	0	0	10	10	10	0
Maximum Area (Sq. Ft) (l)	NA	NA	1 SF for each 2 LF of Frontage Or 75 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less~~75~~	2 SF for each 1 LF of Frontage Or 300 SF whichever	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less
Maximum Height (Feet)	NA	NA	20 *b	20~~16~~ (~~*~~b)	Street (SF) of 1-50' = 20' SF of 51- (f)	Street Frontage (SF) of 1-50' =20' SF of 51-150'=25' SF Over 151' =30' (f)	Street Frontage (SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30' (b)(f)	20	20
Minimum Clearance	NA	NA	10	6	6	10	10	10	6
BUILDIN									
Area (Sq. Ft)	3	3	NA	NA	NA	NA	NA	NA	NA
Wall Area (%) (e)	NA	NA	15	10	20	~~7.5~~10	~~7.5~~10	10	10~~7.5~~
MAXIMUM TOTAL SIGN AREA									
Maximum Total SF -	16	16	400	~~200~~400	800 (p)	800	~~600~~800	750	200 (p)
Maximum Total SF For Lots With 2	NA	NA	600	~~300~~600	1000 (p)	1000	1,000~~N A~~	1,000	800 (p)

21.8028: TABLE 2 (ABOVE) - NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS AND MAXIMUM TOTAL SIGN AREA BY ZONING DISTRICT (back to Chapter contents) Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this table.

(a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes. In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for *f.

(b) No part of any sign shall protrude into the horizontal or vertical setback line.

(c) Lots with two or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on one frontage in excess of that allowed for lots with only one street frontage.

(d) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.

(e) An on-premises sign may have a maximum height of one hundred (100) feet if the sign is located within one thousand (1,000) feet of the center median of Interstate 29.

(f) Lots with buildings that function as malls or shopping centers and contain more than five (5) businesses shall be allowed fifty (50) square feet of additional signage for each additional business, over five (5) businesses, located within said building.

(g) Window signs shall not count toward ~~MAXIMUM TOTAL SIGN AREA.~~maximum total sign area, except for when more than 75% of the window is covered with signage the additional square footage in excess of 75% will be counted toward the maximum total sign area.

(h) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.

(i) Buildings in excess of 5 stories or 50’ in height may use 5% of identification signage on each wall and not count against maximum total sign area.

(j) Warehousing, packaging, and sales of fireworks uses may use allowable C-3 signage requirements. (Ord 20-05; Rev 2-28-20)

(k) City Identification/Welcome Signs that do not convey a commercial message and are located on municipally owned property are allowed one sign per frontage with no minimum frontage requirement, a maximum area of two thousand (2,000) square feet, and a maximum height of thirty (30) feet in any zoning district. (Ord 21-12; Rev 5-28-21)

(l) Off-premise signs, as described in section 21.8017~~24~~, do not count toward the maximum total sign area.

(m) Signage in a PUD will follow R-1 Single Family Residential District regulations for residential uses and C-3 Highway Commercial District regulations for commercial uses, unless otherwise specified in the approved PUD Narrative.

(n) Lots that do not meet the minimum frontage requirements and are legal non-conforming shall be allowed one sign per frontage as long as the rest of the provisions of Table 2 are complied with.

~~(k)~~(o) If a structure is over 40,000 SF in size, the maximum total sign area may be increased by 200 SF for each additional 20,000 SF. Ex. If a structure is 80,000 SF in the C-3 District, the maximum total sign area would be 1,400 SF.

1. In the case where two or more buildings reside on a lot with an identical legal description, the buildings will share in an apportioned amount of signage contingent upon the amount of building frontage.
2. Refer to Section 21.8024 for regulation of off-premise signs.
3. The existence of a legally nonconforming free-standing sign will not prohibit a sign permit being issued at the same location for a legally conforming wall (building) sign, however, if the square footage allotted to any property or applicant is exceeded for any reason, then the property or applicant is not eligible to make application for variance or conditional use for any additional signage. (Ord 07-17, Rev 06-15-07)

~~4. Religious Institutions will be allowed two (2) off-premise, directional, non-illuminated signs, which are not to exceed four (4) square feet and not placed in the right-of-way.~~

(back to Chapter contents)

21.8029: TABLE 3 - NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK	HORIZONTAL CLEARANCE FROM CURB (Ft)
BUILDING				
Awning (a)			8	2
Awning, Electric (a)			8	2
Building Marker	1 per building	4		
Canopy (a)			8	2
Identification	1 per building			
Marquee (a)			8	2
Projecting (b)	1 per bldg face	48	10	2
Roof				
Suspended	1 per entrance		8	
Wall (a)				

(a) Sign area for this sign shall be applied to the maximum allowable wall area from Table 2.
(b) One sign shall be permitted for each building face fronting a public street.
(Ord 08-09; Rev 06-12-08) (Ord 09-07; Rev 06-12-09) (Ord 18-15; Rev 11-09-18)

ORDINANCE NO. 24-17

AN ORDINANCE AMENDING CHAPTER 21.80 SIGNS AND OUTDOOR ADVERSTISING OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to the Signs and Outdoor Advertising of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.80 Administration and Enforcement of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.80

SIGNS AND OUTDOOR ADVERTISING

Section (back to Title contents)

21.8001 Purpose
21.8002 Applicability
21.8003 Reserved
21.8004 Graphic Illustrations
21.8005 Administrative Official
21.8006 Reserved
21.8007 Sign Permits
21.8008 Sign Appeals
21.9009 Reserved
21.8010 Bond and License Required
21.8011 Design and Construction
21.8012 Maintenance of Signs
21.8013 Area and Height Regulations
21.8014 Exempt Signs
21.8015 Prohibited Signs
21.8016 Legally Nonconforming Signs
21.8017 Regulation of Electronic Message Centers
21.8018 Freestanding Signs
21.8019 Projection of Building Signs Permitted
21.8020 Limitations on Use of Temporary Signs
21.8021 Limitations on Use of Inflatable Signs
21.8022 Limitations on Use of Banners
21.8023 Regulation of Electronic Message Centers
21.8024 Regulation of Portable Signs
21.8025 Reserved
21.8026 Restrictions on Signs Located in the Public Right-of-Way
21.8027 Table 1 – Signs by Type and Zoning District
21.8028 Table 2 – Number, Dimensions and Location of Individual Signs and Maximum Total Sign Area by Zoning District
21.8029 Table 3 – Number and Dimensions of Certain Signs by Type

21.8001: PURPOSE

(back to Chapter contents)

The purpose of this chapter is to promote the general safety and welfare of the City by facilitating communication between people through establishment of a comprehensive system regulating signs in the City. The objectives of this code are:

1. To regulate signs which aid orientation; identify activities; advertise or promote the interests of any person, product, or services; express local history and character; or serve educational purposes;

2. To encourage signs that are readable;
3. To control the number, size, location, and condition of signs;
4. To regulate signs to prevent the obstruction of vision or interference with pedestrian or vehicular traffic.
5. To minimize adverse effects of signs on public and private property;
6. To maintain and enhance the overall aesthetics of the community and ensure fair and consistent enforcement of this chapter.

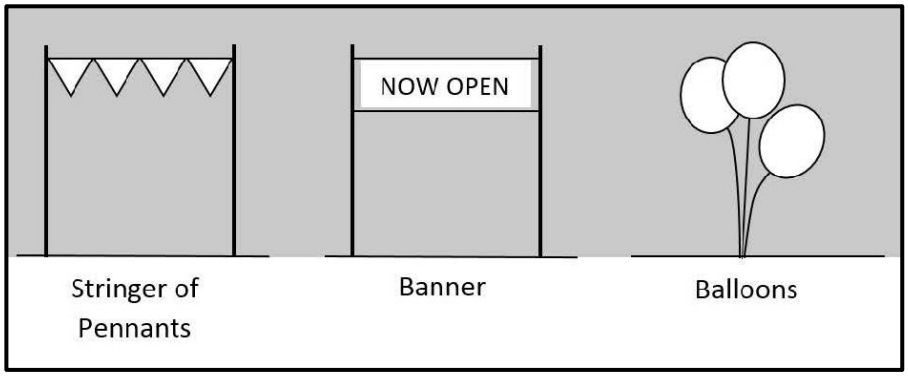
21.8002: APPLICABILITY (back to Chapter contents)

No sign regulated hereunder may be erected, placed, established, painted, created or maintained in the City unless it is in conformity with the standards, procedures, exceptions and other requirements of this chapter. These regulations are applicable to all districts.

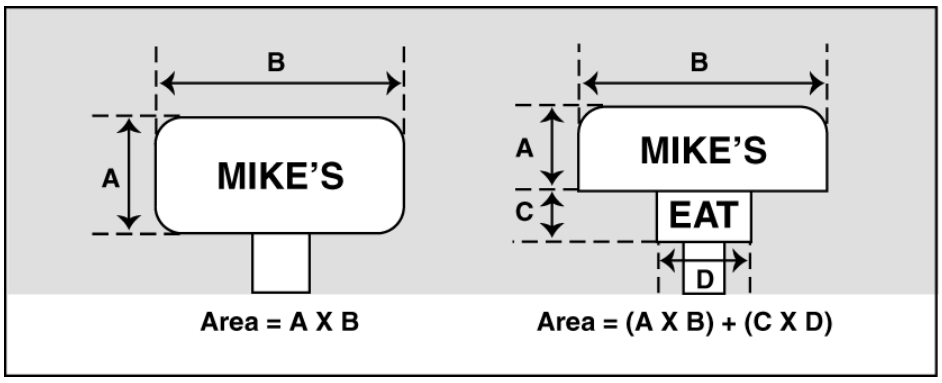
21.8003: RESERVED

21.8004: GRAPHIC ILLUSTRATIONS (back to Chapter contents)

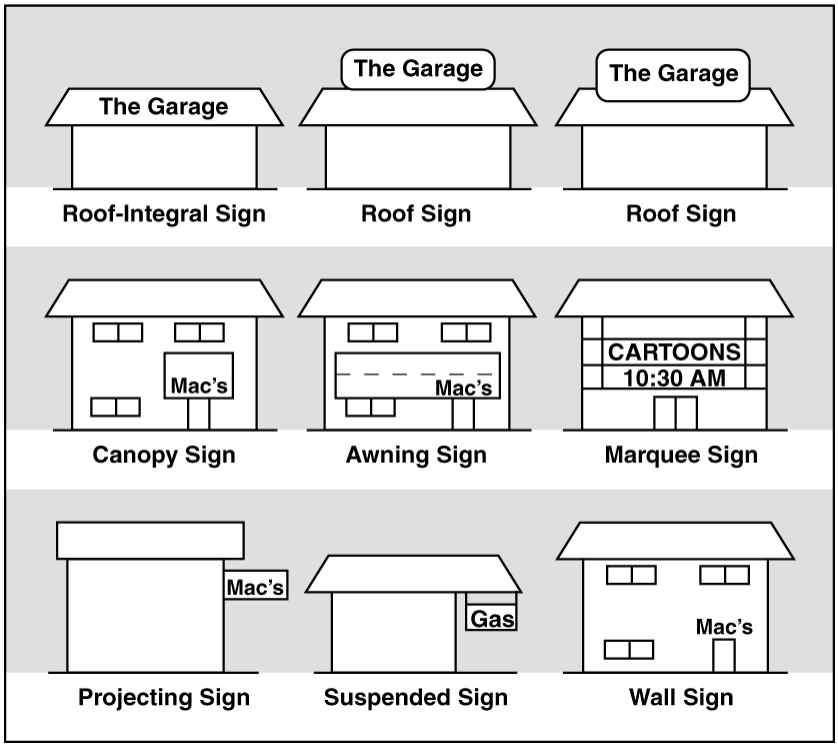
1. Examples of Signs (not all inclusive)



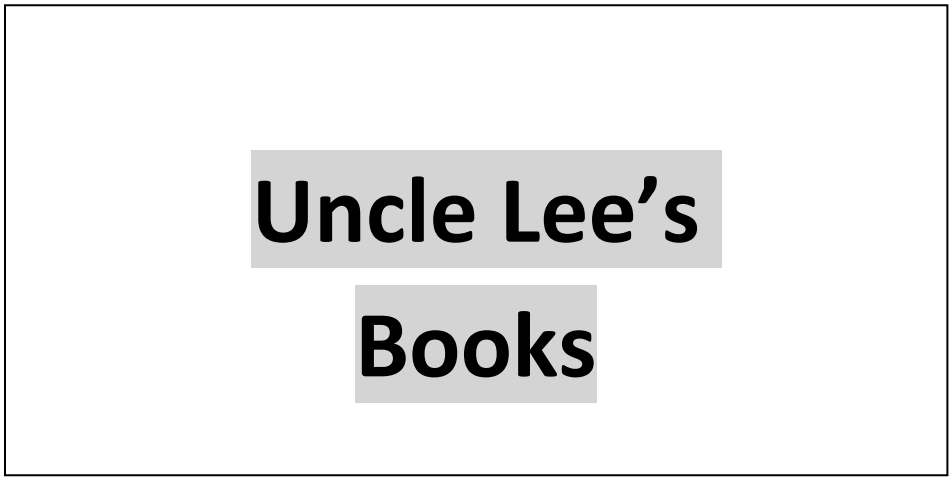
2. Computation of Sign Area



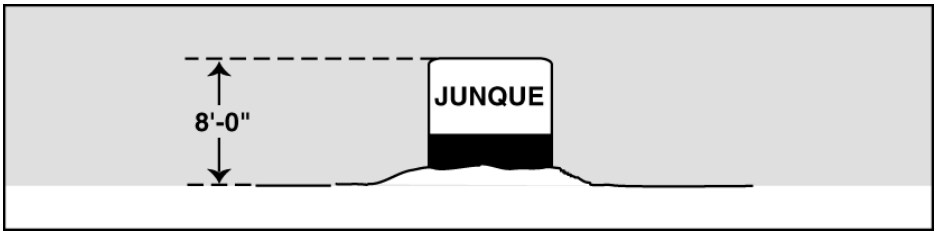
3. **Building Identification Signs (not all inclusive)**



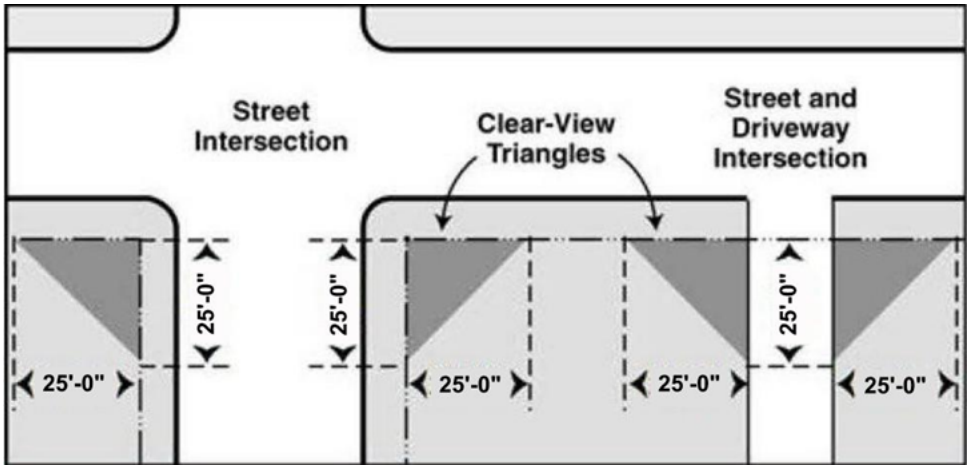
4. **Computation of Sign Area of Individual Signs of Individually Mounted Letters or Symbols and Awning and Canopy Signs**



5. **Height of Sign with Grade Mounting (See definition of Grade)**



6. Clear View Triangle Area Intersection of Streets Intersection of Street and Driveway



21.8005: ADMINISTRATIVE OFFICIAL (back to Chapter contents)

1. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter. (Ord 17-33; Rev 09-29-17)
2. When necessary to make an inspection to enforce the provisions of this code, or when the Administrative Official has reasonable cause to believe a sign or a condition exists which is contrary to, or in violation of this code, the Administrative Official may enter the premises at a reasonable time to inspect or to perform duties imposed by this code, provided credentials be presented to the occupant and entry requested, if premises are occupied. If premises are unoccupied, the Administrative Official shall make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the Administrative Official shall resort to the remedies provided by law to secure entry.
3. This code shall not be construed to relieve or reduce the responsibility to any person owning, operating or controlling any sign or sign structure liability for any damages to persons or property caused by defects, nor shall the City be deemed to have assumed any liability by reason of any act or omission, including, but not limited to conducting any inspection authorized by this code or any permits issued under this code.

21.8007: SIGN PERMITS (back to Chapter contents)

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, reduce, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the Administrative Official.
2. Permit Issued. A sign permit shall be issued upon payment of the established fee, if the Administrative Official is satisfied that the title has been complied with. Permit shall expire one year from the date of permit issuance. Incomplete construction without final inspection approval of a sign permit that has expired shall render the sign unlawful.. The Administrative Official may review and consider extending the time of permit validity for an additional one hundred eighty (180) days Any extension granted shall be accompanied by a fee equal to one-half (1/2) of the original permit fee paid to the City. **Number of Signs.** Any permit issued may authorize one or more signs.
3. **Assignment of Sign Permits.** A current and valid permanent sign permit shall be freely assignable to a successor in interest to the property upon which such permanent sign was originally constructed.
4. **Permit Prohibited**. No permit shall be issued to any lot upon which there exists any illegal sign at the time of making permit application; however, a permit may be issued for both the removal of any illegal sign as well as for the erection of a legally conforming sign.
5. **Fees.** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body by resolution.

6. **Sign Permit Process.** The following procedure shall govern the application for, and issuance of, all sign permits under this chapter:

   a. Permanent Signs (back to Chapter contents)

      (1) All applications for the construction, creation, placement or installation of permanent signs or the modification, excluding the changing of the advertising message or copy of an existing permanent sign, must be accompanied by the following to enable permit issuance:
         (a) Name and address of owner of the property upon which the sign is to be erected; name and address of the sign owner, and the name of the licensed sign contractor who will erect the permitted sign;
         (b) A detailed site plan showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways, size and type of existing signs on the property and other pertinent land and architectural features.
         (c) An elevation drawing showing the total sign height above the adjacent grade.
         (d) The total dimensions of the sign facing.
         (e) The design features of the sign.
         (f) The type of illumination or other characteristics of the sign (see 21.8027). (Ord 17-33; Rev 09-29-17)
         (g) Completed Sign Permit Application.

      (2) A permitted sign shall be deemed perpetual, and shall not terminate unless:
         (a) The sign has been abandoned as defined hereunder or;
         (b) The business activity or identified entity which existed at the time the sign permit was issued is discontinued for a period of three hundred sixty-five (365) days or more or; (Ord 17-33; Rev 09-29-17)
         (c) The type, size, height, location, or illumination is changed, altered or modified. (Ord 18-15; Rev 11-09-18)

7. **Application Review**

   The Administrative Official shall review all sign permit applications and render a decision within ten (10) business days of a complete application being submitted.

8. **Removal of Signs**

   a. Subject to the following exceptions, upon determining any sign is unlawful, the Administrative Official shall prepare a written notice and order which shall describe the sign and specify the violation involved. The notice and order shall advise that if the sign is not removed or any violation not corrected within thirty (30) calendar days, the sign shall be removed in accordance with the provisions of this chapter with all costs for such removal to be assessed against the real property upon which such unlawful sign exists. Temporary, non-portable signs that are unlawful are not subject to the above process and may be summarily removed and deposited at City Hall by the Administrative Official or his/her designee in order to allow the owner of the sign to reclaim the same. (Ord 17-33; Rev 09-29-17)

   b. Service of the notice and order shall be made upon the owner of the property as well as the owner of the sign by mailing such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their last known address. If no address is known, then a copy of the notice and order shall be sent via certified mailed, to the premises where the unlawful sign exists. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section.

   c. Any person having an interest in the sign or the premises may appeal any determination or decision of the Administrative Official, by filling a written notice of appeal to the Administrative Official within thirty (30) days of receipt of the notice. In order for such notice of appeal to be valid, it shall be accompanied by all information required under this chapter to initiate an appeal with the Board of Adjustment. Failure to appeal the notice and order within the time provided shall constitute a knowing and voluntary waiver of the right to appeal.

21.8008: SIGN APPEALS (back to Chapter contents)

1. The Board of Adjustment shall hear and decide appeals and decisions made by the administrative official under this chapter. (Ord 17-33; Add 09-29-17)

2. The appellant shall notify, by first-class mail, adjacent premises (excluding public and/or private right-of-ways) that an appeal is being made. For the purposes of this section, any property located within two hundred fifty

(250) feet of the property line from the location upon which such appeal is being taken shall be deemed adjacent. Such letter shall be provided by the Administrative Official. (Ord 17-33; Rev 09-29-17)

21.9009: RESERVED

21.8010: BOND AND LICENSE REQUIRED (back to Chapter contents)

1. **Bonding Requirement**. No person shall engage in the business of sign or outdoor advertising in this City by erecting or maintaining or leasing to others ground signs, wall signs, marquee signs or projecting signs until such person shall have filed with the Finance Officer a bond in the sum of ten thousand dollars ($10,000) with sureties to be approved by the City Council, conditioned for the faithful observance of this chapter and to save and keep harmless this City from all damages, liabilities, losses or judgments that may be recovered against this City by reason of the negligent erection or maintenance of any such ground sign, projecting sign or marquee sign.

2. **License Required.**
   a. No person shall engage in the business of sign or outdoor advertising by erecting or maintaining or leasing to others ground signs, wall signs, projecting signs or marquee signs in this City without first having procured a license from the City Council to conduct such business. Application for a license shall be made on forms furnished by the Finance Officer and applicant shall file with the Finance Officer the application together with a certificate of standard form contractors public liability insurance, covering bodily injuries, including death, with limits of not less than two hundred fifty thousand dollars ($250,000) for each person and five hundred thousand dollars ($500,000) for each accident and covering property damage with limit of two hundred fifty thousand dollars ($250,000) for each accident. Such license shall not be transferable.
   b. **Sign Installer's License:** The license fee for engaging in the commercial billboard or advertising board business by erecting or maintaining ground, wall or other signs on space suitable for billboard display or advertising and the letting of such space to others for a consideration, or the hanging of signs for others, shall be established by resolution of the City Council. Any license issued pursuant to this section shall expire on December 31 of the year of issuance. Signs that meet all of the following criteria do not require the services of a licensed sign installer; (1) a wall sign, (2) that is not self-illuminated, (3) that has a sign area of 32 square feet or less, and (4) that has a flat face. (Ord 12-23; Rev 09-14-12) (Ord 17-33; Rev 09-29-17)
   c. This section with reference to first year license fee shall not be applicable to any person who is regularly engaged in the business of sign installing or sign wiring in this City at the time of the effective date of this chapter.

21.8011: DESIGN AND CONSTRUCTION (back to Chapter contents)

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with the applicable provisions governing construction within and for the City, including but not limited to the International Building Code, National Electric Code, and South Dakota Administrative Rules (ARSD) 20:44:22. (Ord 17-33; Rev 09-29-17)
2. All permanent signs shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
3. Any sign installed with dimensions exceeding fifty (50) square feet and which requires weldments must be welded by a certified structural welder with minimum welder certification AWS: D1.1 structural steel vertical flat and horizontal up to three-quarters (¾) inch thick mild steel.

Electrical signs may be illuminated internally or externally as long as the lighting is directed away from the public right-of-way and adjacent residential areas and shall comply with regulations of brightness levels for electronic message centers.

21.8012: MAINTENANCE OF SIGNS (back to Chapter contents)

1. **Maintenance Required.** All signs and sign support structures, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a proper state of maintenance.
2. **Activities Considered Maintenance.** Maintenance shall include activities such as replacing of defective or damaged parts such as lamps, replacing ballast in freestanding signs, or replacing transformers in building identification signs; painting and/or repainting of the pole of freestanding signs or the cabinet of freestanding or building identification signs; replacing or repairing the sign face, including H-bars and retainers behind

the face, replacing trim, and replacement of sign fasteners, nuts, and washers. A maintained sign structure shall have a sign face. Temporary removal of the sign cabinet for the installation of a new sign face is permitted and will not require that the sign be brought into conformance with this chapter.

3. **Items Not Considered Maintenance.** The following items are not considered maintenance and shall require any sign undergoing the following activities to conform with this chapter.
   a. Maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.
   b. Maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.

4. **Legally Established Nonconforming Permanent Signs.**
   a. Maintenance as defined herein and alterations, including change of the sign face and color, may be performed upon legally established nonconforming permanent signs.
   b. A legally established nonconforming permanent sign may be restored, reconstructed, altered, or repaired only in conformance with the provisions of this chapter. A sign shall be brought into conformance with this chapter when it :
      (1) Is changed structurally as stated in Section 21.8012 above; or
      (2) Is damaged in excess of fifty percent (50%) of the replacement cost, established by a qualified appraiser; or
      (3) Is temporarily or permanently removed by any means, including an act of God, excluding the temporary removal for new face. If a sign is damaged by Act of God or other means, in the event of repair, the damaged sign shall be brought into compliance with the provisions of this ordinance. All other signs which remain on the property that was the site of such damage will be allowed to remain until such time as they are required to be replaced.

5. On and off-premise signs shall be removed from the building and property after the business or activity is terminated. However, the existing sign structures may be used to advertise the sale, lease, or rent of the property, provided that all advertising material related to the previous occupant is removed. (Ord 17-33; Rev 09-29-17)

21.8013: AREA AND HEIGHT REGULATIONS (back to Chapter contents)

Computations. The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
   a. The existing grade prior to construction
   b. The newly established grade after construction

21.8014: EXEMPT SIGNS (back to Chapter contents)

The following signs are required to conform with this chapter, but are not required to obtain a sign permit.

1. Any public notice or warning required by any federal, state or local law, regulation or ordinance.
2. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
3. Incidental signs not to exceed four square feet. (Ord 17-33; Rev 09-29-17)
4. Changing of advertising copy or message, painting, maintenance and/or repair of an existing lawful sign, provided no structural changes are made. (Ord 17-33; Rev 09-29-17)
5. Building Markers. (Ord 17-33; Rev 09-29-17)
6. Banners as defined herein. (Ord 17-33; Rev 09-29-17)
7. Window signs covering up to seventy five percent (75%) of the area per window;
8. Identifying logos which do not advertise a product or service on municipally owned water storage reservoirs, when directed by the City Council.Balloons with a diameter of less than twenty four (24) inches.
9. Feather flags are allowed one per one hundred (100) linear feet of frontage not to exceed six (6) per property
10. Temporary signs unless placed in the boulevard. (See Section 21.8019(2))
11. "Neighborhood Identification Signs" which are used to identify residential subdivision neighborhood shall shall be limited to a maximum area of one hundred twenty (120) square feet and maintained by a Homeowners Association.
12. Signs, up to thirty-two (32) square feet, used to identify subdivisions involving three (3) acres or more are allowed to be displayed on the property for five (5) years from the date the plat was recorded. One sign per three acres shall be allowed (Ex. "Development Coming Soon", "Lots for Sale", et'
13. Outdoor menu boards
14. One-dimensional murals or art on a wall that do not convey a commercial message or company logo.

21.8015: PROHIBITED SIGNS (back to Chapter contents)

The following types of signs are expressly prohibited, except as otherwise provided by this code:

1. Signs with lighting that flashes or blinks; (Ord 17-33; Rev 09-29-17)
2. Any sign or portion of a sign which moves or assumes any motion constituting a nonstationary position, except barber poles and signs attached to or placed upon a motor vehicle;
3. Abandoned signs or unlawful signs;
4. Any vehicle or trailer parking on public right-of-way, public property or private property so as to be visible from the public right-of-way and which displays an advertising message, unless said vehicle is actually and actively used in the regular course of a business; (Ord 17-33; Rev 09-29-17)
5. Search lights, streamer, twirling signs, sandwich board signs (except as provided for in Section 21.8014(16), sidewalk or curb signs, and balloons exceeding twenty four (24) inches in diameter shall not be used except when permitted for the opening of a new business, not to exceed fifteen (15) days; (Ord 17- 33; Rev 09-29-17)
6. (Ord 17-33; Rev 09-29-17)
7. Roof signs unless Engineer-stamped plans are submitted that verify the roof sign will be installed to structurally withstand environmental loads Roof signs shall be regulated as wall signs if allowed. (Ord 17-33; Rev 09-29-17)
8. Signs depicting words or pictures of obscene or pornographic material, or any other matter not in keeping with the contemporary community standards; (Ord 17-33; Rev 09-29-17)
9. Signs that emit sound, odor, or visible matter;
10. Signs which are similar to traffic control signs or signals and which advertise words such as "Stop," "Go," "Danger," "Warning";
11. Signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way;
12. Signs attached to trees, telephone poles, public benches, street lights, street signs or placed on any public property or public right-of-way.

13. Signs, with the exception of signs declared except per Section 21.8014(1) & (4) which are placed within or encroach upon the clear view triangle defined in this chapter; (Ord 17-33; Rev 09-29-17)
    a. On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points twenty (25) feet from the intersection of such street right-of-way lines extended. See Section 21.8004 (6) for graphic illustration; (Ord 17-33; Rev 09-29-17)
    b. On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line connecting points twenty (25) feet from the intersection of the street right-of-way line and driveway. See Section 21.8004 (6) for graphic illustration; (Ord 17-33; Rev 09-29-17)
14. Off-premises wall signs, with the exception of historic signs in the C-1 Community Commercial zoning district.
15. Stringer of pennants; (Ord 17-33; Rev 09-29-17)
16. Flags containing a commercial advertising message; (Ord 17-33; Add 09-29-17)
17. Parasitic signs; and (Ord 17-33; Add 09-29-17)
18. Any sign that is located on a lot that at any time fails to meet the minimum lot area and width for its zoning district, as provided in Sections 21.1001 and 21.1003, regardless if there is a structure located on the lot (Ord 17-33; Add 09-29-17)

21.8016: LEGALLY NONCONFORMING SIGNS (back to Chapter contents)

Any sign existing upon the date of adoption of this chapter which does not conform to the provisions of this chapter shall be deemed a legal nonconforming sign and may remain except for:

1. Any abandoned sign;
2. Any sign declared unlawful by the Administrative Official; or any sign that does not comply with the provisions of this code or International Building Code (IBC) as well as all acts amendatory thereto. (Ord 04-16; Rev 05-16-14)
3. Any sign in which the type, size, height, or location is changed; (Ord 17-33; Rev 09-29-17)
4. Any sign which has been moved, removed, relocated or damaged by more than fifty percent (50%) of the value of the sign at the time of such damage;

21.8017: OFF-PREMISE SIGNS (BILLBOARDS)

Off-premise signs (billboards) are not regulated by Chapter 21.8028 Table 2. Theapplicable regulations for off-premise signs are described below: (back to Chapter contents)

1. Off-premise signs are only allowed to be placed on property contiguous with the right-of-ways of: US Highway 212, US Highway 81, SD Highway 20, and Interstate 29 (I-29).
2. Signs will be allowed a maximum size of 300 square feet and shall not conflict with state or federal law. The provisions of this subsection shall not be deemed to apply to any federally designated right-of-way. (Ord 17-33; Rev 09-29-17)
3. Signs will be allowed a maximum height of 30 feet and a minimum height of 12 feet.
4. Off-premises ground signs shall have no more than one visible structural support or pole.
5. Off-premises sign support structure shall be of neutral, nonmetallic tone.
6. Off-premise signs shall be located not nearer than five hundred (500) feet from any other off-premise sign. The distance between off-premise signs shall be measured from the two nearest points of each sign in all directions.
7. Off-premise signs shall have no more than two faces.
8. The faces of off-premises signs shall be mounted parallel or up to a maximum of thirty (30) degrees between one another and are not more than forty two (42) inches apart
9. Off-premises signs shall not be located within theclear view triangle.
10. Off-premise signs shall be separated by not less than fifty (50) linear feet from any on-premises sign.
11. Off-premise sign permits shall not be issued for any property without the Administrative Official having

first been provided written consent of the property owner or their agent.

12. The light from any light source intended to illuminate an off-premises sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not emit lighting directly on any adjoining property, nor shall the source of illumination produce a glare clearly visible beyond a property line, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. Electrical service to all off-premises signs shall be provided an underground service lateral.
13. No on-premise sign may be converted to an off-premise sign without submitting a sign permit application.

21.8018: FREESTANDING SIGNS

Freestanding signs are regulated by 21.8028 Table 2. (back to Chapter contents)

1. Lots which are allowed more than one freestanding sign shall space each sign not less than fifty (50) feet apart. Minimum spacing is to be determined by measuring the closest distance between the two outermost points of each individual sign.
2. No freestanding sign shall be located within a clear view triangle.
3. Freestanding signs shall not employ any moving parts.

21.8019: PROJECTION OF BUILDING SIGNS PERMITTED (back to Chapter contents)

Projecting, awning, canopy, marquee and wall signs may project over public property where the building was constructed at/on the front property line except for State highway rights-of-way.

21.8020: LIMITATIONS ON USE OF TEMPORARY SIGNS

1. Temporary signs, excluding portable signs which are regulated in accordance with Section 21.8023, may be displayed on any lot under the following conditions:
   a. Temporary signs shall be readily movable and attached to the ground or another permanent structure;
   b. Temporary signs shall be constructed with a material capable of withstanding impacts, winds or blown snow;
   c. Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
   d. Temporary signs shall consist of a flat construction with a maximum of two display sides;
   e. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
   f. Additional Locations and Area Regulations are regulated by Table 21.8019.1.f.
   g. Table 21.8019 1.g describes the types of temporary signs allowed in certain zoning districts

TABLE 21.8019.l.f LOCATION AND AREA REGULATIONS

		All Zoning Districts
Minimum Distance from Edge of Right-of-Way (Front Yard Setback)		1’
Rear yard		Same as setback for accessory structures in underlying zoning district
Side yard		Same as setback for principal structures in underlying zoning district
Number of Signs on a Lot	(A) Maximum throughout year except as in (B)	One (1) plus one (1) per frontage
	(B) Maximum during the period sixty (60) days before and five (5) days after an election	6
Maximum Height		3’
Maximum Area per sign (a)		6 sq. ft.

(a) Banners, inflatable signs, and portable signs shall meet the maximum sign area of table 21.8019 1.g.

Table 21.8019.1.g REQUIREMENTS FOR CERTAIN TEMPORARY SIGNS

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK (Ft)	HORIZONTAL CLEARANCE FROM CURB (Ft)
Banner (a)	2	24 SF/banner		2
Flag			8	2
Inflatable (b)	1	100		
Portable (c)	1	32		
All other types of Temporary signs	As in Table 21.8019.1.f			

(a) Permitted only in accordance with Section 21.8021
(b) Permitted only in accordance with Section 21.8020
(c) Permitted only in accordance with Section 21.8023

2. Temporary signs, excluding portable signs, banners, and inflatable signs may be displayed on the boulevard adjacent to or abutting any lot under the following conditions:
   a. Temporary signs may be placed in the boulevard in the C-1 Community Commercial District provided:
      (1) The location of the temporary sign is approved by the Building Official.
      (2) The sign remains on display to the public only during the hours of business operation
      (3) The sign shall not exceed ten (10) square feet in area.
   b. Temporary signs may only be placed in the boulevard in any other district provided:
      (1) The location of the temporary sign is approved by the Building Official.
      (2) The Administrative Official determines the temporary sign may not practicably be placed on the lot.
      (3) The sign remains on display to the public only during the hours of business operation
      (4) The sign shall not exceed ten (10) square feet in area.
      (5) Temporary signs shall be readily movable but mounted in a manner and constructed with metal or poly metal material to be capable of withstanding impacts, winds or blown snow;
      (6) Temporary signs shall include print in which the print or font is clearly outlined with a clean border;
      (7) Temporary signs shall consist of a flat construction with a maximum of two display sides;
   c. Temporary signs shall not be placed within a required clear view triangle or a required parking area;
   d. Additional Location and Area Regulations are regulated by Table 21.8019.2.d. (Ord 18-15; Add 11-09-18)

TABLE 21.8019.2.d LOCATION AND AREA REGULATIONS

	All Zoning Districts except C-1 (See 21.8019(2)(a)
Maximum Distance from adjacent property line	As determined by Building Official
Number of Signs abutting or adjacent to any lot	1
Maximum Height	3’
Maximum Area per sign	6 sq ft

21.8021: LIMITATIONS ON USE OF INFLATABLE SIGNS (back to Chapter contents)

Inflatable signs, excluding balloons smaller than twenty four (24) inches in diameter, may be displayed under the following conditions:

1. They do not interfere with utility lines, antennas or towers.

2. No cabling, tie-downs or tether lines are located on or across public property.
3. They are not located in any airport approach zone.
4. Inflatable signs may be displayed on a lot for forty five (45) days per calendar year. A permit may be issued for fifteen (15) consecutive days with not less than thirty (30) calendar days between permit expiration and issuance of a new permit.

21.8022: LIMITATIONS ON USE OF BANNERS (back to Chapter contents)

1. Banners are allowed in commercial and industrial zoning districts, and only for institutional uses in residential zoning districts;
2. Banners are not permitted to be placed on any property that does not have a principle structure;
3. Banners may not be used for off-premise advertising
4. In the event a property has only one side which abuts a street or public way, one banner will be allowed provided said banner does not exceed twenty four (24) square feet.
5. In the event a property abuts two or more streets or public ways, no more than two (2) banners will be allowed and not more than one (1) banner will be allowed to face any such street or public way provided no banner exceeds twenty four (24) square feet.
6. In the event a property contains more than one building, only one banner will be allowed to face each street or public way.
7. In the event a property does not abut any street or public way, no banner will be allowed.
8. Any banner must be securely fastened to a building or secured to a permanent foundation minimally consisting of a four (4) inch nominal diameter post concreted in the ground to a depth of thirty (30) inches.
9. Shopping mall or strip malls shall be allowed one (1) banner per business.

21.8023: REGULATION OF ELECTRONIC MESSAGE CENTERS

1. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, dissolve, fade scrolling, or traveling. However, sudden movement is prohibited, including but not limited to, blinking and flashing.
2. Where permitted, signs may be, or may include as an individual component of the total sign area, electronic message signs.
3. Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes provided that messages and animation shall be displayed by various modes, such as fade, dissolve, scrolling, and traveling.
4. All electronic message centers shall come equipped with automatic dimming controls that automatically adjust the signs brightness in direct correlation with ambient light conditions.
5. No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a preset distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (E.g., using a twelve (12) square foot sign: Square root of (12x100) = 34.6 feet measuring distance.) (Ord 17-33; Add 9-29-17). The applicant, owner, or appropriate professional shall perform this test upon request of the Administrative Official and submit the findings within twenty (20) days of notice.

21.8024: REGULATION OF PORTABLE SIGNS (back to Chapter contents)

1. A property owner may display one (1) portable sign for a maximum of sixty (60) days per calendar year. Permits shall be issued for a maximum of fifteen (15) consecutive days; upon expiration of any permit period, the sign structure shall be removed from public view, and not less than forty five (45) days shall pass before a new permit may be issued at the same address. (Ord 15-16; Rev 07-10-15)
2. Portable signs are prohibited from being located within the right of way and within ten (10) feet of a curb. (Ord 17-33; Rev 09-29-17)
3. Portable signs shall be secured against overturning.
4. Prior to January 1, 2018, portable signs shall not exceed sixty (60) square feet. After January 1, 2018,

portable sign structures shall not exceed thirty two (32) square feet. The transport structure (wheels and frame) is excluded from the allowed thirty two (32) square feet. (Ord 15-16; Add07-10-15)

5. Portable signs must be set back twenty (20) feet from any abutting property line unless the owner of any such abutting properties consent in writing. (Ord 17-33; Rev 09-29-17)
6. Electric signs shall comply with all applicable sign code regulations, including any regulations of electronic message centers. (Ord 17-33; Rev 09-29-17)
7. Portable signs shall be separated by not less than two hundred (200) feet from any other portable sign. (Ord 17-33; Add 09-29-17)
8. Failure to obtain a portable sign permit before it is installed shall result in a doubling of the permit fee. (Ord 17-33; Add 09-29-17)

21.8025: RESERVED (back to Chapter contents)

21.8026: RESTRICTIONS ON SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY

No sign shall be erected in the public right-of-way except:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
2. Informational signs by a public utility regarding poles, lines, pipes or facilities.
3. Awning, canopy, marquee, projecting and suspended signs in conformity with all other applicable sections of this ordinance.

21.8027: TABLE 1 - SIGNS BY TYPE AND ZONING DISTRICT (back to Chapter contents)

Permitted Signs shall be allowed on private property in accordance with Table 1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by a "P" shall be allowed only if it conforms to all other applicable requirements of this ordinance.

SIGN TYPE	ZONING DISTRICTS								
	R1(h) R2 R2A	R3 R4 RG	C1	C2	C3	BP	All I's	AG	INS (a)
FREE STANDING									
Ground (Monument)	P	P	P	P	P	P	P	P	P
Pole	N	N	P	P	P	P	P	P	P
BUILDING									
Canopy/Awning/Awning - Electric	N	P	P	P	P	P	P	N	P
Building Marker (b)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Identification (d)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Marquee	N	N	P	P	P	N	N	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Suspended	N	N	P	P	P	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P
Window (i)	P	P	Y	Y	Y	P	P	P	N
MISCELLANEOUS									
Banner (d)	N	N	Y	Y	Y	Y	Y	N	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y	Y
Inflatable (c)	N	N	P	P	P	N	N	N	Y
Pennant	N	N	N	N	N	N	N	N	N
Portable (e)	N	N	P	P	P	P	P	N	Y
Temporary	Y	Y	Y	Y	Y	Y	Y	Y	Y
CHARACTERISTICS									

Changeable Copy	P	P	P	P	P	P	P	N	P
Electronic Message Center	P	P	P	P	P	P	P	P	P
Illuminated – External (f)(g)	P	P	P	P	P	P	P	P	P
Illuminated-Internal(f)(g)	P	P	P	P	P	P	P	P	P
Indexing	N	N	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	P	N
Non-Illuminated	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reflective	N	N	Y	Y	Y	Y	Y	Y	N

Y=Allowed w/o sign permit P=Allowed only with sign permit N=Not allowed

(a) This column does not represent a zoning district. It applies to institutional, commercial and certain residential uses permitted in residential districts. Such uses include but are not limited to, hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes.
(b) May include only building name, date of construction or historical data on historic site.
(c) Permitted only in accordance with Section 21.8011.20
(d) Permitted only in accordance with Section 21.8011.21
(e) Permitted only in accordance with Section 21.8011.23
(f) Any surface lighting involving motion shall be prohibited.
(g) Signs shall be illuminated so as not to emit lighting directly on any adjoining property. No sign shall include a source of illumination that produces glare clearly visible beyond a property line.
(h) Signage in a PUD will follow R-1 Single Family Residential District Regulations for residential uses and C-3 Highway Commercial District regulations for commercial uses, unless otherwise specified in the approved PUD Narrative.
(i) Window signs covering more than 75% of the area per window shall be considered a wall sign and will be counted toward the maximum total sign area

21.8028: TABLE 2 (ABOVE) - NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS AND MAXIMUM TOTAL SIGN AREA BY ZONING DISTRICT

Individual signs shall not exceed the maximum number or square footage nor encroach into the minimum setback shown on this table.

TABLE 2	ZONING DISTRICTS								
SIGN TYPE	R1 R2 R2A (n)	R3 R4 RG	C1	C2	C3 (n)	BP	All I's (k)	AG	INS (a)
FREESTANDING									
Number Permitted Per Lot	NA	NA	NA	1 for each 150' of Frontage	1 for each 150' of Frontage	1 for each	1 for each 150' of Frontage	1 for each 450' of frontage	1 for each 200' Frontage; over 500' of frontage is
Setback From Right- of-	NA	NA	0	0	0	10	10	10	0
Maximum Area (Sq. Ft) (l)	NA	NA	1 SF for each 2 LF of Frontage Or 75 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less	2 SF for each 1 LF of Frontage Or 300 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1.33 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of Frontage Or 200 SF whichever is Less	1 SF for each 2 LF of frontage or 150 SF whichever is Less
Maximum Height (Feet) (l)	NA	NA	20 *b	20 (b)	(SF) of 1-50' = 20' SF of 51-150' = 25' SF Over 151' = 30'	(SF) of 1-50' =20' SF of 51-150'=25' SF Over 151' =30'	20' SF of 51-150' = 25'	20	20
Minimum Clearance	NA	NA	10	6	6	10	10	10	6
BUILDING									
Area (Sq. Ft)	3	3	NA	NA	NA	NA	NA	NA	NA
Wall Area (%) (e)	NA	NA	15	10	20	10	10	10	10
MAXIMUM TOTAL SIGN AREA (g)(h)(j)(m)									
Maximum Total SF - Single	16	16	400	400	800 (p)	800	800	750	200 (p)
Maximum Total SF For Lots With 2 Or More Frontage	NA	NA	600	600	1000 (p)	1000	1,000	1,000	800 (p)

(a) This column does not represent a zoning district. It applies to institutional and certain residential uses permitted in residential districts. Such uses include hospitals, clinics, churches, schools, government buildings, libraries, museums, apartment complexes, and retirement homes. In no case shall the sign height exceed the setback distance from an adjacent residential district boundary line, except for *f.

(b) No part of anysign shall protrude into the horizontal or vertical setback line.

(c) Lots with two or more frontages shall be regulated according to Table 2. However, signage cannot be accumulated and used on one frontage in excess of that allowed for lots with only one street frontage.

(d) The percentage figure here shall mean the percentage of the area of the wall which such sign is a part of, attached to or most nearly parallel to.

(e) An on-premises sign may have a maximum height of one hundred (100) feet if the sign is located within one thousand (1,000) feet of the center median of Interstate 29.
(f) Lots with buildings that function as malls or shopping centers and contain more than five (5) businesses shall be allowed fifty (50) square feet of additional signage for each additional business, over five (5) businesses, located within said building.
(g) Window signs shall not count toward maximum total sign area, except for when more than 75% of the window is covered with signage the additional square footage in excess of 75% will be counted toward the maximum total sign area.
(h) A ground sign requires no minimum clearance but is prohibited within the clear view triangle.
(i) Buildings in excess of 5 stories or 50' in height may use 5% of identification signage on each wall and not count against maximum total sign area.
(j) Warehousing, packaging, and sales of fireworks uses may use allowable C-3 signage requirements. (Ord 20-05; Rev 2-28-20)
(k) City Identification/Welcome Signs that do not convey a commercial message and are located on municipally owned property are allowed one sign per frontage with no minimum frontage requirement, a maximum area of two thousand (2,000) square feet, and a maximum height of thirty (30) feet in any zoning district. (Ord 21-12; Rev 5-28-21)
(l) Off-premise signs, as described in section 21.8017, do not count toward the maximum total sign area.
(m) Signage in a PUD will follow R-1 Single Family Residential District regulations for residential uses and C-3 Highway Commercial District regulations for commercial uses, unless otherwise specified in the approved PUD Narrative.
(n) Lots that do not meet the minimum frontage requirements and are legal non-conforming shall be allowed one sign per frontage as long as the rest of the provisions of Table 2 are complied with.
(o) If a structure is over 40,000 SF in size, the maximum total sign area may be increased by 200 SF for each additional 20,000 SF. Ex. If a structure is 80,000 SF in the C-3 District, the maximum total sign area would be 1,400 SF.

1. In the case where two or more buildings reside on a lot with an identical legal description, the buildings will share in an apportioned amount of signage contingent upon the amount of building frontage.
2. Refer to Section 21.8024 for regulation of off-premise signs.
3. The existence of a legally nonconforming free-standing sign will not prohibit a sign permit being issued at the same location for a legally conforming wall (building) sign, however, if the square footage allotted to any property or applicant is exceeded for any reason, then the property or applicant is not eligible to make application for variance or conditional use for any additional signage. (Ord 07-17, Rev 06-15-07)

(back to Chapter contents)

21.8029: TABLE 3 - NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE

SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA (SF)	VERTICAL CLEARANCE FROM SIDEWALK	HORIZONTAL CLEARANCE FROM CURB (Ft)
BUILDING				
Awning (a)			8	2
Awning, Electric (a)			8	2
Building Marker	1 per building	4		
Canopy (a)			8	2
Identification	1 per building			
Marquee (a)			8	2
Projecting (b)	1 per bldg face	48	10	2
Roof				
Suspended	1 per entrance		8	
Wall (a)				

(a) Sign area for this sign shall be applied to the maximum allowable wall area from Table 2.
(b) One sign shall be permitted for each building face fronting a public street.
(Ord 08-09; Rev 06-12-08) (Ord 09-07; Rev 06-12-09) (Ord 18-15; Rev 11-09-18)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-17 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

_____
Reid Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-29, Zoning Text Amendments to Chapter 21.82 Home Occupations, Chapter 21.74 Specific Use Office Building, Chapter 21.75 Bed and Breakfast, Chapter 21.76 Campgrounds, Chapter 21.77 Wireless Telecommunications Towers, Chapter 21.78 Communal Living, and Chapter 21.79 Swimming Pools of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
The main proposed change is to allow an administrative process for home occupations to be approved by staff without the need to apply for a conditional use to be granted by the Board of Adjustment if all listed requirements are met. Swimming pools were previously regulated under Title 11 Heath as Chapter 11.09, however, there were site specific items that should be addressed in Title 21. The other amendments being made to the chapters included in Ordinance No. 24-29 are clerical and formatting revisions. There are no other substantial changes.

The Planning Commission recommended approval (5-0) to City Council at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:
N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:
No Action; First Reading

ATTACHMENT(S):
Illustration
Ordinance No. 24-29

Chapter 21.74
ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-29

Chapter 21.827~~0~~
HOME OCCUPATIONS ~~AND STANDARDS~~

Section (back to Title contents)

21.827~~9~~001 ~~Home Occupations~~Approval Required
21.827~~9~~002 ~~Home Occupation~~Special Permitted Use Provisions~~-Standards~~
21.827~~9~~003 Activities Not Covered

21.827~~9~~001: ~~HOME OCCUPATIONS~~APPROVAL REQUIRED (back to Chapter contents)

1. Home occupations may be a permitted use as accessory use to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.8202 of this ordinance.
2. Home occupations shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met and approve administratively. If the special use provisions are not met, a conditional use is required to be applied for to be acted on by the Board of Adjustment.

~~Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this ordinance. (Ord 04-04; Rev 03-26-04) (Ord 08-23; Rev 11-28-08) (Ord 10-34; Rev 01-13-11)~~

21.827~~9~~002: ~~HOME OCCUPATION~~ SPECIAL PERMITTED USE PROVISIONS ~~STANDARDS~~ (back to Chapter contents)

In addition to meeting the general accessory use standards of Section 21.1002 and all applicable standards or regulations of the zoning district in which it is located, each home occupation shall comply with the following standards:

1. Two documents to prove that the dwelling is the applicant's physical or primary residence (ex. Utility bill, rent receipt, homeowner's policy, etc.). A home occupation shall be allowed only for primary residences.

~~1.~~2. No home occupation may be operated in such a manner as to create offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties, or otherwise constitute a nuisance or safety hazard to adjacent persons or properties.

~~2.~~3. No outdoor storage of equipment or materials used in the home occupation shall be permitted.

~~3.~~4. No more than twenty five percent (25%) of the total floor area of a dwelling unit may be devoted to the home occupation. \~~However, child day care uses may occupythe entire dwelling unit.~~

~~4.~~5. No internal or external alteration which would change the basic character of the building as a residential dwelling unit shall be permitted.

~~5.~~6. No nonresident employee(s) may be employed on the premises at anytime.

~~6.~~7. No public display of goods shall be allowed on the premises except inside the principal building.

~~7.~~8. A permitted home occupation may be operated or maintained as an accessory use only in the principal building and/or attached garage as defined.

~~8.~~9. No exterior advertising other than a small announcement sign, not more than four hundred (400) square inches in area, mounted to the side of the structure shall be allowed. (Ord 04-04; Rev 03-26-04)

~~9.~~10. Any change in location of an existing home occupation shall be required to meet these regulations.

21.79003: ACTIVITIES NOT COVERED (back to Chapter contents)

Business activities in residential dwellings such as telecommuting—or those activities involving no outside sign; little or no increase in traffic; no offensive noise, odor, smoke, heat, vibration, electronic interference or other interference

Chapter 21.74

with the appropriate use and enjoyment of adjacent properties; no public display of goods associated with the activity; no safety hazard or nuisance; and with only occasional visits by members of the public to the home—shall not constitute home occupations as defined under this Title. (Ord 17-01; Add 03-03-17)~~LIMITATIONS ON~~ SPECIFIC USE OFFICE BUILDING

Section (back to Title contents)

21.7401 ~~Limitations on Specific Use Office Building~~Design Standards

21.7401: ~~LIMITATIONS ON SPECIFIC USE OFFICE BUILDING~~DESIGN STANDARDS

In addition to all other conditions, restrictions and requirements imposed on uses within the respective zoning district in which a conditional use for Specific Use Office Building is granted, the following limitations, requirements, recommendations and restrictions shall apply to any conditional use granted for a Specific Use Office Building. (Ord 09-10; Rev 07-11-09)

1. **Signage:** A non-illuminated sign affixed to the building is the preferred type of sign for a Specific Use Office Building. A non-illuminated ground or monument sign may also be considered.
2. **Hours of Operation:** Specific Use Office Buildings will normally not be open for business on weekends, and will have weekday business hours normally not exceeding seven o'clock (7:00) a.m. to six o'clock (6:00) p.m.
3. **Landscaping:** Specific Use Office Buildings shall, at a minimum, comply with the existing landscape ordinance. Prior to issuance of any building permit for a Specific Use Office Building, a landscape plan must be submitted and approved. The landscape plan will identify open space areas, plantings and location of natural and unnatural screening.
4. **Lighting:** Specific Use Buildings shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.
5. **Parking:** Specific Use Office Buildings shall comply with the parking requirements in Chapter 21.21. No customer parking shall be provided in the rear of any lot, nor shall access to customer parking be taken from any alley. (Ord 04-04; Rev 03-26-04)
6. **Accessory Structures:** Accessory structures or buildings, while not prohibited, are discouraged. Any permitted accessory structure shall utilize building materials and an architectural design consistent with the Specific Use Office Building.
7. **Exterior design**: Any Specific Use Office Building shall be designed and constructed in a manner consistent with the general characteristics of existing residential and commercial uses that adjoin it.
8. **Site Plan:** At the time of making application for a Specific Use Office Building conditional use, the applicant shall be required to submit a site plan which details:
    a. Ingress and egress to lot and structure;
    b. Parking for customers and employees;
    c. Landscaping
    d. Screening/Fencing, both natural and unnatural;
    e. Lighting
    f. Signage - type and location;
    g. Proposed exterior design (Ord 02-11; Rev 01-19-03)

Chapter 21.75
BED AND BREAKFAST

Section (back to Title contents)

21.7501 ~~Bed and Breakfast (B & B)~~Design Standards

21.7501: ~~BED AND BREAKFAST (B & B)~~DESIGN STANDARDS

Bed and Breakfasts should be located where there will be minimal impact on surrounding residential properties and should comply with the following conditions:

1. B & B's shall be limited to residential structures with an overall minimum of eighteen hundred (1,800) square feet of floor area. Preference will be given to structures with historic or other unique qualities.
2. They shall be in compliance with applicable state laws including registration with the South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
3. Accessory use signs shall be based on similar requirements for a home occupation permit and shall not be more than one (1) square foot in area.
4. Such uses shall be an incidental use within an owner occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
5. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the principal use. Off-site parking may be acceptable if permitted parking facilities are within five hundred (500) feet. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property.
6. The length of stay shall not exceed fourteen (14) days during any one hundred twenty (120) consecutive period.
7. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.
8. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and a floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with the application.

Chapter 21.76
CAMPGROUNDS

Section (back to Title contents)

21.7601 ~~Campgrounds~~Design Standards

21.7601: DESIGN STANDARDS~~CAMPGROUNDS~~

1. Each campsite shall contain at least two thousand (2,000) square feet.
2. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.
3. A side yard of fifty (50) feet and a front yard of one hundred (100) feet shall be maintained on the campground; provided, however, that the one hundred (100) foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of two hundred (200) feet or more.
4. Campgrounds are exempt from the requirement that loading areas, parking bays, and access drives shall be hard-surfaced with asphalt or concrete. Crushed concrete, recycled asphalt, or a similar all weather surface material as approved by the City Engineer are allowed for access drives in campgrounds.
5. The access drive within the public right of way from the public street to the private property shall be paved or surfaced in a similar manner to the adjacent public roads and shall be approved by the City.
6. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.
7. Campsites shall only be occupied by any one individual for temporary/seasonal stays, and no individual's occupancy at a campground shall exceed one hundred and eighty (180) days in any one calendar year.
8. One dwelling unit shall be permitted as the campground attendant/supervisor living quarters. The dwelling unit shall not be a manufactured home or mobile home.
9. No manufactured homes or mobile homes shall be located in campgrounds.
10. Screening shall be provided when a campsite is within 75 feet from the property line of an adjacent residentially zoned property. A minimum six foot fence or vegetative buffer with substantial size as approved by the Community Development Manager shall be utilized for screening a campground.
11. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to any city official upon request.

Source: (Ord 20-06; Rev 3-13-20) (Ord 23-22; Rev 10-13-23) (Ord 23-22; Add 10-13-23)

Chapter 21.77
WIRELESS TELECOMMUNICATIONS TOWERS

Section (back to Title contents)

21.7701 Permit Approval
21.7702 Purposes
21.7703 Reserved
21.7704 Development of Towers
21.7705 Setbacks
21.7706 Structural Requirements
21.7707 Separation or Buffer Requirements
21.7708 Method of Determining Tower Height
21.7709 Illumination
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21.7712 Telecommunications Facilities on Antenna Support Structures
21.7713 Modification of Towers
21.7714 Certifications and Inspections
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21.7716 Criteria for Site Development Modifications
21.7717 Abandonment
21.7718 Conflicts (Repeal of Ordinances)

21.7701: PERMIT APPROVAL

(back to Chapter contents)

1. The Board of Adjustment or Administrative Official shall approve or deny an application for co-location within ninety (90) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
2. The Board of Adjustment or Administrative Official shall approve or deny an application for a new wireless telecommunications facility within one hundred fifty (150) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
3. The Board of Adjustment or Administrative Official may not deny the application on the basis that a competing provider already provides coverage.

21.7702: PURPOSES

(back to Chapter contents)

The general purpose of this ordinance is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this ordinance are:

1. To regulate the location of towers and telecommunications facilities in the City;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

7. To ensure that towers and telecommunications Facilities are compatible with surrounding land uses.

21.7703: RESERVED

21.7704: DEVELOPMENT OF TOWERS (back to Chapter contents)

1. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred fifty (150) feet. Towers may be permitted in excess of one hundred fifty (150) feet in accordance with "Criteria for Site Plan Development Modifications."
2. Each tower construction application must comply with 14 CFR Part 77.9 Construction or alteration requiring notice. For a tower application that requires notice, authorization for construction will not be permitted until approved by the FAA. The applicant for tower construction shall submit their tower for air spacing on the approved FAA website.
3. If a proposed tower application meets the requirements outlined in 14 CFR Part 77.11 Obstruction Standards, the application for construction will not be approved.
4. An Application to develop a tower shall include:
   a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
   b. The legal description and address of the parcel of land upon which the tower is situated.
   c. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including city owned property.
   d. A description of the design plan proposed by the applicant in the City. Applicant must identify its utilization of the most recent technological design. The applicant must demonstrate the need for towers and why design alternatives cannot be utilized to accomplish the provision of the applicant's telecommunications services.
   e. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on City owned towers or usable antenna support structures located within a one-half (½) mile radius of the proposed tower site.
   f. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half (½) mile radius of the proposed tower site. In the event that one reason for the unsuccessful efforts to install or collocate is that fees to be charged are not commercially reasonable, an explanation shall be provided why said charges are commercially unreasonable.
   g. Written evidence that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within one-half (½) mile radius of the proposed tower site.
   h. A written statement from an Engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.
   i. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in, "Structural Requirements," of this ordinance.
   j. Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the ~~Building Official~~ Administrative Official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
   k. The FCC has sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support

structures. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.

l. No application shall be accepted from landowners or on property on which there are current or past unresolved violations outstanding.

6. The Board of Adjustment may require an applicant to supplement any information that the Board considers inadequate or that the applicant has failed to supply. The Board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the City in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

21.7705: SETBACKS (back to Chapter contents)

1. All towers up to one hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of tower height in excess of one hundred (100) feet.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
3. Setback requirements may be modified when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.
4. Setback requirements contained in Section 21.7707, Separation or Buffer Requirements, may be modified, as provided in, when placement of a tower can be shown through sufficient design criteria to negate the need for the setback requirements contained herein, such that the dangers from a failure are eliminated. This section shall not apply to setbacks required in Section 21.7707(1).

21.7706: STRUCTURAL REQUIREMENTS (back to Chapter contents)

All towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other standards outlined in this ordinance.

21.7707: SEPARATION OR BUFFER REQUIREMENTS (back to Chapter contents)

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of City jurisdictional boundaries.

1. Towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.
2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:
   a. Monopole tower structures shall be separated from all other towers, whether monopole, self supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet.
   b. Self supporting lattice or guyed tower structures shall be separated from all other self supporting or guyed towers by a minimum of fifteen hundred (1,500) feet.
   c. Self supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of seven hundred fifty (750) feet.

21.7708: METHOD OF DETERMINING TOWER HEIGHT (back to Chapter contents)

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty (20) feet over the top of the tower structure itself. Tower height shall be measured from grade.

21.7709: ILLUMINATION (back to Chapter contents)

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent (300%) of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

21.7710: EXTERIOR FINISH (back to Chapter contents)

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Administrative Official.

21.7711: LANDSCAPING (back to Chapter contents)

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The City may require landscaping in excess of the requirements in the City Code in order to enhance compatibility with adjacent land uses. Landscaping may be required to be installed on the outside of any fencing.

(back to Chapter contents)

21.7712: TELECOMMUNICATIONS FACILITIES ON ANTENNA SUPPORT STRUCTURES

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the zoning administrator, establish the following at the time plans are submitted for a building permit:

1. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet;
2. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City.

21.7713: MODIFICATION OF TOWERS (back to Chapter contents)

1. A tower existing prior to the effective date of this ordinance, which was in compliance with the City's zoning regulations immediately prior to the effective date of this ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this section, except for Sections, "Separation or Buffer Requirements" , "Certification and Inspections" and "Maintenance," provided:
   a. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
   b. An application for a permit is made to the Administrative Official who shall have the authority to issue the permit without further approval.
   c. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this ordinance.
2. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than three hundred sixty five (365) days. This ordinance shall not be interpreted to legalize any structure or use existing at the time this ordinance is adopted which structure or use is in violation of the code prior to enactment of this ordinance.

21.7714: CERTIFICATIONS AND INSPECTIONS (back to Chapter contents)

1. The tower owner may be required by the City to submit certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

2. The City or its agents shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City code and federal and state law.

3. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

21.7715: MAINTENANCE (back to Chapter contents)

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of all federal, state, and local regulations, and in such manner that will not interfere with the use of other property.

3. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

4. All towers shall maintain compliance with current RF emission standards of the FCC.

5. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. (Ord 04-04; Rev 03-26-04)

21.7716: CRITERIA FOR SITE PLAN DEVELOPMENT MODIFICATIONS (back to Chapter contents)

Notwithstanding the tower requirements provided in this ordinance, a modification to the requirements may be approved by the Board of Adjustment as a conditional use in accordance with Chapter 21.02 and the following:

1. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.

2. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.

3. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an Engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

4. The Administrative Official may require the application to be reviewed by an independent Engineer at the expense of the applicant to determine whether the antenna study supports the basis for the modification requested.

21.7717: ABANDONMENT (back to Chapter contents)

1. If any tower shall cease to be used for a period of three hundred sixty five (365) consecutive days, the Administrative Official shall notify the Owner by certified mail that the site has been inspected and determined to be abandoned.

2. The Owner shall have thirty (30) days from the receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period.

3. If the Owner fails to show that the tower has been in use or under repair during the period, the Administrative Official shall issue a final determination of abandonment for the site.

4. Upon issuance of the final determination of abandonment, the Owner shall, within seventy five (75) days, dismantle and remove the tower.

21.7718: CONFLICTS (REPEAL OF ORDINANCES) (back to Chapter contents)

That all ordinances or parts of ordinances in conflict herewith are hereby repealed. (99-2)

Chapter 21.78
~~LIMITATIONS ON~~ COMMUNAL LIVING

Section (back to Title contents)

21.7801 ~~Limitations on Communal Living~~Design Standards

21.7801: ~~LIMITATIONS ON COMMUNAL LIVING~~ DESIGN STANDARDS

(back to Chapter contents)

In addition to all other conditions, restrictions, and requirements imposed on uses within the respective zoning district in which a conditional use for Communal Living is granted, the following limitations, requirements, recommendations, and restrictions shall apply to any conditional use granted for a Communal Living building.

1. **Lighting:** Communal Living structures shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.
2. **Parking:** Communal Living buildings shall comply with the parking requirements in Chapter 21.63.
3. **Location:** Property shall not be adjacent to R-1 Single Family Residential Properties. Adequate on-street parking for guests will be reviewed.
4. **Site Plan:** At the time of making application for Communal Living conditional use, the applicant shall be required to submit a site plan which details:
    a. Ingress and egress to lot and structure;
    b. Parking for tenants;
    c. Screening/fencing, both natural and unnatural;
    d. Lighting.

(Ord 20-03; Eff 2-14-20)

Chapter 2111.709
SWIMMING POOLS

Section (back to Title contents)

21.7911.0901 Compliances Required
11.0902 Definition
21.7111.09023 Permit Required
11.0903A Exceptions
211.09034 Location
11.0905 Drawings, Plans and Permits
211.709046 Recirculation Pools
211.709057 Structural Design
211.709068 Walk Areas
211.709079 Fences
211.7090810 Steps or Ladders
211.7090911 Water Supply
211.709102 Outlets
211.709113 Electrical Requirements
211.709124 Safety Precautions
11.0915 Inspection
211.709136 Commercial Pools

211.70901: COMPLIANCE REQUIRED

(back to Chapter contents)

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the City except in compliance with all the provisions of this ordinance and other applicable building codes~~, including, but not limited to, the International Residential Code 2003 Edition, Chapters 1-23 and 43, and Appendix G; and the International Building Code 2003 Edition, Chapters 1-26, 30-35, to the extent any~~ and all such regulations not fully set forth herein do not contradict any express provision of this chapter. (Ord 05-05; Rev 05-02-05)

~~11.0902: DEFINITION~~

(back to Chapter contents)

~~**Swimming pool:** is a receptacle for water, or an artificial pool for water having a depth at any point of more than two (2) feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment. (Ord 05-05; Rev 05-02-05)~~

211.709023: PERMIT REQUIRED

(back to Chapter contents)

An Accessory Building Permit shall be obtained for the construction of a swimming pool that is permanent, either in ground or above ground that will remain on the property for more than six (6) months. A permit is not required for:

1. Pools that are seasonal, remain on the property for less than (6) months

2. Hot tubs or spas

~~It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the City unless permits therefore shall have first been obtained from the Building Official. The permit fee shall be established by Resolution of the City Council. Any swimming pool whose value does not exceed one thousand dollars ($1,000) shall not be assessed any permit fee; however, if not specifically excepted from the permitting requirements of this chapter, a permit must still be obtained. (Ord 05-05; Rev 05-02-05)~~

~~11.0903A: EXCEPTIONS~~

~~(back to Chapter contents)~~

~~1. No permit shall be required for any swimming pool not permanently affixed to the real property upon which it is located; or for any pool that does not remain in the same location for more than six (6) months during any calendar year.~~

~~2. No permit shall be required for any swimming pool or appurtenance commonly referred to as a hot tub or spa which is installed or constructed as part of a building for which a building permit has been issued, provided such installation or construction is completed in accordance with applicable time limits for the underlying building permit. (Ord 05-05; Rev 05-02-05)~~

~~2~~1.~~70~~9034: LOCATION (back to Chapter contents)

No portion of any outdoor swimming pool for which a permit is required shall be located within the accessory structure setback for the applicable district, or within thirty (25~~30~~) feet of any ~~adjacent~~ principal structure on an adjacent property~~; unless written consent for placement of a pool in closer proximity than provided for herein is obtained from the adjacent landowner, which shall be verified under oath and submitted at the time of making permit application.~~. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than ~~eight~~ nine (9~~8~~) feet from any side property line. (Ord 05-05; Rev 05-02-05)

~~**11.0905: DRAWINGS, PLANS AND PERMITS** (back to Chapter contents)~~

~~1. All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool for which a permit is required shall be presented to the Building Official for examination and approval.~~

~~2. All plans and drawings shall be drawn to a scale of not less than one-eighth (1/8) of an inch to the foot on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot line, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided in accordance with the Building Code.~~

~~3. All swimming pools requiring a permit shall be constructed in conformity with the approved plans. (Ord 05-05; Rev 05-02-05)~~

~~2~~1.~~70~~9046: RECIRCULATION POOLS (back to Chapter contents)

All swimming pools for which a permit is required shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool. Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Official**.** Disinfection equipment installed for the use of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of 0.5 parts per million. (Ord 05-05; Rev 05-02-05)

~~2~~1.~~70~~9057: STRUCTURAL DESIGN (back to Chapter contents)

Swimming pools shall be designed to withstand the water pressure from within, to resist the pressure of the earth when the pool is empty, and to resist buoyancy forces due to ground water when empty. (Ord 05-05; Rev 05-02-05)

~~2~~1.~~70~~9068: WALK AREAS (back to Chapter contents)

Unobstructed walk areas not less than thirty six (36) inches wide shall be provided to extend entirely around any swimming pool for which a permit is required. The walk area shall be constructed of impervious material, and the surface shall be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth (1/4) inch to the foot away from the pool. (Ord 05-05; Rev 05-02-05)

~~2~~1.~~70~~90~~70~~9: FENCES (back to Chapter contents)

All outdoor swimming pools for which a permit is required shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six (6) feet in height above the grade level and shall be constructed of a minimum number nine (9) gauge woven wire mesh corrosion resistant material, or non climbable wooden fence. All gates shall be equipped with self closing and self latching devices placed at the top of the gates. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. (Ord 05-05; Rev 05-02-05)

21~~1~~.70~~9~~0~~8~~10: STEPS OR LADDERS (back to Chapter contents)

Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools for which a permit is required. At least one such means of egress shall be located on a side of the pool at both the deep end and the shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three (3) inches wide for their full length. Steps and ladders shall have a handrail on both sides. No steps shall be permitted in the deep end. (Ord 05-05; Rev 05-02-05)

21~~1~~.70~~9~~0~~9~~11: WATER SUPPLY (back to Chapter contents)

No source of water other than that secured from the City Water Works distribution system shall be used in any swimming pool.

1. Pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six (6) inches above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six (6) inches above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixtures and the hose connection. The vacuum breaker shall be installed at a height not less than seven (7) feet six (6) inches above the floor, platform or ground upon which a person would stand when operating the sill cock or control valve. Maximum size of the fill pipe shall be two (2) inches.

2. The system supplying recirculated water and make-up water to the pool shall be constructed in conformance with the ordinances regulating plumbing. (Ord 05-05; Rev 05-02-05)

21~~1~~.70~~9~~10~~2~~: OUTLETS (back to Chapter contents)

All pools shall be equipped with facilities for completely emptying the pool and the discharge of pool water either onto the lawn area or into the sanitary sewer; however, discharge to the storm sewer is prohibited. There shall be an air break between the pool drain and the service sewer line. Every swimming pool for which a permit is required shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight (8). (Ord 05-05; Rev 05-02-05)

21~~1~~.70~~9~~11~~3~~: ELECTRICAL REQUIREMENTS (back to Chapter contents)

All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with Title 9 of this ordinance. (Ord 05-05; Rev 05-02-05)

21~~1~~.70~~9~~12~~4~~: SAFETY PRECAUTIONS (back to Chapter contents)

Every swimming pool for which a permit is required shall be equipped with one or more throwing ring buoys not more than fifteen (15) inches in diameter and having sixty (60) feet of three-eighths (3/8) inch Manilla line or its equivalent, attached, and one or more light but strong poles with blunted ends and not less than twelve (12) feet in length for making reach assists or rescues. (Ord 05-05; Rev 05-02-05)

~~**11.0915: INSPECTION** (back to Chapter contents)~~

~~The Building Official periodically may inspect all swimming pools, to determine whether or not the provisions of the ordinances regarding health, sanitation and safety applicable thereto are being complied with. (Ord 05-05; Rev 05-02-05)~~

21~~1~~.70~~9~~13~~16~~: COMMERCIAL POOLS (back to Chapter contents)

The design of any commercial pool for public use must be submitted to the State Department of Health of the State of South Dakota for approval. After obtaining written approval from said State Department of Health, an application for permit may be submitted to the Building Official of the City of Watertown, South Dakota. (D-502) (Ord 05-05; Rev 05-02-05)

ORDINANCE NO. 24-29

AN ORDINANCE AMENDING CHAPTER 21.70 HOME OCCUPATIONS, CHAPTER 21.74 SPECIFIC OFFICE BUILDING, CHAPTER 21.75 BED AND BREAKFAST, CHAPTER 21.76 CAMPGROUNDS, CHATPER 21.77 WIRELESS TELECOMMUNICATIONS TOWERS, CHAPTER 21.78 COMMUNAL LIVING, AND CHAPTER 21.79 SWIMMING POOLS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Home Occupations, Specific Use Office Building, Bed and Breakfast, Campgrounds, Wireless Telecommunications Towers, Communal Living, and Swimming Pools of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters including: Chapter 21.82 Home Occupations, Chapter 21.74 Specific Use Office Building, Chapter 21.75 Bed and Breakfast, Chapter 21.76 Campgrounds, Chapter 21.77 Wireless Telecommunications Towers, Chapter 21.78 Communal Living, and Chapter 21.79 Swimming Pools of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.82
HOME OCCUPATIONS

Section (back to Title contents)

21.8201 Approval Required
21.8202 Special Permitted Use Provisions
21.8203 Activities Not Covered

21.8201: APPROVAL REQUIRED (back to Chapter contents)

1. Home occupations may be a permitted use as accessory use to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.8202 of this ordinance.
2. Homes occupations shall complete an application through the City of Watertown Community Development Division to verify the special use provisions are met and approve administratively. If the special use provisions are not met, a conditional use is required to be applied for to be acted on by the Board of Adjustment.

21.8202: SPECIAL PERMITTED USE PROVISIONS (back to Chapter contents)

In addition to meeting the general accessory use standards of Section 21.1002 and all applicable standards or regulations of the zoning district in which it is located, each home occupation shall comply with the following standards:

1. Two documents to prove that the dwelling is the applicant's physical or primary residence (ex. Utility bill, rent receipt, homeowner's policy, etc.). A home occupation shall be allowed only for primary residences.
2. No home occupation may be operated in such a manner as to create offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties, or otherwise constitute a nuisance or safety hazard to adjacent persons or properties.
3. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
4. No more than twenty five percent (25%) of the total floor area of a dwelling unit may be devoted to the home occupation. \

5. No internal or external alteration which would change the basic character of the building as a residential dwelling unit shall be permitted.
6. No nonresident employee(s) may be employed on the premises at anytime.
7. No public display of goods shall be allowed on the premises except inside the principal building.
8. A permitted home occupation may be operated or maintained as an accessory use only in the principal building and/or attached garage as defined.
9. No exterior advertising other than a small announcement sign, not more than four hundred (400) square inches in area, mounted to the side of the structure shall be allowed. (Ord 04-04; Rev 03-26-04)
10. Any change in location of an existing home occupation shall be required to meet these regulations.

21.7903: ACTIVITIES NOT COVERED (back to Chapter contents)

a. Business activities in residential dwellings such as telecommuting—or those activities involving no outside sign; little or no increase in traffic; no offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties; no public display of goods associated with the activity; no safety hazard or nuisance; and with only occasional visits by members of the public to the home—shall not constitute home occupations as defined under this Title. (Ord 17-01; Add 03-03-17)

Chapter 21.74
SPECIFIC USE OFFICE BUILDING

Section (back to Title contents)

21.7401 Design Standards

21.7401: DESIGN STANDARDS

In addition to all other conditions, restrictions and requirements imposed on uses within the respective zoning district in which a conditional use for Specific Use Office Building is granted, the following limitations, requirements, recommendations and restrictions shall apply to any conditional use granted for a Specific Use Office Building. (Ord 09-10; Rev 07-11-09)

1. **Signage:** A non-illuminated sign affixed to the building is the preferred type of sign for a Specific Use Office Building. A non-illuminated ground or monument sign may also be considered.
2. **Hours of Operation:** Specific Use Office Buildings will normally not be open for business on weekends, and will have weekday business hours normally not exceeding seven o'clock (7:00) a.m. to six o'clock (6:00) p.m.
3. **Landscaping:** Specific Use Office Buildings shall, at a minimum, comply with the existing landscape ordinance. Prior to issuance of any building permit for a Specific Use Office Building, a landscape plan must be submitted and approved. The landscape plan will identify open space areas, plantings and location of natural and unnatural screening.
4. **Lighting:** Specific Use Buildings shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.
5. **Parking:** Specific Use Office Buildings shall comply with the parking requirements in Chapter 21.21. No customer parking shall be provided in the rear of any lot, nor shall access to customer parking be taken from any alley. (Ord 04-04; Rev 03-26-04)
6. **Accessory Structures:** Accessory structures or buildings, while not prohibited, are discouraged. Any permitted accessory structure shall utilize building materials and an architectural design consistent with the Specific Use Office Building.
7. **Exterior design**: Any Specific Use Office Building shall be designed and constructed in a manner consistent with the general characteristics of existing residential and commercial uses that adjoin it.
8. **Site Plan:** At the time of making application for a Specific Use Office Building conditional use, the applicant shall be required to submit a site plan which details:
   a. Ingress and egress to lot and structure;
   b. Parking for customers and employees;
   c. Landscaping
   d. Screening/Fencing, both natural and unnatural;
   e. Lighting
   f. Signage - type and location;
   g. Proposed exterior design (Ord 02-11; Rev 01-19-03)

Chapter 21.75
BED AND BREAKFAST

Section (back to Title contents)

21.7501 Design Standards

21.7501: DESIGN STANDARDS

Bed and Breakfasts should be located where there will be minimal impact on surrounding residential properties and should comply with the following conditions:

1. B & B's shall be limited to residential structures with an overall minimum of eighteen hundred (1,800) square feet of floor area. Preference will be given to structures with historic or other unique qualities.
2. They shall be in compliance with applicable state laws including registration with the South Dakota Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
3. Accessory use signs shall be based on similar requirements for a home occupation permit and shall not be more than one (1) square foot in area.
4. Such uses shall be an incidental use within an owner occupied principal dwelling structure provided that not more than four (4) bedrooms in such dwelling structure shall be used for such purpose.
5. Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the principal use. Off-site parking may be acceptable if permitted parking facilities are within five hundred (500) feet. Off-street parking shall not be located in a required front or side yard and screening shall be required when adjacent to residentially used property.
6. The length of stay shall not exceed fourteen (14) days during any one hundred twenty (120) consecutive period.
7. Meals shall be limited to breakfast which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.
8. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and a floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with the application.

Chapter 21.76
CAMPGROUNDS

Section (back to Title contents)

21.7601 Design Standards

21.7601: DESIGN STANDARDS

1. Each campsite shall contain at least two thousand (2,000) square feet.
2. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.
3. A side yard of fifty (50) feet and a front yard of one hundred (100) feet shall be maintained on the campground; provided, however, that the one hundred (100) foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of two hundred (200) feet or more.
4. Campgrounds are exempt from the requirement that loading areas, parking bays, and access drives shall be hard-surfaced with asphalt or concrete. Crushed concrete, recycled asphalt, or a similar all weather surface material as approved by the City Engineer are allowed for access drives in campgrounds.
5. The access drive within the public right of way from the public street to the private property shall be paved or surfaced in a similar manner to the adjacent public roads and shall be approved by the City.
6. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen (14) feet for all one-way roads, and twenty (20) feet for all two-way roads.
7. Campsites shall only be occupied by any one individual for temporary/seasonal stays, and no individual's occupancy at a campground shall exceed one hundred and eighty (180) days in any one calendar year.
8. One dwelling unit shall be permitted as the campground attendant/supervisor living quarters. The dwelling unit shall not be a manufactured home or mobile home.
9. No manufactured homes or mobile homes shall be located in campgrounds.
10. Screening shall be provided when a campsite is within 75 feet from the property line of an adjacent residentially zoned property. A minimum six foot fence or vegetative buffer with substantial size as approved by the Community Development Manager shall be utilized for screening a campground.
11. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to any city official upon request.

Source: (Ord 20-06; Rev 3-13-20) (Ord 23-22; Rev 10-13-23) (Ord 23-22; Add 10-13-23)

Chapter 21.77
WIRELESS TELECOMMUNICATIONS TOWERS

Section (back to Title contents)

21.7701 Permit Approval
21.7702 Purposes
21.7703 Reserved
21.7704 Development of Towers
21.7705 Setbacks
21.7706 Structural Requirements
21.7707 Separation or Buffer Requirements
21.7708 Method of Determining Tower Height
21.7709 Illumination
21.7710 Exterior Finish
21.7711 Landscaping
21.7712 Telecommunications Facilities on Antenna Support Structures
21.7713 Modification of Towers
21.7714 Certifications and Inspections
21.7715 Maintenance
21.7716 Criteria for Site Development Modifications
21.7717 Abandonment
21.7718 Conflicts (Repeal of Ordinances)

21.7701: PERMIT APPROVAL

(back to Chapter contents)

1. The Board of Adjustment or Administrative Official shall approve or deny an application for co-location within ninety (90) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
2. The Board of Adjustment or Administrative Official shall approve or deny an application for a new wireless telecommunications facility within one hundred fifty (150) days of the submission date of a complete application. Failure to act within the prescribed time frame entitles the applicant the ability to file a court action. The court action is to be filed within thirty (30) days from the required date of action.
3. The Board of Adjustment or Administrative Official may not deny the application on the basis that a competing provider already provides coverage.

21.7702: PURPOSES

(back to Chapter contents)

The general purpose of this ordinance is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this ordinance are:

1. To regulate the location of towers and telecommunications facilities in the City;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

7. To ensure that towers and telecommunications Facilities are compatible with surrounding land uses.

21.7703: RESERVED

21.7704: DEVELOPMENT OF TOWERS (back to Chapter contents)

1. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred fifty (150) feet. Towers may be permitted in excess of one hundred fifty (150) feet in accordance with "Criteria for Site Plan Development Modifications."
2. Each tower construction application must comply with 14 CFR Part 77.9 Construction or alteration requiring notice. For a tower application that requires notice, authorization for construction will not be permitted until approved by the FAA. The applicant for tower construction shall submit their tower for air spacing on the approved FAA website.
3. If a proposed tower application meets the requirements outlined in 14 CFR Part 77.11 Obstruction Standards, the application for construction will not be approved.
4. An Application to develop a tower shall include:
   a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
   b. The legal description and address of the parcel of land upon which the tower is situated.
   c. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including city owned property.
   d. A description of the design plan proposed by the applicant in the City. Applicant must identify its utilization of the most recent technological design. The applicant must demonstrate the need for towers and why design alternatives cannot be utilized to accomplish the provision of the applicant's telecommunications services.
   e. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on City owned towers or usable antenna support structures located within a one-half (½) mile radius of the proposed tower site.
   f. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half (½) mile radius of the proposed tower site. In the event that one reason for the unsuccessful efforts to install or collocate is that fees to be charged are not commercially reasonable, an explanation shall be provided why said charges are commercially unreasonable.
   g. Written evidence that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within one-half (½) mile radius of the proposed tower site.
   h. A written statement from an Engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.
   i. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in, "Structural Requirements," of this ordinance.
   j. Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the Administrative Officialthat the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
   k. The FCC has sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support

structures. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.

l. No application shall be accepted from landowners or on property on which there are current or past unresolved violations outstanding.

6. The Board of Adjustment may require an applicant to supplement any information that the Board considers inadequate or that the applicant has failed to supply. The Board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the City in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

21.7705: SETBACKS (back to Chapter contents)

1. All towers up to one hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of tower height in excess of one hundred (100) feet.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
3. Setback requirements may be modified when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.
4. Setback requirements contained in Section 21.7707, Separation or Buffer Requirements, may be modified, as provided in, when placement of a tower can be shown through sufficient design criteria to negate the need for the setback requirements contained herein, such that the dangers from a failure are eliminated. This section shall not apply to setbacks required in Section 21.7707(1).

21.7706: STRUCTURAL REQUIREMENTS (back to Chapter contents)

All towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other standards outlined in this ordinance.

21.7707: SEPARATION OR BUFFER REQUIREMENTS (back to Chapter contents)

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of City jurisdictional boundaries.

1. Towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.
2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:
   a. Monopole tower structures shall be separated from all other towers, whether monopole, self supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet.
   b. Self supporting lattice or guyed tower structures shall be separated from all other self supporting or guyed towers by a minimum of fifteen hundred (1,500) feet.
   c. Self supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of seven hundred fifty (750) feet.

21.7708: METHOD OF DETERMINING TOWER HEIGHT (back to Chapter contents)

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty (20) feet over the top of the tower structure itself. Tower height shall be measured from grade.

21.7709: ILLUMINATION (back to Chapter contents)

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent (300%) of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

21.7710: EXTERIOR FINISH (back to Chapter contents)

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Administrative Official.

21.7711: LANDSCAPING (back to Chapter contents)

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The City may require landscaping in excess of the requirements in the City Code in order to enhance compatibility with adjacent land uses. Landscaping may be required to be installed on the outside of any fencing.

(back to Chapter contents)

21.7712: TELECOMMUNICATIONS FACILITIES ON ANTENNA SUPPORT STRUCTURES

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the zoning administrator, establish the following at the time plans are submitted for a building permit:

1. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet;
2. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City.

21.7713: MODIFICATION OF TOWERS (back to Chapter contents)

1. A tower existing prior to the effective date of this ordinance, which was in compliance with the City's zoning regulations immediately prior to the effective date of this ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this section, except for Sections, "Separation or Buffer Requirements" , "Certification and Inspections" and "Maintenance," provided:
   a. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
   b. An application for a permit is made to the Administrative Official who shall have the authority to issue the permit without further approval.
   c. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this ordinance.
2. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than three hundred sixty five (365) days. This ordinance shall not be interpreted to legalize any structure or use existing at the time this ordinance is adopted which structure or use is in violation of the code prior to enactment of this ordinance.

21.7714: CERTIFICATIONS AND INSPECTIONS (back to Chapter contents)

1. The tower owner may be required by the City to submit certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

2. The City or its agents shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City code and federal and state law.

3. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

21.7715: MAINTENANCE (back to Chapter contents)

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of all federal, state, and local regulations, and in such manner that will not interfere with the use of other property.

3. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

4. All towers shall maintain compliance with current RF emission standards of the FCC.

5. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. (Ord 04-04; Rev 03-26-04)

21.7716: CRITERIA FOR SITE PLAN DEVELOPMENT MODIFICATIONS (back to Chapter contents)

Notwithstanding the tower requirements provided in this ordinance, a modification to the requirements may be approved by the Board of Adjustment as a conditional use in accordance with Chapter 21.02 and the following:

1. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.

2. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.

3. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an Engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

4. The Administrative Official may require the application to be reviewed by an independent Engineer at the expense of the applicant to determine whether the antenna study supports the basis for the modification requested.

21.7717: ABANDONMENT (back to Chapter contents)

1. If any tower shall cease to be used for a period of three hundred sixty five (365) consecutive days, the Administrative Official shall notify the Owner by certified mail that the site has been inspected and determined to be abandoned.

2. The Owner shall have thirty (30) days from the receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period.

3. If the Owner fails to show that the tower has been in use or under repair during the period, the Administrative Official shall issue a final determination of abandonment for the site.

4. Upon issuance of the final determination of abandonment, the Owner shall, within seventy five (75) days, dismantle and remove the tower.

21.7718: CONFLICTS (REPEAL OF ORDINANCES) (back to Chapter contents)

That all ordinances or parts of ordinances in conflict herewith are hereby repealed. (99-2)

Chapter 21.78 COMMUNAL LIVING

Section (back to Title contents)

21.7801 Design Standards

21.7801: DESIGN STANDARDS (back to Chapter contents)

In addition to all other conditions, restrictions, and requirements imposed on uses within the respective zoning district in which a conditional use for Communal Living is granted, the following limitations, requirements, recommendations, and restrictions shall apply to any conditional use granted for a Communal Living building.

1. **Lighting:** Communal Living structures shall be illuminated so as not to emit lighting directly on any adjoining property. No use shall include a source of illumination that produces glare clearly visible beyond a property line.
2. **Parking:** Communal Living buildings shall comply with the parking requirements in Chapter 21.63.
3. **Location:** Property shall not be adjacent to R-1 Single Family Residential Properties. Adequate on-street parking for guests will be reviewed.
4. **Site Plan:** At the time of making application for Communal Living conditional use, the applicant shall be required to submit a site plan which details:
    a. Ingress and egress to lot and structure;
    b. Parking for tenants;
    c. Screening/fencing, both natural and unnatural;
    d. Lighting.

(Ord 20-03; Eff 2-14-20)

Chapter 21.79
SWIMMING POOLS

Section (back to Title contents)

21.7901 Compliances Required
21.7902 Permit Required
21.0903 Location
21.7904 Recirculation Pools
21.7905 Structural Design
21.7906 Walk Areas
21.7907 Fences
21.7908 Steps or Ladders
21.7909 Water Supply
21.7910 Outlets
21.7911 Electrical Requirements
21.7912 Safety Precautions
21.7913 Commercial Pools

21.7901: COMPLIANCE REQUIRED

(back to Chapter contents)

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the City except in compliance with all the provisions of this ordinance and other applicable building codes and all such regulations not fully set forth herein do not contradict any express provision of this chapter. (Ord 05-05; Rev 05-02-05)

21.7902: PERMIT REQUIRED

(back to Chapter contents)

An Accessory Building Permit shall be obtained for the construction of a swimming pool that is permanent, either in ground or above ground that will remain on the property for more than six (6) months. A permit is not required for:

1. Pools that are seasonal, remain on the property for less than (6) months
2. Hot tubs or spas

21.7903: LOCATION

(back to Chapter contents)

No portion of any outdoor swimming pool for which a permit is required shall be located within the accessory structure setback for the applicable district, or within thirty (25) feet of any principal structure on an adjacent property. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than nine (9) feet from any side property line. (Ord 05-05; Rev 05-02-05)

21.7904: RECIRCULATION POOLS

(back to Chapter contents)

All swimming pools for which a permit is required shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool. Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Official**.** Disinfection equipment installed for the use of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of 0.5 parts per million. (Ord 05-05; Rev 05-02-05)

21.7905: STRUCTURAL DESIGN

(back to Chapter contents)

Swimming pools shall be designed to withstand the water pressure from within, to resist the pressure of the earth when the pool is empty, and to resist buoyancy forces due to ground water when empty. (Ord 05-05; Rev 05-02-05)

21.7906: WALK AREAS

(back to Chapter contents)

Unobstructed walk areas not less than thirty six (36) inches wide shall be provided to extend entirely around any swimming pool for which a permit is required. The walk area shall be constructed of impervious material, and the surface shall be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth (1/4) inch to the foot away from the pool. (Ord 05-05; Rev 05-02-05)

21.7907: FENCES (back to Chapter contents)

All outdoor swimming pools for which a permit is required shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six (6) feet in height above the grade level and shall be constructed of a minimum number nine (9) gauge woven wire mesh corrosion resistant material, or non climbable wooden fence. All gates shall be equipped with self closing and self latching devices placed at the top of the gates. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. (Ord 05-05; Rev 05-02-05)

21.7908: STEPS OR LADDERS (back to Chapter contents)

Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools for which a permit is required. At least one such means of egress shall be located on a side of the pool at both the deep end and the shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three (3) inches wide for their full length. Steps and ladders shall have a handrail on both sides. No steps shall be permitted in the deep end. (Ord 05-05; Rev 05-02-05)

21.7909: WATER SUPPLY (back to Chapter contents)

No source of water other than that secured from the City Water Works distribution system shall be used in any swimming pool.

1. Pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six (6) inches above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six (6) inches above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixtures and the hose connection. The vacuum breaker shall be installed at a height not less than seven (7) feet six (6) inches above the floor, platform or ground upon which a person would stand when operating the sill cock or control valve. Maximum size of the fill pipe shall be two (2) inches.
2. The system supplying recirculated water and make-up water to the pool shall be constructed in conformance with the ordinances regulating plumbing. (Ord 05-05; Rev 05-02-05)

21.7910: OUTLETS (back to Chapter contents)

All pools shall be equipped with facilities for completely emptying the pool and the discharge of pool water either onto the lawn area or into the sanitary sewer; however, discharge to the storm sewer is prohibited. There shall be an air break between the pool drain and the service sewer line. Every swimming pool for which a permit is required shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight (8). (Ord 05-05; Rev 05-02-05)

21.7911: ELECTRICAL REQUIREMENTS (back to Chapter contents)

All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with Title 9 of this ordinance. (Ord 05-05; Rev 05-02-05)

21.7912: SAFETY PRECAUTIONS (back to Chapter contents)

Every swimming pool for which a permit is required shall be equipped with one or more throwing ring buoys not more than fifteen (15) inches in diameter and having sixty (60) feet of three-eighths (3/8) inch Manilla line or its equivalent, attached, and one or more light but strong poles with blunted ends and not less than twelve (12) feet in length for making reach assists or rescues. (Ord 05-05; Rev 05-02-05)

21.7913: COMMERCIAL POOLS (back to Chapter contents)

The design of any commercial pool for public use must be submitted to the State Department of Health of the State of South Dakota for approval. After obtaining written approval from said State Department of Health, an application for permit may be submitted to the Building Official of the City of Watertown, South Dakota. (D-502) (Ord 05-05; Rev 05-02-05)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-29 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

_____
Reid Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-30, Zoning Text Amendments to Chapter 21.60 Required Yards and Open Space, Chapter 21.61 Fences, Walls, and Hedges, Chapter 21.6304 Off-Street Parking & Loading Requirements, Chapter 21.65 Outside Storage & Display Requirements for Specific Uses, and Chapter 21. 67 Landscape and Lighting Standards of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Ordinance amendments with no substantial changes proposed other than clarification.

The Planning Commission recommended approval (5-0) to City Council at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:
N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:
No Action; First Reading

ATTACHMENT(S):
Illustration
Ordinance No. 24-30

ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-30

Chapter 21.60
REQUIRED YARDS AND OPEN SPACE

Section (back to Title contents)

21.6001 Restrictions Governing the Allocation and Disposition of Required Yards and Open Space
21.6002 Continuing Obligation of Property Owner to Maintain Required Yards, Open Spaces, Lot Area and Off-Street Parking Spaces

21.6001: RESTRICTIONS GOVERNING THE ALLOCATION AND DISPOSITION OF REQUIRED YARDS AND OPEN SPACE

(back to Chapter contents)

1. All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions whatever except those permitted below.

2. Permitted obstructions in required yards. The following obstructions and no others may be permitted in a required yard:

   a. Obstructions permitted in all yards: awnings, shutters and canopies; chimneys projecting no more than twenty four (24) inches into a required yard; arbors and trellises; flag poles; steps necessary for access to a building or access to a building or lot from an adjoining street or alley; unroofed, open terraces; fences, walls or hedges, as provided in Chapter 21.61, ~~Outdoor~~ Outside Storage and Display Requirements for Specific Uses~~/Off-Street Parking~~, as provided in ~~subject to the limitations and requirements of~~ Chapter 21.65, and Off-Street Parking and Loading Requirements, as provided in Chapter 21.63 and other customary yard accessories, ornaments, and furniture, subject to height limitations and requirements limiting obstruction of visibility. (Ord 04-04; Rev 03-26-04) (Ord 15-08; Rev 05-29-15)

   b. Obstructions permitted in front yards: bay windows, unroofed porches, pergolas or terraces, or balconies projecting not more than five (5) feet into the required yard; overhanging eaves and gutters projecting not more than three (3) feet into the required yard; off-street parking.

   c. Obstructions permitted in rear yards: accessory uses, buildings or structures as permitted by Chapter 21.10 of this ordinance; enclosed, attached or detached off-street parking spaces; balconies; breezeways and open, unroofed porches, pergolas or terraces; bay windows projecting not more than five (5) feet into the yard; overhanging eaves or gutters projecting not more than three (3) feet into the yard.

   d. Obstructions permitted in side yards: overhanging eaves and gutters projecting not more than three (3) feet into the yard; open off-street parking, except as limited by Chapter 21.63. (Ord 04-04; Rev 03-26-04)

   e. Commercial/Industrial Use: The ~~Building Official~~ Administrative Official may permit the following obstructions in all yards: awnings, canopies or other unenclosed accessory structures. (Ord 12-01; Rev 01-27-12)

21.6002: CONTINUING OBLIGATION OF PROPERTY OWNER TO MAINTAIN REQUIRED YARDS, OPEN SPACES, LOT AREA AND OFF-STREET PARKING SPACES

(back to Chapter contents)

The maintenance of any yard, open space, minimum lot area or off-street parking space required by this ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area or off-street parking area required by this ordinance for any building, structure or use shall by virtue of change of ownership or any other reason be used to satisfy any yard, open space, lot area or off-street parking area required for any other building, structure or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located.

Chapter 21.61
FENCES, WALLS, AND HEDGES

Section (back to Title contents)
21.6101 Purpose
21.6102 Applicability
21.6103 General Requirements

21.6101: PURPOSE

To regulate the materials, location, height, and maintenance of fences (to include walls and hedges) to ensure a compatible relationship between abutting properties and the community at large, and to safeguard public health, safety, and welfare.

21.6102: APPLICABILITY

1. A fence permit issued by the City is required prior to the erection, construction, or replacement of any fence
2. The provisions of this chapter shall apply to the construction, reconstruction, or replacement of all fences located within the City, unless exempted as described below:
   - **a.** A nonconforming fence that existed as of January 1, 2025 may be maintained, restored, or repaired but shall conform to the provisions of this chapter if it is to be replaced or improved.
   - **b.** Fences that are located entirely outside of the required property setbacks.
   - **c.** Fences that are less than three (3) feet in height and less than twenty (20) feet in length.
   - **d.** Fences that are a part of a permitted tennis court, athletic field, or other recreational facility and do not exceed twelve (12) feet in height
   - **e.** Temporary fencing:
     - **i.** Established around construction sites, demolitions, or other site conditions unsafe for pedestrians or vehicles, provided it is consistent with the building code.
     - **ii.** To protect existing trees, limit sedimentation, or control erosion.
     - **iii.** Utilized seasonally (i.e. snow fences)

21.6103 GENERAL REQUIREMENTS

1. Height.

   a. Height is to be measured from the finished grade of the proposed location of the fence at each post point. If an adjacent property is elevated with a retaining wall greater than 2' above the property proposing a fence, the height shall be measured from the height of the adjacent retaining wall to maintain privacy, not to exceed 6'.

   b. A fence may be erected not to exceed the following height limitations:

Use	Height
Residential	7' [a]
Commercial	8'
Industrial	8'
Municipal	10'

[a] Fences shall be a maximum of 48 inches when located within the required front yard setback in residential districts.

2. Placement.
   - a. Fences shall be placed to allow the property owner to maintain both sides of the fence
   - b. A 25' clear-view triangle shall be maintained for driveway and street corners. If a fence is to be placed within the clear view triangle, it shall not exceed thirty-six (36) inches in height.
   - c. A fence shall not be located closer than 12 inches to the edge of any sidewalk on public right-of-way or alley.
   - d. A fence that is to be located within 12 inches of an adjoining property line shall submit a survey by a registered land surveyor with their permit application.

3. Materials.
   a. All fences shall be constructed, maintained, and repaired in a professional manner and of substantial, consistent material reasonably suitable for the purpose for which the fence is intended.
   b. The finished side of a fence must face the adjoining property or public right-of-way
   c. No barbed wire shall be constructed in any fence within city limits, except in commercial and industrial districts where barbed wire may be used in connection with a security fence when the barbed wire is at least seven (7) feet from the ground.
   d. No electric fences are allowed unless it is underground.

~~**FENCES, WALLS AND HEDGES**~~

~~**Section** (back to Title contents)~~
~~21.6101 Fences, Walls and Hedges~~

~~**21.6101: FENCES, WALLS AND HEDGES**~~

~~1. A fence or wall may be erected or maintained upon any lot; however the height above ground level may not exceed the following limits:~~

~~Use~~	~~Height~~
~~Residential~~	~~7'~~
~~Commercial~~	~~8'~~
~~Industrial~~	~~8'~~
~~Municipal~~	~~10'~~

~~except that no fence, wall or hedge located within a front yard shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision of intersecting streets.~~

~~2. No person shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained, in the city limits of this City any fences of any character or material, without first securing permission from the Building Official, and no such fence of any kind shall be built closer to the inside sidewalk line than one (1) foot.~~

~~3. No barbed wire shall be constructed in any fence within the city limits, except in commercial and industrial districts where barbed wire may be used in connection with a security fence when the barbed wire is at least six (6) feet from the ground.~~

Chapter 21.63
OFF-STREET PARKING AND LOADING REQUIREMENTS (ALL DISTRICTS)

Section (back to Title contents)

21.6301 General Provisions and Off-Street Parking Calculations
21.6302 Minimum Off-Street Parking Requirements (All Districts)
21.6303 Off-Street Parking Design and Maintenance
21.6304 Off-Street Loading Minimum Requirements

21.6301: GENERAL PROVISIONS AND OFF-STREET PARKING CALCULATIONS

(back to Chapter contents)

1. It shall be unlawful to construct, re-construct, or add parking spaces or lots, unless a City permit is obtained.

2. Permits are not required for re-striping, chip sealing, overlay, or other minor surface work so long as required landscaping is not reduced or drainage is unaffected.

3. Within a Commercial or Industrial District, off-street parking facilities may be located within 300 feet provided there is a direct pedestrian route to the subject property. A shared parking agreement shall be required when parking is located off-site. Conditional use approval is required to utilize property in a Residential District for off-street parking.

4. Parking shall be reviewed for any new building, any addition for an existing building, or any change in use of an existing building.

5. Off-street parking spaces shall be located outside of the public right-of-way except in the C-1 Community Commercial District.

6. The C-1 Community Commercial District shall be exempt from off-street parking requirements. Exception: Properties that contain more than four (4) residential units shall provide a minimum of 50% of the required parking spaces in accordance with 21.6302. This shall not be applicable to existing structures being converted or remodeled to include residential units.

7. Where parking computations of required parking spaces results in a fractional number, the next higher whole number shall be required.

8. Upon request, the Community Development Manager may approve a reduction in required parking spaces not to exceed 20% of the required number. Greater reductions may be granted if justified by a parking study.

9. Where the parking requirements for a use are not specifically defined, herein, the parking requirements for such uses shall be determined by the Community Development Manager.

The minimum required off-street parking spaces shall be determined in accordance table in Ordinance 21.6302.

21.6302: MINIMUM OFF-STREET PARKING REQUIREMENTS (ALL DISTRICTS*)

(back to Chapter contents)

*SF – Square Feet, GFA- Gross Floor Area

Use	Number of Parking Spaces
Art Gallery, Museum, or Library	1/500 SF GFA
Assisted Living/Nursing Home	0.25 per bed plus 1/employee on maximum shift
Auto Parts, Plumbing/Electrical Store	1/500 SF GFA
Auto/Trailer Service and Repair	2.5/service bay plus 1/employee on maximum shift
Bank/Financial Institution	1/300 SF GFA
Bar/Tavern/Lounge	1/150 SF GFA
Barber/Beauty Shop	2.5/employee on maximum shift
Bowling Alley	2/per lane
Campground	1/campsite

Use	Number of Parking Spaces
Car Wash, Automatic	1/employee on maximum shift plus stacking
Car Wash, Self Service	2/bay not including washing or drying spaces
Contractor Shop or similar use	1/employee on maximum shift
Convenience Store (with or without fuel)	1/150 SF GFA for first 2,500 SF then 1/300 SF GFA
Day Care Facility	1/employee plus 1/10 children permitted
Farm Machinery/Trailer/Truck Sales	1/4,000 SF outdoor display area plus 2/service bay
Funeral Service	1/50 SF of chapel area or 1/4 seats, whichever is greater
Furniture Sales/Appliance Sales and Repair	1/500 SF GFA
Grocery Store	1/275 SF GFA
Hotels/Motels/Inn/Bed & Breakfast	1/sleeping room plus 1/each two employees plus 1/300 SF GFA for meeting/restaurant/bar areas
Lab or Research & Development Facility	1/500 SF GFA
Laundromat	1/250 SF GFA
Lumberyard/Home Improvement	1/600 SF GFA
Manufacturing, General Industrial, Warehouse	1/employee on maximum shift
Medical Clinic including all Health Related	1/250 SF GFA
Medical Hospital	1/4 beds or based on parking study
Mixed Use Shopping Center	1/300 SF GFA
Mixed Use Shopping Center with Restaurant	1/225 SF GFA
Motor Vehicle Sales or Rental	1/500 SF GFA
Office	1/300 SF GFA
Recreation Facility	1/200 SF GFA
Religious Institution	1/4 seats in main sanctuary
Residential – Communal Living, Sorority/Fraternity, Dormitory	1/bedroom
Residential – Multi-Family Dwelling	1/bedroom
Residential – Single Family Dwelling	2/dwelling unit
Restaurant	1/150 SF GFA
Restaurant with Drive-Thru	1/100 SF GFA plus stacking space
Retail (General)	1/300 SF GFA
Retail (Large Format)	1/300 SF GFA for first 40,000 sq. ft. then 1/1,000 SF GFA
School – Elementary	1/employee plus 10 spaces or as required by State of SD
School – High School, College, Post-Secondary	1/475 SF on the first floor or as required by State of SD
School – Middle School	1/employee plus 20 spaces or as required by State of SD
Sports Arena/Assembly Hall	1/4 seats plus 1/100 SF for non-fixed seating
Theater	1/4 seats plus 1/employee on maximum shift
Treatment Facility/Group Home	0.33 per unit
Truck Terminal/Freight Warehouse	1/employee on max shift plus 1/service vehicle
Veterinary Clinic	1/500 SF GFA

Source: (Ord 04-11; Rev 04-11-14) (Ord 20-03; Rev 2-14-20) (Ord 22-03; Rev 3-18-22)

21.6303: OFF-STREET PARKING DESIGN AND MAINTENANCE (back to Chapter contents)

1. Minimum parking setbacks from property lines and buildings shall be five (5) feet for commercial or industrial uses.

2. All parking areas shall be hard-surfaced with asphalt, concrete, or other durable, all-weather surface as approved by the City Engineer.

3. I-1 Light Industrial and I-2 Heavy Industrial Districts may utilize gravel for overflow parking spaces and truck routes.

4. Off-street parking shall be on the same site as, or under common ownership with, the structure it is intended to serve as referenced in 21.6301 (3).

5. Parking lots shall be in accordance with Engineering Design Standards.

6. Each parking space shall be directly accessible via a driveway providing necessary vehicular maneuvering to provide ingress and egress to and from the parking space. Commercial and Industrial driveways are not considered parking spaces.

7. Parking areas shall be graded to dispose of surface water and regularly cleaned and maintained. Maintenance of parking lots and access drives shall include re-striping, repairing of potholes, snow and ice removal, and curb and gutter maintenance. Parking lot landscaping and drainage shall be regularly maintained, function according to the design, and alleviate dust and mud tracking.

8. Parking lots adjacent to a sidewalk, right-of-way, or private street shall be provided with a six (6) inch curb.

Source: (Ord 22-03; Rev 3-18-22)

21.6304: OFF-STREET LOADING MINIMUM REQUIREMENTS (back to Chapter contents)

1. No open, exterior, loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area) except in I-2.

2. Loading areas, parking bays and access drives shall be hard-surfaced with asphalt, concrete, or other Engineer-approved durable all weather surface material and shall be so graded to dispose of surface water in accordance with Chapter 5 of the Engineering Design Standards.

Source: (Ord 17-32; Rev 09-29-17) (Ord 22-03; Rev 3-18-22)

Chapter 21.65
OUTSIDE STORAGE AND DISPLAY REQUIREMENTS FOR SPECIFIC USES

Section (back to Title contents)

21.6501 Outside Storage/Parking – Residential Uses
21.6502 Outside Storage/Parking – Residential Uses- Lake
21.6503 Outside Storage and Displays – Commerical Uses
21.6504 Outside Storage and Displays – Industrial Uses

21.6501: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES

(back to Chapter contents)

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as seasonally allowed herein.
2. **Off-Street Parking:** Off-street parking of vehicles shall include; recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, and ATVs, or items similar in nature are permitted. Off-street parking of buses, commercial vehicles, commercial trailers or commercial semi-tractor trailers is prohibited, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking may be allowed on any surface material or grass; provided the grass is maintained in accordance with Section 11.0714.
3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property. Outside storage is not permitted in the front yard.
   a. Outside storage/off-street parking for properties with no adjacent alley;
      (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
      (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
   b. Outside storage/off-street parking for properties adjacent to an improved alley;
      (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
      (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and/or up to three (3) items may be parked or stored in the rear yard. Under no circumstances shall more than three (3) items of outdoor storage or parked items be allowed on a single property.
4. **Side Yards:** Outdoor storage/off-street parking may be in the side yard next to a garage, provided any item stored does not protrude beyond the front of the adjacent structure. If the side yard is adjacent to an alley, then, any item stored or parked must be setback not less than four (4) feet from the alley. If the property does not have a garage the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.
5. **Rear Yards:** Outdoor storage/off-street parking is permitted in the entire required rear yard however, if the rear yard is adjacent to an alley or other public right-of-way any item stored or parked must be setback not less than four (4) feet from the alley or public right-of-way.
6. **Front Yards:** Outdoor storage of item(s) is prohibited; however, from April 1st through November 1st, off-street parking of vehicles may be allowed on a driveway in front of the garage or on a driveway next to the primary structure when no garage exists. From November 2nd through March 31st, ice shacks, snowmobiles, quad vehicles, their trailers or similar items may be parked on the driveway in front of the garage. On properties with two or more fronts, the primary frontage may not be used for outdoor storage. The secondary frontage may be used for outdoor storage or off-street parking provided the item(s) is not closer than twelve (12) feet from the property line.

7. Off-street parking or outdoor storage shall not encroach a sidewalk, street or other public right-of-way.

8. A twenty five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line is required at street intersections.

9. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the ~~Building Official~~Administrative Official may order it be removed.

10. Nothing in this section shall be deemed to apply to any property adjacent to Lake Kampeska or property located directly on the opposite side of any roadway adjacent to Lake Kampeska. (Ord 15-08; Rev 05-29-15) (Ord 17-22; Rev 07-14-17)

21.6502: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES - LAKE (back to Chapter contents)

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property adjacent to water. For enforcement of this ordinance, the lake side is the front of the property and the road side is the rear.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the side yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as allowed herein.

2. **Off-Street Parking:** Off-street parking of vehicles shall include recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, ATVs, docks, and boatlifts or items similar in nature are permitted. *Off-street parking of buses, commercial vehicles and trailers or commercial semi-tractor trailers is* prohibited, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking maybe allowed on any surface material or grass; provided the grass is maintained in accordance with Section 11.0714.

3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property.

Allowable Storage/Parking by location (Yard):

1. ***Front Yard* (lakeside):** Outdoor storage is prohibited. Exception: October 1st through April 30th seasonally stored boatlifts and docks may be stored in the front yard and will not count toward the maximum three (3) items allowed for the property.

2. ***Side Yard*:** Outdoor storage/off-street parking is allowed next to a garage. If the property does not have a garage, the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.

3. ***Rear Yard* (roadside):** Outdoor storage/off-street parking is allowed. Items stored must be placed on their private property and not closer than four (4) feet from the public *right-of-way*.

4. **Maximum number of stored/parked vehicles:**
   a. If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
   b. If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, or up to (2) two items may be parked or stored in the rear yard.

5. Off-street parking or outdoor storage shall not encroach a sidewalk/recreational trail or street.

6. A twenty-five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line, is required at street intersections.

7. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the ~~Building Official~~ Administrative Official may order it be removed.

8. Due to the uniqueness of lake lots, it will be the ~~Building Official's~~ Administrative Official responsibility to determine if the storage meets the intent of the ordinance.

9. Non-lakeside parcels located across the public *right-of-way* from lakeside parcels shall be governed by section 21.6501. Exceptions:
   a. The owner of a vacant parcel may store docks & boatlifts in the rear half of the property.

b. Written application for *congregated storage* may be submitted; conditions for specific placement and screening may be required at the discretion of the ~~Building Official~~Administrative Official. (Ord 17-27; Add 08-11-17)

21.6503: OUTSIDE STORAGE AND DISPLAYS – COMMERCIAL USES (back to Chapter contents)

1. **Outside Storage:** Outside storage may be permitted, if acceptable screening is provided and approved by the ~~Building Official~~Administrative Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

21.6504: OUTSIDE STORAGE AND DISPLAYS – INDUSTRIAL USES (back to Chapter contents)

1. **Outside Storage:** Outside storage is permitted. Screening may be required if adjacent land uses are residential or commercial. Acceptable screening must be approved by the ~~Building Official~~Administrative Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

Chapter 21.~~73~~67
LANDSCAPE AND LIGHTING STANDARDS

Section (back to Title contents)

21.6~~77~~301 Landscape and Lighting Standards
21.6~~77~~302 Applicability
21.6~~77~~303 Standards for Landscape Materials
21.6~~77~~304 Parking Lot Requirements
21.6~~77~~305 Boulevard/Public Right-Of-Way Landscaping Requirements
21.6~~77~~306 Compliance
21.6~~77~~307 Maintenance
21.6~~77~~308 Landscape Plan
21.6~~77~~309 Enforcement
21.6~~77~~310 Repealed
21.6~~77~~311 Exceptions

21.6~~77~~301: LANDSCAPE AND LIGHTING STANDARDS

(back to Chapter contents)

It is the desire of the City to encourage development that enhances the environmental and aesthetic conditions that contribute to the quality of life found in Watertown. To achieve this, a minimum standard for provision, installation, and maintenance of landscape plantings is prescribed to lessen the adverse effects commonly associated with the urban development.

21.6~~77~~302: APPLICABILITY

(back to Chapter contents)

1. This ordinance shall apply to all public right-of-ways and to all properties within the City without regard to zoning district or land use with the only exceptions specifically noted herein. Exceptions:
   i. The interior tree requirement shall not apply to I-1 and I-2 zoned property.
   ii. All property zoned C-1 that is located within the interior of the area bordered by First Avenue North, First Avenue South, Third Street West, and Fourth Street East, except for properties in conformance with this ordinance at the time of adoption, shall be exempted from these requirements.
   ~~iii. The "Parking Lot Requirements" contained in Section 21.7304(1) shall not apply to the "Specific Use Office Building" conditional use established in Section 21.1403.~~
2. This ordinance shall further apply to new construction and to nonconforming properties where gravel is being paved, or existing asphalt and concrete paved surfaces are being removed and/or replaced, or existing unapproved (non-grass) landscape materials are being replaced.

21.6~~77~~303: STANDARDS FOR LANDSCAPE MATERIALS

(back to Chapter contents)

1. Artificial Plantings are not acceptable under this ordinance.
2. Trees: Valuing the benefits from the use of trees in reducing heat and pollution, the following standards regarding trees shall be met and maintained.
   a. Definitions

      Tree: A tree which is required by this ordinance and meets or exceeds the following minimum specifications according to tree type:

      Deciduous shade tree: Shall be a~~A~~ minimum of ~~one and one-quarter (1¼) inch caliper measured at a point six inches~~ five (5) feet in height above immediate ground level and normally capable of reaching a mature height of thirty (30) feet.

      Deciduous ornamental tree: Shall be a ~~A~~ minimum of ~~one (1) inch caliper measured at a point six (6) inches~~ four (4) feet in height above immediate ground level and normally growing to height less than thirty (30) feet at maturity.

      Evergreen or coniferous tree: A minimum height of four (4) feet measured above immediate ground level.

   b. Minimum tree requirement: The minimum number of trees to be located on the development site/lot shall be one (1) tree per fifty (50) feet of frontage. This requirement does not include the minimum standards for interior tree plantings in parking areas exceeding fifty (50) parking spaces.
   c. Placement according to type and percentage allowed:

(1) Deciduous shade tree
  (a) May be utilized for one hundred percent (100%) of total tree requirement.
  (b) The deciduous tree is the only tree to be utilized for interior trees or optional right-of-way planting.
(2) Deciduous ornamental ~~and evergreen or coniferous trees~~
  (a) May be utilized for up to twenty five percent (25%) of total tree requirement.
  (b) Shall not be planted in a driveway, intersection nor utilized for parking lot interior trees or right-of-way plantings.
(3) Evergreen or coniferous trees
  (a) May be utilized for up to seventy five percent (75%) of total tree requirement
  (b) Shall be planted accordingly to encompass the mature width of tree on development site; a minimum distance of ten feet (10') off the property line.
  (c) Shall not be planted in a driveway, intersection nor utilized for parking lot interior trees or right-of-way plantings.
  ~~(b)~~
~~(3)~~(4) Interior tree requirements for parking areas exceeding fifty (50) spaces
  (a) One (1) tree per twenty five (25) interior parking spaces.
  (b) Trees shall be equally spaced.
  (c) Trees shall be placed in planting islands within hard surface areas.
  (d) Planting islands shall be a minimum of five (5) feet wide and contain a minimum of thirty five (35) square feet per tree with raised curbs or wheel stops.
~~(4)~~(5) Existing Trees:
  The City encourages preservation of existing trees on site that meet the minimum size requirement and are properly located to satisfy the needs of this ordinance.

d. Installation Requirements
  (1) Trees shall be located no closer than three (3) feet to any curb or hard-surfaced area, and all landscape materials required by this section shall be installed in accordance with accepted industry standards.
  (2) No tree shall be planted within fifty (50) feet of the intersection measured from the curb line corner.
  (3) Minimum planting sizes of hedges. If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum of eighteen (18) inches above ground height and of a species that is normally capable of reaching a height of four (4) feet within three (3) years. Spacing shall be eighteen (18) to thirty six (36) inches apart, depending upon species, as the hedge must also be capable of providing a substantially full expanse of foliage within this three (3) year period. If a hedge is used for required screening, a temporary fence shall be installed to provide immediate screening and may be removed once hedge reached the minimum height of four (4) feet.
e. Minimum soil requirement. Areas to be seeded to grass shall utilize a minimum thickness of six (6) inches of black dirt.

3. Yards shall be graded to allow proper drainage according to the approved grading plan and shall be permanently seeded with a residential grass mix approved by the Building ~~Inspector~~ Official at the time the Certificate of Occupancy is issued. An appropriate extension, not to exceed eight months, will be allowed if seasonal limitations prevent seeding. (Ord. 20-37; Rev 11-27-20)

21.6773~~0~~4: PARKING LOT REQUIREMENTS (back to Chapter contents)

1. Parking lot lighting. In order to minimize the negative impact of parking lot lighting on adjacent properties, the City requires the use of "shoe box" style lighting fixtures adjacent to any residential district.
2. Parking lot buffer areas. A grassed setback area of at least five (5) feet shall be provided between the parking surface and property line where the parking lot abuts adjacent residentially used property. **Exception:** Where a screen fence or wall is provided, the required setback may be reduced to three (3) feet.
3. Parking lot screening:
  a. Adequate screening of a parking lot from adjacent residentially used property shall be provided. Where residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial. Screening shall be an opaque fence, wall, berm, or hedge maintained at least four (4) feet in height and in such a manner as not to ~~materially~~ impede ~~vision~~ the clear view triangle at intersecting streets, alleys and driveways. (Ord 07-03, Rev 03-20-07)
  b. Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required setback area. Berms shall have a maximum grade of three (3) feet horizontal to one (1) foot vertical and shall be sodded or planted with grass.
4. Screening dumpsters. All outside dumpsters or other garbage receptacles on the site shall be screened by an

opaque fence or wall.

5. Exception. The parking lot buffer, parking lot screening and screening dumpster requirements shall not apply to the parking areas of residential dwellings with less than ~~eight~~ five (58) units.

(back to Chapter contents)

21.6773~~7~~05: BOULEVARD/PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

1. The entire public right-of-way, excluding the street, in all zoning districts shall be devoted entirely to grass and approved tree plantings, except for the necessary surfacing of sidewalks and driveways.

2. There shall be a minimum width of fifteen (15) feet of grass adjacent to the public street. In the event that there is not fifteen (15) feet of public right-of-way to be utilized for the planting of grass, the difference shall be met by requiring the developer/owner of the property to provide the balance of the required fifteen (15) feet of grass on private property. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of fifteen (15) feet of grass.

3. Nonliving ground cover, including, but not limited to, rock, stone, brick, concrete, blacktop, or other like materials shall not cover more than ten percent (10%) when used as landscape material in the required fifteen (15) foot grassed area adjacent to a public street.

21.6773~~7~~06: COMPLIANCE (back to Chapter contents)

Properties and rights-of-way in conformance with this ordinance at the date of its adoption shall not be altered in such a manner as to cause noncompliance with this ordinance.

21.6773~~7~~07: MAINTENANCE (back to Chapter contents)

1. The use of in-ground sprinkler systems is encouraged, and at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering.

2. Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.6773~~7~~08: LANDSCAPE PLAN (back to Chapter contents)

1. The applicant for a commercial building permit shall submit a landscape plan prepared and approved in accordance with the provisions of this section. A landscape plan is required for approval prior to the issuance of a building permit for ~~all~~ new commercial construction ~~except residential dwellings with less than eight (8) units.~~

2. The landscape plan shall include the following:
   a. Name and address of developer/owner.
   b. Site map. One scale drawing of site based upon survey of property lines showing streets, easements, existing and proposed buildings, ingress and egress, and existing and proposed parking.
   c. Landscape proposal. Two scale drawings of proposed landscaping showing details of sodded and seeded areas, screening, location and identification of trees, and location of landscape islands with identification of trees and plant material used for landscaping required by ordinance.
   d. Planting Schedule. A table containing common and botanical names, size, root specifications, and planting dates.

21.6773~~7~~09: ENFORCEMENT (back to Chapter contents)

The enforcement of this ordinance shall be the responsibility of the ~~Building Official~~Administrative Official.~~and the Director of Parks, Recreation and Forestry, or designated representative.~~

21.6773~~7~~10: REPEALED (Ord 16-20; Repealed 11-11-16)

~~**21.7311: EXCEPTIONS** (back to Chapter contents)~~

~~The Board of Adjustment may grant exceptions to the terms of this ordinance and/or decision(s) of the Building Official or the Director of Parks, Recreation and Forestry, or designated representative, after public notice and hearing thereon. Any person(s) of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota. (00-4)~~

ORDINANCE NO. 24-30

AN ORDINANCE AMENDING Chapter 21.60 Required Yards and Open Space, Chapter 21.61 Fences, Walls, and Hedges, Chapter 21.6304 Off-Street Parking & Loading Requirements, Chapter 21.65 Outside Storage & Display Requirements for Specific Uses, and Chapter 21. 67 Landscape and Lighting Standards OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Required Yards and Open Space, Fences, Walls, and Hedges, Off-Street Parking & Loading Requirements, Outside Storage & Display Requirements for Specific Uses, and Landscape and Lighting Standards of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters be amended as follows:

Chapter 21.60
REQUIRED YARDS AND OPEN SPACE

Section (back to Title contents)

21.6001 Restrictions Governing the Allocation and Disposition of Required Yards and Open Space
21.6002 Continuing Obligation of Property Owner to Maintain Required Yards, Open Spaces, Lot Area and Off-Street Parking Spaces

21.6001: RESTRICTIONS GOVERNING THE ALLOCATION AND DISPOSITION OF REQUIRED YARDS AND OPEN SPACE (**back to Chapter contents**)

1. All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions whatever except those permitted below.
2. Permitted obstructions in required yards. The following obstructions and no others may be permitted in a required yard:
   a. Obstructions permitted in all yards: awnings, shutters and canopies; chimneys projecting no more than twenty four (24) inches into a required yard; arbors and trellises; flag poles; steps necessary for access to a building or access to a building or lot from an adjoining street or alley; unroofed, open terraces; fences, walls or hedges, as provided in Chapter 21.61, Outside Storage and Display Requirements for Specific Uses, as provided in Chapter 21.65, and Off-Street Parking and Loading Requirements, as provided in Chapter 21.63 and other customary yard accessories, ornaments, and furniture, subject to height limitations and requirements limiting obstruction of visibility. (Ord 04-04; Rev 03-26-04) (Ord 15-08; Rev 05-29-15)
   b. Obstructions permitted in front yards: bay windows, unroofed porches, pergolas or terraces, or balconies projecting not more than five (5) feet into the required yard; overhanging eaves and gutters projecting not more than three (3) feet into the required yard; off-street parking.
   c. Obstructions permitted in rear yards: accessory uses, buildings or structures as permitted by Chapter 21.10 of this ordinance; enclosed, attached or detached off-street parking spaces; balconies; breezeways and open, unroofed porches, pergolas or terraces; bay windows projecting not more than five (5) feet into the yard; overhanging eaves or gutters projecting not more than three (3) feet into the yard.
   d. Obstructions permitted in side yards: overhanging eaves and gutters projecting not more than three (3) feet into the yard; open off-street parking, except as limited by Chapter 21.63. (Ord 04-04; Rev 03-26-04)
   e. Commercial/Industrial Use: The Administrative Official may permit the following obstructions in all yards: awnings, canopies or other unenclosed accessory structures. (Ord 12-01; Rev 01-27-12)

21.6002: CONTINUING OBLIGATION OF PROPERTY OWNER TO MAINTAIN REQUIRED YARDS, OPEN SPACES, LOT AREA AND OFF-STREET PARKING SPACES (back to Chapter contents)

The maintenance of any yard, open space, minimum lot area or off-street parking space required by this ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area or off-street parking area required by this ordinance for any building, structure or use shall by virtue of change of ownership or any other reason be used to satisfy any yard, open space, lot area or off-street parking area required for any other building, structure or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located.

Chapter 21.61
FENCES, WALLS, AND HEDGES

Section (back to Title contents)

21.6101 Purpose
21.6102 Applicability
21.6103 General Requirements

21.6101: PURPOSE

To regulate the materials, location, height, and maintenance of fences (to include walls and hedges) to ensure a compatible relationship between abutting properties and the community at large, and to safeguard public health, safety, and welfare.

21.6102: APPLICABILITY

1. A fence permit issued by the City is required prior to the erection, construction, or replacement of any fence
2. The provisions of this chapter shall apply to the construction, reconstruction, or replacement of all fences located within the City, unless exempted as described below:
   a. A nonconforming fence that existed as of January 1, 2025 may be maintained, restored, or repaired but shall conform to the provisions of this chapter if it is to be replaced or improved.
   b. Fences that are located entirely outside of the required property setbacks.
   c. Fences that are less than three (3) feet in height and less than twenty (20) feet in length.
   d. Fences that are a part of a permitted tennis court, athletic field, or other recreational facility and do not exceed twelve (12) feet in height
   e. Temporary fencing:
      i. Established around construction sites, demolitions, or other site conditions unsafe for pedestrians or vehicles, provided it is consistent with the building code.
      ii. To protect existing trees, limit sedimentation, or control erosion.
      iii. Utilized seasonally (i.e. snow fences)

21.6103 GENERAL REQUIREMENTS

1. Height.

   a. Height is to be measured from the finished grade of the proposed location of the fence at each post point. If an adjacent property is elevated with a retaining wall greater than 2’ above the property proposing a fence, the height shall be measured from the height of the adjacent retaining wall to maintain privacy, not to exceed 6’.

   b. A fence may be erected not to exceed the following height limitations:

Use	Height
Residential	7’ [a]
Commercial	8’
Industrial	8’
Municipal	10’

   [a] Fences shall be a maximum of 48 inches when located within the required front yard setback in residential districts.

2. Placement.
   a. Fences shall be placed to allow the property owner to maintain both sides of the fence
   b. A 25’ clear-view triangle shall be maintained for driveway and street corners. If a fence is to be placed within the clear view triangle, it shall not exceed thirty-six (36) inches in height.
   c. A fence shall not be located closer than 12 inches to the edge of any sidewalk on public right-of-way or alley.
   d. A fence that is to be located within 12 inches of an adjoining property line shall submit a survey by a registered land surveyor with their permit application.

3. Materials.
    a. All fences shall be constructed, maintained, and repaired in a professional manner and of substantial, consistent material reasonably suitable for the purpose for which the fence is intended.
    b. The finished side of a fence must face the adjoining property or public right-of-way
    c. No barbed wire shall be constructed in any fence within city limits, except in commercial and industrial districts where barbed wire may be used in connection with a security fence when the barbed wire is at least seven (7) feet from the ground.
    d. No electric fences are allowed unless it is underground.

Chapter 21.63
OFF-STREET PARKING AND LOADING REQUIREMENTS (ALL DISTRICTS)

Section (back to Title contents)

21.6301 General Provisions and Off-Street Parking Calculations
21.6302 Minimum Off-Street Parking Requirements (All Districts)
21.6303 Off-Street Parking Design and Maintenance
21.6304 Off-Street Loading Minimum Requirements

21.6301: GENERAL PROVISIONS AND OFF-STREET PARKING CALCULATIONS

(back to Chapter contents)

1. It shall be unlawful to construct, re-construct, or add parking spaces or lots, unless a City permit is obtained.

2. Permits are not required for re-striping, chip sealing, overlay, or other minor surface work so long as required landscaping is not reduced or drainage is unaffected.

3. Within a Commercial or Industrial District, off-street parking facilities may be located within 300 feet provided there is a direct pedestrian route to the subject property. A shared parking agreement shall be required when parking is located off-site. Conditional use approval is required to utilize property in a Residential District for off-street parking.

4. Parking shall be reviewed for any new building, any addition for an existing building, or any change in use of an existing building.

5. Off-street parking spaces shall be located outside of the public right-of-way except in the C-1 Community Commercial District.

6. The C-1 Community Commercial District shall be exempt from off-street parking requirements. Exception: Properties that contain more than four (4) residential units shall provide a minimum of 50% of the required parking spaces in accordance with 21.6302. This shall not be applicable to existing structures being converted or remodeled to include residential units.

7. Where parking computations of required parking spaces results in a fractional number, the next higher whole number shall be required.

8. Upon request, the Community Development Manager may approve a reduction in required parking spaces not to exceed 20% of the required number. Greater reductions may be granted if justified by a parking study.

9. Where the parking requirements for a use are not specifically defined, herein, the parking requirements for such uses shall be determined by the Community Development Manager.

The minimum required off-street parking spaces shall be determined in accordance table in Ordinance 21.6302.

21.6302: MINIMUM OFF-STREET PARKING REQUIREMENTS (ALL DISTRICTS*)

(back to Chapter contents)

*SF – Square Feet, GFA- Gross Floor Area

Use	Number of Parking Spaces
Art Gallery, Museum, or Library	1/500 SF GFA
Assisted Living/Nursing Home	0.25 per bed plus 1/employee on maximum shift
Auto Parts, Plumbing/Electrical Store	1/500 SF GFA
Auto/Trailer Service and Repair	2.5/service bay plus 1/employee on maximum shift
Bank/Financial Institution	1/300 SF GFA
Bar/Tavern/Lounge	1/150 SF GFA
Barber/Beauty Shop	2.5/employee on maximum shift
Bowling Alley	2/per lane
Campground	1/campsite

Use	Number of Parking Spaces
Car Wash, Automatic	1/employee on maximum shift plus stacking
Car Wash, Self Service	2/bay not including washing or drying spaces
Contractor Shop or similar use	1/employee on maximum shift
Convenience Store (with or without fuel)	1/150 SF GFA for first 2,500 SF then 1/300 SF GFA
Day Care Facility	1/employee plus 1/10 children permitted
Farm Machinery/Trailer/Truck Sales	1/4,000 SF outdoor display area plus 2/service bay
Funeral Service	1/50 SF of chapel area or 1/4 seats, whichever is greater
Furniture Sales/Appliance Sales and Repair	1/500 SF GFA
Grocery Store	1/275 SF GFA
Hotels/Motels/Inn/Bed & Breakfast	1/sleeping room plus 1/each two employees plus 1/300 SF GFA for meeting/restaurant/bar areas
Lab or Research & Development Facility	1/500 SF GFA
Laundromat	1/250 SF GFA
Lumberyard/Home Improvement	1/600 SF GFA
Manufacturing, General Industrial, Warehouse	1/employee on maximum shift
Medical Clinic including all Health Related	1/250 SF GFA
Medical Hospital	1/4 beds or based on parking study
Mixed Use Shopping Center	1/300 SF GFA
Mixed Use Shopping Center with Restaurant	1/225 SF GFA
Motor Vehicle Sales or Rental	1/500 SF GFA
Office	1/300 SF GFA
Recreation Facility	1/200 SF GFA
Religious Institution	1/4 seats in main sanctuary
Residential – Communal Living, Sorority/Fraternity, Dormitory	1/bedroom
Residential – Multi-Family Dwelling	1/bedroom
Residential – Single Family Dwelling	2/dwelling unit
Restaurant	1/150 SF GFA
Restaurant with Drive-Thru	1/100 SF GFA plus stacking space
Retail (General)	1/300 SF GFA
Retail (Large Format)	1/300 SF GFA for first 40,000 sq. ft. then 1/1,000 SF GFA
School – Elementary	1/employee plus 10 spaces or as required by State of SD
School – High School, College, Post-Secondary	1/475 SF on the first floor or as required by State of SD
School – Middle School	1/employee plus 20 spaces or as required by State of SD
Sports Arena/Assembly Hall	1/4 seats plus 1/100 SF for non-fixed seating
Theater	1/4 seats plus 1/employee on maximum shift
Treatment Facility/Group Home	0.33 per unit
Truck Terminal/Freight Warehouse	1/employee on max shift plus 1/service vehicle
Veterinary Clinic	1/500 SF GFA

Source: (Ord 04-11; Rev 04-11-14) (Ord 20-03; Rev 2-14-20) (Ord 22-03; Rev 3-18-22)

21.6303: OFF-STREET PARKING DESIGN AND MAINTENANCE (back to Chapter contents)

1. Minimum parking setbacks from property lines and buildings shall be five (5) feet for commercial or industrial uses.

2. All parking areas shall be hard-surfaced with asphalt, concrete, or other durable, all-weather surface as approved by the City Engineer.

3. I-1 Light Industrial and I-2 Heavy Industrial Districts may utilize gravel for overflow parking spaces and truck routes.

4. Off-street parking shall be on the same site as, or under common ownership with, the structure it is intended to serve as referenced in 21.6301 (3).

5. Parking lots shall be in accordance with Engineering Design Standards.

6. Each parking space shall be directly accessible via a driveway providing necessary vehicular maneuvering to provide ingress and egress to and from the parking space. Commercial and Industrial driveways are not considered parking spaces.

7. Parking areas shall be graded to dispose of surface water and regularly cleaned and maintained. Maintenance of parking lots and access drives shall include re-striping, repairing of potholes, snow and ice removal, and curb and gutter maintenance. Parking lot landscaping and drainage shall be regularly maintained, function according to the design, and alleviate dust and mud tracking.

8. Parking lots adjacent to a sidewalk, right-of-way, or private street shall be provided with a six (6) inch curb.

Source: (Ord 22-03; Rev 3-18-22)

21.6304: OFF-STREET LOADING MINIMUM REQUIREMENTS (back to Chapter contents)

1. No open, exterior, loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area) except in I-2.

2. Loading areas, parking bays and access drives shall be hard-surfaced with asphalt, concrete, or other Engineer-approved durable all weather surface material and shall be so graded to dispose of surface water in accordance with Chapter 5 of the Engineering Design Standards.

Source: (Ord 17-32; Rev 09-29-17) (Ord 22-03; Rev 3-18-22)

Chapter 21.65
OUTSIDE STORAGE AND DISPLAY REQUIREMENTS FOR SPECIFIC USES

Section (back to Title contents)

21.6501 Outside Storage/Parking – Residential Uses
21.6502 Outside Storage/Parking – Residential Uses- Lake
21.6503 Outside Storage and Displays – Commerical Uses
21.6504 Outside Storage and Displays – Industrial Uses

21.6501: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES

(back to Chapter contents)

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as seasonally allowed herein.
2. **Off-Street Parking:** Off-street parking of vehicles shall include; recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, and ATVs, or items similar in nature are permitted. Off-street parking of buses, commercial vehicles, commercial trailers or commercial semi-tractor trailers is prohibited, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking may be allowed on any surface material or grass; provided the grass is maintained in accordance with Section 11.0714.
3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property. Outside storage is not permitted in the front yard.
   a. Outside storage/off-street parking for properties with no adjacent alley;
      (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
      (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
   b. Outside storage/off-street parking for properties adjacent to an improved alley;
      (1) If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard;
      (2) If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, and/or up to three (3) items may be parked or stored in the rear yard. Under no circumstances shall more than three (3) items of outdoor storage or parked items be allowed on a single property.
4. **Side Yards:** Outdoor storage/off-street parking may be in the side yard next to a garage, provided any item stored does not protrude beyond the front of the adjacent structure. If the side yard is adjacent to an alley, then, any item stored or parked must be setback not less than four (4) feet from the alley. If the property does not have a garage the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.
5. **Rear Yards:** Outdoor storage/off-street parking is permitted in the entire required rear yard however, if the rear yard is adjacent to an alley or other public right-of-way any item stored or parked must be setback not less than four (4) feet from the alley or public right-of-way.
6. **Front Yards:** Outdoor storage of item(s) is prohibited; however, from April 1st through November 1st, off-street parking of vehicles may be allowed on a driveway in front of the garage or on a driveway next to the primary structure when no garage exists. From November 2nd through March 31st, ice shacks, snowmobiles, quad vehicles, their trailers or similar items may be parked on the driveway in front of the garage. On properties with two or more fronts, the primary frontage may not be used for outdoor storage. The secondary frontage may be used for outdoor storage or off-street parking provided the item(s) is not closer than twelve (12) feet from the property line.

7. Off-street parking or outdoor storage shall not encroach a sidewalk, street or other public right-of-way.
8. A twenty five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line is required at street intersections.
9. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the Administrative Official may order it be removed.
10. Nothing in this section shall be deemed to apply to any property adjacent to Lake Kampeska or property located directly on the opposite side of any roadway adjacent to Lake Kampeska. (Ord 15-08; Rev 05-29-15) (Ord 17-22; Rev 07-14-17)

21.6502: OUTSIDE STORAGE/PARKING – RESIDENTIAL USES - LAKE (back to Chapter contents)

Purpose: This ordinance is intended to permit certain items to be parked or stored in required yards on any residentially zoned or used property adjacent to water. For enforcement of this ordinance, the lake side is the front of the property and the road side is the rear.

1. **Outside Storage:** Materials, supplies, junk and equipment shall be stored within a completely enclosed building. One (1) item or a combination of items may be stored in the side yard or rear yard as described herein if covered with a durable opaque cover. No storage is permitted in the front yard except as allowed herein.
2. **Off-Street Parking:** Off-street parking of vehicles shall include recreational vehicles, automobiles, and up to one (1) ton capacity pickup trucks, boats, enclosed trailers, utility trailers, snowmobiles, jet skis, ATVs, docks, and boatlifts or items similar in nature are permitted. *Off-street parking of buses, commercial vehicles and trailers or commercial semi-tractor trailers is* prohibited, with the exception of commercial vehicles and trailers used by contractors actively performing improvements to the property where parked. Outdoor storage/off-street parking maybe allowed on any surface material or grass; provided the grass is maintained in accordance with Section 11.0714.
3. **Allowable Use:** Not more than three (3) unenclosed or unsheltered items may be parked or stored on any one property.

Allowable Storage/Parking by location (Yard):

1. ***Front Yard* (lakeside):** Outdoor storage is prohibited. Exception: October 1st through April 30th seasonally stored boatlifts and docks may be stored in the front yard and will not count toward the maximum three (3) items allowed for the property.
2. ***Side Yard*:** Outdoor storage/off-street parking is allowed next to a garage. If the property does not have a garage, the owner or occupant may choose a side yard for permitted outdoor storage/off-street parking.
3. ***Rear Yard* (roadside):** Outdoor storage/off-street parking is allowed. Items stored must be placed on their private property and not closer than four (4) feet from the public *right-of-way*.
4. **Maximum number of stored/parked vehicles:**
   a. If one (1) vehicle is parked in the driveway, then one (1) item may be parked or stored in the side yard, and one (1) item may be parked or stored in the rear yard.
   b. If no vehicle is parked in the driveway, then up to two (2) items may be parked or stored in the side yard, or up to (2) two items may be parked or stored in the rear yard.
5. Off-street parking or outdoor storage shall not encroach a sidewalk/recreational trail or street.
6. A twenty-five (25) foot clear view triangle, measured along property lines and connecting these two (2) points by a straight line, is required at street intersections.
7. Any time outdoor storage/off-street parking poses a threat to public safety regardless of location, the Administrative Official may order it be removed.
8. Due to the uniqueness of lake lots, it will be the Administrative Official responsibility to determine if the storage meets the intent of the ordinance.
9. Non-lakeside parcels located across the public *right-of-way* from lakeside parcels shall be governed by section 21.6501. Exceptions:
   a. The owner of a vacant parcel may store docks & boatlifts in the rear half of the property.

b. Written application for *congregated storage* may be submitted; conditions for specific placement and screening may be required at the discretion of the Administrative Official. (Ord 17-27; Add 08-11-17)

21.6503: OUTSIDE STORAGE AND DISPLAYS – COMMERCIAL USES (back to Chapter contents)

1. **Outside Storage:** Outside storage may be permitted, if acceptable screening is provided and approved by the Administrative Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

21.6504: OUTSIDE STORAGE AND DISPLAYS – INDUSTRIAL USES (back to Chapter contents)

1. **Outside Storage:** Outside storage is permitted. Screening may be required if adjacent land uses are residential or commercial. Acceptable screening must be approved by the Administrative Official. (Ord 12-19; Add 06-15-12)
2. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building. (Ord 12-19; Rev 06-15-12)

Chapter 21.67
LANDSCAPE AND LIGHTING STANDARDS

Section (back to Title contents)

21.6701 Landscape and Lighting Standards
21.6702 Applicability
21.6703 Standards for Landscape Materials
21.6704 Parking Lot Requirements
21.6705 Boulevard/Public Right-Of-Way Landscaping Requirements
21.6706 Compliance
21.6707 Maintenance
21.6708 Landscape Plan
21.6709 Enforcement
21.6710 Repealed
21.6711 Exceptions

21.6701: LANDSCAPE AND LIGHTING STANDARDS

(back to Chapter contents)

It is the desire of the City to encourage development that enhances the environmental and aesthetic conditions that contribute to the quality of life found in Watertown. To achieve this, a minimum standard for provision, installation, and maintenance of landscape plantings is prescribed to lessen the adverse effects commonly associated with the urban development.

21.6702: APPLICABILITY

(back to Chapter contents)

1. This ordinance shall apply to all public right-of-ways and to all properties within the City without regard to zoning district or land use with the only exceptions specifically noted herein. Exceptions:
   i. The interior tree requirement shall not apply to I-1 and I-2 zoned property.
   ii. All property zoned C-1 that is located within the interior of the area bordered by First Avenue North, First Avenue South, Third Street West, and Fourth Street East, except for properties in conformance with this ordinance at the time of adoption, shall be exempted from these requirements.
2. This ordinance shall further apply to new construction and to nonconforming properties where gravel is being paved, or existing asphalt and concrete paved surfaces are being removed and/or replaced, or existing unapproved (non-grass) landscape materials are being replaced.

21.6703: STANDARDS FOR LANDSCAPE MATERIALS

(back to Chapter contents)

1. Artificial Plantings are not acceptable under this ordinance.
2. Trees: Valuing the benefits from the use of trees in reducing heat and pollution, the following standards regarding trees shall be met and maintained.
   a. Definitions

      Tree: A tree which is required by this ordinance and meets or exceeds the following minimum specifications according to tree type:

      Deciduous shade tree: Shall be a minimum of five (5) feet in height above immediate ground level and normally capable of reaching a mature height of thirty (30) feet.

      Deciduous ornamental tree: Shall be a minimum of four (4) feet in height above immediate ground level and normally growing to height less than thirty (30) feet at maturity.

      Evergreen or coniferous tree: A minimum height of four (4) feet measured above immediate ground level.

   b. Minimum tree requirement: The minimum number of trees to be located on the development site/lot shall be one (1) tree per fifty (50) feet of frontage. This requirement does not include the minimum standards for interior tree plantings in parking areas exceeding fifty (50) parking spaces.
   c. Placement according to type and percentage allowed:
      (1) Deciduous shade tree
         (a) May be utilized for one hundred percent (100%) of total tree requirement.
         (b) The deciduous tree is the only tree to be utilized for interior trees or optional right-of-way planting.

(2) Deciduous ornamental
  (a) May be utilized for up to twenty five percent (25%) of total tree requirement.
  (b) Shall not be planted in a driveway, intersection nor utilized for parking lot interior trees or right-of-way plantings.
(3) Evergreen or coniferous trees
  (a) May be utilized for up to seventy five percent (75%) of total tree requirement
  (b) Shall be planted accordingly to encompass the mature width of tree on development site; a minimum distance of ten feet (10') off the property line.
  (c) Shall not be planted in a driveway, intersection nor utilized for parking lot interior trees or right-of-way plantings.

(4) Interior tree requirements for parking areas exceeding fifty (50) spaces
  (a) One (1) tree per twenty five (25) interior parking spaces.
  (b) Trees shall be equally spaced.
  (c) Trees shall be placed in planting islands within hard surface areas.
  (d) Planting islands shall be a minimum of five (5) feet wide and contain a minimum of thirty five (35) square feet per tree with raised curbs or wheel stops.
(5) Existing Trees:
  The City encourages preservation of existing trees on site that meet the minimum size requirement and are properly located to satisfy the needs of this ordinance.

d. Installation Requirements
  (1) Trees shall be located no closer than three (3) feet to any curb or hard-surfaced area, and all landscape materials required by this section shall be installed in accordance with accepted industry standards.
  (2) No tree shall be planted within fifty (50) feet of the intersection measured from the curb line corner.
  (3) Minimum planting sizes of hedges. If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum of eighteen (18) inches above ground height and of a species that is normally capable of reaching a height of four (4) feet within three (3) years. Spacing shall be eighteen (18) to thirty six (36) inches apart, depending upon species, as the hedge must also be capable of providing a substantially full expanse of foliage within this three (3) year period. If a hedge is used for required screening, a temporary fence shall be installed to provide immediate screening and may be removed once hedge reached the minimum height of four (4) feet.
e. Minimum soil requirement. Areas to be seeded to grass shall utilize a minimum thickness of six (6) inches of black dirt.

3. Yards shall be graded to allow proper drainage according to the approved grading plan and shall be permanently seeded with a residential grass mix approved by the Building Official at the time the Certificate of Occupancy is issued. An appropriate extension, not to exceed eight months, will be allowed if seasonal limitations prevent seeding. (Ord. 20-37; Rev 11-27-20)

21.6704: PARKING LOT REQUIREMENTS (back to Chapter contents)

1. Parking lot lighting. In order to minimize the negative impact of parking lot lighting on adjacent properties, the City requires the use of "shoe box" style lighting fixtures adjacent to any residential district.

2. Parking lot buffer areas. A grassed setback area of at least five (5) feet shall be provided between the parking surface and property line where the parking lot abuts adjacent residentially used property. **Exception:** Where a screen fence or wall is provided, the required setback may be reduced to three (3) feet.

3. Parking lot screening:
  a. Adequate screening of a parking lot from adjacent residentially used property shall be provided. Where residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial. Screening shall be an opaque fence, wall, berm, or hedge maintained at least four (4) feet in height and in such a manner as not to impede the clear view triangle at intersecting streets, alleys and driveways. (Ord 07-03, Rev 03-20-07)
  b. Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required setback area. Berms shall have a maximum grade of three (3) feet horizontal to one (1) foot vertical and shall be sodded or planted with grass.

4. Screening dumpsters. All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall.

5. Exception. The parking lot buffer, parking lot screening and screening dumpster requirements shall not apply to the parking areas of residential dwellings with less than five (5) units.

(back to Chapter contents)

21.6705: BOULEVARD/PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

1. The entire public right-of-way, excluding the street, in all zoning districts shall be devoted entirely to grass and approved tree plantings, except for the necessary surfacing of sidewalks and driveways.
2. There shall be a minimum width of fifteen (15) feet of grass adjacent to the public street. In the event that there is not fifteen (15) feet of public right-of-way to be utilized for the planting of grass, the difference shall be met by requiring the developer/owner of the property to provide the balance of the required fifteen (15) feet of grass on private property. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of fifteen (15) feet of grass.
3. Nonliving ground cover, including, but not limited to, rock, stone, brick, concrete, blacktop, or other like materials shall not cover more than ten percent (10%) when used as landscape material in the required fifteen (15) foot grassed area adjacent to a public street.

21.6706: COMPLIANCE (back to Chapter contents)

Properties and rights-of-way in conformance with this ordinance at the date of its adoption shall not be altered in such a manner as to cause noncompliance with this ordinance.

21.6707: MAINTENANCE (back to Chapter contents)

1. The use of in-ground sprinkler systems is encouraged, and at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering.
2. Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and the owner shall replace any dead or substantially damaged landscape materials.

21.6708: LANDSCAPE PLAN (back to Chapter contents)

1. The applicant for a commercial building permit shall submit a landscape plan prepared and approved in accordance with the provisions of this section. A landscape plan is required for approval prior to the issuance of a building permit for new commercial construction
2. The landscape plan shall include the following:
   a. Name and address of developer/owner.
   b. Site map. One scale drawing of site based upon survey of property lines showing streets, easements, existing and proposed buildings, ingress and egress, and existing and proposed parking.
   c. Landscape proposal. Two scale drawings of proposed landscaping showing details of sodded and seeded areas, screening, location and identification of trees, and location of landscape islands with identification of trees and plant material used for landscaping required by ordinance.
   d. Planting Schedule. A table containing common and botanical names, size, root specifications, and planting dates.

21.6709: ENFORCEMENT (back to Chapter contents)

The enforcement of this ordinance shall be the responsibility of the Administrative Official.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-30 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

_____
Reid Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: First Reading of Ordinance No. 24-28, Zoning Text Amendments to Chapter 21.01 Purpose, Chapter 21.02 Administration & Enforcement, and Chapter 21.03 General Provisions of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
These updates contain mainly clerical amendments. An update was made to clarify that an accessory use cannot be placed on a lot without a primary use. Another amendment being proposed is to allow for a recreational vehicle to be used as temporary residential living quarters by the property owners on lots with an active building permit during the construction of the primary residence.

The Planning Commission recommended approval (5-0) to City Council at the December 19, 2024 meeting.

FINANCIAL CONSIDERATIONS:
N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:
No Action; First Reading

ATTACHMENT(S):
Illustration
Ordinance No. 24-28

ILLUSTRATION PURPOSES ONLY FOR ORDINANCE NO. 24-28

CHAPTER 21.01
PURPOSE

Section (back to Title contents)

21.0101 Title
21.0102 Objectives

21.0101: TITLE (back to Chapter contents)

This ordinance shall be known and cited as "The Zoning Ordinance of the City of Watertown, South Dakota."

21.0102: OBJECTIVES (back to Chapter contents)

The Zoning Ordinance is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To assist in the implementation of the City of Watertown's Comprehensive Land Use Plan which in its entirety represents the foundation upon which this ordinance is based~~.~~

~~1.~~2. To establish a zoning map and ordinance used to administer land use regulations within city limits.

~~2.~~3. To foster a harmonious, ~~convenient~~appropriate, ~~workable~~effective ~~relationship~~association among land uses.

~~3.~~4. To promote the stability of existing land uses that conform with the Comprehensive Land Use Plan and to protect them from ~~inharmonious influences and harmful intrusions~~intrusions.

~~4.~~5. To ~~e~~insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.

~~5.~~6. To establish appropriate densities within zoning designations and ~~prevent excessive population densities and overcrowding~~prevent overcrowding ~~of the land with structures.~~.

~~6.~~7. To foster the provision of adequate off-street parking and ~~off-street truck~~ loading ~~facilities~~.

~~7.~~8. To facilitate the appropriate location of community facilities and institutions.

~~8.~~9. To protect and enhance real estate values.

~~9.~~10. To safeguard and enhance the appearance of the city, including natural amenities**.** (Ord 04-04; Rev 03-26-04)

Chapter 21.02
ADMINISTRATION AND ENFORCEMENT

21.0206: BUILDING PERMITS REQUIRED

(back to Chapter contents)

1. It shall be unlawful to proceed to construct, install, move, demolish, alter or repair any building or structure, including ~~manufactured homes~~, ~~mobile homes,~~ fences, unattached accessory ~~garages and storage sheds~~structures, decks, retaining walls over four (4) feet in height, or other similar structures, within this City without a permit issued, upon application to the Building Official. Manufactured homes shall require a placement permit. No construction shall be undertaken which does not comply with the plans and specifications or detailed statement contained in the application for a permit. (Ord 04-16; Rev 12-31-04)
2. A permit shall be required ***whenever there is a structural change in any building or structure***~~, or when any project exceeds a cost of two thousand dollars ($2,000)~~, other than exceptions listed below. Value of project is based on materials and labor; if labor is not factored into the value (i.e. a "Do-it-yourself" project) a formula approved by the City Council, or double materials cost, will determine total value.
3. No permit shall be required for:
   a. Maintenance of any structure.
   b. Replacement of gutters, downspouts, storm windows, storm doors, or similar type siding ~~and roofing~~ materials (upgrade subject to permit). (Ord.No.04-16; Rev 12-31-04)
   c. Repair, maintenance or demolition of fences, decks and accessory structures less than or equal to (≤) two hundred (200) square feet.
   d. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
   e. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed 2 to 1.
   f. Sidewalks, driveways, and ~~cement~~ concrete work which is not intended to be a base or foundation for a ~~permittable~~ structure that is permitted. The existence of such ~~cement~~ concrete work (placed without permit) shall not be considered grounds for the issuance of a future building permit or variance. Sidewalks and driveway work done in the right-of-way requires an Engineering permit. Concrete work cannot be done within a drainage easement. It is recommended that developers contact the City when doing these projects to ensure compliance with any applicable codes, ordinances, or design criteria.
   g. Individual maintenance projects: painting, papering, tiling, carpeting, cabinets, countertops and similar finish work. ~~When grouped, or part of a larger project scope, these projects will be subject to permit.~~
   h. Prefabricated swimming pools that are less than twenty four (24) inches deep, and those that are seasonal. (see Chapter 11.09 Swimming Pools)
   i. Swings and other playground equipment.
   j. Window awnings supported by an exterior wall which do not project more than fifty four (54) inches from the exterior wall and do not require additional support, except where more restrictive rules apply.

   ~~k. Residential HVAC system replacement (upgrade subject to permit).~~
4. The Building Official may refer any application for permit to the ~~Plan Commission~~Planning Commission. If the applicant is dissatisfied with the decision of the ~~Plan Commission~~Planning Commission, an appeal may be made to the City Council within seven (7) days of notification and shall be acted upon by the Council at the next meeting.

21.0207: APPLICATION REQUIRED

(back to Chapter contents)

1. Every person, before erecting, altering or repairing any building within the zoning jurisdiction of this City or beginning such work thereon, or occupying any existing building or land, shall make an application to the Building Official, stating the location, dimension, purpose and name of owner of the building and land. In addition to said application, the applicant shall furnish and leave with the Building Official a plan and description of the manner of construction of the proposed building, the material to be used and plans of plumbing and other items as provided in the preceding section. In addition, if required by the Building Official, the applicant shall furnish him with regular plans and specifications of said building which may be retained by said Building Official long enough to examine same and, if said Building Official desires it, said plans and specifications or copy thereof may be filed and retained by him in his office. The determination of value or valuation shall be made by the Building Official. The valuation to be used in computing the permit

and plan check fees shall be the total value of all construction work including labor for which the permit is issued, as well as all finish work, painting, roofing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or permanent equipment. (Ord 04-04; Rev 03-26-04)

2. Permit Issued. A building and/or zoning use permit shall be issued by the Building Official on payment of the prescribed fees if the Building Official is satisfied that the title has been fully complied with, upon condition that said permit when issued shall be ~~good~~ valid for one year from the date of issuance. Non-residential p~~P~~ermits ~~for commercial and industrial principal and accessory structures~~ may be reviewed and considered, ~~in~~ at the discretion of the Administrative Official~~Building Official~~, to be issued for a period not to exceed three (3) years. In the event a ~~commercial or industrial~~ residential building permit is ~~issued~~ extended for more than one year, the permit fee for each additional year shall be one-half of the original permit fee. ~~The Building Official is authorized to grant in writing, upon request of the applicant and payment of an administrative fee, one or more extensions of the expiration date of a building permit in increments of up to one additional year each. The administrative fee shall be one-half (1/2) of the original prescribed building permit fee for each incremental extension of said building permit expiration date. (Ord 09-17; Add 09-11-09)~~ After three (3) years, if a non-residential permit is not complete and an extension is requested by the applicant, a construction schedule of outstanding items shall be submitted to staff and approved by City Council. The administrative fee shall be one-half of the original permit fee if the extension over three (3) years is granted by City Council. City Council may allow the administrative fee to be waived or reduced, if applicable. Any lapse of a building permit (residential or non-residential) when construction of the permitted building has not been completed shall render the building a public nuisance and unlawful for not being completed within a reasonable amount of time. (Ord 17-38; Rev 11-10-17)

3. ~~Permit Card Posted. Such permit shall be posted in a conspicuous place upon the premises at all times from the beginning until the completion of such construction, alteration, repair or occupancy. (Ord 04-16; Rev 12-31-04)~~Property addresses should be posted at the property line adjacent to the right-of-way during at all times during construction.

~~4. The Building Official shall make such determination pursuant to a schedule based on building size and type and which said schedule shall be approved by the Council and filed with the Office of the City Engineer with date of the approval.~~

~~5.~~4. Moved in Building Provisions. It shall be unlawful to move any house or other building onto any lot or to any new location within the City unless and until a permit to do so has been obtained from the Building Official. No permit shall be issued until the following requirements are met:

a. The fee for said permit as prescribed by Section 21.0207 shall have been paid.

b. It shall have been shown to the satisfaction of the Building Official that said house or other building complies with the gas, plumbing, electrical and construction requirements of the City.

c. The work is to be completed within twelve (12) months after the permit has been issued by the Building Official.

d. Any building which is not newly constructed shall also meet the following minimum requirements to obtain a permit:

(1) The written consent of all property owners (one hundred percent (100%)) owning property immediately adjacent to the proposed building site.

(2) The written consent of seventy five percent (75%) of all property owners within three hundred (300) feet of said proposed building site.

(a) Building site for this section shall mean three hundred (300) feet from property lines for residentially used/zoned property, and three hundred (300) feet from the footprint of the proposed structure for commercially used/zoned property. Based on the above listed criteria the ~~Building Official~~ Administrative Official shall determine whether the three hundred (300) feet radius shall be measured from structure or property corners.

(b) Exceptions: the following structures are exempt from the moved in building provisions but subject to Building Official's approval:

i. Any accessory structure less than two hundred (200) square feet on a residential lot.

ii. Any accessory structure up to twelve hundred (1,200) square feet on a commercial/ industrial lot, campus or R4 District.

iii. Any manufactured or mobile home moved into an R-4 District within a recognized mobile home park.

(3) If an applicant cannot acquire all signatures required by Subsection d(1) and (2) they may appeal the denial of the moved in building permit to the Board of Adjustment.

(4) A bond shall be furnished with sufficient sureties to be approved by the ~~Building Official~~

Administrative Official to the City to guarantee that the building will be placed on an adequate foundation, will be attached to the city electrical, water and sewer service where available, and that the property on which said building is to be located will be properly landscaped and seeded in accordance with requirements of the Building Official, said bond to be in a minimum of five hundred dollars ($500).

21.0208: SCHEDULE OF FEES, CHARGES AND EXPENSES (back to Chapter contents)

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

21.0209: AMENDMENTS (back to Chapter contents)

The purpose of this section is to allow for amendments to or changes in zoning district boundaries and the zoning provisions contained herein.

1. Procedure.
   a. Initiation. An amendment to the zoning ordinance may be initiated by the City Council, the ~~Plan Commission~~Planning Commission or by a petition of the owners of a parcel or parcels of land for which rezoning is requested. An amendment not initiated by the ~~Plan Commission~~Planning Commission shall be referred to the ~~Plan Commission~~Planning Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the ~~Plan Commission~~Planning Commission or until sixty five (65) days have elapsed from the date of receipt of complete information about said request by the ~~Plan Commission~~Planning Commission.
   b. Application and Fee. Application shall be made on forms provided by the City and shall include all information and data requested. For a change in zoning, an application fee shall accompany the application in the amount specified in Section 21.0207. (Ord 04-04; Rev 03-26-04)
   c. Public Hearing. No amendment shall be adopted until a public hearing has been held thereon by the City Council. A notice of time and place and purpose of hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing. When a change of a zoning district boundary is initiated by the owner of a parcel, notice shall be provided by first-class mail to all land owners adjacent to or within 250' (including the width of public right-of-way; whichever provides greater notice) from the legal lot of record requesting change. The applicant shall reimburse the City for the cost of providing such notice. When a change of a zoning district boundary is initiated by the ~~Plan Commission~~Planning Commission or City Council, the City shall meet the above publication requirements and shall give written notice to all landowners whose property is subject to be rezoned. Notice shall be sent at least five (5) days before the time of hearing. (E-597-1) (01-06) (Ord 04-04; Rev 03-26-04) (Ord 20-24; Rev 08- 28-20)
   d. Adoption. Amendments to the zoning ordinance may be adopted by a majority vote unless the amendment has been denied by the ~~Plan Commission~~Planning Commission in which case a two-thirds (2/3) vote of the City Council is required.
2. Reapplication. No application for the same or substantially the same amendment shall be made within six (6) months of the date of denial.

21.0210: REPEALED (Ord 16-20; Repealed 11-11-16)

Chapter 21.03
GENERAL PROVISIONS

Section (back to Title contents)

21.0301 Rules Governing the Interpretation of this Ordinance
21.0302 Application and Scope of Regulations
21.0303 Limitation of the Number of Building, Structures and Uses on a Zoning Lot

21.0301: RULES GOVERNING THE INTERPRETATION OF THIS ORDINANCE (back to Chapter contents)

1. **Minimum Requirements.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.
2. **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of this ordinance upon the use of land, buildings or other structures are either more restrictive than comparable conditions imposed by any other provision of this ordinance or by any law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern.
3. **Private Agreements.** This ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement or legal relationship, the regulations of this ordinance shall govern.
4. **Unlawful Uses.** No buildings, structures or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.
5. **Not a Licensing Ordinance**. Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
6. **Cumulative Provisions.** The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in this ordinance.
7. **Separability.** It is hereby declared to be the intention of the City Council of the City of Watertown, South Dakota, that the several provisions of this ordinance are separable in accordance with the following:
   a. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance.
   b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

21.0302: APPLICATION AND SCOPE OF REGULATIONS (back to Chapter contents)

1. **Principal Permitted Uses.** No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a principal permitted use or accessory use under the district regulations for the zoning district in which the building, structure or land is located. No principal permitted use already established on the effective date of this ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations of the zoning district in which such use is located.
2. **Accessory Building, Structures or Uses.** An accessory use cannot be placed on a lot without a primary use. No accessory building, structure or use of temporary building or structure or use shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Sections 21.1002 and 21.1004, Accessory Use Provisions, and all other regulations or requirements pertaining to the district in which such building, structure or use is located. (Ord 04-04: Rev 03-26-04)
3. **Lot Size Requirements.** Except as may be otherwise specifically provided in this ordinance:

a. No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot; or shallower than the minimum lot depth required in the zoning district in which the building structure or land is located.

b. No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

4. **Bulk Regulations.** This ordinance expresses both regulations in terms of maximum building or structure height, maximum lot coverage, maximum floor area ratio, minimum setbacks, and minimum front, side and rear yards. No building, structure or part thereof shall hereafter be built, moved or remodeled and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy: (Ord 04-04; Rev 03-26- 04)

   a. So as to exceed the maximum building or structure height, maximum lot coverage percentage, or maximum floor area ratio specified for the zoning district in which the building or structure is located.

   b. So as to provide any setback or front, side or rear or traditional yard that is less than specified for the zoning district in which such building, structure or use of land is located or maintained.

5. **Off-Street Parking and Loading.** No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by the provisions of this ordinance are provided.

   No structure or use already established on the effective date of this ordinance shall be enlarged, expanded or increased in use unless the minimal off-street parking and loading spaces which would be required by the provisions of this ordinance for such enlargement, expansion or increase in use are provided.

6. **Exemptions from the Regulations of this Ordinance.** The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district:

   a. Poles, wires, cables, conduits, laterals, pipes, mains, valves or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by the City of Watertown or the Watertown Municipal Utilities Board. (Ord 04-04; Rev 03-26-04)

   b. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

21.0303: LIMITATION OF THE NUMBER OF BUILDING, STRUCTURES AND USES ON A ZONING LOT

1. **Residential Districts.** Within any residential district, not more than one (1) residential building or other principal permitted use shall be located on a single zoning lot. In addition, no residential building shall be located on the same zoning lot with any other use except permitted accessory uses. The provisions of this section shall not apply to any Planned Unit Development (PUD) District or Dwelling Complexes, or multiple uses when approved as "Conditional Uses" by the Board of Adjustment. (Ord 13-32; Rev 12-13-13). A recreational vehicle for temporary residential living quarters for the property owners shall be allowed on lots with an active building permit during the construction of the primary residence.

2. **Non-Residential Districts.** In any district other than a residential district any number of buildings, structures or uses permitted by this ordinance may be established, constructed or maintained on a single zoning lot except that for any building used primarily for residential purposes and located within a commercial or industrial district, the provisions of Section 21.0303 (1) shall apply. (Ord 04-04; Rev 03-26-04) (Clerical Edit per § 22.0106, 1-13-17)

ORDINANCE NO. 24-28

AN ORDINANCE AMENDING CHAPTER 21.01 PURPOSE, CHAPTER 21.02 ADMINISTRATION & ENFORECEMENT, AND CHAPTER 21.03 GENERAL PROVISIONS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Purpose, Administration & Enforcement, and General Provisions of Title 21 Zoning Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters amended as follows:

CHAPTER 21.01
PURPOSE

Section (back to Title contents)

21.0101 Title
21.0102 Objectives

21.0101: TITLE (back to Chapter contents)

This ordinance shall be known and cited as "The Zoning Ordinance of the City of Watertown, South Dakota."

21.0102: OBJECTIVES (back to Chapter contents)

The Zoning Ordinance is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To assist in the implementation of the City of Watertown's Comprehensive Land Use Plan which in its entirety represents the foundation upon which this ordinance is based
2. To establish a zoning map and ordinance used to administer land use regulations within city limits.
3. To foster a harmonious, appropriate, effective association among land uses.
4. To promote the stability of existing land uses that conform with the Comprehensive Land Use Plan and to protect them from intrusions.
5. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.
6. To establish appropriate densities within zoning designations and prevent overcrowding.
7. To foster the provision of adequate off-street parking and loading.
8. To facilitate the appropriate location of community facilities and institutions.
9. To protect and enhance real estate values.
10. To safeguard and enhance the appearance of the city, including natural amenities. (Ord 04-04; Rev 03-26-04)

Chapter 21.02
ADMINISTRATION AND ENFORCEMENT

21.0206: BUILDING PERMITS REQUIRED

(back to Chapter contents)

1. It shall be unlawful to proceed to construct, install, move, demolish, alter or repair any building or structure, including, fences, unattached accessory structures, decks, retaining walls over four (4) feet in height, or other similar structures, within this City without a permit issued, upon application to the Building Official. Manufactured homes shall require a placement permit. No construction shall be undertaken which does not comply with the plans and specifications or detailed statement contained in the application for a permit. (Ord 04-16; Rev 12-31-04)
2. A permit shall be required ***whenever there is a structural change in any building or structure***, other than exceptions listed below. Value of project is based on materials and labor; if labor is not factored into the value (i.e. a "Do-it-yourself" project) a formula approved by the City Council, or double materials cost, will determine total value.
3. No permit shall be required for:
   a. Maintenance of any structure.
   b. Replacement of gutters, downspouts, storm windows, storm doors, or similar type sidingmaterials (upgrade subject to permit). (Ord.No.04-16; Rev 12-31-04)
   c. Repair, maintenance or demolition of fences, decks and accessory structures less than or equal to (≤) two hundred (200) square feet.
   d. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
   e. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed 2 to 1.
   f. Sidewalks, driveways, and concrete work which is not intended to be a base or foundation for a structure that is permitted. The existence of such concrete work (placed without permit) shall not be considered grounds for the issuance of a future building permit or variance. Sidewalks and driveway work done in the right-of-way requires an Engineering permit. Concrete work cannot be done within a drainage easement. It is recommended that developers contact the City when doing these projects to ensure compliance with any applicable codes, ordinances, or design criteria.
   g. Individual maintenance projects: painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
   h. Prefabricated swimming pools that are less than twenty four (24) inches deep, and those that are seasonal. (see Chapter 11.09 Swimming Pools)
   i. Swings and other playground equipment.
   j. Window awnings supported by an exterior wall which do not project more than fifty four (54) inches from the exterior wall and do not require additional support, except where more restrictive rules apply.
4. The Building Official may refer any application for permit to the Planning Commission. If the applicant is dissatisfied with the decision of the Planning Commission, an appeal may be made to the City Council within seven (7) days of notification and shall be acted upon by the Council at the next meeting.

21.0207: APPLICATION REQUIRED

(back to Chapter contents)

1. Every person, before erecting, altering or repairing any building within the zoning jurisdiction of this City or beginning such work thereon, or occupying any existing building or land, shall make an application to the Building Official, stating the location, dimension, purpose and name of owner of the building and land. In addition to said application, the applicant shall furnish and leave with the Building Official a plan and description of the manner of construction of the proposed building, the material to be used and plans of plumbing and other items as provided in the preceding section. In addition, if required by the Building Official, the applicant shall furnish him with regular plans and specifications of said building which may be retained by said Building Official long enough to examine same and, if said Building Official desires it, said plans and specifications or copy thereof may be filed and retained by him in his office. The determination of value or valuation shall be made by the Building Official. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work including labor for which the permit is issued, as well as all finish work, painting, roofing, heating, air conditioning, elevators, fire extinguishing

systems and other permanent work or permanent equipment. (Ord 04-04; Rev 03-26-04)

2. Permit Issued. A building and/or zoning use permit shall be issued by the Building Official on payment of the prescribed fees if the Building Official is satisfied that the title has been fully complied with, upon condition that said permit when issued shall be valid for one year from the date of issuance. Non-residential permits may be reviewed and considered, at the discretion of the Administrative Official, to be issued for a period not to exceed three (3) years. In the event a residential building permit is extended for more than one year, the permit fee for each additional year shall be one-half of the original permit fee. After three (3) years, if a non-residential permit is not complete and an extension is requested by the applicant, a construction schedule of outstanding items shall be submitted to staff and approved by City Council. The administrative fee shall be one-half of the original permit fee if the extension over three (3) years is granted by City Council. City Council may allow the administrative fee to be waived or reduced, if applicable. Any lapse of a building permit (residential or non-residential) when construction of the permitted building has not been completed shall render the building a public nuisance and unlawful for not being completed within a reasonable amount of time. (Ord 17-38; Rev 11-10-17)
3. Property addresses should be posted at the property line adjacent to the right-of-way during at all times during construction.
4. Moved in Building Provisions. It shall be unlawful to move any house or other building onto any lot or to any new location within the City unless and until a permit to do so has been obtained from the Building Official. No permit shall be issued until the following requirements are met:
    a. The fee for said permit as prescribed by Section 21.0207 shall have been paid.
    b. It shall have been shown to the satisfaction of the Building Official that said house or other building complies with the gas, plumbing, electrical and construction requirements of the City.
    c. The work is to be completed within twelve (12) months after the permit has been issued by the Building Official.
    d. Any building which is not newly constructed shall also meet the following minimum requirements to obtain a permit:
        (1) The written consent of all property owners (one hundred percent (100%)) owning property immediately adjacent to the proposed building site.
        (2) The written consent of seventy five percent (75%) of all property owners within three hundred (300) feet of said proposed building site.
            (a) Building site for this section shall mean three hundred (300) feet from property lines for residentially used/zoned property, and three hundred (300) feet from the footprint of the proposed structure for commercially used/zoned property. Based on the above listed criteria the Administrative Official shall determine whether the three hundred (300) feet radius shall be measured from structure or property corners.
            (b) Exceptions: the following structures are exempt from the moved in building provisions but subject to Building Official's approval:
                i. Any accessory structure less than two hundred (200) square feet on a residential lot.
                ii. Any accessory structure up to twelve hundred (1,200) square feet on a commercial/ industrial lot, campus or R4 District.
                iii. Any manufactured or mobile home moved into an R-4 District within a recognized mobile home park.
        (3) If an applicant cannot acquire all signatures required by Subsection d(1) and (2) they may appeal the denial of the moved in building permit to the Board of Adjustment.
        (4) A bond shall be furnished with sufficient sureties to be approved by the Administrative Official to the City to guarantee that the building will be placed on an adequate foundation, will be attached to the city electrical, water and sewer service where available, and that the property on which said building is to be located will be properly landscaped and seeded in accordance with requirements of the Building Official, said bond to be in a minimum of five hundred dollars ($500).

21.0208: SCHEDULE OF FEES, CHARGES AND EXPENSES (back to Chapter contents)

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

21.0209: AMENDMENTS (back to Chapter contents)

The purpose of this section is to allow for amendments to or changes in zoning district boundaries and the zoning provisions contained herein.

1. Procedure.
   a. Initiation. An amendment to the zoning ordinance may be initiated by the City Council, the Planning Commission or by a petition of the owners of a parcel or parcels of land for which rezoning is requested. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until sixty five (65) days have elapsed from the date of receipt of complete information about said request by the Planning Commission.
   b. Application and Fee. Application shall be made on forms provided by the City and shall include all information and data requested. For a change in zoning, an application fee shall accompany the application in the amount specified in Section 21.0207. (Ord 04-04; Rev 03-26-04)
   c. Public Hearing. No amendment shall be adopted until a public hearing has been held thereon by the City Council. A notice of time and place and purpose of hearing shall be published in the official newspaper of the City at least ten (10) days prior to the day of the hearing. When a change of a zoning district boundary is initiated by the owner of a parcel, notice shall be provided by first-class mail to all land owners adjacent to or within 250' (including the width of public right-of-way; whichever provides greater notice) from the legal lot of record requesting change. The applicant shall reimburse the City for the cost of providing such notice. When a change of a zoning district boundary is initiated by the Planning Commission or City Council, the City shall meet the above publication requirements and shall give written notice to all landowners whose property is subject to be rezoned. Notice shall be sent at least five (5) days before the time of hearing. (E-597-1) (01-06) (Ord 04-04; Rev 03-26-04) (Ord 20-24; Rev 08- 28-20)
   d. Adoption. Amendments to the zoning ordinance may be adopted by a majority vote unless the amendment has been denied by the Planning Commission in which case a two-thirds (2/3) vote of the City Council is required.
2. Reapplication. No application for the same or substantially the same amendment shall be made within six (6) months of the date of denial.

21.0210: REPEALED (Ord 16-20; Repealed 11-11-16)

Chapter 21.03
GENERAL PROVISIONS

Section (back to Title contents)

21.0301 Rules Governing the Interpretation of this Ordinance
21.0302 Application and Scope of Regulations
21.0303 Limitation of the Number of Building, Structures and Uses on a Zoning Lot

21.0301: RULES GOVERNING THE INTERPRETATION OF THIS ORDINANCE (back to Chapter contents)

1. **Minimum Requirements.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.
2. **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of this ordinance upon the use of land, buildings or other structures are either more restrictive than comparable conditions imposed by any other provision of this ordinance or by any law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern.
3. **Private Agreements.** This ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement or legal relationship, the regulations of this ordinance shall govern.
4. **Unlawful Uses.** No buildings, structures or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.
5. **Not a Licensing Ordinance**. Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
6. **Cumulative Provisions.** The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in this ordinance.
7. **Separability.** It is hereby declared to be the intention of the City Council of the City of Watertown, South Dakota, that the several provisions of this ordinance are separable in accordance with the following:
   a. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance.
   b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

21.0302: APPLICATION AND SCOPE OF REGULATIONS (back to Chapter contents)

1. **Principal Permitted Uses.** No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a principal permitted use or accessory use under the district regulations for the zoning district in which the building, structure or land is located. No principal permitted use already established on the effective date of this ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations of the zoning district in which such use is located.
2. **Accessory Building, Structures or Uses.** An accessory use cannot be placed on a lot without a primary use. No accessory building, structure or use of temporary building or structure or use shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Sections 21.1002 and 21.1004, Accessory Use Provisions, and all other regulations or requirements pertaining to the district in which such building, structure or use is located. (Ord 04-04: Rev 03-26-04)
3. **Lot Size Requirements.** Except as may be otherwise specifically provided in this ordinance:

a. No building, structure or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot; or shallower than the minimum lot depth required in the zoning district in which the building structure or land is located.

b. No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

4. **Bulk Regulations.** This ordinance expresses both regulations in terms of maximum building or structure height, maximum lot coverage, maximum floor area ratio, minimum setbacks, and minimum front, side and rear yards. No building, structure or part thereof shall hereafter be built, moved or remodeled and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy: (Ord 04-04; Rev 03-26- 04)

   a. So as to exceed the maximum building or structure height, maximum lot coverage percentage, or maximum floor area ratio specified for the zoning district in which the building or structure is located.

   b. So as to provide any setback or front, side or rear or traditional yard that is less than specified for the zoning district in which such building, structure or use of land is located or maintained.

5. **Off-Street Parking and Loading.** No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by the provisions of this ordinance are provided.

   No structure or use already established on the effective date of this ordinance shall be enlarged, expanded or increased in use unless the minimal off-street parking and loading spaces which would be required by the provisions of this ordinance for such enlargement, expansion or increase in use are provided.

6. **Exemptions from the Regulations of this Ordinance.** The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district:

   a. Poles, wires, cables, conduits, laterals, pipes, mains, valves or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by the City of Watertown or the Watertown Municipal Utilities Board. (Ord 04-04; Rev 03-26-04)

   b. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

21.0303: LIMITATION OF THE NUMBER OF BUILDING, STRUCTURES AND USES ON A ZONING LOT

1. **Residential Districts.** Within any residential district, not more than one (1) residential building or other principal permitted use shall be located on a single zoning lot. In addition, no residential building shall be located on the same zoning lot with any other use except permitted accessory uses. The provisions of this section shall not apply to any Planned Unit Development (PUD) District or Dwelling Complexes, or multiple uses when approved as "Conditional Uses" by the Board of Adjustment. (Ord 13-32; Rev 12-13-13). A recreational vehicle for temporary residential living quarters for the property owners shall be allowed on lots with an active building permit during the construction of the primary residence.

2. **Non-Residential Districts.** In any district other than a residential district any number of buildings, structures or uses permitted by this ordinance may be established, constructed or maintained on a single zoning lot except that for any building used primarily for residential purposes and located within a commercial or industrial district, the provisions of Section 21.0303 (1) shall apply. (Ord 04-04; Rev 03-26-04) (Clerical Edit per § 22.0106, 1-13-17)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-28 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: January 6, 2025
Second Reading: January 21, 2025
Published: January 25, 2025
Effective: February 14, 2025

City of Watertown

Attest:

_____
Reid Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: Application for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License to Infinity Fun LLC d/b/a Infinity Fun LLC, 714 9th Ave SE, Lots 9 thru 16 in Block 2; Vacated 7th Street East Lying Between 9th Avenue South and 10th Avenue South; Lots 1 thru 16 in Block 3; All that Part of the Vacated Alley Lying Between Lots 1 thru 8 and Lots 9 thru 16 in said Block 3; The West 21 feet of Lot 1 thru 4 Less Highway Right of Way of Lot 1. Lot 5 Less the North 30 feet less the West 21 feet in Block 4; All that part of the Vacated 6th Street East Lying Between 9th Avenue South and 10th Avenue South, Less the West 56.5 feet Lying Adjacent to and Along the East Line of said Lots 1 thru 4 and the North 30 feet of Lot 5, in Block 4, All in the Plat Entitles: "Davlin's Addition to Watertown", Codington County, South Dakota.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Fees have been paid and a Notice of Hearing has been published on December 28th, 2024.

The property received Conditional Use approval from the Board of Adjustment for a Bar or Tavern in the C-3 Highway Commercial District on May 6th, 2021 to allow for on-premise / on-sale alcohol licensing, sale and consumption. See attached Zoning Verification Letter for more details.

FINANCIAL CONSIDERATIONS:
There are no major financial considerations for this item.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the application for a New Retail (on-off sale) Malt Beverage & SD Farm Wine License to Infinity Fun LLC d/b/a Infinity Fun LLC, 714 9th Ave SE, Lots 9 thru 16 in Block 2; Vacated 7th Street East Lying Between 9th Avenue South and 10th Avenue South; Lots 1 thru 16 in Block 3; All that Part of the Vacated Alley Lying Between Lots 1 thru 8 and Lots 9 thru 16 in said Block 3; The West 21 feet of Lot 1 thru 4 Less Highway Right of Way of Lot 1. Lot 5 Less the North 30 feet less the West 21 feet in Block 4; All that part of the Vacated 6th Street East Lying Between 9th Avenue South and 10th Avenue South, Less the West 56.5 feet Lying Adjacent to and Along the East Line of said Lots 1 thru 4 and the North 30 feet of Lot 5, in Block 4, All in the Plat Entitles: "Davlin's Addition to Watertown", Codington County, South Dakota.

ATTACHMENT(S):
Infinity Fun

Date Received _____
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Infinity Fun LLC
721 20th Ave SE
Watertown SD 57201

Owner's Telephone #: 605-881-5671

B. Business Name and Address

Infinity Fun LLC
714 9th Ave SE
Watertown SD 57201

Business Telephone #: 605-881-5671

Place of business is located in a municipality? ☑ Yes ☐ No

County: Codington

Do you own or lease this property? ☐ Own ☑ Lease

Are real property taxes paid to date? ☑ Yes ☐ No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- ☐ Retail (on-sale) Liquor
- ☐ Retail (on-sale) Liquor - Restaurant
- ☐ Convention Center (on-sale) Liquor
- ☐ Package (off-sale) Liquor
- ☐ Retail (on-off sale) Wine and Cider
- ☑ Retail (on-off sale) Malt Beverage & SD Farm Wine
- ☐ Package Delivery
- ☐ Hunting Preserve
- ☐ Other _____

Is this license in active use? ☐ Yes ☑ No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?
☑ Yes ☐ No **If Yes, please list on the back page.**

D. Legal description of licensed premise:

See attached

Have you ever been convicted of a felony? ☐ Yes ☑ No

E. State Sales Tax Number 1041-9318-5T

F. New license ☑ Transfer? ($150) ☐ Re-issuance ☐

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 12-13-24 Print Name Jared Pavlson Signature _____

H. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on 12/28/24. Public hearing on the application was held 1/6/25, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐
Amount of fee collected with application $ 350.00
Amount of fee retained $ 200.00
Forwarded with application $ 150.00

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL_____ **REVIEW**_____

Please complete the reverse side if applicable

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Infinity Fun LLC

Address of office and principal place of business of corporation/partnership/LP/LLC 714 9th Ave SE WTN SD 57201

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☑ Yes ☐ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Jared Paulson	Owner	721 20th Ave SE WTN SD 57201	Self employed

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location
Jared Paulson	Liquor RL-6257 Leasing 519-9th Ave SE WTN
Jared Paulson	Beer/wine RB-28247 517 9th Ave SE WTN

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner **Date**

12-13-24

Legal Description:

Lots 9 thru 16 in Block 2; Vacated 7th Street East Lying Between 9th Avenue South and 10th Avenue South; Lots 1 thru 16 in Block 3; All that Part of the Vacated Alley Lying Between Lots 1 thru 8 and Lots 9 thru 16 in said Block 3; The West 21 feet of Lot 1 thru 4 Less Highway Right of Way of Lot 1. Lot 5 Less the North 30 feet less the West 21 feet in Block 4; All that part of the Vacated 6th Street East Lying Between 9th Avenue South and 10th Avenue South, Less the West 56.5 feet Lying Adjacent to and Along the East Line of said Lots 1 thru 4 and the North 30 feet of Lot 5, in Block 4, All in the Plat Entitles: "Davlin's Addition to Watertown", Codington County, South Dakota.

CITY OF
WATERTOWN
SOUTH DAKOTA

December 16, 2024

Infinity Fun LLC
714 9th Avenue SE
Watertown, SD 57201

RE: Zoning Verification Letter

Property Address: 714 9th Avenue SE, Watertown SD 57201
Legal Description: Lots 9 thru 16 in Block 2; Vacated 7th Street East Lying Between 9th Avenue South and 10th Avenue South; Lots 1 thru 16 in Block 3; All that Part of the Vacated Alley Lying Between Lots 1 thru 8 and Lots 9 thru 16 in said Block 3; The West 21 feet of Lot 1 thru 4 Less Highway Right of Way of Lot 1. Lot 5 Less the North 30 feet Less the West 21 feet in Block 4; All that part of the Vacated 6th Street East Lying Between 9th Avenue South and 10th Avenue South, Less the West 56.5 feet Lying Adjacent to and Along the East Line of said Lots 1 thru 4 and the North 30 feet of Lot 5, in Block 4, All in the Plat Entitles: "Davlin's Addition to Watertown", Codington County, South Dakota

To Whom It May Concern:

The property described above received a Conditional Use approval from the Board of Adjustment for a Bar or Tavern in the C-3 Highway Commercial District, pursuant to Chapter §21.2803 3. on May 6, 2021 (5-0) which allows for on-premises/on-sale alcohol licensing, sale, and consumption. On June 7, 2021, a retail (on-sale) liquor and video lottery license was approved by City Council.

The previous business vacated the location at 714 9th Avenue SE in April 2024 which utilized the bar or tavern conditional use. The license was transferred on April 15, 2024 retail (on-sale) liquor and video lottery license from the location. §21.0202 2. (8) states: "In any case where the holder of a conditional use permit issued under City zoning ordinance has not instituted the use or begun construction, as applicable, within one year of the date of approval, the permit shall be null and void. Similarly, any such conditional use, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated." One year has not been exceeded since the bar or tavern use has been in place at the location of 714 9th Avenue SE which allows for the use to continue and a new alcoholic beverage license be issues at the location.

Sincerely,

Brandi Hanten

Brandi Hanten
Community Development Manager
City of Watertown

CITY OF WATERTOWN SOUTH DAKOTA

CC: Carla Heuer, Planner
Heath VonEye, Assistant City Manager/Public Works Director
Jennifer Collins, Records and Licensing Manager
Kristen Bobzien, Chief Financial Officer

City Council

Agenda Item

Subject: Approval of Resolution 25-01, Levying Assessments of the sidewalk, curb and gutter and asphalt surfacing improvements.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The proposed resolution levying assessment for sidewalk, curb and gutter, and asphalt surfacing is for 315 Kemp Avenue East known as "The Ruins", where "The Palace" apartments were demolished. The sidewalk, curb and gutter, and asphalt were removed as part of the building permit for the multi-family residential project that was issued on December 29, 2021 and will expire on December 29, 2024. The project has been at a standstill since late 2023. Staff has sent correspondence with a list of items that need immediate attention, as well, in regards to the structure.

On July 15, 2024 the Council approved the Resolution of Necessity 24-16 for the sidewalk, curb and gutter, and asphalt surfacing. The repairs to the sidewalk, curb and gutter, and asphalt surfacing was completed Fall of 2024.

This public hearing is part of the process pertaining to the statutes set forth by the South Dakota legislature for assessing infrastructure. As outlined in that process, the Council may choose whether to move forward with the terms of the resolution, either as presented or amended.

FINANCIAL CONSIDERATIONS:

The total cost for 315 Kemp Avenue East is based on the actual as-constructed costs under the awarded quote, resulting in the landowner's total cost of **$293.53 per linear foot (LF)** ($37,454.90 total for the 127.6 LF property width).

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer / Project Manager
Marci Lewno, Engineer I

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the Resolution Levying Assessments 25-01 through the following motion:

I move to approve Resolution 25-01, Levying Assessments of the sidewalk, curb and gutter and asphalt surfacing improvements.

ATTACHMENT(S):

25-01 RESOLUTION LEVYING ASSESSMENT The Ruins

Exhibit A - Assessment Roll The Ruins

RESOLUTION NO. 25-01

RESOLUTION LEVYING ASSESSMENTS FOR SIDEWALK, CURB AND GUTTER, AND ASPHALT SURFACING IMPROVEMENTS PROJECT NUMBER 2410

BE IT RESOLVED by the City Council of the City of Watertown, South Dakota, as follows:

1. The City Council has deemed it necessary to construct the sidewalk, curb and gutter, and asphalt surfacing improvements heretofore designated as Sidewalk, Curb and Gutter And Asphalt Surfacing Improvements Project No. 2410.

2. The assessment roll (Exhibit A) for Sidewalk, Curb and Gutter, And Asphalt Surfacing Improvements Project No. 2410, is hereby approved and the assessments thereby specified are levied against each and every lot, piece and parcel of land thereby described with assessments, payable in ten, (10), installments.

3. Such assessments, unless paid within thirty (30) days after the filing of the approved assessment roll in the office of the Finance Officer, shall be collected by the County Treasurer of Codington County in accordance with the procedure for Plan One in Title 9, Chapter 43, South Dakota Codified Laws.

4. Unpaid installments of assessments shall bear an interest rate of 10.00 per cent per annum.

5. The whole of such assessment or any installment thereof may be paid anytime and that all installments paid prior to their respective due dates shall be deemed paid in inverse order of their due dates.

Dated at Watertown, South Dakota, this ____ day of _____, 2025.

The above and foregoing resolution was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the same to be duly passed and adopted.

I hereby certify that Resolution 25-01 was published in the Watertown Public Opinion, the official newspaper of said City, on the _____ day of _____, 2025.

Kristen Bobzien
City of Watertown

Attest:

_____
Jennifer Collins
Records and Licensing Manager

_____
Ried Holien
Mayor

Exhibit A - Assessment Roll for Project 2410 Resolution 25-01

RECORD #	LOT	BLOCK	ADDITION	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	LINEAL FEET FRONTAGE (From Plat)	SF of Sidewalk	LF of Curb and Gutter	SY of Asphalt	TOTAL ASSESSMENT	$/ LF	INSTALLMENTS	INTEREST RATE
9352			The Ruins Addition	315 E Kemp	The Ruins LLC	1405 1st Ave N Fargo, ND 58102	127.60	1698.00	135.00	169.00	$ 37,454.90	$ 293.53	10	10% Per Annum

City Council

Agenda Item

Subject: JC Hopper First Addition Annexation and Zoning:
1. Approval of Resolution No. 24-35, Initiating Annexation of a Tract of Land Contiguous to the City of Watertown, South Dakota
2. Second Reading of Ordinance No. 24-26, Establishing the Zoning Designation of I-1 Light Industrial District for the property to be known as JC Hopper First Addition

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Owners, John and Cindy Hopper, Trustees for John and Cindy Hopper Family Trust, have submitted a petition for annexation and zoning for a portion of their property, total of .77 acres or 33,541.2 SF, to be known as JC Hopper First Addition upon replatting with the adjacent property under same ownership. Upon annexation, the property will be zoned I-1 Light Industrial District which is consistent with the Comprehensive Land Use Plan. The property is located south of 14th Avenue NW and north of SD Hwy 20. The area to be annexed and zoned is 35' in width and 959.4' in length and will be combined with the property to the west to provide additional frontage and access to 14th Avenue NW when the property is developed. Currently there is 15' that connects the adjacent property to 14th Avenue NW, this property will be rezoned from its current zoning designation of R-2 Single Family Attached Residential District to I-1 Light Industrial District and both properties will be combined into one platted lot for a total of 120,523 SF. The frontage onto 14th Avenue NW will be 50' for access, the total lot width is 266' which exceeds the minimum lot width requirement in the I-1 District of 100'. The plat is attached as a reference and will be recorded administratively if the annexation, zoning, and rezone have been approved.

The Planning Commission recommended approval to City Council at the December 5, 2024, meeting (5-0). The annexation will come forth for action at the January 6, 2025, meeting when the zoning comes forward for the second reading and public hearing as the annexation and zoning are concurrent.

Facts:
1. Adjacent Property Zoning Designation:
    a. North → County
    b. East → County
    c. South → I-1 Light Industrial District
    d. West → R-2 Single Family Attached Residential District & I-1 Light Industrial District *pending*
2. Rezone will extend to the centerline of the adjacent right-of-ways
3. The property is not within the floodplain
4. Park dedication not required for non-residential zoning designations

FINANCIAL CONSIDERATIONS:
N/A

OVERSIGHT / PROJECT RESPONSIBILITY:
Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

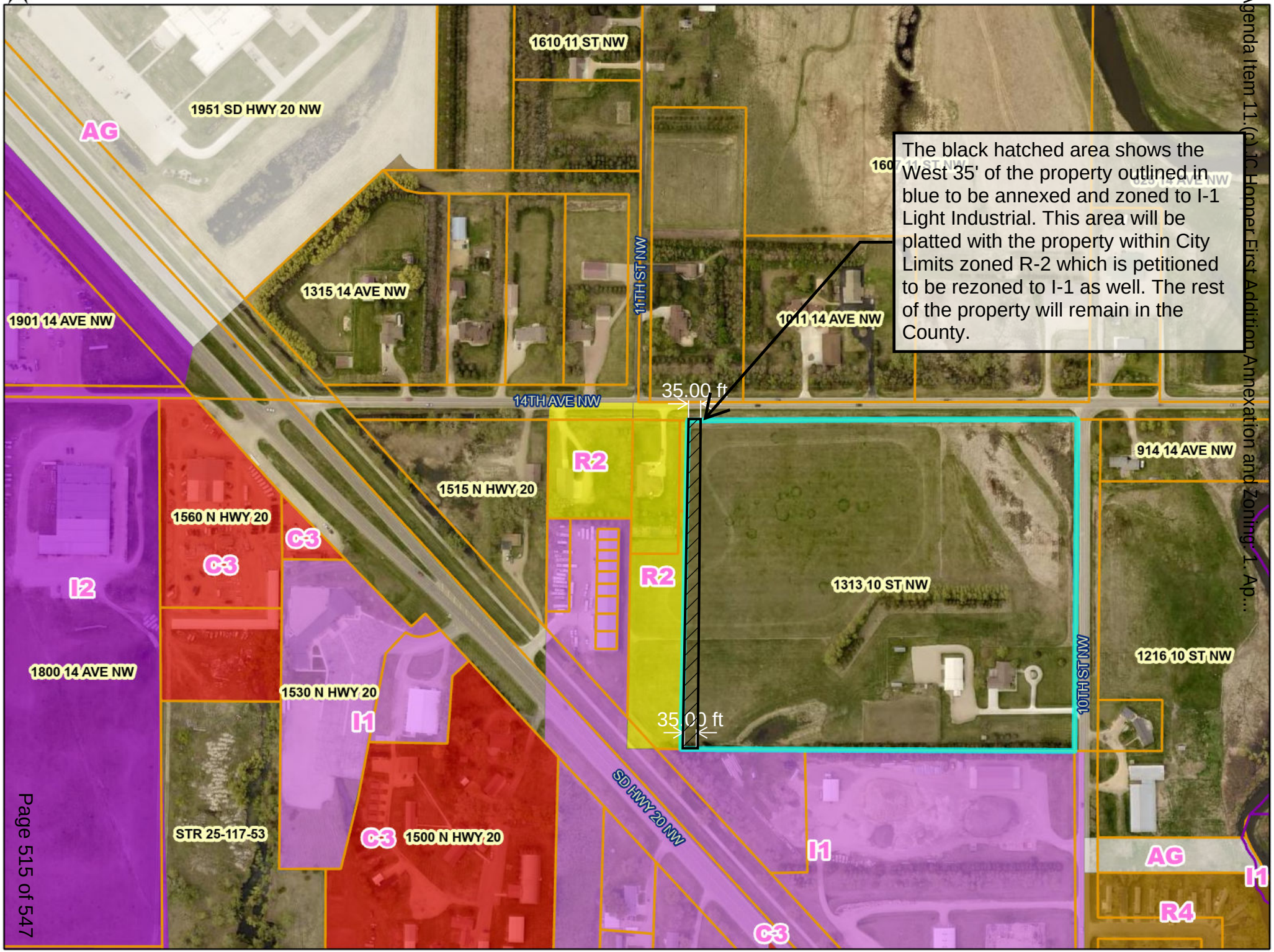
STAFF RECOMMENDATION / SUGGESTED MOTION:
Staff recommends approval through the following motions:

1. I move to approve Resolution No. 24-35, Initiating Annexation of a Tract of Land Contiguous to the City of Watertown, South Dakota
2. I move to approve Ordinance No. 24-26, Establishing the Zoning Designation of I-1 Light Industrial District for the property to be known as JC Hopper First Addition

---

ATTACHMENT(S):
Vicinity Map
Petition
Plat Exhibit
Resolution No. 24-35 (Annexation)
Ordinance No. 24-26 (Zoning)

Vicinity Map



Prepared by:
Colin B. DeJong
Aason Engineering Company, Inc.
1022 6th Street SE
Watertown, SD 57201
Phone #: (605) 882-2371

PETITION FOR ANNEXATION OF PROPERTY TO THE CITY OF WATERTOWN CODINGTON COUNTY, SOUTH DAKOTA

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA:

The undersigned, John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, being the owner(s) of all the following property currently outside the corporate limits of the Municipality of Watertown, South Dakota described as:

> The East 35' of the West 185' of the Northeast Quarter LESS the South 1700' all of Section 25, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota. Subject parcel contains 0.77 +/- Acres.
>
> which upon platting will be known as a portion of Lot 1 JC Hopper First Addition to the Municipality of Watertown, in the County of Codington, South Dakota.

do(es) hereby petition the City of Watertown, Codington County, South Dakota, to include said contiguous property within the limits of said City, pursuant to SDCL 9-4-1, as shown on the drawing, attached hereto and incorporated by reference. Petitioner(s) aver(s) there are no legal voters residing thereon.

Petitioners further request the zoning ordinance of the City of Watertown be amended to provide said property with the zoning designation of I-1, Light Industrial District.

Petitioner is in the process of rezoning and developing a portion of the property.

Dated at Watertown, South Dakota, this 15 day of Oct., 2024

By John Hopper
John Hopper, Trustee
John and Cindy Hopper Family Trust

By Cindy Hopper
Cindy Hopper, Trustee
John and Cindy Hopper Family Trust

State of South Dakota)
)SS:
County of Codington)

On this the 15th day of Oct, 2024, before me, the undersigned officer, personally appeared John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, known to me or satisfactorily proven to be the person whose name(s) are subscribed to within this instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Michelle Burleson
Notary Public

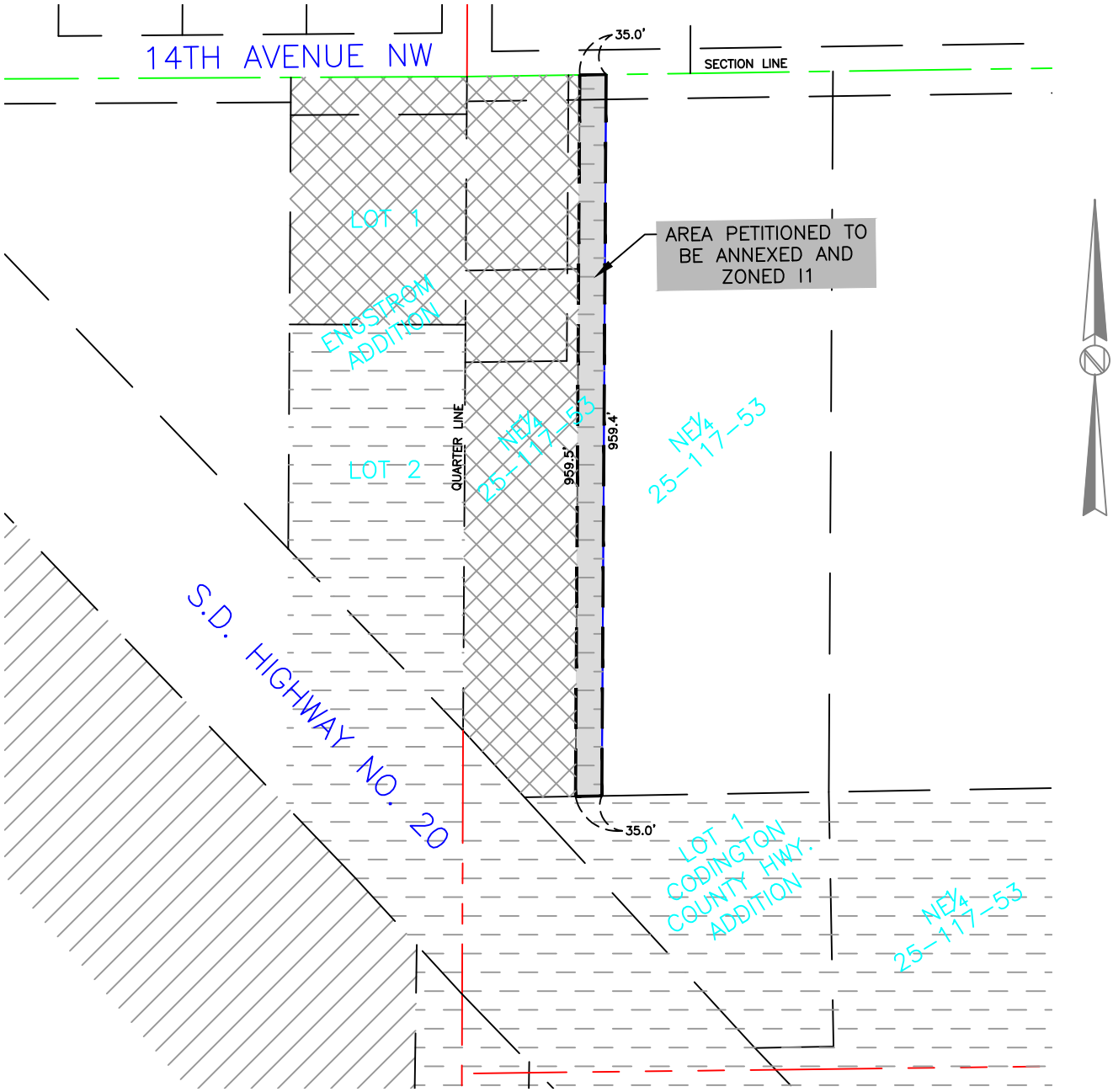
(SEAL)

My Commission Expires: 9-28-2030

MICHELLE BURLESON
NOTARY PUBLIC
SOUTH DAKOTA

Exhibit A

The East 35' of the West 185' of the Northeast Quarter LESS the South 1700' all of Section 25, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota. Subject parcel contains 0.77 +/- Acres.



ZONING DESIGNATIONS

R2 ZONING DESIGNATION

C3 ZONING DESIGNATION

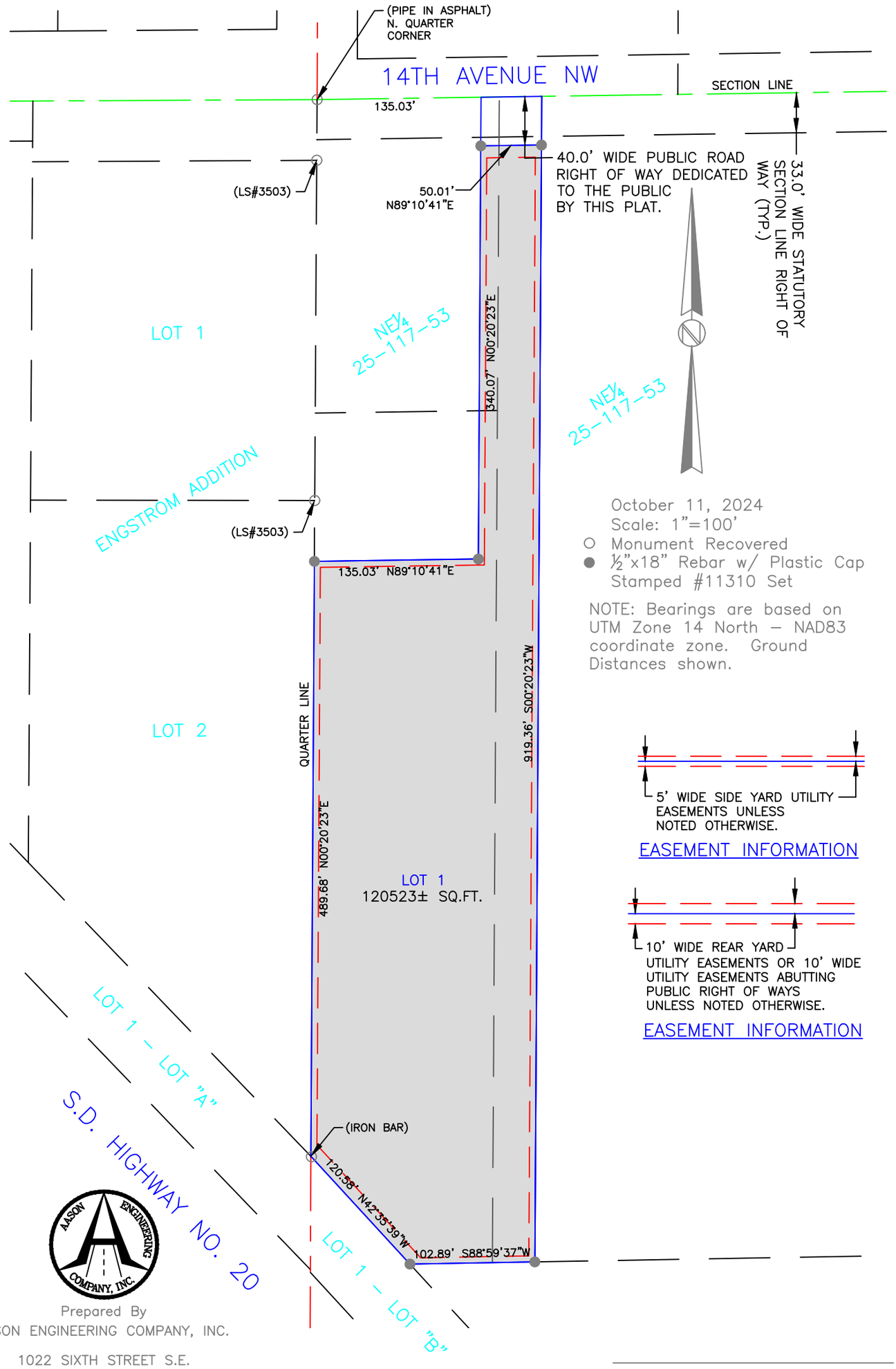
I1 ZONING DESIGNATION

Prepared By
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605-882-2371

PLAT OF
JC HOPPER FIRST ADDITION TO THE MUNICIPALITY OF WATERTOWN IN THE COUNTY OF CODINGTON, SOUTH DAKOTA.

NOTE: This plat and the survey on which it is based was performed without the benefit of a title report and is subject to any encumbrances whether specified hereon or of record, if any.



October 11, 2024
Scale: 1"=100'

○ Monument Recovered
● ½"x18" Rebar w/ Plastic Cap Stamped #11310 Set

NOTE: Bearings are based on UTM Zone 14 North – NAD83 coordinate zone. Ground Distances shown.

EASEMENT INFORMATION

EASEMENT INFORMATION

Prepared By
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605-882-2371

Registered Land Surveyor

Prepared by:
Community Development Division
City of Watertown
23 Second Street NE
P.O. Box 910
Watertown, SD 57201
(605) 882-6201

RESOLUTION NO. 24-35

A RESOLUTION FOR ANNEXING A PORTION OF PROPERTY IN THE NE 1/4 OF SECTION 25, TOWNSHIP 117 NORTH, RANGE 53 WEST OF THE 5TH PM CODINGTON COUNTY, SD

WHEREAS, John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, owners of real property in Codington County described as:

"The East 35' of the West 185' of the Northeast Quarter LESS the South 1700' all of Section 25, Township 117 North, Range 53 West of the 5th PM Codington County, South Dakota"

Which upon platting shall be known as a portion of Lot 1 JC Hopper First Addition to the Municipality of Watertown, in the County of Codington, South Dakota

did petition the Mayor and the City Council of the City of Watertown, Codington County, South Dakota, to include the said property within the limits of the City, pursuant to §9-4-1 SDCL 1967 and acts amendatory thereof; and

WHEREAS, the City Planning Commission of the City of Watertown, in its Resolution No. 24-35 has recommended that the above described property be annexed into the city limits with no zoning designation and the condition that the property be platted, and that an appropriate zoning designation be assigned to said property upon recommendation of the Planning Commission and following a public hearing of the City Council; and

WHEREAS, there are no legal voters residing on the said property, and the property petitioned for annexation is contiguous to the City of Watertown and should be annexed thereto.

BE IT FURTHER RESOLVED that the portion of the public right-of-way adjacent to the above-described property be annexed to the centerline with no zoning designation.

NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, that the petition is hereby approved and the above-described property is hereby declared to be annexed to the City of Watertown, South Dakota with no zoning designation.

Dated at Watertown, South Dakota this ___ day of _____, 2025.

The above and foregoing Resolution was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon roll call all voted aye whereupon the Mayor declared the resolution to be duly passed and adopted.

I certify that Ordinance No. 24-35 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2025.

Kristen Bobzien, Chief Financial Officer

City of Watertown

Attest:

_____
Kristen Bobzien
Chief Financial Officer

_____
Ried Holien
Mayor

ORDINANCE NO. 24-26

An Ordinance Amending Zoning District Boundaries by Zoning A Portion of Property to be known as JC Hopper First Addition to I-1 Light Industrial District

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition for Zoning of property to the City of Watertown* by John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, being the owners of real property in Codington County described as:

> *"The East 35' of the West 185' of the Northeast Quarter LESS the South 1700' all of Section 25, Township 117 North, Range 53 West of the 5th PM Codington County, South Dakota"*
>
> *Which upon platting shall be known as a portion of Lot 1 JC Hopper First Addition to the Municipality of Watertown, in the County of Codington, South Dakota*

and based on the report and recommendation of the City Plan Commission in its Ordinance No. 24-26 that the zoning designation of said property, annexed in accordance with City Council Resolution No. 24-35, be established as *I-1 Light Industrial District* pursuant to Watertown Revised Ordinance *§21.32.*.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended and applied to the centerline of the adjacent public right-of-ways.

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown be so amended.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-26 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2025.

Kristen Bobzien, Chief Financial Officer

First Reading: Monday, December 16, 2024
Second Reading: Monday, January 6, 2025
Published: Saturday, January 11, 2025
Effective: Friday, January 31, 2025

City of Watertown

Attest:

_____
Ried Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-27, Amending the Zoning Map of the City of Watertown, SD for a Portion of property to be known as JC Hopper First Addition from R-2 Single Family Attached Residential District to I-1 Light Industrial District

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Owners, John and Cindy Hopper, Trustees for John and Cindy Hopper Family Trust, have submitted a petition to rezone 2.04 acres or 88,862.4SF from R-2 Single Family Attached Residential to I-1 Light Industrial District to be known as JC Hopper First Addition upon platting. The rezone is consistent with the Comprehensive Land Use Plan. There is a piece of property to the east, .77 acres or 33,541.2 SF, that has been petitioned for annexation and zoning in conjunction with the rezone and if approved the properties will be combined and platted as one lot. The combined properties will have a total lot area of 120,523 SF which exceeds the minimum lot area requirements in the I-1 District of 30,000 SF. The property is proposed to be developed with storage units which are a permitted use in the I-1 Light Industrial District, however, the property would have the ability to develop as any of the permitted uses in the I-1 District.

The Planning Commission recommended approval to City Council at the December 5, 2024, meeting (5-0).

Facts:

1. Adjacent Property Zoning Designation:
    a. North → County
    b. East → County
    c. South → I-1 Light Industrial District
    d. West → I-1 Light Industrial District
2. Rezone will extend to the centerline of the adjacent right-of-ways
3. The property is not within the floodplain
4. Park dedication not required for non-residential zoning designations

---

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends this item through the following motion:

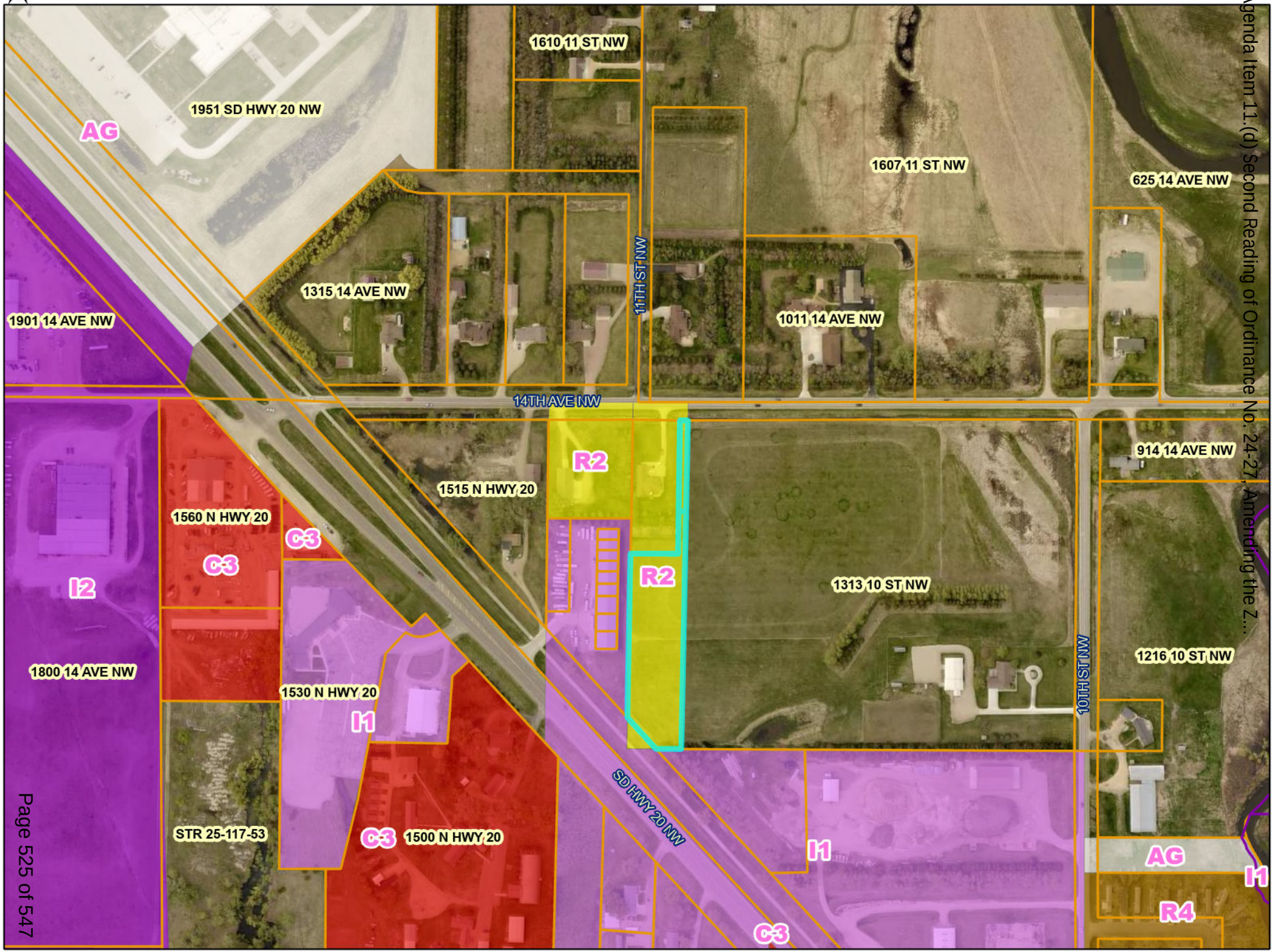
I move to approve Ordinance No. 24-27, Amending the Zoning Map of the City of Watertown, SD for a Portion of property to be known as JC Hopper First Addition from R-2 Single Family Attached Residential District to I-1 Light Industrial District

---

ATTACHMENT(S):

Vicinty Map
Petition
Ordinance No. 24-27

Vicinity Map



Prepared by:
Colin B. DeJong
Aason Engineering Company, Inc.
1022 6th St SE
Watertown, SD 57201
Phone #: 605-882-2371

STATE OF SOUTH DAKOTA)
: PETITION TO CHANGE ZONING
COUNTY OF CODINGTON)

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF WATERTOWN, SOUTH DAKOTA:

1. Your Petitioner(s), John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, respectfully request that the following described real property in the City of Watertown, Codington County, South Dakota, be re-zoned from its current designation as "R2 – Single Family Attached Residential District" to "I1 – Light Industrial District".

   The West 150' of the Northeast Quarter LESS the South 1700'; LESS the North 380' of the West 135'; and LESS Lot 1 – Lot B formerly abandoned Railroad Right of Way all of Section 25 – Township 117 North – Range 53 West of the 5th P.M., Codington County, South Dakota. Subject parcel contains 2.04 +/- Acres.

   Which upon platting will be a portion of Lot 1 of JC Hopper First Addition to the Municipality of Watertown, in the County of Codington, South Dakota.

2. Petitioner is the owner of record of the above-described real property.
3. The petitioner intends to develop the property.
4. The following Exhibit is attached hereto and is by reference incorporated as part of this Petition:

   Exhibit A - The West 150' of the Northeast Quarter LESS the South 1700'; LESS the North 380' of the West 135'; and LESS Lot 1 – Lot B formerly abandoned Railroad Right of Way all of Section 25 – Township 117 North – Range 53 West of the 5th P.M., Codington County, South Dakota.

WHEREFORE, PETITIONER(S) REQUEST that the City Council of Watertown, South Dakota adopt an ordinance re-zoning the above-referenced real property from its current designation as "R2 Single Family Attached Residential District" to "I1 – Light Industrial District".

Dated at Watertown, South Dakota, this 15 day of Oct., 2024

By John Hopper
John Hopper, Trustee
John and Cindy Hopper Family Trust

By Cindy Hopper
Cindy Hopper, Trustee
John and Cindy Hopper Family Trust

State of South Dakota)
)SS:
County of Codington)

On this the 15th day of Oct, 2024, before me, the undersigned officer, personally appeared John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, known to me or satisfactorily proven to be the person whose name(s) are subscribed to within this instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Michelle Burleson
Notary Public

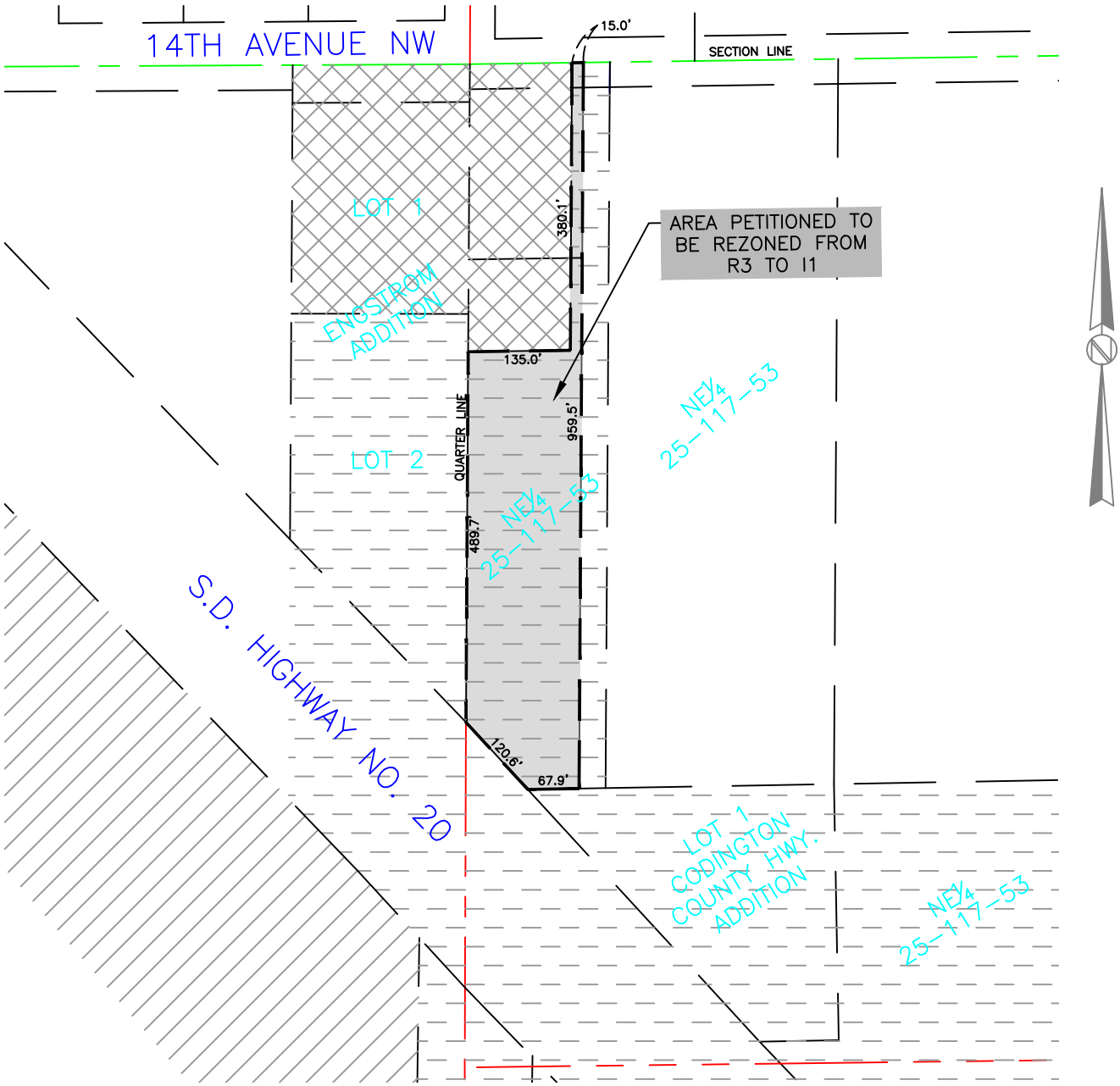
(SEAL)

MICHELLE BURLESON
NOTARY PUBLIC
SOUTH DAKOTA

My Commission Expires: 9-28-2030

Exhibit A

The West 150' of the Northeast Quarter LESS the South 1700'; and LESS the North 380' of the West 135'; and LESS Lot 1–Lot B Formerly abandoned Railroad Right of Way all of Section 25, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota. Subject parcel contains 2.04 +/– Acres.



ZONING DESIGNATIONS

R2 ZONING DESIGNATION

C3 ZONING DESIGNATION

I1 ZONING DESIGNATION

Prepared By
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605–882–2371

ORDINANCE NO. 24-27

Petition to Amend Zoning District Boundaries by Rezoning a Portion of Property in Section 25, Township 117 North, Range 53 West of the 5th P.M. Codington County, SD, from R-2 Single Family Attached Residential District to I-1 Light Industrial District

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition to Change Zoning* by the petitioners, John and Cindy Hopper, Trustees for the John and Cindy Hopper Family Trust, are the owners of real property described as:

The West 150' of the Northeast Quarter LESS the South 1700'; LESS the North 380' of the West 135'; and LESS Lot 1—Lot B formerly abandoned Railroad Right of Way all of Section 25—Township 117 North—Range 53 West of the 5th P.M., Codington County, South Dakota

Which upon platting will be a portion of Lot 1 of JC Hopper First Addition to the Municipality of Watertown, in the County of Codington, South Dakota

and based on the report and recommendation of the City Plan Commission in its Ordinance No. 24-27, that the property be, and is hereby, rezoned from the existing designation of R-2 Single Family Attached Residential District pursuant to Watertown Revised Ordinance §21.16 to I-1 Light Industrial District, pursuant to Watertown Revised Ordinance §21.32.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended and applied to the centerline of the adjacent public right-of-ways.

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown be so amended.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-27 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2025.

Kristen Bobzien, Chief Financial Officer

First Reading: Monday, December 16, 2024
Second Reading: Monday, January 6, 2025
Published: Saturday, January 11, 2025
Effective: Friday, January 31, 2025

City of Watertown

Attest:

_____
Ried Holien
Mayor

_____
Kristen Bobzien
Chief Financial Officer

City Council

Agenda Item

Subject: Approval of Resolution No. 25-03, a Resolution giving approval to the Issuance by City of Watertown, South Dakota of its Drinking Water Surcharge Revenue Bond, Series 2025, in the amount not exceeding $3,403,610 to Finance, directly and indirectly, construction of improvements to the City's Drinking Water System; approving the form of Loan Agreement and Revenue Bond; Authorizing the sale of said Revenue Bond; Pledging Drinking Water Surcharge Revenues for Servicing Debt issued hereunder; and the manner of Execution and Issuance of Said Bond.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
Adam Karst will be in attendance to provide further information and to answer any questions.

FINANCIAL CONSIDERATIONS:
Revenue Bond will not exceed $3,403.610.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve Resolution No. 25-03, a Resolution giving approval to the Issuance by City of Watertown, South Dakota of its Drinking Water Surcharge Revenue Bond, Series 2025, in the amount not exceeding $3,403,610 to Finance, directly and indirectly, construction of improvements to the City's Drinking Water System; approving the form of Loan Agreement and Revenue Bond; Authorizing the sale of said Revenue Bond; Pledging Drinking Water Surcharge Revenues for Servicing Debt issued hereunder; and the manner of Execution and Issuance of Said Bond.

ATTACHMENT(S):
Res 25-03 WMU Drinking Water Loan

RESOLUTION NO. 25-03

RESOLUTION GIVING APPROVAL TO THE ISSUANCE BY CITY OF WATERTOWN, SOUTH DAKOTA OF ITS DRINKING WATER SURCHARGE REVENUE BOND, SERIES 2025, IN AN AMOUNT NOT EXCEEDING $3,403,610 TO FINANCE, DIRECTLY AND INDIRECTLY, CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S DRINKING WATER SYSTEM; APPROVING THE FORM OF LOAN AGREEMENT AND REVENUE BOND; AUTHORIZING THE SALE OF SAID REVENUE BOND; PLEDGING DRINKING WATER SURCHARGE REVENUES FOR SERVICING DEBT ISSUED HEREUNDER; AND THE MANNER OF EXECUTION AND ISSUANCE OF SAID BOND.

WHEREAS, City of Watertown, South Dakota (the "City") is authorized pursuant to SDCL Chapters 9-40 and 9-47 to construct, operate and improve drinking water systems, and pursuant to SDCL 9-40-6 and Chapter 6-8B (the "Acts") is authorized to issue bonds to defray the cost of such extensions, additions, and improvements; and

WHEREAS, the City Council of the City has determined that it is necessary and in the best interests of the City to make certain improvements to the City's drinking water system (the "Drinking Water System"), such improvements being more fully described as follows:

> Replacement of 4- and 8-inch cast-iron water mains installed between 1910 and the 1950s. Approximately 16,200 feet of 6-inch, 7,900 feet of 8-inch, and 4,000 feet of 16-inch PVC water main will be installed within existing city streets and rights-of-way. Valves will be replaced, and water mains will be looped to improve water quality and flows (the "Project"),

and to finance $3,403,610 of the costs thereof through the South Dakota Drinking Water State Revolving Fund Loan Program administered by the South Dakota Conservancy District ("SDCD") pursuant to SDCL 46A-1-49; and

WHEREAS, the City has determined that it is necessary and appropriate to issue its Drinking Water Surcharge Revenue Bond, Series 2025 in the amount of $3,403,610, as more fully described herein (the "Bond") to the SDCD pursuant to the South Dakota Drinking Water State Revolving Fund Loan Program to finance a portion of the costs of the Project; and

WHEREAS, pursuant to the Acts, including specifically SDCL 9-40-15 and 9-39-6, the City's Municipal Utilities Board on December 30, 2024, adopted Resolution No. 8131 to impose a surcharge on users of the Drinking Water System (the "Surcharge") in order to repay the principal of and interest on the Bond; and

WHEREAS, the City Council has determined that the issuance of the Bond would be in the best interests of the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Watertown, South Dakota, as follows:

ARTICLE I: THE BOND

Section 1.01 Findings. It is hereby found, determined and declared that:

(a) The City is a political subdivision of the State of South Dakota and a body corporate and politic.

(b) The City finds and determines that the improvements included in the Project are necessary for the health and welfare of the residents of the City, and the continuing ability of the City to provide safe drinking water to the users of the Drinking Water System.

(c) As authorized by this Resolution and the Act, the City has determined that it is necessary and desirable to issue the Bond in a principal amount not to exceed $3,403,610. The proceeds of the Bond are to be used (i) to pay a portion of the costs of the Project and (ii) to pay the costs of issuance of the Bond.

(d) The Bond will be issued, sold and delivered by the City pursuant to the terms of the Revenue Obligation Loan Agreement between the City and SDCD (the "Loan Agreement").

Section 1.02 Authorization and Execution of Bond; Terms. The City will issue one fully registered Bond in the principal amount not to exceed the sum of $3,403,610 (as defined in the Loan Agreement, the "Committed Amount"). The Bond will be designated "Drinking Water Surcharge Revenue Bond, Series 2025," will be numbered R-1 and will be dated as of the date of its issuance. The Bond will be payable in one hundred twenty (120) quarterly installments over a thirty-year period which will commence and be due in the manner provided in the Loan Agreement.

The Bond will bear interest at the rate of 1.625% per annum pursuant to the Loan Agreement. In addition, as required by the Loan Agreement, the City will pay the holder of the Bond an administrative expense surcharge on the outstanding principal amount of the Bond at a rate of .25% per annum. The Bond is issued under the authority of Chapters 9-40 and 6-8B of the South Dakota Codified Laws, as amended.

The Bond will be signed by the manual signatures of the Mayor and Finance Officer, and sealed with the corporate seal of the City, or a facsimile thereof. The approval hereby given to the Bond includes an approval of such additional details therein as may be necessary and appropriate and approved by the City's legal counsel prior to the execution thereof. The execution of the Bond by the Mayor and Finance Officer will be conclusive evidence of the approval of the Bond in accordance with the terms hereof.

Section 1.03 Authorization of Financing Documents. The documents required to accomplish the issuance of the Bond include the following:

(a) the Revenue Obligation Loan Agreement between the SDCD and the City, and pursuant thereto to pledge the Surcharge revenues to secure the payment of the City's obligations thereunder;

(b) the Bond; and

(c) such other documents, agreements or instruments as may be necessary to make covenants and recite facts required to demonstrate the validity and enforceability of Bond under the laws of the State of South Dakota and to assure the exclusion of the interest thereon from the gross income of the owners of the Bond under the Code and to effectuate the terms and intent of this Resolution.

The execution and delivery of such documents is hereby authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan

Agreement in the form and content presented to the City Council on this date (the terms of which are incorporated herein by this reference), with such changes as the City Attorney deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City as set forth in or required by the Loan Agreement.

Section 1.04 Form of Bond. The Bond will be in substantially the form set forth on Appendix B to the Loan Agreement.

Section 1.05 Sale of Bond. The sale of the Bond to the SDCD for the purchase price of $3,403,610 plus interest accrued to the date of delivery of the Bond, is ratified and confirmed; and the officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bond to said purchaser, upon receipt of the purchase price, as soon after the effective date of this Resolution as is convenient.

Section 1.06 Application of Bond Proceeds. Proceeds of the Bond will be deposited in the manner provided in the Loan Agreement.

Section 1.07 Inspection of Documents. All documents referred to herein will be available for public inspection in the office of the Finance Officer during regular business hours.

ARTICLE II: SECURITY FOR THE BOND

Section 2.01 Pledge of Drinking Water Surcharge Revenues. Pursuant to SDCL 9-40-15, the City hereby irrevocably pledges to the SDCD all revenues received from the Surcharge (the "Pledged Revenues") in order to secure the City's obligation to pay all amounts payable under the Loan Agreement and the Bond. The City will set aside and segregate in a separate account on a monthly basis such Pledged Revenues for payment of the principal and interest on the Bond.

Section 2.02 Deposit of Pledged Revenues. All moneys in the account provided for above will be deposited with such financial institution as designated from time to time by the City.

ARTICLE III: OTHER COVENANTS

Section 3.01 Compliance With Laws. The City hereby covenants and agrees with the holder or holders, from time to time of the Bond, that it will punctually perform all duties with reference to the Bond required by the Constitution and laws of the State of South Dakota and by this Resolution.

Section 3.02 Other Covenants. The City agrees and covenants that it will purchase the improvements included in the Project. The City will not sell, lease, mortgage or in any other manner dispose of the Project, or any substantial part thereof, until the Bond has been be paid in full. The City covenants and agrees with the owners of the Bond that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement.

Section 3.03 Additional Bonds. Additional bonds payable from the Pledged Revenues may be issued on a parity with the Bond, but only as permitted in the Loan Agreement and no provision of this Resolution will have the effect of restricting the issuance of, or impairing the first lien of, such additional parity bonds. The City will have the right to issue additional bonds secured by a lien subordinate to the lien for the Bond but only as permitted by the Loan Agreement.

ARTICLE IV: MISCELLANEOUS

Section 4.01 Limited Obligations. The Bond, together with the interest thereon, will not constitute a charge against the City's general credit or taxing power, but will be a limited obligation of the City payable solely out of the Pledged Revenues, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Bond and will be used for no other purpose than to pay the principal of and interest on the such Bond, except as may be otherwise expressly authorized in the Loan Agreement. The Bond will not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.

Section 4.02 Severability. If any section, paragraph, clause or provision of this Resolution or the Loan Agreement is held invalid, the invalidity of such section, paragraph, clause or provision will not affect any of the other provisions of this Resolution or the Loan Agreement. The Mayor, Finance Officer, the City Attorney and City officials will be and they are hereby authorized to execute and deliver for and on behalf of the City the Bond any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 4.03 Retention of Bond Counsel. The City hereby retains the firm of Davenport, Evans, Hurwitz & Smith, L.L.P., Sioux Falls, South Dakota, to act as bond counsel with respect to the Bond.

Section 4.04 Effective Date. This Resolution, after its final passage, will be recorded in a book kept for that purpose, will be authenticated by the signature of the Mayor and Finance Officer, will be published in the City's officially designated newspaper, and will be effective on the 20th day following such publication. After becoming effective, this Resolution will be irrepealable until the Bond issued hereunder has been paid in full, except that prior to issuance of the Bond, this Resolution may be amended at any time by adoption of an administrative resolution or ordinance.

Dated this _____ day of January, 2025.

_____
Ried Holien, Mayor

ATTEST:

_____
Finance Officer

[CITY SEAL]

CERTIFICATE

The undersigned hereby certifies that the foregoing Resolution is a true and exact copy of the Resolution adopted by the City Council of City of Watertown, South Dakota at a meeting duly called and held on _____, 2025.

Adopted: _____, 2025

Published: _____, 2025

Effective: _____, 2025

Dated this _____ day of January, 2025.

_____
Finance Officer

{SEAL}

City Council

Agenda Item

Subject: Authorization for the Watertown Regional Airport to accept a South Dakota Airport Terminal Program Grant in the amount of $900,000 for the relocation of the Airport Tower and authorization for the Chief Financial Officer to issue a special check in the amount of $200,000 to SDDOT based on program rules.

Meeting: City Council - Jan 06 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:
To complete the Airport Terminal Project, the relocation of equipment adjacent to the old terminal building must be moved to a new location on the airfield.

FINANCIAL CONSIDERATIONS:
The approximate cost of the relocation will be $1.8M. $900,000 will be received from the SDATP grant, $350K remaining from FEMA funding, with the remaining $550K funded through the 2025 Airport 43503 Projects account. In order for funding to be awarded, the CFO seeks authority to issue a special check in the amount of $200,000 back to the Aeronautics Fund-SDDOT according to program rules.

STAFF RECOMMENDATION / SUGGESTED MOTION:
I move to approve the authorization for the Watertown Regional Airport to accept a South Dakota Airport Terminal Program Grant in the amount of $900,000 for the relocation of the Airport Tower and authorization for the Chief Financial Officer to issue a special check in the amount of $200,000 to SDDOT based on program rules.

ATTACHMENT(S):
SDATP Grant - Airport Equipment_001

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
SOUTH DAKOTA AIRPORT TERMINAL PROGRAM
GRANT AGREEMENT

This Agreement is made and entered into by and between the State of South Dakota, acting by and through its Aeronautics Commission, referred to in this Agreement as the "STATE," and the city of Watertown, South Dakota, referred to in this Agreement as the "AIRPORT."

1. BACKGROUND:

A. Pursuant to South Dakota Senate Bill 144 (SB144), the Legislature appropriated from the general fund the sum of $10,000,000.00 to the South Dakota Aeronautics Commission for grants to support the improvement, expansion, and future capacity demands of terminals at public airports.

B. The grant funds will be known as the South Dakota Airport Terminal Program (SDATP).

C. Any grants awarded by the STATE are to be consistent with SDCL § 50-2-12.

D. The grant funding is only available for airport projects which are consistent with the intent of SB144, which are already planned projects eligible for SDATP grant funds, and which have been included on the Airport Capital Improvement Plan or National Plan of Integrated Airports (NPIAS) submitted yearly to the STATE.

E. The AIRPORT has submitted a qualifying application for SDATP grant funds and the STATE has awarded to the AIRPORT a SDATP grant for the improvement, expansion, and future capacity demands of terminals at public airports (the "PROJECT"). The application is attached to this Agreement as **Exhibit A**.

F. The Secretary of the Department of Transportation shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by SB144.

G. Any amounts appropriated pursuant to SB144 not lawfully expended or obligated shall revert in accordance with the procedures prescribed in SDCL ch. 4-8.

THE STATE AND THE AIRPORT MUTUALLY AGREE AS FOLLOWS:

2. TERM

A. The Aeronautics Commission awarded a SDATP grant to the AIRPORT on July 18, 2024.

B. This Agreement is effective as of the date of last signature.

C. The work contemplated by this Agreement will be completed no later than five (5) years from the date of the effective date. No reimbursements will be processed by the STATE for work performed after the date of June 30, 2029.

3. GRANT AWARD

A. The AIRPORT applied for SDATP grant funds and was awarded a SDATP grant for the PROJECT in the amount of Nine Hundred Thousand Dollars and No Cents ($900,000.00).

B. The AIRPORT will dedicate the SDATP grant funds to the improvement, expansion, and future capacity demands of terminals at a public airport (the "PROJECT").

C. The STATE will pay the AIRPORT within thirty (30) days upon receipt of approved itemized Vouchers submitted by the AIRPORT to the STATE at the South Dakota Department of Transportation, Office of

Air, Rail, and Transit, after review and approval by the Secretary of the Department of Transportation.

4. GRANT AWARD CONDITIONS

A. The AIRPORT cannot use both Aeronautics Trust Funds and SDATP funds for the same project and must choose one, with the requirement to de-obligate Aeronautics Trust Funds if SDATP funds are elected.

B. In addition to the projects being included on the Airport Capital Improvement Plan or National Plan of Integrated Airports (NPIAS) submitted yearly to the State, the project must receive funding by the federal government to include a minimum of one (1) year of Airport Improvement Program (AIP) federal entitlements and Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) allocation and show that an application has been submitted, a grant has been awarded, or a commitment to applying in the next federal funding round.

C. Projects not awarded federal grants by September 30, 2025, lose eligibility, and their funds will be redistributed to other eligible projects that have been approved for SDATP funds.

D. SDATP funds are strictly for construction reimbursement, excluding project planning, design, and administration costs.

E. Only projects that have not been completed by the grant application deadline will be eligible for grant funds.

F. The AIRPORT will retain a professional engineering firm to perform the preliminary engineering for the PROJECT.

5. ADDITIONAL PROJECT COSTS

The AIRPORT will be one hundred percent (100%) responsible for any ineligible costs or costs not covered by the SDATP funds application and Agreement conditions.

6. AMENDMENT

This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement and be signed by an authorized representative of each of the parties.

7. INDEMNIFICATION

The AIRPORT will indemnify and defend the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceedings that arise as the result of any act or omission of the AIRPORT or the AIRPORT'S officers, agents, or employee. The AIRPORT is not required to be responsible for nor defend against claims or damages arising solely from errors or omissions of the STATE, its officers, agents, or employees.

8. AUDIT

A. All PROJECT charges will be subject to audit by the STATE. The AIRPORT and the AIRPORT'S contractors and subcontractors will keep accounting records clearly identified with this Agreement and will support all PROJECT charges by documents which evidence, in detail, the nature and propriety of those charges.

B. The AIRPORT certifies the AIRPORT is in compliance with the federal Single Audit Act and the requirements of SDCL § 4-11-2.1, if applicable. The AIRPORT further certifies audits are displayed on the AIRPORT'S website.

9. EXAMINATION OF RECORDS

Upon reasonable notice, the AIRPORT and the AIRPORT'S contractors and subcontractors will allow the STATE, through any authorized representative, to have access to and the right to examine and copy all records, books, papers, or documents related to services rendered under this Agreement. The AIRPORT will keep these records clearly identified and readily accessible for a period of three (3) years after the date of final payment under this Agreement.

10. CIVIL RIGHTS ACT

The AIRPORT will abide by the requirements of Title VI of the Civil Rights Act of 1964, incorporated in and attached to this Agreement as **Exhibit C**.

11. AMERICAN WITH DISABILITIES ACT

The AIRPORT will perform under this Agreement in compliance with the Americans with Disabilities Act of 1990 and any amendments.

12. FUNDING AVAILABILITY

This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the STATE may terminate this Agreement. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.

13. TERMINATION

The STATE may terminate this Agreement upon thirty (30) days' notice to the AIRPORT. If the STATE terminates this Agreement due to the AIRPORT'S breach, then any payments owed to the AIRPORT at the time of termination may be adjusted to cover any additional costs to the STATE because of the AIRPORT'S breach. The adjustment of payments will be in addition to any other remedies the STATE may pursue as a result of AIRPORT'S breach, and the STATE does not waive these other remedies by making a payment adjustment. If termination is not due to a breach by the AIRPORT, then the AIRPORT will be paid for eligible PROJECT costs incurred up to the date of termination, subject to the maximum limiting amount of the BIG.

14. COMPLIANCE

A. The AIRPORT must comply with all federal, state, and local laws, together with all ordinances and regulations applicable to the work and will be solely responsible for obtaining current information on such requirements. The AIRPORT must procure all licenses, permits, or other rights necessary for the fulfillment of its obligations under this Agreement.

B. The AIRPORT certifies the AIRPORT has filed an Internal Revenue Services (IRS) Form 990 in compliance with federal law, if applicable. The AIRPORT will display the filed IRS Form 990 on the AIRPORT'S website immediately upon filing.

C. The AIRPORT certifies the AIRPORT has a conflict of interest policy and enforces said policy.

D. The AIRPORT certifies the AIRPORT employs an effective internal control system.

15. CONTROLLING LAW

This Agreement will be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement will be venued in Circuit Court, Sixth Judicial Circuit, Hughes AIRPORT, South Dakota.

16. SEVERABILITY

If any court of competent jurisdiction holds any provision of this Agreement unenforceable or invalid, such holding will not invalidate or render unenforceable any other provision of this Agreement.

17. SUPERCESSION

All other prior discussions, communications, and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and, except as specifically provided in this Agreement, this Agreement constitutes the entire agreement with respect to its subject matter.

18. CERTIFICATION OF NO PROHIBITED STATE LEGISLATOR INTEREST

The AIRPORT (i) understands neither a state legislator nor a business in which a state legislator has an ownership interest may be directly or indirectly interested in any contract with the State that was authorized by any law passed during the term for which that legislator was elected, or within one year thereafter, and (ii) has read South Dakota Constitution Article 3, Section 12 and has had the opportunity to seek independent legal advice on the applicability of that provision to this Agreement. By signing this Agreement, the AIRPORT hereby certifies that this Agreement is not made in violation of the South Dakota Constitution Article 3, Section 12.

19. COMPLIANCE WITH SDCL §5-18A

The AIRPORT certifies and agrees that the following information is correct:

The AIRPORT is not an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates, of those entities or business associations, regardless of their principal place of business, which is ultimately owned or controlled, directly or indirectly, by a foreign parent entity from, or the government of, the People's Republic of China, the Republic of Cuba, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Russian Federation, or the Bolivarian Republic of Venezuela.

It is understood and agreed that, if this certification is false, such false certification will constitute grounds for the DEPARTMENT to terminate any contract awarded and further would be cause to suspend and debar a business under SDCL § 5-18D-12.

The successful AIRPORT further agrees to provide immediate written notice to the DEPARTMENT if during the term of the contract it no longer complies with this certification and agrees such noncompliance may be grounds for contract termination and would be cause to suspend and debar a business under SDCL § 5-18D-12.

20. NOTICE

Any notice or communication required under this Agreement will be in writing and sent to the following addresses:

South Dakota Department of Transportation
Attn: Program Manager
700 East Broadway Avenue
Pierre, South Dakota 57501

City of Watertown, South Dakota
Attn: Heath VonEye, Assistant City Manager
PO Box 910
Watertown, SD 57201

21. SIGNATURE AUTHORITY

The AIRPORT has designated its AIRPORT City Manager as the AIRPORT'S authorized representative and has empowered the City Manager with the authority to sign this Agreement on behalf of the AIRPORT. A copy of the AIRPORT'S Board minutes or resolution authorizing the execution of this Agreement by the City Manager as the AIRPORT'S authorized representative is attached to this Agreement as **Exhibit B**.

This Agreement is binding upon the signatories not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the AIRPORT to enter into the same.

City of Watertown, South Dakota

By: _____

Printed Name: Kristen Bobzien

Its: City Manager

Date: 12-4-24

State of South Dakota
Department of Transportation

By: _____

Printed Name: _____

Its: _____

Date: _____

Attest:

By: _____

Printed Name: _____
City Auditor/Clerk

(City Seal)

EXHIBIT A

South Dakota Airport Terminal Funding Application

Appropriated From 2024 SB144

OVERVIEW

Senate Bill 144 passed in the 2024 legislative session, which provides $10 million in funding for airport terminal projects. These funds will be known as the South Dakota Airport Terminal Program (SDATP). The grant rules outlined for SDATP funds emphasize their distinct nature from Aeronautics Commission policy, indicating that these funds are one-time appropriations exempt from traditional Commission policies. Applicants cannot use both Aeronautics Trust Funds and SDATP funds for the same project and must choose one, with the requirement to de-obligate Aeronautics Trust Funds if SDATP funds are elected. Eligible projects must have been included on the Airport Capital Improvement Plan or National Plan of Integrated Airports (NPIAS) submitted yearly to the State. In addition, the project must receive funding by the federal government to include a minimum of one (1) year of Airport Improvement Program (AIP) federal entitlements and Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) allocation and show that an application has been submitted, a grant has been awarded, or a commitment to applying in the next federal funding round. Projects not awarded federal grants by September 30, 2025, lose eligibility, and their funds will be redistributed to other eligible projects that have been approved for SDATP funds. SDATP funds are strictly for construction reimbursement, excluding project planning, design, and administration costs. Only projects that have not been completed by the application deadline will be eligible. **Applications must be submitted to the Department of Transportation by June 10, 2024** and demonstrate local funding will supplement state contributions based on federal eligibility criteria.

Projects seeking SDATP funds must demonstrate local community effort and funding. Priority consideration will be given to projects that include the following:

1. Funding plan including two (2) or more years of federal entitlements.
2. Projects that are receiving federal funding beyond entitlement funding. Projects that have unsuccessfully competed for federal funding beyond entitlement funding will still be considered, but with decreased priority.
3. Projects with funding plans where state funding does not exceed 60% of the non-federal costs.

APPLICANT INFORMATION

a. Airport: Watertown Regional Airport
b. Point of Contact: Heath VonEye, Assistant City Manager/Public Works Director
c. Address Line 1: 23 2nd Street NE
d. Address Line 2: PO Box 910
e. City: Watertown
f. State: SD
g. Zip Code: 57201
h. Phone Number: 605-882-6200
i. Email: hvoneye@watertownsd.us

PROJECT DESCRIPTION

a. Please describe the purpose and need of the project. Details such as age of terminal, previous renovations, and a description of the impact to the airport/air transportation in the region and state if this project is delayed or not completed.

The City of Watertown has been working toward completion of their Terminal Project. They have to date received 3 Federal Grants for the project totaling more than $20 million. The last phase of the Terminal Project is the relocation of equipment from the old terminal building to another location on the airfield before the old building can be torn down. This is the last phase of the Terminal Project. A Reimbursable Agreement has been established with the FAA for this work to include them in the process.

b. Summarize the work to be performed.

The FAA's Remote Communications Outlet (RCO)/Backup Emergency Communication (BUEC), Automated Surface Observing System Acquisition Control Unit (ASOS ACU), and Remote Maintenance Monitoring (RMM) systems for the Instrument Landing System (ILS)/Distance Measuring System (DME) equipment is still located at the old Terminal Building. The building is currently being used by Lake Area Technical College (LATC) but will be torn down for the construction of new facilities when the equipment has been relocated out of the building. A new structure will be placed on the airfield to house the equipment to isolate from areas such as the Terminal or the Snow Removal Equipment (SRE) storage building owned and used by the Airport on a regular basis. The project includes a Reimbursable Agreement with the FAA and costs associated with the construction of the structure and relocation of the equipment. No engineering costs by the consultant will not be included with this grant.

c. If grant funding is awarded for this terminal project how will the governing authority redirect funds to other airport CIP projects?

The funding will enable the City to complete the last phase of the project with grant funds and continue on with other planned CIP projects. In FY2024, the City is using nearly all of their AIP and BIL funds to complete a project that will enable Ag Operators to be located on the airfield but away from the General Aviation hangars and aircraft. Additionally, the City is working to complete the removal of Taxiway B and complete the construction of a full parallel taxiway for Runway 17/35 for standard geometry on the airfield. Lastly, the City is also working to fit in a hangar area expansion project as they have users interested in building hangars with no location to place them.

d. If the total amount of SDATP funding is not granted, please describe other funding options the applicant will consider to complete this project.

If the SDATP funding is not granted for this project, the City will move forward with other financing options outside of the SDATP and FAA funding in order to complete the last phase of the Terminal Project.

PROJECT FUNDING

a. Has the Applicant secured funding from the Federal Aviation Administration? **Yes** ☑ **No** ☐
If yes, please describe the awarded grant information such as the funding mechanism, award date and award termination date. If no, please describe the applicant's future Federal application strategy to meet the Federal funding requirements of securing SDATP funds.

FAA AIP Grant No. 3-46-0058-036-2020, Award Date of 9/14/2020 with a Period of Performance end date of 9/14/2024
FAA AIP Grant No. 3-46-0058-037-2021, Award Date of 11/9/2020 with a Period of Performance end date of 11/9/2024
FAA AIP Grant No. 3-46-0058-038-2021, Award Date of 8/10/2021 with a Period of Performance end date of 8/10/2025

b. Is the Applicant seeking a grant from the Federal Aviation Administration? **Yes** ☐ **No** ☑

c. Have all potential funding sources been exhausted? **Yes** ☑ **No** ☐
Please provide specific information on which funding sources your airport has secured and if the funding has been appropriated by those entities.

The City of Watertown has received Federal assistance for the Terminal project to date. They have used two years of AIP Entitlements, Discretionary Funding, and Supplementary Discretionary funding to complete the project as well as funding from the SD Aeronautics Trust fund.

d. Requested Funding

Funding Partner	**Amount (in US Dollars using decimal)**	**Proposed Share Percentage**
Federal Aviation Administration	N/A (FAA Grants are already in place)	N/A
SDATP	$900,000.00	60%
Applicant	$600,000.00	40%
Other (Please Describe)		
Other (Please Describe)		
Total Project Cost	$1,500,000.00	100%

EXHIBIT C

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES
APPENDIX A & E
MARCH 1, 2016

During the performance of this Agreement, the AIRPORT, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations**: The contractor (hereinafter includes AIRPORTs) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination**: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions**: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

During the performance of this Agreement, the AIRPORT, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC Ch. 471, § 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub- recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. Ch. 471, § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

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